

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

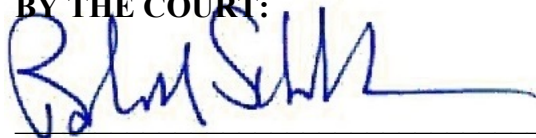
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|--|---|------------------------------|
| THOMAS REMICK, et al., on behalf of | : | |
| themselves and all others similarly situated, | : | No. 2:20-cv-01959-BMS |
| | : | |
| Plaintiffs-Petitioners, | : | |
| | : | |
| v. | : | |
| | : | |
| CITY OF PHILADELPHIA; and BLANCHE | : | |
| CARNEY, in her official capacity as | : | |
| Commissioner of Prisons, | : | |
| | : | |
| Defendants-Respondents. | : | |

ORDER

AND NOW, this 23rd day of June, 2021, upon consideration of Plaintiffs’ Motion for Contempt and Sanctions (ECF No. 71), Defendants’ Response in Opposition to Plaintiffs’ Motion for Contempt and Sanctions (ECF No. 73), and a Settlement Agreement signed by the parties on June 22, 2021, it is **HEREBY ORDERED**:

1. The Court approves the Settlement Agreement that is attached to this Order.
2. The parties shall comply with the terms of the June 22, 2021 Settlement Agreement.
3. Plaintiffs’ Motion for Contempt and Sanctions, having been withdrawn, is denied without prejudice to their right to seek additional relief from the Court, including a motion for contempt and sanctions should the Defendants fail to comply with the Court’s Orders and/or a motion to enforce the Settlement Agreement.

BY THE COURT:



Berle M. Schiller, J.

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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| | : | |
| v. | : | |
| | : | |
| CITY OF PHILADELPHIA; and BLANCHE CARNEY, in her official capacity as Commissioner of Prisons, | : | |
| | : | |
| | : | |
| Defendants-Respondents. | : | |

SETTLEMENT AGREEMENT

The parties, by and through their undersigned counsel, hereby enter into this Settlement Agreement (“Agreement”) as a negotiated resolution of the pending Plaintiffs’ Motion for Contempt and Sanctions (ECF No. 71). The parties agree to the terms outlined in this Agreement and to the entry of a Court Order approving this Agreement, as follows:

1. The Plaintiffs hereby withdraw the pending Plaintiffs’ Motion for Contempt and Sanctions (ECF No. 71).
2. The Defendants hereby agree to make a one-time payment of \$125,000, in equal amounts of \$62,500 to the Philadelphia Bail Fund and the Philadelphia Community Bail Fund, as a non-contempt sanction for the violations of the Court's Orders on out-of-cell time.
3. For the period of time between the date of a Court Order approving this Agreement and July 12, 2021, the Defendants shall make all reasonable efforts to increase out-of-cell times beyond those required by current Court Orders, with the ultimate goal of a new schedule that would provide out-of-cell time: (a) for all vaccinated units, in the

- range of 4.5-5.0 hours/day; (b) for other general housing units, 3.5 hours/day; (c) for quarantined housing units, 3 hours/day; and (d) for segregation units, 1 hour/day. By July 6, 2021, the Defendants shall provide to Plaintiffs a report detailing all efforts made to increase out-of-cell time.
4. By July 12, 2021, the parties will report to the Court whether there is an agreement on a new schedule for out-of-cell time. Any new schedule would be subject to the “operational” exceptions provided by current Court Orders and to Court-approved modifications based on changes in infection rates.
 5. If the parties do not reach an agreement on a new schedule for out-of-cell time by July 12, 2021, the Court, on motion by the Plaintiffs, and after considering the relevant factors, may enter an updated Order on out-of-cell time. In the meantime, the Defendants shall continue to provide to the Court and the Plaintiffs reports on infection and vaccination rates and the reports of the Deputy Wardens on out-of-cell time required under current Court Orders and Plaintiffs reserve the right to move for contempt of court and sanctions if there is not full compliance with current Court Orders.
 6. By July 20, 2021, the Defendants shall prepare a report setting forth plans for a graduated return to pre-pandemic operations based on projected infection and vaccination rates. Thereafter, the parties shall discuss further court orders on out-of-cell time, family visitation policies, and related COVID-19 policies and practices.

IT IS SO AGREED:

/s/ David Rudovsky
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Counsel for Defendants

DATE: June 22, 2021