

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

**RUSSELL GEISSLER, BERNARD
BAGLEY, AND WILLIE JAMES
JACKSON**, *individually and on behalf of
others similarly situated*,

Plaintiff,

v.

BRYAN P. STIRLING, Director of the South
Carolina Department of Corrections (SCDC), *in
his official capacity*; and **JOHN B. MCREE**,
M.D., Division Director of Health and
Professional Services for SCDC, *in his individual
capacity*,

Defendants.

Case No.: 4:17-cv-01746-MBS

**STIPULATION AND ORDER
FOR CLASS CERTIFICATION**

WHEREAS, Plaintiffs filed the Third Amended Complaint in this action on August 21, 2018, alleging, in part, that Defendant Stirling violated the United States Constitution by failing to properly test SCDC inmates for chronic Hepatitis C (HCV) and a proposed class of plaintiff SCDC inmates; and

WHEREAS, no admission or finding of liability has been made; and

WHEREAS, the parties have agreed to the following terms to certify a plaintiff class for settlement of the HCV testing claim;

IT IS HEREBY STIPULATED, by and between the undersigned, as follows:

1. The Court, upon stipulation by the parties hereto, may order the certification, pursuant to Rule 23(a) and (b)(2) of the Federal Rules of Civil Procedure, the following plaintiff class:

“All current and future inmates in SCDC custody, with the exception of inmates who have already been diagnosed with chronic HCV.”

2. The plaintiff class is so numerous that joinder of all members is impracticable.

3. There are questions of law or fact common to the class.

4. The claims or defenses of Plaintiffs Geissler and Bagley, as representative plaintiffs, are typical of the claims or defenses of the class.

5. Plaintiffs Geissler and Bagley will fairly and adequately protect the interest of the class.

6. Plaintiffs allege that Defendant Stirling has acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole.

7. This Stipulation and Order is solely for the purpose of resolving class certification as to the testing issues raised in Plaintiffs' Third Amended Complaint and is without prejudice to the parties' legal and equitable rights and defenses in this action or certification relating to the treatment issues raised in Plaintiffs' Third Amended Complaint.

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Dated: November 12, 2018
Charleston, South Carolina

YARBOROUGH APPLGATE LLC

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ATTORNEYS FOR PLAINTIFFS

* admitted *pro hac vice*

SO ORDERED:

December 6, 2018
Charleston, SC

**AIKEN, BRIDGES, ELLIOTT, TYLER &
SALEEBY, P.A.**

s/Samuel F. Arthur, III
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s/Margaret B. Seymour
Hon. Margaret B. Seymour
Senior United States District Judge