

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

Russell Geissler, Bernard Bagley,)	
and Willie James Jackson, individually)	C/A No. 4:17-1746-MBS
and on behalf of others similarly situated,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
Bryan P. Stirling, Director of the South)	
Carolina Department of Corrections)	ORDER FOR PRELIMINARY APPROVAL
(SCDC), in his official capacity; and)	OF PROPOSED CONSENT DECREE
John B. McRee, M.D., Division Director)	
of Health and Professional Services for)	
SCDC, in his individual capacity,)	
)	
Defendants.)	
_____)	

WHEREAS, Plaintiffs Russell Geissler, Bernard Bagley, and Willie James Jackson, past and present inmates of the South Carolina Department of Corrections (“SCDC”), filed the Third Amended Complaint in this action on August 21, 2018, alleging, in part, that Defendants Bryan P. Stirling and John B. McRee are violating the United States Constitution by failing to properly test and treat SCDC inmates for chronic Hepatitis C (“HCV”); and

WHEREAS, Plaintiff Willie James Jackson, the Treatment Class Representative; and Defendant Bryan Stirling, in his official capacity as Director of SCDC (together, “the Parties”), have entered into a Proposed Consent Decree that resolves, subject to Court approval, all claims for injunctive and declaratory relief regarding SCDC’s treatment policies and practices related to HCV; and

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

WHEREAS, the Parties stipulated to class certification for the following Plaintiff class: “All

current and future inmates in SCDC custody who have been or will be diagnosed with Chronic HCV”; and

WHEREAS, the Parties have filed a Joint Motion for Preliminary Approval of Proposed Consent Decree pursuant to which SCDC has agreed to, among other things, (1) provide treatment, including direct-acting antiviral medication, to eligible inmates diagnosed with HCV prior to April 22, 2022, on a prioritized basis set by severity of the disease; (2) provide treatment, including direct-acting antiviral medication, to eligible inmates diagnosed with HCV after April 22, 2022, within 120 days; and (3) seek recurring funding for treating HCV for four years; and

WHEREAS, a preliminary hearing was held on January 14, 2020;

IT IS HEREBY ORDERED that:

1. The Joint Motion for Preliminary Approval of Proposed Consent Decree is **GRANTED**;

IT IS FURTHER ORDERED that

2. The stipulated Treatment Class is certified;
3. The Proposed Consent Decree is preliminarily approved;
4. The proposed Notice to the Class regarding the Proposed Consent Decree is approved and shall be posted to the Treatment Class forthwith; and
5. A fairness hearing pursuant to Federal Rule of Civil Procedure 23(e) shall be held April 29, 2020.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina
January 23, 2020