

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ROBERT BARFIELD, et al.,)	
Plaintiffs,)	CIVIL ACTION NO.:
)	
v.)	3:18-cv-01198 (MPS)
ANGEL QUIROS, in his official capacity as)	
Commissioner of the)	
Connecticut Department of Correction)	MARCH 8, 2021

NOTICE TO THE CLASS OF SETTLEMENT AGREEMENT

This Notice is to inform you that there has been a Settlement Agreement that sets forth the basic terms resolving the class action lawsuit regarding the provision of medical screening, staging, and treatment for individuals in the custody of the Connecticut Department of Correction (“DOC”), who have chronic Hepatitis C (“HCV”) infection. This Notice is also to give you an opportunity to comment and/or object to the Settlement, as proposed, and how, when and where to mail your written comments and/or objections to the Settlement Agreement. Further information is listed below.

I. CASE BACKGROUND

On July 19, 2018, Plaintiff Barfield filed this action challenging the adequacy of HCV treatment in the DOC. Plaintiff contended that the DOC had an outdated HCV policy that failed to treat HCV-positive inmates with the new, revolutionary Direct Acting Anti-viral drugs (“DAAs”) which cure HCV, in violation of the Eighth Amendment to the Constitution of the United States. Defendant Rollin Cook and the DOC have denied the allegations throughout. On August 6, 2019, Defendant Cook changed DOC policy by adopting the Federal Bureau of Prisons (“FBOP”) Clinical Guidance on HCV. The Court dismissed Plaintiffs’ claims for damages and also on August 6, 2019, this Court granted class certification. On November 16, 2020, the Court granted a motion to modify the class definition, as follows:

“All inmates, both sentenced and unsentenced, who were, are, or will be confined in a Connecticut Department of Correction facility, since the filing of this complaint until March 1, 2022.”

As an inmate in the DOC you are a member of the class and you have a right to comment and/or object to the Proposed Settlement Agreement.

II. THE SETTLEMENT AGREEMENT

The parties in this lawsuit have recently entered into a settlement agreement, subject to final approval by the Court. Copies of the Settlement Agreement will be placed in each institution’s medical facility and library. If you wish to read a complete copy of the Agreement you may request one by writing to plaintiffs’ counsel, listed below.

Under the terms of the Agreement, the DOC shall offer screening for HCV infection to all inmates, and provide DAAs to prisoners pursuant to the guidelines in the FBOP Clinical Guidance. The DOC has agreed, as part of this Settlement Agreement, to minor modifications to FBOP guidelines to comport with realities within Connecticut DOC facilities. In short, all class members

will be offered testing and treatment for HCV according to the Settlement Agreement, and the clinical guidelines. Of course, class members have a right to decline the offered screening, testing and treatment, but counseling and education will be offered as to the benefits of such screening and treatment.

The Agreement shall be terminated as of March 1, 2022. The Agreement requires the DOC to provide Plaintiffs' counsel with reports on a quarterly basis regarding the number of inmates tested, staged and treated, and inmates who rejected testing and treatment. Further details of the settlement terms are in the Settlement Agreement, which is available upon request from plaintiff's counsel.

III. PURPOSES OF THIS NOTICE

The Settlement Agreement is under review by the Court, and it will not take effect until and unless it is approved by both the legislature and the Court. If you wish to submit any objections to or comments in support of the Settlement Agreement, you should submit an explanation in writing why you do or do not believe that the Settlement Agreement is fair, reasonable, and adequate.

This Notice is not intended to be, and should not be construed as, an expression or any opinion by the Court with respect to the truth of the allegations in the litigation or the merits of the claims or defenses asserted. This Notice is sent to advise you of the pendency of this action and proposed settlement and of your rights with respect to this action.

IV. NOTICE OF FAIRNESS HEARING

The Court will consider any objections or comments you may have regarding the Settlement Agreement, provided they are received by April 8, 2021.

All written objections to the pending Settlement Agreement must be mailed to either:

Kenneth J. Krayseske, Esq.
Kenneth J. Krayseske Law Offices
255 Main Street, 5th Floor
Hartford CT 06106

or DeVaughn Ward, Esq/
Ward Law, LLC
255 Main Street, 5th Floor
Hartford CT 06106

A hearing, which may be conducted by teleconference, will be held on MAY 17__, 2021, at __2:00__ PM at which the Court will consider the fairness of the Settlement Agreement and whether to approve it. Your objection will only be considered if it is in writing, and is received by plaintiff's counsel listed above, on or before April 8, 2021. Your personal presence in court will not be required, and no testimony will be taken. The attorneys for the plaintiffs will collect, summarize and present your comments and objections for the Court and will, if permitted by the Court make them part of the record in this case. If you want to comment and/or object, it is important that you do so in writing and that you send your written comments or objections sufficiently in advance of the deadline. Any comments/ objections received after April 8, 2021 will not be considered.

APPROVED AND SO ORDERED.

Dated at Hartford, CT this __2nd__ day of March, 2021

_____/s/_____
Michael P. Shea
United States District Judge