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FAX TRANSMITTAL

# of pages **8**

To <b>Myra Hedin</b>	From <b>Harlan Penn</b>
Dept./Agency	Phone #
Fax #	Fax #

NSN 7540-01-317-7368 5089-101 GENERAL SERVICES ADMINISTRATION

*WFO*

# MEMO

**To:** Wallace H. Cheney, General Counsel  
**From:** Harlan W. Penn *Harlan Penn*  
**Subject:** Quarterly Report Information - January to March, 1996  
**Date:** July 18, 1996

*Blair*

Following is narrative information on the settlements during the January through March quarter:

Gallimore v. Keohane, CV 95-1379-LGB(E), (CDCA) (Bivens) and CV 96-0663-RAP (Jrx), (CDCA) (FTCA). In these cases the US Attorneys Office entered into a settlement for \$10,000 without the concurrence of the Bureau of Prisons. ~~Leon Weidman~~, Civil Chief for the US Attorneys' Office, states this is not the practice in his office and should not occur again. The facts are that two correctional staff at USP, Lompoc held Gallimore by both arms and apparently twisted his arm with some nerve injury resulting. The Officers admit holding Gallimore but claim it was "horseplay". Gallimore acknowledged that they did not intend to harm him but also claimed he was threatened him if he reported the incident.

Svarverund v. United States, CV 94-6488, (DOR) (FTCA). Settled claim by Lane County Deputy Sheriff who was injured when he fell from training tower at SORT facility. The Tower was constructed without a safety railing that would have prevented the injury. The Court pushed for settlement although the plaintiff's contributory negligence might have resulted in a smaller award.

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*\$57,500*

# MEMO

**To:** Wallace H. Cheney, General Counsel  
**From:** Harlan W. Penn / WRO / 2nd Qtr.  
**Subject:** Quarterly Report Information - January to March, 1996  
**Date:** November 8, 1996

Following is narrative information on the settlements during the January through March quarter:

Gallimore v. Keohane, CV 95-1379-LGB(E), (CDCA) (Bivens) and CV 96-0663-RAP (Jrx), (CDCA) (FTCA). In these cases the US Attorneys Office entered into a settlement for \$10,000 without the concurrence of the Bureau of Prisons. The U.S. Attorneys Office states that this is not the practice and should not occur again. The facts are that two correctional staff at USP, Lompoc held Gallimore by both arms and apparently twisted his arm with some nerve injury resulting. The Officers admit holding Gallimore but claim it was "horseplay". Gallimore acknowledged that they did not intend to harm him but also claimed he was threatened him if he reported the incident.

Svarverund v. United States, CV 94-6488, (DOR) (FTCA). Settled claim by Lane County Deputy Sheriff who was injured when he fell from training tower at SORT facility. The Tower was constructed without a safety railing that would have prevented the injury. The Court pushed for settlement although the plaintiff's contributory negligence might have resulted in a smaller award. \$57,500.

**LITIGATION 2nd QTR, 1996 QUARTER REPORT**  
(Jan., Feb. & Mar)

LOC	NUM	HC	FTC	BIV	OTH	ANS	PEN	CLD	H/T	AWD	SET	AWD/SET
MXR												\$
NCR												\$
NER												\$
SCR												\$
SER												\$
WXR	47	19	9	18	1	11	333	47	0	0	2	\$67,500
CO												\$
TOT												\$

**DEFINITIONS**

- LOC - Location
- NUM - Total Number of Lawsuits Filed in Quarter
- HC - Number of Habeas Corpus Actions Filed in Quarter
- FTC - Number of FTCA Actions Filed in Quarter
- BIV - Number of Bivens Actions Filed in Quarter
- OTH - Other Actions Filed in Quarter
- ANS - Number of Litigation Reports Completed
- PEN - Number of Actions Pending
- CLD - Number of Actions Closed
- H/T - Number of Hearings or Trials (Narrative Analysis Follows)
- AWD - Number of Awards (Narrative Analysis Follows)
- SET - Number of Settlements (Narrative Analysis Follows)
- AWD/SET - Amount of Settlements and Awards

**LITIGATION ANALYSIS**

**Settlements:**

Svarverund v. U.S. CV94-6488, D.OR \$57,500  
 Gallimore v. Keohane CDCA 10,000

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BELOW ARE SUGGESTED TABLES FOR REPORTING REQUESTED DATA FOR OFFICE OF GENERAL COUNSEL. APPROPRIATE NARRATIVE ANALYSIS WILL BE INCLUDED.

TORT CLAIMS Second Quarter - FY 96 (January - March 1996)

LOC	NUM	PROP	PI	APPR	AMT	DEN	PEND	OD	A/O	A/P
WXR	141	106	17	(settle) 53	4415	134	148	3	19	97

$\frac{WD}{4}$      $\frac{MED}{12}$      $\frac{PPPI}{2}$

**DEFINITIONS**

- LOC - LOCATION
- NUM - NUMBER FILED IN QUARTER
- PROP - PROPERTY CLAIM
- PI - PERSONAL INJURY CLAIM
- APPR - APPROVED
- AMT - TOTAL AMOUNT APPROVED
- DEN - DENIED
- PEND - PENDING
- OD - NUMBER OVERDUE
- A/O - AVERAGE NUMBER OF DAYS OVERDUE
- A/P - AVERAGE LENGTH OF TIME TO PROCESS

WD - Wrongful death

MED - PIM + WDM + PPPIM + PPWDM

PPPI - both PROP + PI

WRO

# MEMO

To: Wallace H. Cheney, General Counsel  
 From: Harlan W. Penn *Harlan Penn*  
 Subject: Quarterly Report Information - April to June, 1996  
 Date: July 18, 1996

Following is narrative information on the settlements and judgments during the April through June quarter:

Allen-Atkins v. Reno, CIV 93-707 TUC-WDB, (DAZ) (EEO). Employment discrimination case involving former Tucson employee now working in Central Office. Settlement for \$25,500.

Usselman v. Crabtree, CV 93-1577 FR, (DOR) (FTCA). Judgment for \$150,000 after trial on issue of damages. The United States conceded liability due to probationary officer returning Usselman to his cell handcuffed without handcuffing his cell mate per policy. Cell mate then used a metal pipe to beat Usselman on the head while the officer watched until other staff arrived. Usselman suffered permanent brain damage.



BELOW ARE SUGGESTED TABLES FOR REPORTING REQUESTED DATA FOR OFFICE OF GENERAL COUNSEL. APPROPRIATE NARRATIVE ANALYSIS WILL BE INCLUDED.

TORT CLAIMS Third Quarter - FY 96 (April - June 1996)

LOC	NUM	PROP	PI	APPR	AMT	DEN	PEND	OD	A/O	A/P
WXR	181	120	58	(settled) 34	3546	99	149	3	29	69

<u>WD</u>	<u>MED</u>	<u>PPPI</u>
1	2	0

### DEFINITIONS

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 PI - PERSONAL INJURY CLAIM  
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 AMT - TOTAL AMOUNT APPROVED  
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**LITIGATION 3rd QTR, 1996 QUARTER REPORT**  
(Apr., May & June)

LOC	NUM	HC	FTC	BIV	OTH	ANS	PEN	CLD	H/T	AWD	SET	AWD/SET
MXR												\$
NCR												\$
NER												\$
SCR												\$
SER												\$
WXR	55	34	4	15	2	24	268	20	1	1	1	\$ 175,500
CO												\$
TOT												\$

**DEFINITIONS**

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 FTC - Number of FTCA Actions Filed in Quarter  
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 SET - Number of Settlements (Narrative Analysis Follows)  
 AWD/SET - Amount of Settlements and Awards

**LITIGATION ANALYSIS**

**Settlement:**

Allen Atkins v. Reno, CV93-707, D.OR      \$25,500

**Trials:**

Usselman V. Crabtree,      D.OR      \$150,000  
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TORT CLAIMS Third Quarter - FY 96 (April - June 1996)

LOC	NUM	PROP	PI	APPR	AMT	DEN	PEND	OD	A/O	A/P
WXL	181	120	58	(settled) 34	3546	99	149	3	29	69

<u>WD</u>	<u>MED</u>	<u>PPPI</u>
1	2	0

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