

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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EVERETT HADIX, *et al.*,

Plaintiffs,

v.

PATRICIA L. CARUSO, *et al.*,

Defendants.

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Case No. 4:92-CV-110

Hon. Richard Alan Enslen

**ORDER AND PRELIMINARY  
INJUNCTION**

In accordance with the Opinion of this date;

**IT IS HEREBY ORDERED** that Plaintiffs' Motion to Reopen Judgment Regarding Mental Health Care and Issue a Preliminary Injunction (Dkt. No. 2102) is **GRANTED** and section II.B of the Consent Decree is **reopened** limited to the provisions of this Order and Preliminary Injunction.

**IT IS FURTHER ORDERED** that Defendants and all officers employed at *Hadix* facilities **shall immediately** cease and desist from the practice of using any form of punitive mechanical restraints within *Hadix* facilities, and Defendants shall timely develop practices, protocols and policies to enforce this limitation consistent with the Court's instructions at section V.3.a of its Opinion. These matters shall be reported to the Court as part of a plan for Court approval within 45 days of this Order and Preliminary Injunction.

**IT IS FURTHER ORDERED** that Defendants **shall immediately** work to develop a staffing plan for adequate psychiatric and psychological staffing at *Hadix* facilities to ensure that routine and emergent psychiatric and psychological services are provided in a timely way, which

plan shall be filed for Court approval within 45 days of this Order and Preliminary Injunction, and which plan shall be consistent with the Court's instructions at section V.3.b of its Opinion.

**IT IS FURTHER ORDERED** that Defendants **shall immediately** work to provide daily psychologist or psychiatrist rounds in the segregation unit at the *Hadix* facilities, and shall report their staffing proposal to accommodate this requirement to the Court for approval in the plan specified in the preceding paragraphs, consistent with the Court's instructions at section V.3.c of its Opinion.

**IT IS FURTHER ORDERED** that Defendants **shall immediately** work to develop protocols for the coordination of mental health and medical staff, and shall require weekly conferences of the two disciplines which shall include, but not be limited to the treatment of prisoners in the segregation unit, and which shall include necessary training to prevent staff and administrative indifference to the provision of care, consistent with the Court's instructions at section V.3.d of its Opinion. The proposal developed shall be filed with the Court for approval as part of the plan discussed in the preceding paragraphs.

**IT FURTHER ORDERED** that the requirement of Plaintiffs' posting of security pursuant to Federal Rule of Civil Procedure 65(b) is **WAIVED** due to Plaintiffs' indigence and their high likelihood of success upon final hearing.

**IT IS FURTHER ORDERED** that Plaintiffs shall be permitted discovery as to mental health care in advance of a final injunctive hearing. The parties shall contact Magistrate Judge Ellen S. Carmody and arrange to appear before her for a scheduling conference to set discovery and motion filing deadlines on mental health issues. The final injunctive hearing will be later scheduled for a

three-day evidentiary hearing at an appropriate interval after the motion filing deadline so established.

DATED in Kalamazoo, MI:  
November 13, 2006

/s/ Richard Alan Enslen  
RICHARD ALAN ENSLEN  
SENIOR UNITED STATES DISTRICT JUDGE