

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

BROOKE WHORLEY, *et al.*,  
Plaintiffs,

v.

Civil No. 3:20cv255 (DJN)

RALPH S. NORTHAM, *et al.*,  
Defendants.

**ORDER**  
**(Relieving Defendants' Obligations to Conduct Weekly Reviews)**

This matter comes before the Court on Defendants' Letter Regarding Termination of Court Jurisdiction and Early Release Requirements (ECF No. 88), requesting that the Court terminate its supervision of the Settlement Agreement in this case and also relieve Defendants of the requirement that the Virginia Department of Corrections ("VDOC") conduct at least 60 substantive reviews per week. On April 13, 2021, the undersigned, as the settlement judge, held a status call with counsel for both parties to discuss Defendants' requests. Defendants' requests are hereby GRANTED in part and DENIED in part. The Court GRANTS Defendants' request to be relieved of the requirement that VDOC substantively review at least 60 inmates per week and provide weekly status updates. The Court DENIES Defendants' request that it terminate its ongoing judicial oversight.

As stated during the call, the Court commends all of the parties involved in this case in its implementation of the Settlement Agreement. VDOC, the Attorney General's Office, the A.C.L.U. and their counsel have all worked exceedingly well together under difficult circumstances to protect the interests of the Commonwealth, its inmates and its citizens.


VDOC's efforts at mitigating the effects of a deadly pandemic within the confines of its prisons — an especially difficult task — certainly deserve recognition.

Due to the reduction of COVID-19 cases inside and outside of state correctional facilities and the vaccination efforts of VDOC achieving a nearly 70% vaccination rate among its population, the Court hereby immediately relieves VDOC of its obligation to conduct at least 60 substantive reviews per week and provide the Court with weekly status reports. The parties shall have until May 1, 2021, to resolve any outstanding issues and file a status report with the Court. As provided in the Final Order issued on May 12, 2020 (ECF No. 12), the Court will continue to retain jurisdiction for the purpose of enforcing the Settlement Agreement, pursuant to *Kokkonen v. Guardian Life Insurance Co. of America*, 511 U.S. 375 (1994), until further order of the Court.

Let the Clerk file a copy of this Order electronically and notify all counsel of record.

It is so ORDERED.

\_\_\_\_\_/s/\_\_\_\_\_  
David J. Novak  
United States District Judge



Richmond, Virginia  
Dated: April 14, 2021