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12 *similarly situated*

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24 UNITED STATES DISTRICT COURT

25 DISTRICT OF ARIZONA

26 Victor Parsons; Shawn Jensen; Stephen Swartz;
27 Dustin Brislan; Sonia Rodriguez; Christina
28 Verduzco; Jackie Thomas; Jeremy Smith; Robert
Gamez; Maryanne Chisholm; Desiree Licci; Joseph
Hefner; Joshua Polson; and Charlotte Wells, on
behalf of themselves and all others similarly
situated; and Arizona Center for Disability Law,

Plaintiffs,

v.

Charles Ryan, Director, Arizona Department of
Corrections; and Richard Pratt, Division Director,
Division of Health Services, Arizona Department of
Corrections, in their official capacities,

Defendants.

No. CV 12-00601-PHX-DKD

**DECLARATION OF
MEGAN LYNCH**

1 I, Megan Lynch, hereby declare:

2 1. I have been employed at the Prison Law Office since May 2013. Since that
3 date, I was the supervising litigation assistant in my office and was the primary litigation
4 assistant/paralegal assigned to work on *Parsons v. Ryan*. In July 2016, I was promoted to
5 an Investigator/Monitor position where I monitor prison and jail system's compliance
6 with our office's case settlements and I work on special projects to analyze systemic
7 problems that arise in our cases for further investigation and advocacy. As part of my
8 monitoring duties, I continue to work on *Parsons*, in both monitoring and paralegal
9 capacities. If called as a witness, I could and would testify competently to the facts stated
10 herein, all of which are within my personal knowledge.

11 2. I am very familiar with the operations of the Prison Law Office, including
12 the management of all correspondence the office receives from class members in our
13 various cases, their loved ones, and other third parties. I oversaw all aspects of the
14 creation and implementation of a Salesforce database that went live in May 2017 that the
15 Prison Law Office uses to track all correspondence regarding class members received and
16 sent under our cases. The database also tracks non-case related self-help correspondence
17 with incarcerated people from across California and the nation who write us seeking
18 assistance and information.

19 3. Prior to the implementation of the Salesforce database, I used and oversaw
20 the training of all staff members on the use of a Microsoft Access database our office used
21 to manage and track correspondence regarding class members up until May 2017. All
22 information contained in the older Access database was imported and fully integrated into
23 the new Salesforce database.

24 4. I am knowledgeable and have been trained in the use of Salesforce, Access,
25 and Excel programs to track and analyze data within our operational procedures, and to
26 run reports summarizing the data contained in these various database sources.

27 5. We refer to the process used by me and the other litigation assistants and
28 monitors in reviewing correspondence as "triaging" the mail. In triaging, after sorting

1 physical letters and reviewing the substance to determine if a letter is case related, a copy
2 of all case related letters is electronically scanned to the database. Next, the staff persons
3 triaging the letter read it, and assign the letter to a class member in our system or create a
4 new contact if this is our first time communicating with the class member, and assign the
5 letter to the respective lawsuit, i.e., *Parsons*. Then we enter data from the letter into the
6 database, including summarizing the letter's content and coding the letter. We next
7 forward the database entry to the attorneys to review and we draft responses to the class
8 member that are also reviewed by the attorneys. This is a uniform practice that we use for
9 every case-related letter our office receives, not just *Parsons*. "Code" refers to the fact
10 that our database is set up to have issue code lists relevant to each case. These are pick
11 lists in our database permitting selection of one or more topics or issues raised by class
12 members in a particular case.

13 6. In my role in the *Parsons* case, I am responsible, among other tasks, for
14 triaging mail from several Arizona prisons. Throughout 2017, I primarily triaged letters
15 from class members at the Tucson prison, and from multiple yards at the Lewis and
16 Eyman prisons. When litigation assistants and investigators assigned to triage mail from
17 other Arizona prisons are out of the office, I often will triage mail from their assigned
18 prisons, and vice versa when I am out of the office. Therefore, we have a uniform office
19 approach to triaging and managing correspondence. Additionally, the ACLU National
20 Prison Project (ACLU-NPP), the ACLU of Arizona, and the Arizona Center for Disability
21 Law forward to the Prison Law Office all correspondence that they receive in *Parsons* that
22 implicates medical or dental care. (We reciprocally forward all mail or intake the Prison
23 Law Office receives regarding mental health care and conditions in isolation units to the
24 ACLU-NPP.)

25 7. It has been my observation in reading *Parsons* correspondence that many
26 letters we received from class members, family members, third parties, or forwarded by
27 co-counsel were about pain management, including the discontinuation of pain
28 medication, or the administration of medications inadequate to address class members'

1 chronic pain. In fact, the number of letters that we received about the topic was so
2 noticeable that at my suggestion, our office created a form letter in March 2017 to send
3 class members who wrote us about the issue, and I created an issue code in the Salesforce
4 database about pain medication so we could more easily track the letters.

5 8. After the November 21, 2017 telephonic hearing where the issue of
6 Plaintiffs' request for documents regarding the discontinuation of pain medications was
7 discussed, I was asked to run reports in the Salesforce database to quantify and analyze
8 the mail our office has received in *Parsons* since January 1, 2017 about pain management.

9 9. On December 6, 2017, I ran two reports in our Salesforce database to gather
10 this information. First, I ran a report searching the database for all letters received in
11 *Parsons* that had the words "pain med" in the Letter Summary field (the database field in
12 which the litigation assistant or investigator summarizes the content of the letter), or that
13 in response our office sent the form letter on pain medications. I then exported the report
14 into Excel. Second, I ran a report searching the database for all letters received since
15 January 1, 2017 in *Parsons* to get a baseline number.

16 10. There was a total of 1,975 letters logged under *Parsons* between January 1
17 and the morning of December 6, 2017. Of these letters, 253 (or 13% of all mail received
18 in *Parsons* in that time frame) referenced pain management concerns. Of those 253
19 letters, 165 (or 65% of the pain medication letters, or 8% of all mail received in *Parsons*)
20 mention pain medication discontinuation, including replacement of medications or failure
21 to renew medications. Of the 165 letters, 27 of them make reference to a blanket
22 discontinuation policy announced by ADC and/or Corizon.

23 11. I also analyzed the letters by prison. The 253 letters our office received
24 regarding pain management issues came from eight of the 10 Arizona State Prison
25 Complexes ("ASPC"), as follows:

- 26 a. ASPC-Eyman: 54 letters
27 b. ASPC-Florence: 85 letters
28 c. ASPC-Lewis: 79 letters

- 1 d. ASPC-Perryville: 5 letters
- 2 e. ASPC-Phoenix: 4 letters
- 3 f. ASPC-Safford: 4 letters
- 4 g. ASPC-Tucson: 17 letters
- 5 h. ASPC-Yuma: 5 letters

6 12. I reviewed the Letter Summary field of the 253 letters. A brief sample of
7 the information our office received regarding a possible system-wide or institution-wide
8 pain medication discontinuation policy is generally described below (I did not include
9 names or identifying details because in some cases we do not have explicit authorization
10 to do so).

- 11 a. One person reported that a Nurse Practitioner showed him a mass
12 email that said that all prisoners were to be taken off Gabapentin and
Tramadol.
- 13 b. One class member sent in a grievance response regarding the abrupt
14 discontinuation of pain medication that stated, “[t]he medication you
are requesting is no longer being ordered complex wide.”
- 15 c. Another grievance response we received from a different class
16 member said that “[t]he medica[tion] you are requesting is no longer
being prescribed for long term pain management.”
- 17 d. A different class member reported on an informal grievance that his
18 pain medications were discontinued and replaced with ineffective
19 medications. The response to his informal grievance states that the
medications he requests are no longer offered.

20 13. In my spreadsheet, I also de-duplicated any multiple entries from the same
21 person so I could get a count of the number of people about whom we were contacted
22 regarding pain management. I found 152 separate individuals who reported that they had
23 problems related to pain management. I reviewed the Letter Summary field from the
24 database to compile the following list of allegations that they reported to us. Again, they
25 are not named, as in many cases as they did not authorize us to share their names or other
26 identifying details.

- 27 a. A class member who testified on July 14, 2017 regarding the provision of
28 health care and the removal of HNR boxes, has a history of back injuries
and had an untreated hernia. He wrote us in a letter dated August 7, 2017

1 that his Tramadol had been cut in half without explanation. He filed a HNR
2 regarding this abrupt change of his medication, and the Plan of Action in the
3 HNR that was signed by a nurse states that “a mistake was made / scheduled
4 with provider ASAP!” He subsequently contacted our office to report that
5 he was offered Cymbalta instead to treat his chronic pain, a psychotropic
6 medication that was not effective.

- 7
- 8 b. A class member who has Parkinson’s disease reported his Gabapentin was
9 abruptly discontinued without tapering. When this happened, all of his
10 medications, including those for the management of his Parkinson’s related
11 tremors, were discontinued for eight days. He alleged that since his pain
12 medications were discontinued, he had been restricted to a wheelchair.
- 13 c. A class member who has Multiple Sclerosis (MS) reported his Gabapentin
14 was discontinued with no replacement. Corizon also reportedly reduced his
15 prescription for the muscle relaxant Baclofen for back spasms from three
16 times per day to once a day.
- 17 d. Another class member with MS reports he tried many medications to help
18 manage chronic pain caused by the disease, and that none worked except for
19 Gabapentin. However, his prescription was discontinued, and he has been
20 in severe debilitating pain ever since then.
- 21 e. A man who suffers chronic neuropathy pain as a result of HIV wrote to
22 report his prescriptions for Gabapentin and Tramadol were discontinued.
23 He was prescribed an alternate medication; however, he reports that the
24 medication does not adequately manage his nerve pain, and it causes his
25 skin to feel like it is burning and itching such that he scratches himself in his
26 sleep until he bleeds or wakes up.
- 27 f. A class member who received Gabapentin upon the recommendation of a
28 vascular surgeon, due to the chronic pain he suffers after having veins
stripped from his left leg due to blood clots, reported that his pain
medication was cut off. In addition, he suffers chronic pain as a result of
being stabbed 14 times.
- g. A man who had been hit by a car that resulted in a coma state for six days,
multiple broken bones, a fractured larynx, and other very serious injuries
reported that Corizon’s pain management plan consisted of ibuprofen.
- h. Another man said he suffered a facial injury which resulted in what he
believed was an orbital fracture, drainage, and loss of his senses of taste and
smell. He described feeling air come through his eye socket when he
drinks. Three weeks after his injury, he reported to us that he had only been
seen by nurses and despite severe pain, had not received any pain
medications.
- i. A class member reported he underwent a complicated surgery that resulted
in a bone graft. Despite the invasive nature of the surgery, he reported that
Corizon denied any post-operative pain medications.
- j. A relatively young man in ADC custody reported that he had metastatic
cancer after numerous delays in diagnosis and treatment for testicular
cancer. He said that after surgery to remove his cancerous testicle, he was
not provided effective pain medications during the recovery from his

1 surgery, and that he was even denied access to ice. Unfortunately his
 2 testicular cancer had spread to his lungs, kidneys, and lymph nodes and by
 3 the time he wrote us, he reported that he needed immediate cancer
 4 treatment, and he still was not prescribed adequate pain medications.

- 5 k. A class member reported the discontinuation of his Gabapentin that he took
 6 to manage severe pain up and down his leg. Without the Gabapentin, he
 7 reported difficulty sleeping due to the pain (“I can’t sleep until exhaustion
 8 sets in”), and stated that he wraps a shoelace around his leg to cut off
 9 circulation until his leg goes numb so he cannot feel the pain.
- 10 l. Another man wrote and reported he has had seven lower back operations,
 11 metal brackets placed in his spine, osteoarthritis with tremors, fibromyalgia,
 12 and rheumatoid nodules in his hips, knees, and feet. As a result, he reports
 13 he is in constant pain; however, his pain medications were discontinued
 14 without replacement therapies.
- 15 m. We were notified by a third party of a class member who reportedly
 16 experiences pain that originates in his neck and back and radiates down his
 17 arms. The third party told us that the man’s pain had become so great,
 18 particularly in his right arm, that he had lost grip strength and could not
 19 perform basic activities of daily living, such as gripping a spoon to eat,
 20 without intense pain. As a result of his inability to properly feed himself
 21 due to weakness and pain, he allegedly had lost approximately 20 pounds.
- 22 n. A class member with arthritis, degenerative disc disease, and shrinkage
 23 between his vertebrae, reports that he was given only ibuprofen to manage
 24 his pain.
- 25 o. We were contacted by a class member this summer who fractured his ankle
 26 and had two spiral fractures of his fibula. Throughout this time, he reports
 27 that he was not provided prescription pain medications.
- 28 p. One class member reported pain so severe that “I want them to give me a
 writ of execution, instead of living like this.”

14. I also was asked to review the court docket in Parsons, to review filings or
 letters sent to the Court by plaintiff class members in 2017. I identified 35 public filings
 with the Court by class members (through December 6, 2017), and 27 of them related to
 the provision of health care in Arizona state prisons. Of the 27 health care-related entries
 from class members on the 2017 docket, thirteen (13, or 48% of all of the health care
 related docket entries) raise problems with pain management.¹ Some of the concerns
 regarding pain management that class members directly reported to the Court included:

¹ [See Docs. 2054, 2056, 2059, 2110, 2113, 2169, 2216, 2231, 2261, 2262, 2320,
 2391, 2449]

- 1 a. On May 8, 2017, Doc. 2054, Julie Pavlich notified the Court that on
2 March 19, 2017 she reported to the morning pill call line and discovered that
3 she was not issued Tramadol. When she questioned the missing medication,
4 she was told she had to wait for the order to be refilled by a provider. She
5 indicates that she was not provided the medication for five days during
6 which time she experienced withdrawal symptoms.²
- 7 b. On June 13, 2017, Doc. 2110, Michael Mendoza notified the Court that he
8 was issued psychotropic medications to manage his chronic pain associated
9 with degenerative disc disease and nerve damage. He states that the mental
10 health medications were not effective at managing his pain and caused
11 severe side effects. He stated “I personally started having mental psychotic
12 and emotional thoughts. We are all in solitary confinement and
13 administering us psychiatry medication for pain management only
14 compounds our mental state and our emotional life here in solitary
15 confinement.” He reports that as of the date of his filing, he also had been
16 without any pain medication for approximately 35 days. He explains “my
17 issue [] went from bad to extreme, now I’m having numbing sensations on
18 my toes on both feet . . . and both of my legs are now full of red blood
19 spots.”
- 20 c. On June 19, 2017, Doc. 2113, David Klein notified the Court that he has a
21 history of back surgery for which was not receiving timely follow-up care.
22 He reports that he is in “continuous, immeasurable pain and now is barely
23 physically mobile due to defendants ignored care.”
- 24 d. On July 11, 2017, Doc. 2169, Larry Prince notified the Court that he tried
25 numerous pain management medications before he was prescribed
26 Gabapentin and Tramadol in 2015. He reported that the treatment plan
27 consisting of Gabapentin and Tramadol greatly improved his quality of life
28 (he was able to ambulate and complete activities of daily living) and that
other chronic health conditions also improved when his chronic pain was
managed effectively. However, he reports that his treatment plan was
discontinued in May 2017, without a taper and that he was later told by a
provider that “we no longer have reviews for non-formulary medication.” A
provider also reportedly stated that a “Ducey order takes your meds.”
Mr. Prince “suffers in daily identified real pain with blinding headaches,
stabbing and burning sensations in his upper spine and neck. The pain burns
down into Plaintiff’s arms and hands and eventually causes Plaintiff to
simply lay on his bunk until he can gather his energy again.” He also
reports that some of his other chronic conditions, such as high blood
pressure, have deteriorated since his pain management plan changed.
- e. On July 27, 2017, Doc. 2216, Richard Richards notified the Court that he
had untreated cancer. He also reports that he was recommended for a hip
replacement and is in severe pain, that he is unable to sit, lie down, walk, or
sleep without severe pain.
- f. On August 7, 2017, Doc. 2231, Mr. Prince updated the Court with
additional information including that after his first filing with the Court, he
was seen by medical staff who restarted his gabapentin prescription;

² The class members’ names are included, as they all filed these documents publicly using their names.

1 however the prescription lasted for only a few weeks before it was once
2 again discontinued without taper. He was told it was discontinued because
3 he needs surgery. He questions the validity of discontinuation pain
 medication when his condition is severe enough to require surgical
 intervention.

4 g. On August 29, 2017, Doc. 2262, Walter Jordan notified the Court of his
5 impending death and said that he was terminally ill as a result of delayed
6 cancer treatment. He reported that he was in severe pain from the cancer,
 and gave the names of additional people at Florence-East who are “denied
 treatment by Corizon . . . and all falling, yelling, screaming of pain.”

7 h. On September 21, 2017, Doc. 2320, Julie Pavlich updated the Court that her
8 Gabapentin prescription was discontinued without taper. She also reports
9 that in six of the first seven months of 2017 she suffered lapses of up to 10
 days in distribution of her medications because of delayed orders to refill the
 medications.

10 i. On October 19, 2017, Doc. 2391, Clayton Gatlin notified the Court that he
11 has been made to try six different and ineffective pain management
12 medications to treat his chronic pain. He reports that he was prescribed
 different medications that were effective and discontinued when Corizon
 took over the health care contract.

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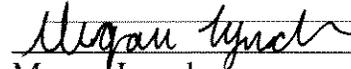
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1 I declare under penalty of perjury that the foregoing is true and correct.

2 Executed December 15, 2017, in Berkeley, California.

3
4 
5 Megan Lynch

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CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2017, I electronically transmitted the above document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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