

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ALBERT W. FLORENCE	:	
	:	
Plaintiff,	:	Hon. Joseph H. Rodriguez
	:	
v.	:	Civil Action No. 05-3619
	:	
BOARD OF CHOSEN	:	ORDER
FREEHOLDERS OF THE COUNTY	:	
OF BURLINGTON, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

This matter having come before the Court on Cross-Motions for Summary Judgment, pursuant to Federal Rule of Procedure 56, filed by Plaintiffs Albert W. Florence and Class [116] on June 28, 2008, and Defendants Board of Chosen Freeholders of Burlington County, Warden Jule Cole in his Official and Individual Capacity, and Burlington County Jail [130] filed on August 20, 2008, and Essex County Correctional Facility and Essex County Sheriff's Department [131] filed on August 20, 2008; and

The Court having reviewed the written submissions of the parties; and

The Court having heard Oral Argument on the instant motions on November 10, 2008; and

The Court having fully considered the matter;

It is hereby **ORDERED**, this 4th day of February, 2009, that:

1. Plaintiffs' Motion for Summary Judgment on the issue of law regarding whether Defendants violated Plaintiffs' constitutional rights by their policy of strip searching non-indictable arrestees without reasonable suspicion is **GRANTED**;

2. Plaintiffs' Request for Preliminary Injunctive Relief on behalf of the class of Plaintiffs against Defendants Burlington and Essex Counties' strip search policies is **DENIED**;

3. Defendants Essex and Burlington's Cross-Motions for Summary Judgment are **DENIED**;

4. Defendants Claim for Eleventh Amendment Immunity for the Board of Chosen Freeholders of Burlington County, Warden Jule Cole in his Official Capacity, and Burlington County Jail is **DENIED WITHOUT PREJUDICE**;

5. Qualified Immunity for Warden Cole in his Individual Capacity is **DENIED**;

6. Defendant's Request to Dismiss Count Five of Plaintiffs' First Amended Complaint—"1983 Municipal Custom Violations" regarding Essex County, is **DENIED**.

IT IS SO ORDERED.

/S/ Joseph H. Rodriguez
U.S.D.J.