

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

<b>OSCAR SALAZAR, <i>et al.</i>,</b>	:	
	:	
<b>Plaintiffs,</b>	:	
	:	
<b>v.</b>	:	<b>Civil Action No. 93-452 (GK)</b>
	:	
<b>DISTRICT OF COLUMBIA, <i>et al.</i>,</b>	:	
	:	
<b>Defendants.</b>	:	

**ORDER**

Upon consideration of Plaintiffs' Motion for an Order Setting Penalties for Defendants' Failure to Meet Deadlines, the Opposition, the Reply, and the extensive record herein, and for the reasons set forth in the accompanying Memorandum Opinion, it is this 7th day of July, 2006, hereby

**ORDERED**, that Plaintiffs' Motion is **granted in part and denied in part**; and it is further

**ORDERED**, that immediately upon entry of this Order, the following provisions shall be operative to coerce Defendants into meeting applicable deadlines, to deter Defendants from failing to meet such deadlines, and to assist effective monitoring of the Settlement Order to ensure compliance with it.

1. The term "court deadlines" in this Order shall mean all deadlines in the Order Modifying the Amended Remedial Order of May 6, 1997 and Vacating the Order of March 27, 1997, entered into on January 25, 1999 (hereafter the "Settlement Order"), all other applicable past and future Court Orders and all time requirements of the Federal Rules of Civil Procedure and Local Rules of the District Court for the District of Columbia.

2. Plaintiffs shall monitor Defendants' compliance with meeting deadlines set by the Settlement Order and other Court Orders and directives. These deadlines shall include the negotiation requirement in paragraph 80 of the Settlement Order. If Defendants miss a deadline, Plaintiffs shall file a praecipe with this Court stating that the deadline has been missed. Penalties shall accrue beginning on the first business day after the deadline. The sanctions shall be a progressive coercive civil penalty of \$100 per day for every day within 5 days of the deadline that Defendants fail to complete the required action, \$250 per day for every day from 6 to 15 days, \$500 per day for every day from 16 to 30 days, \$1,000 per day for every day from 30 to 60 days, and \$5,000 per day for every day over 60 days.

3. During the course of monitoring Defendants' compliance with completion of actions required by the Settlement Order, other Court Orders and directives, or Defendants' promises, which do not have a deadline but implicitly must be completed within a reasonable amount of time, Plaintiffs may move, if they believe that a required action has not been completed within a reasonable amount of time, for an Order setting forth deadlines for completion of such actions. If the Court issues an Order setting forth deadlines, those deadlines shall be treated the same as any other Court Orders or directives for purposes of the imposition of penalties.

4. After each calendar quarter, if any penalties accrued during the quarter, Plaintiffs shall file a praecipe with this Court documenting the penalties that accrued. After giving Defendants the amount of time specified by the federal and local rules to file an opposition, Plaintiffs shall have the opportunity to reply.

5. A deadline shall not be treated as missed under paragraphs 2 and 3 if Defendants file a motion in this Court seeking an extension of time prior to the deadline. The motion shall specify

the reason the deadline cannot be complied with and shall specify the requested new deadline. If the Court sets forth a new deadline, that deadline shall be treated the same as any other Court-ordered deadline.

6. Any penalties paid by Defendants shall be placed in an escrow account established by the Clerk of Court. Plaintiffs may file a motion with the Court for the expenditures of this Fund for the benefit of the Plaintiff class.

**SO ORDERED.**

/s/  
\_\_\_\_\_  
Gladys Kessler  
United States District Judge

**Copies via ECF to all counsel of record**