

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARK NUNEZ, et al.,

Plaintiff,

-v-

No. 11-CV-5845-LTS-RWL

CITY OF NEW YORK et al.,

Defendants.

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ORDER

For the reasons stated on the record during the status conference held in the above-captioned matter on September 25, 2024, the parties, including the Commissioner of the Department of Correction and/or her high-level designee(s), are hereby directed to meet and confer, in sessions organized by the Monitor, to develop a set of remedial proposals that includes, but is not limited to:

1. A streamlining of the myriad requirements across the Court orders in this case; and
2. A fully fleshed-out description of the authority and structure of a receivership or other framework,¹ to which the parties would consent or that the Court otherwise has the legal authority to impose, that includes details regarding:
 - a. Whether a receiver would supplant or work alongside the DOC Commissioner,
 - b. The process for the appointment of a receiver,
 - c. The tenure of a receiver,
 - d. The powers of a receiver, and
 - e. The qualities and prior experience that would render a candidate suitable for the position.

¹ A “receiver” as used here refers to any outside person brought in at the Court’s direction to oversee the Department of Correction and to bring Defendants into compliance with the orders in this case.

The parties' discussions should assume that the Monitor will continue to play his current role, as provided in the Consent Judgment. (Docket entry no. 249.) The Monitor shall file a status report with the parties' positions on these questions by **November 12, 2024**.

SO ORDERED.

Dated: September 26, 2024
New York, New York

/s/ Laura Taylor Swain
Laura Taylor Swain
Chief United States District Judge