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On September 4, 2015, Plaintiffs moved for a preliminary injunction regarding the distribution of razor blades in the male facilities of Defendant Alabama Department of Corrections. (Doc. 56.) Following complete briefing on the motion, this Court scheduled an evidentiary hearing to start on February 9, 2015. (Doc. 69.)

The parties have agreed on terms to resolve the issues raised in the motion. The agreement between the parties is attached hereto as Exhibit A.

The parties jointly request that the evidentiary hearing of the issues raised in the preliminary injunction motion, currently set to begin on February 9, 2015 be continued to on or after May 11, 2015. On or before April 13, 2015, Plaintiffs will withdraw the preliminary

injunction motion, provided that Defendants have complied in all rea(a)3.15789(1)(e)3.15789( .fs327 t3

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Counsel flra0.9700789 Deafndlant Adblama Deaplara0.97

# Exhibit A

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

\_\_\_\_\_  
JOSHUA DUNN, *et al.*, )  
)  
Alabama Department of Corrections; )  
RUTH NAGLICH, in her official )  
capacity as Associate Commissioner )  
of Health Services for the Alabama )  
Department of Corrections; and )  
ALABAMA DEPARTMENT OF )  
CORRECTIONS, )  
)  
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Defendants. )  
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CIVIL ACTION NO.:  
2:14-cv-00601-MHT-TFM

**MEMORANDUM OF UNDERSTANDING**

In consideration of the mutual agreements expressed herein, the Parties to the preliminary injunction complaint pending in this matter (the “PI”), through their respective counsel of record, do hereby agree as follows:

**The Parties:**

**Petitioners:**

Howard Carter; Joshua Dunn; Daletrick Hardy; Leviticus Pruitt; and Robert Williams (hereinafter referred to as “Petitioners”); and

**Respondents:**

Kim Thomas, named in his official capacity as Commissioner of the Alabama Department of Corrections (the “ADOC”); Ruth Naglich, named in

her official capacity as the Associate Commissioner of the ADOC; and the ADOC (hereinafter referred to as “Respondents”).

1. **Cessation of the Use of Staff and Blade-type Razors.** Respondents agree that ADOC will cease the use of staff and separate blade-type razors within the ADOC system. Inmates shall be informed no later than January 16, 2015 that these razors will be contraband after January 23, 2015. Directives, to the extent not already issued, shall be made requiring that inmates shall surrender all staff and separate blade-type razors to ADOC no later than January 23, 2015 and that, thereafter, all such staffs and blades shall be contraband. Any inmate found to have the same in his possession after January 23, 2015 may be subject to discipline in accordance with ADOC policy.

2. **Restricted Disposable Razor Distribution in Segregation Units.**<sup>1</sup> Inmates housed in Inmate Segregation Units within the ADOC system shall not be issued or allowed to possess disposable razors, nor shall inmates be allowed to

returned to ADOC personnel after the inmates have showered. In the event any disposable razor is not returned, returned in a damaged condition or not accounted for at the end of the shower period will be noted as an incident in the segregation log. In the event a razor is missing, a search will be conducted to recover it at that time or as soon as possible thereafter.

**3. No Distribution of Razors in Residential Treatment Units, Stabilization Units, or to Inmates on Suicide Watch.**<sup>2</sup> Inmates housed within Residential Treatment Units and in Stabilization Units and those on suicide watch will not be provided with razors for any reason, including to shave. Instead, these inmates will be provided with clipper shaves in their unit. Clipper sanitizer will be provided with the clippers. No inmate in Residential Treatment Units, Stabilization Units,

agreement no later than April 12, 2015. Such directives will be incorporated into

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will be provided access to any portion of a segregation log mentioning the damage or loss of a disposable razor during the pendency of this litigation as well as the



Respondents will not compel any of the requested inmates to participate in the interviews. The interviews will last up to fifteen minutes per individual for the limited purpose of discussing compliance with this Agreement during the pendency of this litigation. Counsel for the Petitioners will be permitted no more than two visits to each facility with a Segregation Unit, Residential Treatment Unit, Stabilization Unit, or Suicide Watch cell for the purpose of conducting the confidential monitoring meetings described in this paragraph. In other words, for purpose of conducting the confidential monitoring meetings described in this paragraph, Counsel for the Petitioners will be allowed up to two visits per ADOC facility covered by this Agreement and may meet with no more than eight inmates per each of these two visits. Counsel for the Petitioners may be allowed (but are not guaranteed) other attorney visits at the facility on the same day as the monitoring visit. (i)8.5(pl3.to)8.(sc)3.3(,)uhepl3.5.

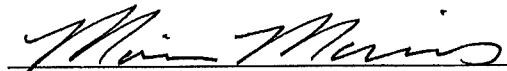
attorney fees for any work performed on the PI and nothing expressed herein shall operate as a waiver of a claim for attorney fees for any work performed on the PI. Nothing expressed herein shall operate as a waiver of the right of a party to contest a claim for or award of attorney fees and nothing contained herein shall permit any party to argue that any other party has consented to an award of attorney fees.

10. **Dismissal of the PI Complaint.** On or before April 13, 2015, Petitioners agree to dismiss the PI complaint, provided that Respondents shall have

Nothing contained in this Agreement shall be construed more strictly against any

that they, through their counsel, have had  
and proceeds went into the home and  
January 9, 2015, the Parties shall inform the Honorable  
Myron Thompson of this Agreement and shall jointly request that the trial of the  
issues raised in the PI complaint set to begin on February 9, 2015 shall be  
continued or held in abeyance to on or after May 11, 2015, unless the PI complaint  
is dismissed sooner in accordance with Paragraph 9 of this Agreement.

By Petitioners this 12<sup>th</sup> day of January, 2015.

  
Counsel for Petitioners

By Respondents this 12<sup>th</sup> day of January, 2015.

Counsel for Respondents

