

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

Vega, et al. v. Semple, et al., Case No. 3:17-CV-00107 (MEG)

If you have been incarcerated at Garner Correctional Institution in Newtown, Connecticut at any point between June 18, 1993 through the present date and have been diagnosed with lung cancer or in the future are diagnosed with lung cancer, this class action lawsuit may affect your rights, and you should contact the attorney identified below.

Further, if you have been incarcerated at Garner Correctional Institution in Newtown, Connecticut at any point between June 18, 1993 through the present date, AND if you are still currently incarcerated within the Connecticut Department of Correction, AND if you maintain that you have not received medical monitoring regarding alleged radon exposure that allegedly occurred during the time you were incarcerated at Garner Correctional Institution, this class action lawsuit may affect your rights, and you should contact the attorney identified below.

A Federal Court authorized this Notice. This is not an advertisement. You are a potential class member in this lawsuit. **PLEASE READ THIS NOTICE ENTIRELY.**

- The purpose of this Notice is to inform you that your rights may be affected by the proceedings in the above-referenced class action lawsuit that is pending before the Honorable Maria E. Garcia, United States Magistrate Judge of the United States District Court for the District of Connecticut (the “Court”).
- The Court has ordered that this Notice be so issued. You should read it so that you may be fully informed about the lawsuit and your rights and options in connection with it.
- Fourteen current or former inmates of Garner Correctional Institution in Newtown, Connecticut (“Garner”) have brought a class action lawsuit against current and former Commissioners of the Connecticut Department of Correction, and current and former Wardens of Garner (collectively, “Defendants”), arguing that the Defendants violated the Eighth and Fourteenth Amendments to the U.S. Constitution by allegedly failing to test or remediate Garner for radon and by allegedly failing to inform inmates of Garner that they may have been exposed to excess levels of radon during their incarceration.
- The Court has ruled that the lawsuit can proceed as a “class action” on behalf of “classes” of inmates that 1) have been housed at Garner, 2) that have allegedly been exposed to unconstitutional levels of radon, and 3) that have been diagnosed with lung cancer caused by unconstitutional levels of radon at Garner or in the future are diagnosed with lung cancer caused by unconstitutional levels of radon at Garner. You are potentially a member of one of the classes.
- The Court has not yet decided whether any of the Defendants did anything wrong, and the Defendants contend that they did not act in violation of the U.S. Constitution. The

Defendants contend that Garner is and has been regularly tested for radon and remediated when appropriate dating back to 2013, that inmates at Garner are safe, and that inmates still in Department of Correction (“DOC”) custody that have been at Garner have adequate avenues for medical care with their normal medical providers.

- There is no money or other remedy available to you now, and there is no guarantee that there will be in the future. However, your legal rights may be affected and you may avail yourself of two options at this time:

Your Legal Rights and Options in this Lawsuit	
REMAIN PART OF THE CLASS (REQUIRES NO ACTION BY YOU AT THIS TIME)	<p>Stay in this lawsuit. Keep the right to recover money or benefit in this case. Give up the right to bring your own case.</p> <p>By doing nothing, you keep the possibility of receiving money or benefits that may arise from a trial or settlement in this case. However, you may give up the right to bring your own independent lawsuit against Defendants regarding your potential exposure to excess levels of radon gas.</p>
ASK TO BE EXCLUDED FROM THE CLASS (REQUIRES ACTION BY OCTOBER 1, 2024)	<p>Exclude yourself from this lawsuit by sending a letter to the attorney identified below (an “Exclusion Request Letter”). Receive no money or benefits from this lawsuit. Retain the right to bring your own lawsuit.</p> <p>If you ask to be excluded from this lawsuit, you cannot recover any money or benefits through this case. But you will preserve the right to bring your own case against Defendants seeking a remedy for their alleged violations of the Eighth and Fourteenth Amendments to the U.S. Constitution.</p>

BASIC INFORMATION

1. What is a class action and who is involved?

In class action lawsuits, one or more people called “Class Representatives” sue on behalf of other people who have similar claims. The people together are a “Class” or “Class Members.” The Class Representatives are called “Plaintiffs.” The persons or entities that they sue (in this case, the former Commissioners and Wardens) are called “Defendants.” One court resolves the issues for all Class Members. In this case, the Court has appointed the Plaintiffs’ lawyers (names and contact information below) to represent the Classes.

2. What are the Plaintiffs asking for in this lawsuit?

The Plaintiffs are asking the Court to find that the Defendants were deliberately indifferent to the risk of lung cancer caused by exposure to allegedly unconstitutional levels of radon and, therefore, that the Defendants allegedly violated Plaintiffs’ rights under the Eighth and Fourteenth Amendments to the U.S. Constitution. The Plaintiffs are seeking monetary damages for injuries they have allegedly suffered as a result of exposure to excess levels of radon, namely, lung cancer. The Plaintiffs are also asking that the Court order the Defendants to provide for periodic medical monitoring to screen for illness associated with radon exposure, such as, lung cancer.

The Plaintiffs are also seeking recovery of attorneys’ fees and the costs of bringing this lawsuit. The Court has not yet ruled on the merits of any of the positions taken by the Plaintiffs or the Defendants.

3. **Is there any money available now?**

No, money is not available now because the Court has not yet decided whether the Defendants did anything wrong, nor have the parties settled the case. It is important to note that there is no guarantee that any money or any other benefits will ever be obtained at the conclusion of this case. If there is any money or any other benefits obtained and you do not ask to be excluded from this lawsuit, you will be notified and will be given information about any monetary award or any other benefits to which you may be entitled.

WHO IS INCLUDED IN THE LAWSUIT

4. **The Classes of Inmates**

You are receiving this notice because you are a potential member of one of the Classes listed below, which consist of current and former inmates of Garner, incarcerated at Garner between June 18, 1993 through the present, who have allegedly been exposed to unconstitutional levels of radon and who have been diagnosed with lung cancer or in the future are diagnosed with lung cancer caused by the alleged unconstitutional exposure. The three classes are:

(1) **Declaratory/Injunctive Relief Class:** Post conviction inmates or pre-trial detainees currently in DOC custody—who are incarcerated at Garner and/or have been incarcerated at Garner at any point from June 18, 1993 through the present—who are suffering ongoing violations of their federal constitutional rights related to radon exposure and/or will require periodic medical monitoring to determine the impact of the radon exposure and will be in need of treatment, in the event monitoring reveals class members suffered physical symptoms as a result of their exposure to excessive levels of radon.

(2) **Current Inmate Damages Class:** Post-conviction inmates or pre-trial detainees currently in DOC custody—who are incarcerated at Garner and/or have been incarcerated at Garner at any point from June 18, 1993 through the present—who developed lung cancer or may be diagnosed in the future with lung cancer caused by exposure to allegedly unconstitutional radon levels at Garner.

(3) **Former Inmate Damages Class:** Individuals no longer in DOC custody—who were post-conviction inmates or pre-trial detainees at Garner at any point from June 18, 1993 through the present—who developed lung cancer or may be diagnosed with lung cancer in the future caused by exposure to allegedly unconstitutional radon levels at Garner

5. **Can I be part of this lawsuit?**

You may be a member of one of the Classes listed in Paragraph 4, above. If you are a member of one of the Classes, you will automatically be included as a member of the appropriate Class unless you take affirmative steps to exclude yourself from this case, namely, by sending an Exclusion Request Letter to the attorney identified below. The Classes consist of people (1) who are or have been incarcerated at Garner between June 18, 1993 through the present, (2) that have been exposed to unconstitutional levels of radon at Garner, and (3) have been diagnosed with

lung cancer or in the future are diagnosed with lung cancer caused by allegedly unconstitutional radon levels at Garner.

6. I'm still not sure if I am included

If you are still not sure whether you are included in one of the classes, you may receive assistance by calling, writing, or emailing the lawyers in this case, at the phone numbers or addresses listed below.

YOUR LEGAL RIGHTS AND OPTIONS

7. What happens if I do nothing at all

If you do nothing, you will automatically be included as a member of one of the Classes, which means that you will keep the possibility open to receive money or benefit from this lawsuit. If you remain a part of one of the Classes and the Plaintiffs obtain money a result of either a trial or a settlement, you will be notified as to how to obtain any share to which you may be entitled. If you do nothing now, regardless of whether the Plaintiffs win or lose, you will not be able to sue the Defendants as part of any other lawsuit seeking damages or other remedy for your alleged exposure to radon gas while incarcerated at Garner. You will also be legally bound by all orders and judgment of the Court.

8. Why would I ask to be excluded?

You have the ability to request to be excluded from the class, and can make such request by sending an Exclusion Request Letter to the attorney identified below, either by U.S. Mail or electronic mail. If you wish to discuss being excluded from the class, you should contact counsel at the contact information provided herein to discuss further.

Martin J. Minnella, Esq.
Minnella & Tramuta, LLC
P.O. Box 865
Middlebury, CT 06762
Email: radonclassoptout@mtelawfirm.com

9. What is the deadline to ask to be excluded?

If you do not want to participate in the Class, then you must postmark the Exclusion Request letter by October 1, 2024.

THE LAWYERS REPRESENTING THE CLASSES

10. Do I have a lawyer in this case?

The Court has appointed the Plaintiffs' lawyers in this case to represent the Classes ("Class Counsel"). Those lawyers are: Minnella & Tramuta, LLC in Middlebury, Connecticut; and McCarter & English, LLP in Hartford, Connecticut. The Court has determined that these attorneys are qualified to represent the interests of the Classes in this lawsuit. More information about these law firms, their practices, and their lawyers' experience is available on their websites: www.mtelawfirm.com and www.mccarter.com.

The following attorney is the lead counsel handling the case for Plaintiffs, and you may contact him at (203) 916-5299:

Martin J. Minnella, Esq.
Minnella & Tramuta, LLC
40 Middlebury Road
Middlebury, CT 06762

11. Should I get my own lawyer?

You may if you want to, but you do not need to hire your own lawyer, because the court-appointed Class Counsel represent the Class of which you are a member. For example, you may hire a lawyer to appear in Court for you if you want someone other than Class Counsel to speak for you. However, if you hire your own lawyer, you will be responsible for the legal fees that your lawyer requires you to pay for representing you.

12. How will Class Counsel get paid?

If the Plaintiffs prevail at trial, Class Counsel will ask the Court to require the Defendants to pay their attorneys' fees and expenses. If there is a settlement of this case, Class Counsel will request either that the Defendants pay the fees and expenses, or that the Court allow a portion of the settlement fund be used to pay attorneys' fees and costs. Any such award of attorneys' fees would be subject to Court approval. You will not have to pay Class Counsel any legal fees or expenses out of your own pocket.

THE NEXT STEPS IN THE LAWSUIT

13. What happens next in the lawsuit?

Unless the case is resolved by a settlement or legal ruling, Class Counsel will have to prove the Plaintiffs' claims and damages at a trial. The trial has not been scheduled yet, and the case may not go to trial if the defendants prevail on motions or on appeal. If there is a trial, it will take place in the United States District Court for the District of Connecticut, 145 Church Street, New Haven, Connecticut 06510. During the trial, a jury will hear and consider evidence to reach a decision about whether the Plaintiffs or the Defendants are right about the claims in the lawsuit.

14. Do I have to come to the trial?

You do not need to appear in court or otherwise participate in the trial to be a Class Member or to be eligible for a monetary recovery should the Plaintiffs prevail on their claims. However, it is possible that an extremely small percentage of the class members may be called to testify as a witness in either a deposition or at trial. You are welcome to attend any trial at your own expense.

15. Will I get money after the trial?

If any of the Damages Classes obtain money or benefits as a result of a trial or settlement, members of the Damages Classes will be notified about how they may qualify to receive a portion of any money or benefits obtained. At this time, it is unknown how long this will take, and there is no guarantee that any money or benefits will be obtained.

GETTING MORE INFORMATION

16. How can I get additional information?

You may contact Class Counsel at the address and phone number in Paragraph 12, above.

PLEASE DO NOT CALL OR WRITE THE JUDGE, THE JUDGE'S STAFF, OR THE CLERK OF THE COURT. DIRECT ALL INQUIRES TO CLASS COUNSEL OR TO AN ATTORNEY OF YOUR OWN CHOOSING.

By order of the United States District Court for the District of Connecticut