

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JEFFREY FOWLER, PAUL WHOOTEN,
MICHAEL TURNER, and MICHAEL
FITZPATRICK, on behalf of themselves and
all others similarly situated,

Plaintiffs,

v.

THOMAS TURCO,
Commissioner of Massachusetts Department
of Correction, in his official capacity, and
MASSACHUSETTS PARTNERSHIP FOR
CORRECTIONAL HEALTHCARE, INC.,

Defendants.

C.A. NO. 1:15CV12298

PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Now come Plaintiffs Jeffrey Fowler, Paul Whooten, Michael Turner, and Michael Fitzpatrick, through undersigned counsel, and seek certification pursuant to Fed. R. Civ. P. 23 of a class of all people who are or will be prisoners in the custody of the Massachusetts Department of Correction (DOC), and who have or will have Hepatitis C while in custody and have not yet been cured. The proposed class, in this action seeking declaratory and injunctive relief, satisfies the prerequisites of Rule 23(a) and (b). For the reasons stated in the memorandum and exhibits accompanying this motion, Plaintiffs respectfully request that the Court grant this motion and certify the proposed class, appointing the undersigned counsel as class counsel under Fed. R.

Civ. P. 23(g). If the Court does not now certify a class, Plaintiffs request that it order class discovery.

Plaintiffs, by their attorneys,

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 16, 2016.

/s/ Joel H. Thompson
Joel H. Thompson

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

I hereby certify that I have conferred with counsel for the Defendants in a good-faith attempt to resolve this issue.

/s/ Joel H. Thompson
Joel H. Thompson