

Exhibit 21

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

WILLIAM THORPE, *et al.*,

Plaintiffs,

v.

VIRGINIA DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

CASE NO. 2:20-cv-00007-JPJ-PMS

AFFIDAVIT OF DEREK CORNELISON

I, Derek Cornelison, declare the following under penalty of perjury pursuant to 28 U.S.C. §1746:

1. My name is Derek Cornelison. I am one of the named Plaintiffs in *William Thorpe et al. v. Virginia Department of Corrections et al.*, No. 2:20-cv-00007. I am over the age of 21, and I am competent to give this affidavit and to testify regarding the matters in this affidavit.
2. I have been a prisoner in the Virginia Department of Corrections (“VDOC”) custody since 2004. I was incarcerated at Wallens Ridge State Prison (“WRSP”) from February 2011 to summer 2014. I was then incarcerated at Sussex I State Prison until June 2016. I was in long-term solitary confinement at Red Onion State Prison (“ROSP”) from June 2016 until August 29, 2019. I am now incarcerated at Sussex II State Prison, where I have been held since August 2021. I am currently in the general population and have been charge free since December 2019.
3. While confined at ROSP on the Intensive Management (IM) pathway, I was subject to long-term solitary confinement. I spent approximately 22 to 24 hours a day in a single 8’ x 10’ cell alone. Nearly all of my limited personal interactions were with prison staff.

4. The only time I was permitted to leave my cell was for a 15-minute shower three times per week, or for one hour of “outdoor recreation” per day. These opportunities to leave my cell were routinely revoked by corrections officers with no reason given or were inconsistently provided.
5. During outdoor recreation, I was taken out to the “yard” in shackles connected to a leash. I was then placed in a “recreation cage” that resembled a dog kennel. The cage was entirely empty and devoid of any recreational activities.
6. Each time I was permitted to leave my cell, I was forced to endure daily cavity searches. This required me to strip naked before two officers, who then inspected my head, hair, mouth, torso, pelvic area, legs, and feet. I was also required to open my mouth, raise my arms, turn around, spread my legs, raise my penis and testicles, turn around to face the back of the cell, spread my buttocks, bend over so that guards can inspect my anus, squat, and cough. The experience of these daily cavity searches was dehumanizing.
7. When I was transferred to ROSP in 2016, I was classified as Level S and assigned to the IM pathway. I was not told why I was assigned to the IM pathway, nor was the Step-Down Program explained to me at that time. However, I was told by Counselor Gibson and another superior that they “will make sure [I] never get[] out of here.”
8. No one told me how to progress within the Step-Down Program. This was not unique. Many of us were self-taught and had to learn from other prisoners. For example, many prisoners were unaware of the review processes. I had never heard of an External Review Team (“ERT”), nor had I ever communicated with them until this lawsuit was filed. Although the ROSP staff allowed me to make a statement every 90 days or so, the staff conducted the Institutional Classification Authority (“ICA”) hearings only in my absence. The staff then informed us that the review board denied our advancement through the program for lack of “completing” the program.
9. Initially, I was classified as IM-0 status, a status given to offenders “who exhibit inappropriate behavior or choose not to participate in the step-down program.” I never refused to participate in the program. In fact, I participated in the pilot “Thinking for a

Change” program at WRSP in 2011. After arriving at ROSP, I was not given Challenge Series books until over six months after I had arrived and I was not told I was required to complete them to progress through the Step-Down Program. Additionally, the ROSP staff did not explain what “inappropriate” behavior I exhibited.

10. Frustrated that I had no explanation for my IM status and after months of remaining stagnant as IM-0 status, I filed multiple grievances asking for an explanation; however, the ROSP staff told me my status was not “grievable” and provided no explanation for why I was “housed appropriately.” I was told that they started everyone at IM-0. Under O.P. 830.A, by December 2016, ROSP should have classified me as IM-1, but, due to ROSP’s obscure policies and failure to provide me with the necessary materials, I was not.
11. Finally, after a year, I progressed to IM-1 in July 2017. I progressed to IM-2 about six months after that in October 2017.
12. In August 2018, incidents occurred that I believe were retaliatory for my involvement with the class action suit against ROSP. In mid-August 2018, I was on the recreation list, which lists the prisoners whom the guards must pull from the prison cells for outside recreation time; however, the guards informed me that the recreation cages were overcrowded and that they would pull me out in the afternoon. The guards canceled afternoon recreation that day and never took me outside. I stayed calm and did not react.
13. On August 31, 2018, I was again on the recreation list, and the same guards denied my outside recreation time due to overcrowding in the recreation cages and cancelled afternoon recreation time. I informed the guards that I was not happy about this, covered the windows of my cell with papers so that the guards could not see into my cell for their routine checks, and demanded to speak to a ranking officer. The Unit Manager, Mr. Swiney, asked me to go into an office in the pod to talk. Although I had never spoken to Mr. Swiney prior to this incident, I knew of his reputation around the pod, including framing prisoners for false charges, planting weapons in prisoner cells, and being the reason the “D” building is known as a “revolving door” that sends prisoners back to the “C” building to re-start the Step-Down Program. Mr. Swiney had also made comments about the Step-Down Program, including that he did not care about it because prisoners do not change.

14. The guards took me to the office around 2:30 p.m. on August 31 and sat me down at a table. Even though I was shackled to the table, the guards kept my handcuffs on. Lieutenant Middleton joined Mr. Swiney in the office and asked me what my problem was. I explained that I felt like the guards were targeting me because the denial of my out-of-cell recreation was becoming a trend. I explained that recreation time is crucial for my well-being because I often become claustrophobic in my cell. Mr. Swiney ignored my explanation and proceeded to ask me about my meeting with the lawyers from the ACLU.
15. I told them I did not come here to talk about my meetings with the lawyers and repeated that I did not want my recreation time denied. For the second time, Mr. Swiney ignored my request and instead threatened me by asking whether I wanted to return to the “C” building. I replied that I did not care about his threats of going back to the “C” building. Mr. Swiney continued his threats by asking whether I knew how easy it was for him to send me back to the “C” building. I replied that I have been incarcerated too long to be phased by such threats, to which Swiney replied, “I don’t make threats, I make promises I keep.” Again, I repeated that I was here to talk about my recreation time. After an hour, they took me back to my cell.
16. The next day, I went out to the recreation cages and another prisoner was in the cage next to mine. The other prisoner stated that on the day I was taken into the office, Swiney and Lieutenant Middleton pointed at my cell and stated, “that one is going straight back to the ‘C’ building . . . that’s how we’re going to handle that,” while staring directly at the other prisoner. The other prisoner took this message as a warning for him as well.
17. In November 2018, with only 15-30 minutes notice, a guard told me I needed to appear for my first ERT hearing. I had never heard of such a hearing until that day and did not know how to prepare or what documents to bring. Although the reviewers acknowledged I had no charges since entering ROSP, they focused on my prior gang affiliations and my offense from 2015. I exited the room and the reviewers seemed to make their decision immediately.
18. I did not hear from anyone for one to two weeks and was later told that no change was made to my IM status. A few days later, Mr. Swiney told me I would have another hearing

in April/May and that he would offer his “high recommendation” to change from IM to SM status if I kept my “nose clean.” Although the status change would bring me closer to transitioning from solitary confinement to the general population, Mr. Swiney made it clear that the status change was contingent on whether I remained infraction-free.

19. Given the legitimate fear of retaliation at ROSP and my prior experiences in August 2018, I wrote to White & Case LLP that I no longer wanted them to consider me as a potential client for the class action. I explained that prior to this ERT hearing, I had never heard of such hearings and, for the first time in three years of being in solitary confinement, I had something I never had before, hope. I did not want to do anything that would jeopardize my chance of release from solitary confinement and could not risk any retaliatory measures for my involvement with the class action suit. However, I ultimately chose to join the lawsuit because I understood how important it was, not just to me but to other prisoners like me.
20. After almost three years, in March 2018, I completed all levels in the IM pathway and was assigned IM Closed Pod Phase I, Security Level 6 (IM SL-6) status, which is the same as Level S, except that I could work as a utensil prep worker while shackled to a table. IM SL-6 is the terminus of the IM pathway, which does not have a way back to general population.
21. In March 2019, I experienced another retaliatory incident. Following the grievance procedure of the Step-Down Program, I wanted to report a grievance asking for an explanation for the ERT’s decision to deny my reclassification from the IM to SM pathway in November 2018. To report a grievance, a prisoner must complete an informal complaint form and a regular grievance form. Unfortunately, we can obtain these forms only through prison staff and, if the staff refuses to provide them, prisoners cannot make their own forms. Prison staff often withhold or refuse to process these forms to prevent prisoners from being able to file a complaint and the Unit Manager, Mr. Swiney, retaliates against anyone who attempts to use the grievance procedure. Out of desperation, prisoners, including myself, hide spare forms in our cells for emergencies; however, I did not have any spare forms.

Accordingly, I asked the shift sergeants, building lieutenants, and unit manager numerous times for the forms, and, as expected, they did not provide them.

22. About a week after the filing of the Complaint in this case, I was a “late addition” for the ERT hearing along with other class representatives. I was reclassified from IM to SM status in May 2019 and, as of July 10, 2019, I became SM Phase 2. Phase 2 was identical to Phase 1 such that inmates receive one hour of recreation time daily, but Phase 2 was in Pod D-5, where inmates must have a cellmate. In solitary confinement, inmates must become accustomed to being alone in order to survive; therefore, transitioning to having a cellmate becomes difficult. I refused for this reason.
23. In August 2019, I moved to general population. There was never any justification for keeping me in solitary confinement that long. I remained infraction free the entire time I was in solitary. Just as the counselor told me on my first day at ROSP—“I’m going to make sure you never go to general population”—I realized the point of the Step-Down Program is to keep you there, not let you out.
24. Although I was never formally diagnosed with mental health issues, my mental health suffered greatly in solitary confinement. I did not want “another card stacked against me” to prevent me from seeing general population, so I did not complain about or report their mental health issues.
25. My mental and physical health issues affected my ability to finish the Step-Down Program; I suffered from anger, mood swings, and digestive issues, and could not sleep at night. I suffered from arrhythmia and mild pulmonary hypertension. I worry about the long-term impact to my heart.
26. I agreed to be a Plaintiff in this lawsuit because I do not agree that the Step-Down Program is effective and I believe that it amounts to an unconstitutional violation of my rights.
27. I understand that I am bringing this lawsuit on behalf of myself and everyone at Red Onion or Wallens Ridge who has had to go through the Step-Down Program and that I am seeking the same relief as my fellow class members.

28. I intend to represent everyone in this lawsuit and understand and accept my responsibilities in that regard.

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge.

Signature  _____

Dated this 20 of JUNE, 2022

Derek Cornelison
Sussex II State Prison

Exhibit 22

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

WILLIAM THORPE, *et al.*,

Plaintiffs,

v.

VIRGINIA DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

CASE NO. 2:20-cv-00007-JPJ-PMS

AFFIDAVIT OF FREDERICK HAMMER

I, Frederick Hammer, declare the following under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. My name is Frederick Hammer. I am one of the named plaintiffs in *William Thorpe et al. v. Virginia Department of Corr. et al.*, No. 2:20-cv-00007. I am over the age of 21, and I am competent to give this affidavit and to testify regarding the matters in this affidavit.
2. I have been a prisoner in the Virginia Department of Corrections (“VDOC”) since 2008. I have been incarcerated at Red Onion State Prison (“ROSP”) since 2012. I was previously imprisoned at Wallens Ridge State Prison (“WRSP”) for roughly three years in the general population.
3. In late 2011, prison staff at WRSP approached me and asked if I “had any enemies” and then told me they were going to “lock [me] up for a couple days.” I was placed in segregation. The next thing I knew, I was being transferred to ROSP in February 2012. On March 9, 2012, ROSP indicated that I did not have documented enemies, so I did not understand why I was transferred.

4. Upon my arrival at ROSP, I was classified as Level-S, the highest security level in the Virginia prison system. I did not receive a hearing related to this classification, nor was I provided any reason for why I was classified at this security level. I was ultimately assigned to the Intensive Management (“IM”) pathway of the Step-Down Program.
5. When I was placed in the Step-Down Program, I was told that I was “never leaving.” To the best of my knowledge, I was being kept in long-term solitary confinement because of the nature of my crimes committed outside of prison. Unit Manager Swiney recommended I be released from the IM Pathway, but nothing came of it. The notoriety of my crimes has specifically been mentioned as a reason for my classification.
6. I have never committed a violent offense while incarcerated. I have only received two non-violent charges—one for using another inmate’s envelope and another for cursing at a guard. Despite my lack of serious charges, it took eight years for me to have my internal status changed from IM to general population.
7. I tried to challenge my placement on the IM Pathway by using VDOC’s grievance procedure. I once filed a grievance noting that I had completed all requirements under the Step-Down Program but was not given a fair chance to be released back into general population. I did not receive a response back from the prison.
8. To progress out of the Step-Down Program, you are required to participate in the *Challenge Series*. I completed the *Challenge Series* three times, as well as a required anger-management class four times. Despite the completion of those programs, I was not I permitted to progress out of the IM Pathway.
9. It is VDOC policy that Institutional Classification Authority (“ICA”) hearings are required to take place every 90 days. I have never attended an ICA hearing. Instead, when an ICA hearing did occur, it was outside of my presence and the rationale I was provided for my placement in long-term solitary confinement was “remain in segregation.”
10. For External Review Team (“ERT”) annual reviews, I was merely provided a piece of paper to sign. I was never allowed to meet with the ERT.

11. I struggled to move through each level of the Step-Down Program, as explained in more detail below.
12. When I initially arrived at ROSP, I was held in “the hole” for approximately 2 months before being placed on the IM Pathway. I was moved to IM-2 at some point before or during August 2012. I remained classified as IM-2 until approximately August 2013, when I was moved to IM Closed Pod-1.
13. On March 5, 2014, the ICA determined that I should remain in IM Closed Pod-1. At my next review in June, the ICA again determined that I should remain in IM Closed Pod-1.
14. On July 24, 2014, I was moved back into Segregation - General detention, due to a pending investigation that ultimately produced no charges. The ICA recommended that I be reclassified as Security Level S again. In October 2014, I was classified as IM-0, placing me back at the beginning of the Step-Down Program.
15. I finally progressed forward and was moved to IM-1 in January 2015. I remained in IM-1 after my next ICA determination in April 2015. I was reviewed by the ERT in May of 2015, and they determined that I was housed appropriately.
16. In June 2015, I progressed to IM-2. In September and December 2015, the ICA determined that I should remain in segregation, classified as IM-2.
17. At an ICA hearing on January 28, 2016, I was finally designated as Security Level 6, and was moved to the IM Closed Pod-1 on February 2, 2016. The Dual Treatment Team (“DTT”) also approved my move to IM Closed Pod-1.
18. On April 21, 2016, and again on June 10, 2016, the ICA determined that I should remain in IM Closed Pod-1. The ERT confirmed my classification in IM Closed Pod-1 in May of 2016.
19. On July 12, 2016, the ICA again decided that I should remain in IM Closed Pod-1 because I needed to “establish more stable adjustment in a security level 6 setting.” I did not commit any infractions during this time period, but the ICA still did not move me to general population. In September 2016, despite my requests, I was denied a move to general

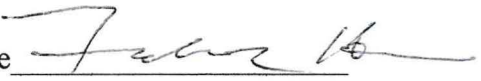
population, and was again denied in November 2016. On January 27, 2017, I finally progressed to IM Closed Pod-2.

20. The prison conducted annual reviews in 2017 and 2018, and both times found that I should remain at Security Level 6 and in IM Closed Pod-2. In both reports, the ICA noted that I maintained infraction free behavior and was program compliant at the time. The ERT also reviewed my file in May 2017 and May 2019 and determined that I was appropriately housed.
21. On July 24, 2019, the ICA determined that I should remain in the IM Closed Pod, despite the fact that I had not committed any infractions.
22. Finally, on October 24, 2019—five months after the filing of this lawsuit—the ERT decided to change my classification from the IM Pathway to the Special Management (“SM”) Pathway.
23. In March 2020, I completed Phase Two of the Step-Down Program. On approximately March 11, 2020, I was moved into general population. I have remained in the general population at Red Onion since that time.
24. While confined at Red Onion State Prison, I was subjected to long-term solitary confinement. I spent twenty-two (22) to twenty-four (24) hours a day in a single 8’ x 10’ cell alone. Nearly all of my limited personal interactions were with prison staff.
25. The only time I was permitted to leave my cell was for a 15-minute shower, three times per week, or for one 1-hour of “outdoor recreation” per day. These opportunities to leave my cell were revoked regularly at the discretion of prison guards, or inconsistently provided. Because prison staff were unavailable to take me out to recreation, I sometimes skipped recreation altogether. At one point, I went over ten days without recreation.
26. When I did receive outdoor recreation, I was taken out to the “yard” in shackles connected to a leash. These shackles were placed so tightly around my ankles that I have permanent scarring. I was then placed in a “recreation cage” that resembled a dog kennel. The cage was empty.

27. Each time I was permitted to leave my cell, I was forced to endure daily cavity searches. This required me to strip naked before two officers, who would then inspect my head, hair, mouth, torso, pelvic area, legs, and feet. I was also required to open my mouth, raise my arms, turn around, spread my legs, raise my penis and testicles, turn around to face the back of the cell, spread my buttocks, bend over so that guards could inspect my anus, squat, and cough. The experience of daily cavity searches was dehumanizing.
28. As a direct and proximate result of my being held in long-term solitary confinement, I have experienced a number of physical and psychological harms, including: anxiety, depression, agitation, anger, mood swings, bouts of disorientation, an inability to concentrate, thoughts of suicide or other self-harm, shortness of breath, headaches, migraines, restlessness, and insomnia. I also suffer from physical ailments such as type 2 diabetes, acid reflux, and arthritis.
29. I did not experience these harms until I was placed in long-term solitary confinement.
30. Qualified Mental Health Professionals (“QMHPs”) are supposed to address and treat these symptoms. However, QMHPs conduct only pro forma checks of inmates. They merely walk around, ask through your cell door “how are you doing?”, and then continue on their way. They are easy to miss, and we are never notified that they are coming. I have never been asked if I would like to attend a face-to-face office visit despite prison officials stating that I denied requests for such visits. I have only spoken to a psychiatrist 1 time in fourteen 14 years.
31. I am also fearful of reporting mental health concerns, because prisoners who reports such concerns are taken to a room and strapped down with no clothes. I am also afraid to contact a psychiatrist because of retaliation, and I believe I would be locked up forever. Prison officials have also changed my medications which led to adverse reactions, including waking up after 2 days because of what they gave me.
32. I believe that having disabilities makes it harder to complete the Step-Down Program. I have never met an ADA coordinator, and I have never been told how to request an ADA accommodation.

33. I agreed to be a Plaintiff in this lawsuit because I do not believe that the Step-Down Program is effective, and I believe that it amounts to an unconstitutional violation of prisoners' rights.
34. I understand that this lawsuit is brought by others and me on behalf of everyone at Red Onion, or Wallens Ridge, who has had to go through the Step-Down Program.
35. I intend to represent everyone in this lawsuit and understand and accept my responsibilities in that regard.

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge.

Signature 

Dated this 20 of June, 2022

Frederick Hammer
Red Onion State Prison

Exhibit 23

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

WILLIAM THORPE, *et al.*,

Plaintiffs,

v.

VIRGINIA DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

CASE NO. 2:20-cv-00007-JPJ-PMS

AFFIDAVIT OF DMITRY KHAVKIN

I, Dmitry Khavkin, declare the following under penalty of perjury pursuant to 28 U.S.C. §1746:

1. My name is Dmitry Khavkin. I am one of the named plaintiffs in *William Thorpe et al. v. Virginia Department of Corrections et al*, No. 2:20-cv-00007. I am over the age of 21, and I am competent to give this affidavit and to testify regarding the matters in this affidavit.
2. I am a prisoner in the Virginia Department of Corrections (“VDOC”). I am currently incarcerated at Wallens Ridge State Prison (“WRSP”) in the general population. Before that, I was imprisoned at Sussex I State Prison (“Sussex I”) and at Red Onion State Prison (“ROSP”). While at ROSP, I was held in long-term solitary confinement for six years.
3. From March 2013 to January 2019, I participated in the Step-Down Program at ROSP. This program required me to remain infraction-free and to fill out VDOC-provided workbooks, known as the *Challenge Series*. I have completed the Step-Down Program *Challenge Series* twice, along with several of its books numerous times.
4. I emigrated from Russia to the United States at a young age and English is my second language. Despite the difficulties I have reading and understanding English, I was told to move forward with the *Challenge Series* with no adjustments or accommodations.

5. I was moved to RO SP in January 2013 pending trial of an incident at Sussex I. In March 2013, I was classified as Level S, assigned to the SM pathway, and began the Step-Down Program at SM-0.
6. I participated in the *Challenge Series* along with other prisoners in my *Challenge Series* “group.” The other prisoners in my group who completed the workbooks subsequently progressed into general population. However, I was kept on the SM pathway, even though I had also completed the workbooks.
7. In January 2014, I was suddenly transferred to the IM pathway as IM-0, which is even more restrictive than the SM pathway and, unlike the SM pathway, offers no way to progress to general population. I was not provided an explanation for this status change, despite my asking for one. I had been told by prison staff that I would never go back to general population.
8. During my annual review in June 2015, I was not given a chance to appear because I was out to court, although I was infraction free since entering the Step-Down Program.
9. On February 15, 2018, I satisfied the criteria for reaching IM-2 status, but did not progress to IM-2 because I was told I have a “respect issue” and “hygiene issues.”
10. In October 2018, I was finally granted SM status. I eventually progressed to both SM-1 and later SM-2, but did not get transferred to general population until 2019.
11. Before I was released to general population, Unit Manager Duncan at Red Onion State Prison said she “hopes they fucking kill you when you go to population.”
12. My progress through the Step-Down Program has at times been jeopardized, resulted in the loss of the few privileges I have, or required me to restart the Step-Down Program altogether due to falsified charges. Many of these charges have been overturned:
 - a. For example, in 2013, I received a charge for failing to stand up for count. The correctional officer conducting the count did not announce that he was doing so. My phone privileges were restricted before the charge was finally overturned on appeal.

- b. I am Jewish. On one occasion, a correctional officer called me a “fucking Jew” and threatened to kill me. The correctional officer then issued me a charge, alleging that I covered up my window. The Institutional Classification Authority (ICA) initially found me guilty, but the charge was overturned on appeal.
 - c. In July 2015, a correctional officer placed me in shackles so tight that I suffered a permanent injury. While I was shackled, I told the correctional officer about the pain I experienced. The correctional officer responded by threatening to send me to IM-0 if I continued to complain. I still suffer symptoms resulting from this incident in both of my legs.
 - d. Separately, I was charged by a correctional officer with “attempting to refuse work.” I was then taken to Unit Manager Swiney’s office to discuss the charge. Prison staff discussed “what should be done with” me, to which the sergeant on duty said that they “should smack the shit out of” me. I was then presented with an ultimatum—accept the charge or be sent to IM-0.
 - e. I have also received a charge for allegedly sending “encrypted” codes to my sister over J-Pay for using the word “for” instead of “far”, “hamitan” instead of “Hamilton” and “Officer Q” instead of “Quillen.” I received a 45 day phone restriction for this charge. This charge was subsequently overturned.
 - f. I also received a false charge for masturbating in front of a female officer, despite the fact that the position of my cell would have made it impossible for me to be seen by a correctional officer. The latter charge resulted in me being pushed back in the Step-Down Program. I did not receive my privileges back for 20 months.
13. Because of these aforementioned charges, I have been forced to restart the Segregation Step-Down Program once, after having previously completed the program. Many of these overturned charges formed the basis for my continued solitary confinement, particularly my prolonged confinement in the IM-Closed Pod.
14. While confined at Red Onion State Prison, I was subject to long-term solitary confinement. I spent approximately 22 to 24 hours a day in a single 8’ x 10’ cell alone. Nearly all of my

limited personal interactions were with prison staff. My mental health problem got worse in the step-down program.

15. The only time I was permitted to leave my cell was for a 15-minute shower three times per week, or for one hour of “outdoor recreation” per day. These opportunities to leave my cell were revoked regularly at the discretion of prison guards, or inconsistently provided. From January 12, 2018 to February 13, 2018, I was not permitted any recreation. In June 2018, I was denied recreation for 13 days and was confined to my cell alone for 24 hours a day.
16. During outdoor recreation, I was taken out to the “yard” in shackles connected to a leash. I was then placed in a “recreation cage” that resembles a dog kennel. The cage was entirely empty.
17. Each time I was permitted to leave my cell, I was forced to endure daily cavity searches. This required me to strip naked before two officers, who would then inspect my head, hair, mouth, torso, pelvic area, legs, and feet. I was also required to open my mouth, raise my arms, turn around, spread my legs, raise my penis and testicles, turn around to face the back of the cell, spread my buttocks, bend over so that guards could inspect my anus, squat, and cough. The experience of daily cavity searches was dehumanizing.
18. I was seen by a psychiatrist or psychologist as a teenager. I was eventually diagnosed by a doctor with a number of mental-health disabilities, including psychosis, Post-Traumatic Stress Disorder, schizophrenia, paranoia, depression, and anxiety. I asked to be seen by a psychiatrist at ROSP, but wasn’t. I have also never heard of or seen an Americans with Disabilities Act coordinator in prison.
19. As a direct and proximate result of my being held in long-term solitary confinement, I have experienced a number physical and psychological harms, including depression, anxiety, Post-Traumatic Stress Disorder, schizoaffective disorder, psychosis, hallucinations, insomnia, hearing voices, agitation, mood swings, bouts of disorientation, an inability to concentrate, a rapid heartbeat, sweating, shortness of breath, digestive problems, headaches or migraines, and restlessness. I have also lost over 30 pounds while being held in long-

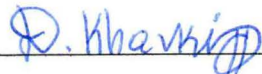
term solitary confinement. I am also confused, frightened, isolated, and occasionally suicidal as a result of my long-term solitary confinement.

20. I agreed to be a Plaintiff in this lawsuit because I do not agree that the Step-Down Program is effective, and I believe that it amounts to an unconstitutional violation of prisoners' rights.

21. I understand that I am bringing this lawsuit on behalf of myself and everyone at Red Onion or Wallens Ridge who has had to go through the Step-Down Program.

22. I intend to represent everyone in this lawsuit, and I understand and accept my responsibilities in that regard and I am seeking the same relief as other class members.

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge.

Signature 

Dated this 20 of June, 2022

Dmitry Khavkin,
Wallens Ridge State Prison

Exhibit 25

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

WILLIAM THORPE, *et al.*,

Plaintiffs,

v.

VIRGINIA DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

CASE NO. 2:20-cv-00007-JPJ-PMS

AFFIDAVIT OF STEVEN A. RIDDICK

I, Steven Riddick, declare the following under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. My name is Steven Riddick. I am one of the named plaintiffs in *William Thorpe et al. v. Virginia Department of Corrections et al.*, No. 2:20-cv-00007. I am over the age of 21, and I am competent to give this affidavit and to testify regarding the matters in this affidavit.
2. I am currently a prisoner at Red Onion State Prison (“ROSP”), where I have been housed since August 2011. I have been continuously held in long-term solitary confinement since that time. I remain in solitary confinement to this day.
3. While confined at ROSP on the Special Management (“SM”) Pathway, I have been subject to long-term solitary confinement. Opportunities to leave my cell are routinely revoked by corrections officers with no reason given, or are inconsistently provided. At one point, I was denied recreation for over two months. Nearly all of my limited personal interactions are with prison staff.
4. On many occasions, I have been refused showers and recreation. When allowed recreation, I am taken out to the “yard” in shackles. I am then placed in a small “recreation cage” that

resembles a dog kennel and is filled with bird feces and human urine. The smell can be so hard to bear that I have to leave recreation early.

5. Each time I am permitted to leave my cell, I am forced to endure daily cavity searches. This requires me to strip naked before two officers, who then inspect my head, hair, mouth, torso, pelvic area, legs, and feet. I am also required to open my mouth, raise my arms, turn around, spread my legs, raise my penis and testicles, turn around to face the back of the cell, spread my buttocks, bend over so that guards can inspect my anus, squat, and cough. The experience of these daily cavity searches is dehumanizing.
6. Prison staff have held me back in the Step-Down Program through fabricated infractions or for no reason at all. For example, VDOC removed me from the Secured Integrated Pod (SIP) in D Building on July 17, 2014 because of three fabricated infractions. I had previously spent nearly 24 months in the SIP or STP, infraction free.
7. Because of these fabricated charges, I was assigned to the SM Pathway. And even though I had previously completed the *Challenge Series* program in the SIP, I was required to restart at the very beginning of the Step-Down Program. I attempted again to complete the *Challenge Series*, but staff refused to give me the first two books. I was therefore unable to progress through the program.
8. When I was eventually given the first two *Challenge Series* books, I completed them, as required by VDOC procedure. Nonetheless, I was kept at SM-0 from November 2015 to May 2017—a total of 18 months. This period was significantly longer than the required three months (as dictated by VDOC policy) and occurred without any explanation. And even though I was given the *Challenge Series* books, my status made me unable to attend *Challenge Series* classes. Therefore, I could not benefit from the program, as I was not allowed to participate in it.
9. When I finally completed the *Challenge Series*—for the second time—I was not put back into SIP/SAM, despite my repeated requests to have my Level-6 status reinstated. Nor was I allowed to participate in the STARS Program to achieve reintegration. Instead, I received

more fabricated charges, claiming that I had refused to move back to the D Building, which negated my progress through the Step-Down Program.

10. Currently, I am unable to progress through the Step-Down Program. In February 2021, I received a charge for destruction of property for allegedly tearing up paper. This charge was dismissed. On March 3, 2021, I received two fabricated infractions for threatening bodily harm. These charges were dismissed. On April 9, 2021 I received another fabricated charge for intentionally destroying property that was again dismissed. Although these charges were dismissed, I have not been allowed to progress through the Step-Down Program and have been unable to get to the next *Challenge Series* books that I am required to complete before I move on to SM-1 and SM-2. I have not been allowed to progress to these next stages as a result.

11. ROSP staff have been overtly racist towards me. These incidents include the following:

- a. On April 9, 2016, Officer Vaughn told me he is racist, that I should eat bananas and that he had a banana for me. He went on to state that it would not be hard to put a shank in my cell and called me a “motherfucker” and said I was “another little troll living under a bridge.”
- b. On March 23, 2016, Officer Ramey knocked on my cell despite not needing anything from me; instead, he announced he is a racist and twice said he would kill me and sleep like a baby. He also rattled the tray slot in my door and shouted “fuck you” three or four times.
- c. In October 2017, while I was in my bunk, an officer knocked on my door, opened my tray slot, and said I was dreaming about picking cotton.
- d. On January 29, 2018, Officer Thompson stopped at my cell, rattled the tray slot, and called me “nigger,” as he has done several times. When I reported these incidents, the officers simply denied my statement, with no further action taken by the prison.

- e. On September 21, 2019 Officers Moore and Shirks called me a “nigger,” put me in leg irons, and denied me access to my psychiatric physical. These officers later accused me of damaging a tray, which they had damaged, in an effort to discredit me in my grievance.
- f. On May 23, 2022, I was denied supper, shower, and recreation.

12. ROSP staff have also physically hurt me. These incidents include the following:

- a. On February 1, 2019 and April 5, 2019, correctional officers attacked me.
- b. On July 17, 2020, correctional officers left me restrained to a table while allowing an unrestrained inmate to assault me. The officers made no attempt to intervene for several seconds while I was assaulted.
- c. Officers deliberately slammed the cell door into my feet and then stared at me to indicate it was intentional, waiting for a reaction. When officers put handcuffs on or take them off me, they pull, twist, scratch and hit my hands and wrists to provoke a reaction and then pull me along by a rope attached to the handcuffs,
- d. On January 24, 2019 C/O Bray and Sgt. Lovell entered my cell to “beat [my] black ass.” C/O Looney told me to cover my cell window so he and his coworkers could “whip [my] ass.”
- e. On April 5, 2019, I approached the door to my cell and saw Sgt. Taylor. I asked him what was happening, and Sgt. Jordan Fleming said that he was going to “beat [my] black ass” and that it was time to “pay up” and “pay the rent.” Even though I had not done anything, Sgt. Taylor and another officer entered my cell, sprayed me three with what appeared to be mace, punched me in my left ribs four times, and put me in restraints for eight hours with my genitals exposed. I was left with injuries to my ribs and to my legs, hands and wrists from the tightness of the restraints. Later, these officers fabricated charges that I had threatened bodily harm and disobeyed direct orders to cover up the incident.

13. ROSP staff have humiliated, degraded and dehumanized me. These incidents include the following:

- a. On April 13, 2018, Unit Manager Collins, Sgt. L Bryant, and Officer Bray searched my cell in retaliation, throwing out my legal mail, family photos, copies of institutional charges, receipts to personal property, operating procedures, grievances, letters, stamps, phone numbers and cards, USB Cord, JPay Player, baby powder, deodorant and subscriptions. They also verbally assaulted me.
- b. On November 3, 2020, while I was in the shower, Lt. Fleming, Sgt. Ridings, Sgt. Hill and Officers B. Mullins, J. Mullins, Fox and Dotson singled out my cell for an unwarranted search. They threw my paperwork, legal documents, mail from family and attorneys, grievance forms, receipts, reading materials, mental health and medical records, family photographs, clothing, bedding and my Quran, as well as exhibits for this very class action, onto the floor. They then stuffed a towel into the toilet bowl and flushed repeatedly until it flooded my cell. They also had the inmate in the cell above me pour water through our shared vent to further flood my cell and ruin my belongings.
- c. I have been sexually harassed by the staff on multiple occasions and suffered retaliation when I tried to report such misconduct to the PREA hotline. On December 20, 2017 I received a charge in retaliation for my PREA call on December 19, 2017. Furthermore, on June 19, 2018 one of my fellow inmates confessed to me that a correctional officer had bribed him to make a statement that I had lied in my call on December 19, 2017.
- d. On April 9, 2018, I was transported to Lonesome Pine Hospital for a colonoscopy. While being transported, I was given no coat or heating despite the temperature being 39 degrees. During that time, Officer Collie yanked a chain around my waist multiple times as I changed in the holding cell and asked if I liked the way he had chained my waist while Sergeant Sutherland told me this was my chance to do what I wanted while unrestrained. Officers Collie and Ramey then drove me to the hospital without putting on my seatbelt. Officer Collie also threw away food given

to me by a nurse. After my colonoscopy, the officers would not adjust my cuffs to allow me to wipe myself after my bowel movement. The cuffs were so tight in fact, that the leg irons cut my ankles and drew blood in three places.

- e. In June 2019, Officer Collins watched me as I washed up naked and told me he could watch me if he wanted. I called PREA and filed a complaint, but it was swept under the rug.
- f. On January 27, 2020, Officer Mullins gave me a toilet paper roll with another inmate's feces on it.
- g. On other occasions, staff gave me food on broken or split trays, with holes large enough to fit a finger through, so that the food falls out of the tray. I have received meals with rocks, plastic, rubber, feces, and dirt in my food. And, often, the food has small portion sizes that have been tampered with and food has been removed. In a two-month period, I lost 85lbs—from 230lbs to 145lbs.

14. I struggle with the Step-Down Program because of my medical conditions, which have worsened because of my prolonged solitary confinement, and the repeated cancellation of medical and psychiatric appointments. ROSP staff are aware that I take anti-psychotic medications and that I have requested to be placed in a mental-health housing. I have trouble sleeping and suffer from anxiety, depression, schizophrenia, PTSD nightmares, mood swings, hallucinations, memory loss, trouble concentrating, speaking and communicating, paranoia, dizziness, heart palpitations, lightheadedness, asthma and shortness of breath (for which I have been denied an inhaler), rectal bleeding and bloody stools, hemorrhoids, hearing voices, blurry vision, loss of hearing, trouble concentrating or retaining information or communicating, feelings of loneliness and isolation, racing thoughts and other symptoms. I have been prescribed nine different medications, many of which make the symptoms worse and cause harmful side effects.

15. I complained to Qualified Mental Health Professional (“QMHP”) Trent starting in August 2016. I continued to raise my concerns for two years regarding my symptoms, before I

was seen by a psychiatrist in July 2018. The psychiatrist recommended I leave segregation, but this recommendation was not followed.

16. For months, my chronic-care appointments, physical check-ups and psychiatric consultations were cancelled or postponed for weeks at a time, with no warning and no reason given. Furthermore, I've been denied prescribed medications, been removed from chronic care, and have had my inhaler was taken away.
17. Despite my health issues, I have never been seen by an ADA coordinator. I only learned about the existence of an ADA coordinator from my attorneys. I have since reached out to the ADA coordinator, but still have not been seen.
18. The vast majority of these problems have been caused by prison conditions and prolonged solitary confinement; the rest have been exacerbated by the same. These problems make it impossible to concentrate in class and to progress through the Step-Down Program. In addition, I am restrained to the table throughout class, despite have no charges of assault or attempted assault in my entire time in prison.
19. For months, I was denied access to grievance and complaint forms, or these forms were not processed, especially those served on officers who are defendants against my § 1983 civil suits. Staff has tampered with my mail in order to prevent me from exhausting legal remedies available to me. My pens have been confiscated as contraband. The administration has also occasionally prevented me from calling my attorneys.
20. I agreed to be a Plaintiff in this lawsuit because ROSP does not follow its own written policy, changes it without warning and will not allow me to progress through the Step-Down Program. I believe this amounts to an unconstitutional violation of prisoners' rights.
21. I understand that this lawsuit is brought by others and me on behalf of everyone at Red Onion or Wallens Ridge who has had to go through the Step-Down Program.
22. I intend to represent everyone in this lawsuit. I understand and accept my responsibilities in that regard, and I am seeking the same relief as other class members.

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge.

Signature Steven Riddick

Dated this 20 of June, 2022

Steven Riddick
Red Onion State Prison

Exhibit 26

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

WILLIAM THORPE, *et al.*,

Plaintiffs,

v.

VIRGINIA DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

CASE NO. 2:20-cv-00007-JPJ-PMS

AFFIDAVIT OF KEVIN SNODGRASS

I, Kevin Snodgrass, declare the following under penalty of perjury pursuant to 28 U.S.C. §1746:

1. My name is Kevin Snodgrass. I am one of the named plaintiffs in *William Thorpe et al. v. Virginia Department of Corrections et al.* No. 2:20-cv-00007. I am over the age of twenty-one (21), and I am competent to give this affidavit and to testify regarding the matters in this affidavit.
2. I have been a prisoner in the Virginia Department of Corrections' ("VDOC") custody since 2008. I first was imprisoned at Wallens Ridge State Prison ("WRSP") on July 14, 2009. I was then transferred to Red Onion State Prison ("ROSP") on March 20, 2012. I was in segregation at ROSP from December 2013 to August 2017. I was transferred back to WRSP on May 17, 2018 on an emergency transfer after I was beaten by ROSP guards. In November 2019—six months after the filing of this lawsuit—I was transferred to Sussex II State Prison. I was transferred to Sussex I on February 25, 2022, where I am currently incarcerated in the general population.

3. While confined at ROSP, I was subject to long-term solitary confinement. I spent approximately 22 to 24 hours a day in a single 8' x 10' cell alone. Nearly all of my limited personal interactions were with prison staff.
4. The only time I was permitted to leave my cell was for a 15-minute shower three times per week, or for one hour of "outdoor recreation" per day. These opportunities to leave my cell were revoked regularly by prison guards with no reason, or inconsistently provided. I once went seven months with no shower or recreation. In four years, I went to recreation fewer than 10 times.
5. During the limited outdoor recreation, I was taken out to the "yard" in shackles connected to a leash. I was then placed in a "recreation cage" that resembles a dog kennel. The cage was entirely empty.
6. Each time I was permitted to leave my cell, I was forced to endure daily cavity searches. This required me to strip naked before two officers, who would then inspect my head, hair, mouth, torso, pelvic area, legs, and feet. I was also required to open my mouth, raise my arms, turn around, spread my legs, raise my penis and testicles, turn around to face the back of the cell, spread my buttocks, bend over so that guards could inspect my anus, squat, and cough. The experience of daily cavity searches was dehumanizing.
7. During my time at ROSP, I was in the general population until October 2013. In October of 2013, I was classified as Level S and placed in long-term solitary confinement due to an incident where it was alleged knives were in my cell. The Institutional Classification Authority ("ICA") hearing recommended increasing my security classification to Level S. Warden Mathena approved the change before I was found guilty of any disciplinary charge.
8. The ICA placed me in the Special Management ("SM") pathway and started me at SM-0. In order to return to the general population, I was required to participate in the Step-Down Program. To progress through the Program, you have to finish workbooks of the *Challenge Series* and also meet behavior and hygiene standards. Whether I have met these standards is entirely up to prison staff.

9. Initially I was not given any information from prison staff about the Step-Down Program. I learned details about the Step-Down Program from other inmates, as did most other prisoners in the Step-Down Program. I was eventually given the first two workbooks for the program, but they were just passed through my cell slot with no explanation. I was never told I was supposed to complete the books or attend classes, which are required to advance through the program.
10. Around May 2014, I was told that before I could be released from segregation, I would have to complete workbooks 6 and 7, the final workbooks of the *Challenge Series*. More than a hundred days passed before I was provided with the required workbooks.
11. Moreover, the availability of Step-Down Program classes was not equally provided to all inmates.
12. From March 2014 to June 2014, I was not allowed to attend Step-Down program classes at all and was delayed from progressing through the program. From April 2016 to June 2016, I was pulled for Step-Down program classes only twice, while other inmates progressed at much faster rates.
13. I appealed my security level classification in August 2014 (after not having been reviewed since February), May 2015, October 2015, December 2015, April 2016, October 2016, and May 2017 after every ICA hearing.
14. In August of 2014, the amount of money I could spend on commissary items was cut in half without notice. I was told that the commissary restriction was based on a change in my segregation status from SM-2 to SM-1. I was told my status had been changed because I continued to file grievances about my housing assignment.
15. I was sent to disciplinary segregation on March 12, 2015 because I wore white tennis shoes that had previously been allowed and reacted with surprise when I was told by a guard that they were not allowed anymore. I was also sent to disciplinary segregation for allegedly “not standing for count” and “being disrespectful.” Both of these charges were dismissed, but I was still made to restart the Step-Down Program.

16. I continuously received vague and false charges like “disruptive institutional behavior” and “poor adjustment to the requirements of the Step Down program” that would get dismissed but still affected my placement.
17. At one point, it took me a year to get from SM-0 to a Level 6 SM pod, and I had to repeat the entire program again when I was saddled with more disciplinary charges.
18. I was moved from Level S to Level 6 on June 9, 2017. I was not moved out of segregation until September 2, 2017.
19. I experience depressive episodes and suffer from lingering effects from years spent in solitary confinement, including paranoia, insomnia, anxiety, issues with social interaction, and increased tension around guards. I have trouble sleeping and frequently talk to myself. I lost at least 20 pounds while being held in long-term solitary confinement. I was often denied food and even when I was hungry, the stress of solitary confinement often prevented me from eating. I am regularly confused, frightened, isolated, and occasionally suicidal because of my long-term solitary confinement. I did not experience these symptoms until I was placed in long-term solitary confinement.
20. When I started experiencing suicidal thoughts I would write to speak with a Qualified Mental Health Professional (“QMHP”) and my requests were consistently denied.
21. I agreed to be a Plaintiff in this lawsuit because I do not agree that the Step-Down Program is effective and I believe that it amounts to an unconstitutional violation of prisoners’ rights.
22. I understand that I am bringing this lawsuit on behalf of myself and everyone at ROSP or WRSP who has had to go through the Step-Down Program and that I am seeking the same relief as my fellow class members.
23. I intend to represent everyone in this lawsuit and understand and accept my responsibilities in that regard.

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge.

Signature: Kevin Snodgrass

Dated this 20 of June, 2022

Kevin Snodgrass
Sussex I State Prison

Exhibit 27

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

WILLIAM THORPE, *et al.*,

Plaintiffs,

v.

VIRGINIA DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

CASE NO. 2:20-cv-00007-JPJ-PMS

AFFIDAVIT OF WILLIAM THORPE

I, William Thorpe, declare under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. My name is William Thorpe. I am one of the named plaintiffs in *William Thorpe et al. v. Virginia Department of Corrections et al*, No. 2:20-cv-00007. I am over the age of 21, and I am competent to give this affidavit and to testify regarding the matters in this affidavit.
2. I am currently a prisoner at Wainwright Unit (formerly Eastham Unit) in Lovelady, Texas. I was transferred to Eastham Unit by the Virginia Department of Corrections (“VDOC”) pursuant to an interstate compact between the Texas Department of Criminal Justice and VDOC. Because of this interstate compact, I am still a prisoner within the VDOC system.
3. I have been a prisoner in VDOC’s custody since 1980. However, on May 29, 2019, a little over three weeks after the complaint was filed in the above-mentioned lawsuit, I was transferred out of state. I was not provided notice that I would be transferred out of state, nor did I request to be transferred out of state.
4. The day of my transfer to Wainwright Unit, a group of VDOC prison guards came to my cell and told me I was going on transportation. I did not have an opportunity to bring my property. I was not told to where I would be transferred.

5. Prior to my being held at Red Onion State Prison (“ROSP”), and before being transferred to Eastham Unit, I had been held at a number of VDOC institutions. This included Mecklenburg Correctional Center (“MCC”), which I was transferred to in 1983 and remained in until 1987.
6. While at MCC, I was subject to the Phase Program that was the subject of the *Brown v. Landon* lawsuit and which resulted in a settlement agreement. I was a class member in the *Brown v. Landon* lawsuit.
7. I was one of the first inmates at ROSP when it opened in 1998. I underwent a brief transfer to Wallens Ridge State Prison (“WRSP”) in 2002, but then was transferred back to ROSP in 2003. I remained in long-term solitary confinement the entire time.
8. In 2012, the first year the Step-Down Program was implemented, I was classified as Level S and began the Step-Down Program on the IM pathway. I was not told why I was assigned to the IM Pathway nor was I told why I was placed in the Step-Down Program.
9. While at ROSP, I was routinely denied advancement within the Step-Down Program, despite multiple attempts to progress through the program. During my Institutional Classification Authority (“ICA”) hearings, I was simply told that I would remain in segregation and that I had not completed all of the requirements of the Step-Down Program. My status had not changed from IM-0 since 2015 until my transfer out of state.
10. Before being transferred out of state, I had spent over twenty-four years in long-term solitary confinement including approximately seven years at ROSP on the IM pathway. I remain in solitary confinement in Texas in similar conditions of confinement. I do not know if or when I will ever return to general population.
11. While confined at ROSP in the IM pathway, I was subject to long-term solitary confinement. In isolation, every day felt like an eternity. I spent approximately 22 to 24 hours a day in a single 8’ x 10’ cell alone. Nearly all of my limited personal interactions were with prison staff.

12. At ROSP, the only time I was permitted to leave my cell was for a 15-minute shower three times per week, or for one hour of “outdoor recreation” per day. These opportunities to leave my cell were routinely revoked by corrections officers with no reason given, or were inconsistently provided.
13. During outdoor recreation, I was taken out to the “yard” in shackles connected to a leash. I was then placed in a “recreation cage” that resembles a dog kennel and was frequently barricaded with Plexiglas. The cages were entirely empty and routinely covered in bird feces.
14. Each time I was permitted to leave my cell, I was forced to endure cavity searches. This required me to strip naked before two officers, who would then inspect my head, hair, mouth, torso, pelvic area, legs, and feet. I was also required to open my mouth, raise my arms, turn around, spread my legs, raise my penis and testicles, turn around to face the back of the cell, spread my buttocks, bend over so that guards can inspect my anus, squat, and cough. The experience of these daily cavity searches was dehumanizing.
15. I suffer from physical and mental harms known to be associated with long-term solitary confinement, including constant anxiety, problems with my eyesight, depression, agitation, anger, mood swings, bouts of disorientation, an inability to concentrate, weight loss, a rapid heartbeat, sweating, shortness of breath, digestive problems, restlessness, and insomnia. Almost all of these symptoms began after I was placed in long-term solitary confinement. My continued isolation at ROSP exacerbated these symptoms. The mental-health counselors were ineffective. They were required to make rounds every day, but often did not. Moreover, when they did come they simply filled out a form and left.
16. I was also the subject of discrimination on the basis of my race during my confinement. VDOC guards frequently referred to Black inmates as the “n-word.” They also often invited white prisoners to bang on cells to “wake up the Ns.”
17. I agreed to be a Plaintiff in this lawsuit because I do not agree with the Step-Down Program’s effectiveness and believe that the program amounts to an unconstitutional violation of prisoners’ rights.

18. I understand that this lawsuit is brought by me and others on behalf of everyone at Red Onion or Wallens Ridge who have had to go through the Step-Down Program and that I am seeking the same relief as my fellow class members.

19. I intend to represent everyone in this lawsuit and understand and accept my responsibilities in that regard.

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge.

Signature 

Dated this 20 of June 2022

William Thorpe,
Wainwright Unit
Texas Department of Criminal Justice

Exhibit 28

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

WILLIAM THORPE, *et al.*,

Plaintiffs,

v.

VIRGINIA DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

CASE NO. 2:20-cv-00007-JPJ-PMS

AFFIDAVIT OF GARY WALL

I, Gary Wall, declare the following under penalty of perjury pursuant to 28 U.S.C. §1746:

1. My name is Gary Wall. I am one of the named plaintiffs in *William Thorpe et al. v. Virginia Department of Corrections et al.*, No. 2:20-cv-00007. I am over the age of 21, and I am competent to give this affidavit and to testify regarding the matters in this affidavit.
2. I am a prisoner in Virginia Department of Corrections (“VDOC”) custody. I am currently incarcerated at Wallens Ridge State Prison (“WRSP”) in the general population. I was previously confined at Red Onion State Prison (“ROSP”) during various periods of time between 1998 and 2019.
3. In December 2012, the year the Step-Down Program was implemented, I was assigned to security Level S at WRSP. I was placed on the Special Management (“SM”) pathway at that time. I did not meet with anyone to discuss my placement, and I do not know the reasons I was placed on the SM pathway.
4. In 2013, while still in Level-S, I won a case involving excessive force from a dog bite while on the yard. I received money damages as a result. Correctional officers began to target me after that point. For instance, I received a false charge for a broken cell window in June 2013, which was later dismissed.

5. In August 2013, I had completed Step-Down Phase I and was set to progress to Step-Down Phase II, but was knocked back to Phase I because I was in the general vicinity when a fight broke out in the kitchen.
6. In September 2013, I was charged with “gathering around/approaching in a threatening manner,” which pushed me back all the way to SM-0 even though the charge was later dismissed. When I submitted grievances and asked to be moved out of Special Management, I was told to stop making grievances and to “let them go.” It took me almost 15 months to progress back to my pre-charge level of Step Down Phase I, which did not happen until January 2015.
7. In August 2015, I was beaten by correctional officers. I lost consciousness because of the beating and suffered a broken left hand. I was then sent to the Medical Unit at WRSP for roughly four weeks before being transferred to ROSP.
8. When I was moved to ROSP in November 2015, I was placed on the Intensive Management (“IM”) Pathway, a more restrictive pathway than the SM pathway and with even fewer privileges. VDOC policy requires that the Dual Treatment Team (“DTT”) decide whether I would be placed on the IM or SM Pathway and inform me of how to advance through the program. Despite this, I had not heard anything from the DTT and did not know that the DTT existed. I did not learn that I was on the IM pathway until my first ICA hearing, over 100 days after my transfer.
9. Between November 2015 and July 2017, I was the subject of 12 ICA hearings. During each hearing, I asked to be switched to general population. These hearings occurred on November 17, 2015, February 22, 2016, June 9, 2016, September 2, 2016, November 18, 2016, February 3, 2017, May 1, 2017, July 14, 2017, October 4, 2017, December 13, 2017, March 14, 2018, and June 4, 2018.
10. All 12 hearings recommended that I stay in segregation with the exact same language. The hearings took place at my cell door. I was given a few minutes to state my case, but the paperwork with the decisions were always filled out before I even spoke. I appealed every ICA Hearing within 90 days of the decision with no results.

11. I engaged in the Step-Down Program and eventually progressed to IM-2 in February 2017. By March 2017, I had met all goal levels in accordance with the Step-Down Program, was infraction-free for six months, and completed the *Challenge Series*.
12. On or around July 14, 2017, after completing all of the Step-Down Program requirements for the IM pathway in 18 months, I was set to progress to the IM Closed Pod pending the availability of bed space. My institutional record says that the DTT recommended that I be released to the IM Closed Pod, but at no time did I ever meet with the DTT.
13. In July 2017, I received a charge for “disobeying an order” and had to start the six-month infraction-free clock all over again, as any charge—even non-violent charges—could reset the clock. I received this charge for “blocking my vent” even though the pod footage showed nothing in my vent. After I appealed this decision, the Grievance Response I received on November 9, 2017 stated that although I advanced to IM-2 status in December 2016 after completing the Step-Down Program, I would only be eligible for release to the D6 pod in January 2018 after I was infraction free for 180 days.
14. Even though I had completed the *Challenge Series* on March 2017, my December 2017 ICA hearing noted that I should stay in segregation until I complete my “annual case plan goal of completing the challenge series.” In response to my appeal of the December 2017 ICA hearing, I received a Grievance Response on January 18, 2018 saying that I would be eligible for release from IM to the D6 pod in January 2018. The language was copied directly from the previous Grievance Responses that I had received. The appeal response I received in January 2018 did not reflect the fact that I was set to move up to the D6 pod in January 2018.
15. On January 22, 2018 I received a Level II Grievance Response to my appeal of the December 2017 ICA hearing which affirmed the decision to keep me in IM due to me “not completing the Challenge Series.” This directly contradicted the previous Grievance Responses I had received—that stated I would be eligible for release from IM in January 2018—and was untrue considering I had completed the *Challenge Series* program.

16. On February 22, 2018, I received charges for ripping my pants and masturbating during pill call and was pushed back down to IM-0. The masturbation charge got dropped on appeal because pod camera footage showed nothing of the sort had occurred. Despite the camera footage showing nothing had happened, the pants charge was never dropped. These charges were fabricated as a way to keep me in segregation. I appeared at an ICA hearing on March 14, 2018 which recommended I remain in segregation because I “refuse[d] to participate in the Step-Down Program.”
17. On April 24, 2018 I received a Level I Grievance Response to my appeal of the March 2018 hearing stating that I was reduced to IM-0 privilege status despite one of the charges against me being overturned on appeal. I was also told that I would have to complete the *Challenge Series* again, despite previously completing the entire program twice.
18. I remained at IM-0 until September 20, 2018, when I finally progressed to IM-1. I then progressed to IM-2 on March 27, 2019.
19. Because this class action was imminent, I was fast tracked to the SM pathway on March 27, 2019 and classified as SM-2, the same day I progressed to IM-2.
20. It was not until May 2019, four years after the External Review Team began to meet bi-annually, and *after* this class-action lawsuit was filed, that I finally was reviewed by the ERT.
21. ERT reviews were supposed to occur every six months, per VDOC policy. When I had filed a grievance noting that ROSP was not complying with VDOC policy, I was told that ERT reviews are not grievable. I have not been allowed to attend any ERT meetings.
22. I eventually progressed to Step-Down Phase 1 on July 16, 2019. On August 14, 2019, I was transferred to Sussex I State Prison. I was then placed in medical-related segregation on August 20, 2019 due to being severely underweight and having liver problems.
23. In the Sussex Prison handbook I read that I could receive an ADA Coordinator. When I was transferred back to ROSP in November 2019 and inquired about an ADA coordinator,

I was not given an answer. The staff at ROSP's roles and positions were continuously shifted and changed, so I could not request to speak with the right person.

24. I was eventually transferred to WRSP in February of 2021 after being attacked by another dog that severely mutilated my legs. When I was transferred, I was placed in a medical pod, segregation, and Phase I and II of the Step-Down Program until I was finally released to the general population in June 2021. I have been in the general population since.
25. As illustrated by the above, during my time in the Step-Down Program, non-violent and sometimes false disciplinary infractions prevented me from achieving the required six months of good conduct needed in order to progress through the Step-Down Program. Because of these infractions, I was forced to restart the SM program several times.
26. During my time in the Step-Down Program, I completed the *Challenge Series* three times, in 2012, 2017, and 2019.
27. I have never met or been contacted by the Building Management Committee, and do not know who sits on the committee or what they do.
28. While classified as SM-0, SM-1, SM-2, IM-0, IM-1, or IM-2, I was unable to earn good time credit.
29. While at ROSP on both the IM and SM Pathways, I was subject to long-term solitary confinement. During this time, I spent 22 to 24 hours a day in my cell alone on non-recreation or shower days. The conditions of solitary confinement denied me of nearly all-human contact. Nearly all of my personal interactions were with prison staff.
30. Each time I was permitted to leave my cell, I was forced to endure daily cavity searches. This required me to strip naked before two officers, who would then inspect my head, hair, mouth, torso, pelvic area, legs, and feet. I was also required to open my mouth, raise my arms, turn around, spread my legs, raise my penis and testicles, turn around to face the back of the cell, spread my buttocks, bend over so that guards could inspect my anus, squat, and cough. The experience of daily cavity searches was dehumanizing.

31. The conditions of my confinement have significantly affected my mental and physical health. I suffer from extreme bouts of depression, anxiety attacks, suicidal ideations, dizziness, high blood pressure, frequent migraines, and weight loss. I lost over 30 pounds while being held in long-term solitary confinement. As a 6 foot tall male I weighed 129 pounds while in solitary. One medical professional stated that my weight loss could be attributed to stress. I was prescribed “Boost” shakes as a nutritional supplement in order to cause weight gain. During my incarceration, I have submitted several requests for medical attention due to my weight loss that were not adequately acknowledged or responded to.
32. My confinement has also affected my religious practices. I am Muslim and participate in Ramadan. Friday services are not available to prisoners in segregation and I have suffered discrimination based on my religion from several guards. I was once told, “strap a bomb to yourself and kill yourself.” Further, I have made requests to have my diet changed in accordance with my religion that have been thwarted by prison staff.
33. I have also been the subject of discrimination based on my race. I have been called the “n-word” and other racial epithets on numerous occasions. When being transported, the officers frequently use racial epithets in order to provoke inmates.
34. I agreed to be a Plaintiff in this lawsuit because I do not agree that the Step-Down Program is effective and I believe that it amounts to an unconstitutional violation of prisoners’ rights.
35. I understand that I am bringing this lawsuit on behalf of myself and everyone at Red Onion or Wallens Ridge who has had to go through the Step-Down Program and that I am seeking the same relief as my fellow class members.
36. I intend to represent everyone in this lawsuit and understand and accept my responsibilities in that regard.

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge.

Signature Gary Wall #11037119

Dated this 20 of June, 2022

Gary Wall
Wallens Ridge State Prison

Exhibit 29

Rough Page 1

1 UNCERTIFIED ROUGH DRAFT TRANSCRIPT

2

3 This realtime/rough draft text is unedited
4 and uncertified and may contain untranslated
5 stenographic symbols, an occasional reporter's
6 note, a misspelled proper name and/or nonsensical
7 word combinations. All such entries will be
8 corrected on the final certified transcript.

9

10 Due to the need to proof and correct
11 entries prior to certification, you agree to use
12 this realtime/rough draft text only for the
13 purpose of augmenting counsel's notes and not to
14 use or cite it in any court proceeding or to
15 distribute it to any other parties.

16

17

18

19

20

21

5 approximately 75 percent of C building was
6 restricted housing at the time that you left; is
7 that correct?

8 A That's right.

9 Q Did that percentage stay relatively static
10 throughout your time as psychology associate?

11 A No. When I first started, the whole
12 Charlie building was restrictive housing. So the
13 numbers, we went through a transition from having
14 a lot of inmates in restrictive housing to trying
15 to get those numbers down. There was a change
16 that occurred and, you know, with the focus on
17 trying to get, you know, inmates out of
18 restrictive housing. Especially those that had
19 been there for an extended period of time.

20 Q When did that change begin to occur?

21 A Let's see. I would say around 2018.
22 Early 2018, late 2017.

♀

Rough Page 44

1 Q To your knowledge, what was the impetus
2 for that change?

3 A I think that we had some inmates over

4 there that they were really -- their mental
5 health, they were really sick. Mentally ill. So
6 the focus was to try to get them out of there and
7 find them a place where they could get more within
8 on one mental health support and that could be
9 provided in C building.

10 Q So there was an effort around -- you said
11 early 2018 or so, to get people out who were
12 mentally ill and get them some more one-on-one
13 support; is that right?

14 A Correct.

15 Q And was that effort responsible for the
16 bulk of that reduction in the population in
17 restrictive housing?

18 A Yes.

19 Q -- between 2018 and 2020?

20 A Yes.

21 Q While you were a psychology associate, did
22 you ever visit with offenders in D building?

♀

Rough Page 45

1 A I'm sure that I have, but I can't recall
2 because when people are off, you know, taking

3 their vacations and things like that, you may or
4 you would -- somebody would be asked to cover
5 another building just for that period of time but
6 as far as like being permanently assigned two
7 buildings, not -- not while I was a psychology
8 associate.

9 Q But from time to time you would cover for
10 someone and check in on offenders in D building as
11 well; is that right?

12 A That's right.

13 Q How were the conditions in the units in D
14 building different from those in C building that
15 you typically monitor?

16 A Well, at the time PC was in D building so
17 -- protective custody is considered general
18 population. So, you know, you're going through an
19 environment where people are restrained when
20 they're out of their cells and security has to
21 have a presence there when you have an inmate
22 that's in restrictive housing out of their cell.

♀

Rough Page 46

1 And then PC is general population, so those are

2 inmates that can be out in the general common area
3 for, you know, recreation and things of that
4 nature. Male times. So you go from an
5 environment where people are restrained with
6 movement to one with where inmates are out
7 socializing throughout the day. That would be the
8 big contrast between the two.

9 Q Do you generally have happier prisoners in
10 D building than in C building?

11 A Yes.

12 Q Do you generally have fewer mental health
13 issues with people that are in D building than in
14 C building?

15 A Yeah, yeah, I think so. Yes.

16 Q So I want to ask -- and I know you've
17 touched on this a little bit. -- but in your time
18 as a psychology associate, what were your
19 responsibilities in a typical week?

20 A My typical week?

21 Q Yes.

22 A That would -- that, you know, I believe

♀

1 that probably changed over time so it would be
2 hard to give you an exact answer on that, but, you
3 know, daily oh on a daily basis you make rounds
4 throughout the pods and stop at the inmate's cell
5 door. And they will -- a lot of times tell you
6 they don't want to talk.

7 And then at times they may want to talk to
8 you about what's going on with them. And so I
9 spend a lot of time at inmates' cell doors just
10 talking to them if they're having a difficult time
11 or maybe there's been a death in the family. So
12 that's basically what you would do is just check
13 on them, make sure that they're not feeling like
14 hurting themselves or hurting anybody.

15 A lot of times they talk about their
16 families, things that are going on, you know,
17 outside the prison. And then you typically want
18 to be checking to make sure that they are taking
19 care of themselves. So their grooming's okay,
20 that they don't look like they're losing a lot of
21 weight. Just activities of daily living. Are
22 they -- does it look like their hygiene is okay?

♀

5 your knowledge?

6 A No not to my knowledge.

7 Q Was that codified in policy anywhere to
8 your knowledge?

9 A Not to my knowledge.

10 Q Is this something that your supervisor
11 told you you should start doing?

12 A Yes. That he would like for me to start
13 doing. He wasn't -- but I thought it was a great
14 thing it'd be good I thought so I just kept doing
15 them.

16 Q Did you get any awards or accolades for
17 starting that initiative?

18 A I got employee of the month once but I
19 don't know if it was related to that or not. But
20 either way, it was still pretty cool to get
21 employee of the month. But no, other than maybe
22 an attaboy or something from my supervisor, but

♀

Rough Page 119

1 that's about it.

2 Q Okay. While Your Honor a psychology
3 associate you reported to Stephanie Fletcher

4 around the tie that you became a nurse; is that
5 right?

6 A Towards the end, yes. For a small period
7 of time she was my supervisor.

8 Q And before her you reported to Terry huff
9 is that right?

10 A Yes.

11 Q And when did it switch over to Stephanie
12 Fletcher being your supervisor?

13 A Somewhere around 2019. 2018, '19. She
14 was my supervisor probably for no more than a
15 year.

16 Q Throughout your time as psychology
17 associate, did you meet with your supervisor every
18 day?

19 A Yes.

20 Q Did the amount of time that you met with
21 them every day change significantly across your
22 time as psychology associate?

♀

Rough Page 120

1 A I mean, the habit for me was to just make
2 a, at least one face-to-face contact with my

3 supervisor every day. I'd always check in with my
4 supervisor at least once in the morning. And then
5 what was going on would determine whether it
6 needed to be more or less are more or less than
7 that.

8 Q What was the nature of their supervision?

9 MR. FAIRBANKS: Objection. Form.

10 THE WITNESS: You know, it was to be
11 supportive and they would also offer suggestions
12 if, you know, needed. And that's pretty much it.
13 I mean, they would do, you know, your evaluation
14 like your 6-month and then your yearly evaluation.
15 Give you feedback.

16 Q Did they review many of the documents you
17 put together related to your rifts with offenders?

18 A Yeah. They would go and look in the
19 charts and review charts.

20 Q How often would they do that?

21 A I imagine on a regular basis, but, you
22 know, my office was over in C building and the

♀

Rough Page 121

1 psychology associate senior's office would be in

20 unit manager was the person WHO that said one way
21 or the other.

22 Q And if even one person on the building

♀

Rough Page 279

1 management committee believed that an offender
2 should not progress within their pathway would
3 that person ever progress?

4 A Can you repeat that question, please?

5 Q Sure. Generally speaking, if the
6 committee did not unanimously believe that a
7 person should progress within their pathway would
8 the person ever progress?

9 MR. FAIRBANKS: Object to form.

10 Q Do you understand the question?

11 A Yeah, let me clarify what I think you're
12 asking. So if everybody says no, we don't believe
13 that he should progress, would the unit manager
14 make the decision that he's going to progress.

15 Q It's a little bit different than that.

16 A Okay.

17 Q If everyone says that they should progress
18 but one person says that they shouldn't, could

19 that person ever progress?

20 A Well, when you say ever, that makes me
21 think of --

22 Q In that meeting. Did it have to be a

♀

Rough Page 280

1 unanimous decision for someone to progress in
2 order for them to progress?

3 A No, it didn't have to be. Because
4 sometimes. You know, somebody may have had an
5 experience with the inmate that the other people
6 in the meeting didn't -- wasn't aware of. And so
7 you may have somebody go yes, they think they
8 should progress, but then the unit manager is like
9 well, look he just did that yesterday the other
10 day. And they would be like oh okay well, we
11 didn't know about that. So we agree he shouldn't
12 progress. So it was kind of -- it just varied it
13 seemed like as far as that goes.

14 Q Okay. Do you recall the challenge series
15 is the program that everyone in level S had to
16 complete?

17 A Yes.

18 Q Okay. And was completion of that program
19 required in order to advance out of the step-down
20 program to your knowledge?

21 A From what I understand that was one of the
22 requirements.

‡

Rough Page 281

1 Q You mentioned the external review team
2 earlier when you first started as psychology
3 associate prisoners didn't appear in person before
4 the ER team; correct?

5 A Correct.

6 Q When, if ever, did that change?

7 A It changed from when I first started they
8 -- we would put the picture -- we would reflect
9 the picture, of course, on the meeting room and
10 they would pull up the inmates data on that to
11 include their mental health code and everything.
12 And of course, it has a picture of the inmate and
13 there would be discussion about the disciplinary
14 charges, various things based off of what CORIS
15 reflected.

16 And then gradually at one point I'm not

17 sure when it happened but I know they went from
18 doing that to informing inmates into the meeting
19 and allowing the inmates to give input into the
20 decision making process. And at some -- at one
21 point they also started to video those meetings.

22 Q Video recorded the meetings?

♀

Rough Page 282

1 A Video recorded the meeting. Yes.

2 Q By the time that you left C building when
3 the ERT came down to do their reviews, was every
4 prisoner coming in person before the ERT for their
5 external review team reviews?

6 A I don't believe so. I wasn't keeping
7 track of it but I just vaguely remember the
8 inmates talking to me, explaining that they didn't
9 get to come, why didn't they thought to come, so
10 there were certain ones I think that didn't get to
11 come.

12 Q How frequently did you speak at ERT
13 meetings?

14 A The psychology associate didn't have a
15 real big role in there. That was typically Denise

Exhibit 30

Kiser, Justin

October 22, 2020

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION

- - -

NICOLAS REYES, :

Plaintiff, : Case No.

vs. : 2:19-CV-00035-JPJ-PMS

HAROLD CLARKE, et al., :

Defendants. :

- - -

Remote videotaped deposition
of JUSTIN KISER
Thursday, October 22, 2020
9:27 a.m.

BEFORE:

Gail L. Inghram Verbano,
BA, CSR, CRR, RDR

1 Q. Do you recall what
2 [indecipherable].

3 THE COURT REPORTER: I'm sorry,
4 repeat?

5 BY MS. OBANOR:

6 Q. Do you recall what good time
7 review was?

8 A. I don't recall the specifics. I
9 know that good time was something that could be
10 accrued and earned by an offender, but I don't
11 remember the specifics of any good time review
12 ICA hearings.

13 Q. What about segregation placement?

14 A. I don't -- I don't recall
15 segregation placement.

16 I remember like 90-day review,
17 annual review, like I said, the different time
18 period reviews that would come up, I don't
19 remember segregation placement.

20 Q. Which of these [indecipherable]
21 reviews did you participate in?

22 A. Those that I mentioned are the

Kiser, Justin

October 22, 2020

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1 only ones that I remember, like the 90-day
2 reviews, the annual reviews. I could have
3 participated in others. I'm not going to say
4 that I didn't, but I can't state for certain that
5 I did.

6 Q. Okay. So I know you mentioned
7 that you conducted 90-day reviews. Did you ever
8 conduct more than one review in a day?

9 A. I believe so. I think that I
10 would conduct -- if I'm not mistaken, sometimes
11 we would schedule like a certain amount for a
12 certain day and do these hearings, do these
13 reviews, if I'm not mistaken.

14 Q. Do you know if you scheduled
15 roughly 10 reviews in a day?

16 A. I'm not sure. I can't -- I
17 couldn't give you a number on it. I know that a
18 lot of times that, you know, with people --
19 different duties and different things that are
20 going on, sometimes you would find those -- those
21 time slots to try to schedule to get certain
22 things accomplished. But I couldn't be -- I

Kiser, Justin

October 22, 2020

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1 couldn't be positive with a number.

2 Q. Where did the 90-day hearings take
3 place?

4 A. Usually the hearings took place at
5 the offenders' cell doors.

6 You know, it would be myself and a
7 counselor present. I can't remember the
8 specifics of the meetings or what was even said.
9 But I do remember that the majority of the
10 hearings were at the cell door unless, you know,
11 the offenders were, of course, not in their
12 cells. And then we would either wait on the
13 return or try to meet them where they were, maybe
14 get to a -- a -- kind of a spot away or whatever.

15 But the majority of the time, it
16 happened at the offender's cell doors.

17 Q. And were these hearings called due
18 process hearings?

19 A. Can you repeat that?

20 Q. Yeah. Were the 90-day hearings
21 formal due process hearings?

22 A. I don't recall.

Kiser, Justin

October 22, 2020

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1 Q. What's your understanding of a
2 formal due process hearing?

3 A. I'm not real sure about that
4 either.

5 Q. Did offenders receive a formal
6 written notice about the 90-day hearings?

7 A. I don't know. I'm sorry. I
8 really am. I wish I could answer a lot of these
9 questions. I don't remember.

10 Q. So you were never responsible for
11 issuing any notices to offenders about 90-day
12 hearings?

13 A. Not that I recall. Again, I'm not
14 going to say that I wasn't or didn't; I just
15 can't recall that being -- I can't recall that
16 being something I was a part of.

17 (Incidental comments off the
18 stenographic record by the court
19 reporter.)

20 BY MS. OBANOR:

21 Q. So you mentioned earlier that
22 there was oftentimes a lot of noise in many of

1 CERTIFICATE OF SHORTHAND REPORTER

2
3 I, Gail Inghram Verbano, Registered
4 Diplomate Reporter, Certified Realtime Reporter,
5 Certified Shorthand Reporter (CA) and Notary Public,
6 the officer before whom the foregoing proceedings
7 were taken, do hereby certify that the foregoing
8 transcript is a true and correct record of the
9 proceedings; that said proceedings were taken by me
10 stenographically and thereafter reduced to
11 typewriting under my supervision; and that I am
12 neither counsel for, related to, nor employed by any
13 of the parties to this case and have no interest,
14 financial or otherwise, in its outcome.
15

16
17
18 *Gail Inghram Verbano*

19 Gail Inghram Verbano, CSR, DTR, CRR
20 CA-CSR No. 8635



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