

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JAMES HANDWORK)
Lake Erie Correctional Institution)
P.O. Box 8000)
Conneaut, Ohio 44030)

Plaintiff,)

v.)

Civil Action No. 1:16-cv-00825
Judge: Solomon Oliver, Jr.

THE OHIO DEPARTMENT OF)
REHABILITATION AND CORRECTION)
777 West Broad St.)
Columbus, OH 43222)

and)

GARY C. MOHR)
In his official capacity as Director of Ohio Department)
of Rehabilitation and Correction)
777 West Broad St.)
Columbus, OH 43222)

Defendants.)

**PLAINTIFF’S NOTIFICATION TO THE COURT
OF STATUS OF SETTLEMENT DISCUSSIONS**

Following a status conference on December 13, 2016, this Court issued an order granting the parties 30 days to work toward resolving this matter, and ordered the Plaintiff at the end of the period to notify the Court in writing whether a resolution had been reached.

Accordingly, Plaintiff reports that the parties are in the process of working towards an agreement to resolve this matter, based on the following terms, issues, and timetable:

1. The Ohio Department of Rehabilitation and Correction (ODRC) will officially retract its

Chief Inspector's final grievance appeal decision in this matter that cites an unwritten policy that only one hearing aid is issued for prisoners wearing two.

2. ODRC will send an official notification to Correction Corporation of America (CCA)'s medical decision-makers clarifying that ODRC's statewide policy mandates that all hard of hearing prisoners with a medical need for two hearing aids will be provided two hearing aids.
3. Plaintiff believes that it remains necessary to work further to try to reach agreement with ODRC to also promulgate necessary clarification of this policy within ODRC.
4. ODRC will pay the ACLU's reasonable attorney fees and costs attributable to this litigation to obtain the revision of the one-hearing aid policy. The ACLU will furnish a detailed statement of this amount for Defendants' review by January 13, and Defendants will complete this review and respond by January 30.

Plaintiff respectfully requests that this Court schedule a status conference for the week of February 6 if this matter is not fully resolved by then.

Dated this 12th Day of January, 2017

Respectfully submitted,

s/ Freda J. Levenson
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I certify that the foregoing electronically filed with the District Court of the Northern District of Ohio on January 12, 2017. The Court's electronic filing system will provide notice of this filing to all parties, and all parties may access this filing through the Court's electronic filing system.

s/ Freda Levenson
Freda Levenson (0045916)
Trial Attorney for Plaintiff