

**PRESS RELEASE
FOR IMMEDIATE RELEASE**

**PROPOSED LANDMARK SETTLEMENT ON ACCESS TO MEDICAL TREATMENT
WOULD PROVIDE HIGHLY EFFECTIVE MEDICAL TREATMENT FOR
PRISONERS WITH CHRONIC HEPATITIS C IN THE PENNSYLVANIA DOC**

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Philadelphia, PA, November 19, 2018:

Plaintiffs' counsel announced a proposed landmark settlement in a class action lawsuit against the Pennsylvania Department of Corrections that would provide much-needed medical treatment for thousands of prisoners with Chronic Hepatitis C.

I. THE LAWSUIT

In 2014, the Pennsylvania Institutional Law Project (Su Ming Yeh, Esq.), David Rudovsky, Esq. (Kairys, Rudovsky, Messing, Feinberg & Lin, LLP) and Dechert, LLP (Stephen Brown, Esq.), filed a federal civil rights class action lawsuit in the United States District Court for the Eastern District of Pennsylvania on behalf of all incarcerated people in the Pennsylvania Department of Corrections ("DOC") with Chronic Hepatitis C. The lawsuit, *Chimenti v. Pennsylvania Department of Corrections*, 15 Civ. 3333 (E.D. Pa.), sought treatment with the new FDA-approved Direct Acting Anti-Viral Drugs ("DAA"). These medications cure well over 90% of all patients with Hepatitis C, and are the only treatment regimen recommended by medical organizations specializing in the treatment of this disease. When the lawsuit was filed, there were over 5,000 inmates with Chronic Hepatitis C who had not been treated with DAA.

"We believe that this settlement, if approved by the Court, will be a landmark in medical care in our state prisons and will greatly advance public health in Pennsylvania. The Pennsylvania DOC has taken an important step in health care that puts them at the forefront of care for people with Chronic Hep C," stated David Rudovsky, founding partner of Kairys, Rudovsky, Messing, Feinberg, and Lin, LLP.

Chronic Hepatitis C is the most lethal of all viral illnesses in the United States. In its early stages, it can cause painful and debilitating conditions of fatigue; muscle, joint, and bone pain; and depression. Left untreated, the virus will eventually cause liver failure, high risks of liver cancer, and death. “The new DAA treatment is highly effective in curing the disease with a simple regimen of pills and without serious side effects,” explained Su Ming Yeh, Deputy Director of the Pennsylvania Institutional Law Project. “The health of thousands of prisoners will be improved now that they will have access to this potentially life-saving medication.”

Following several years of litigation before U.S. District Court Judge John E. Padova, the Court determined that the plaintiffs stated a constitutional claim for medical treatment and set the case for trial. The parties engaged in settlement discussions followed by a settlement conference, where, with the assistance of Magistrate Judge Timothy Rice, they reached an agreement (“Settlement Agreement”) to provide universal treatment of inmates with Chronic Hepatitis C with DAA. Stephen Brown, Civil Rights Counsel at Dechert LLP, noted, “We are particularly gratified with the breadth of the Settlement Agreement which, if approved, will provide DAA treatment to such great number of present and future inmates diagnosed with Chronic Hep C.”

Under court procedures, the proposed Settlement Agreement must first be approved by Judge Padova after the members of the inmate class are given an opportunity to provide their comments and any objections to the Settlement Agreement.

If approved, this Settlement Agreement will be an important milestone in United States Corrections by providing universal treatment to incarcerated people with Chronic Hepatitis C.

II. THE SETTLEMENT AGREEMENT

Under the proposed Settlement Agreement, all those currently, or who in the future will be, incarcerated in the Pennsylvania Department of Corrections, and who suffer from Chronic Hepatitis C will receive DAA treatment, unless there are medical contraindications for this treatment regimen. The key provisions of the Agreement provide:

1. All eligible inmates who are at the most serious stages of Hepatitis C (as measured by a Fibrosis Score of F-2, F-3, or F-4) will be treated with DAA within six months of reaching these stages of Hepatitis C.
2. From July 1, 2019 to June 30, 2021, the DOC will treat 3,000 eligible inmates (1500 each year) with DAA pursuant to a priority treatment schedule based on the seriousness of the inmate’s condition.
3. From July 1, 2021 to June 30, 2022, the DOC will treat an additional 2000 eligible inmates under the same priority treatment schedule.

Under this schedule, the parties expect that all current eligible inmates and the great majority of newly admitted eligible inmates will be treated with DAA by June 30, 2022.

At that point, the DOC will be able to treat incoming inmates with Chronic Hepatitis C as part of its general medical care program. To ensure that this schedule is effective and comprehensive, the Settlement Agreement provides that if, as of June 30, 2022, the number of eligible inmates who have not been treated does not exceed 500 and that none of these inmates have a Fibrosis Score above F-0 (the earliest and least serious stage of Hepatitis C), the Settlement Agreement will be terminated. However, if that condition is not met by the DOC, the Agreement will continue under Court supervision.

Attorneys for the plaintiff class will monitor enforcement of the terms of the Agreement and have the right to seek Court intervention if the DOC does not comply with the terms of the Settlement Agreement.

III. THE COURT APPROVAL PROCESS

The Court will schedule hearings to determine whether the Settlement Agreement should be approved. During this process, notice will be given to all class members and they will have the opportunity to comment on and object to the Settlement Agreement. The Court will consider all of the relevant factors in its final determination on the Motion for Court Approval. The process is expected to take several months.

If approved, this landmark settlement will improve the lives of thousands of Pennsylvania prisoners, and is a significant advancement of public health in Pennsylvania.

The Settlement Agreement may be found here:
<https://www.krlawphila.com/wp-content/uploads/2018/11/2018.11.19-Chimenti-Ex.-1-Settlement-Agreement.pdf>

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