

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

RICHARD WEST and JOSEPH
BRUYETTE, individually and on behalf of a
class of similarly situated persons;

Plaintiffs,

v.

AL GOBEILLE, Vermont Secretary of
Human Services, MARTHA MAKSYM,
Vermont Deputy Secretary of Human
Services, MICHAEL TOUCHETTE,
Vermont Department of Corrections
Commissioner, BENJAMIN WATTS,
Vermont Department of Corrections Health
Services Director, in their official capacities,
and CENTURION OF VERMONT, LLC,

Defendants.

Case No.

DECLARATION OF KEVIN COSTELLO
IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

I, Kevin Costello, declare under penalty of perjury and in accordance with the laws of the United States and of Vermont that:

1. I am one of the attorneys for the Plaintiffs in this matter. A motion for my admission to practice before this Court *pro hac vice* is to be filed with this Court.
2. I am also admitted to practice before the courts of the Commonwealths of Massachusetts and Pennsylvania, as well as the United States District Courts of Massachusetts, Colorado and the Eastern

District of Pennsylvania. I am a 1996 honors graduate of Boston College, and a 2001 honors graduate of the University of Pennsylvania Law School.

3. I served as a law clerk to the Honorable Francis X. Spina of the Massachusetts Supreme Judicial Court and to the Honorable Joseph H. Rodriguez of the U.S. District Court for the District of New Jersey in Camden.

4. I have extensive experience advocating on behalf of vulnerable classes of people. After law school internships with legal aid organizations in New York and San Francisco, I was an Independence Fellow and staff attorney at the Elderly Law Project of Community Legal Services in North Philadelphia, helping seniors navigate the health care system. I practiced law in this capacity from 2002 through 2006.

5. Since 2008, my practice has involved representing plaintiffs and classes in complex civil litigation. I began this work at Roddy, Klein & Ryan, LLP and continued there until 2011. At that time, together with two law partners, I formed the law firm of Klein, Kavanagh, Costello, LLP. My law firm was devoted to the enforcement of consumer rights in groundbreaking cases challenging predatory lending and debt collection practices, racial discrimination in the origination or residential mortgages, broken promises by lenders in the context of a major federal housing program, and antitrust violations by national broadcasters and sports leagues.

6. I have been involved in the following litigation in which either my law firm or I has been appointed class counsel: *Ryan v. Birch*, No. 17-CV-00904-KLM, 2017 WL 3896440 (D. Colo. Sept. 5, 2017); *B.E. v. Teeter*, C16-0227-JCC, 2016 WL 3033500 (W.D. Wash. July 21, 2016); *Laumann v. National Hockey League*, 105 F. Supp. 3d 384 (S.D.N.Y. 2015); *In re JPMorgan Chase Mortgage Modification Litigation*, No. 11-md-02290 RGS, 2013 WL 6383037 (D. Mass. Dec. 6, 2013); *Coble, et al. v. Cohen & Slamowitz, LLP, et al.*, 824 F. Supp. 2d 568 (S.D.N.Y. 2011); *Ramirez v. Greenpoint Mortg. Funding, Inc.*, 268 F.R.D. 627 (N.D. Cal. 2010); *Allen v. Decision One Mortgage Co.*, 07-cv-11669-GAO, 2010 WL 1930148 (D. Mass. May 12, 2010).

7. In 2015, I began teaching and practicing law as the Director of Litigation at the Center for Health Law and Policy Innovation of Harvard Law School. The mission of the Center is two-fold. First, our work seeks to improve access to health care for low-income and other vulnerable groups of health care consumers. Second, through policy advocacy and impact litigation, we train law students in the skills they will need to succeed in their future practice.

8. The Center has committed resources to this litigation, and will continue to do so. We spent time consulting on relevant issues of law with co-counsel and assisting in drafting the Complaint and the Motion for Class Certification. We have already spent many hours on this case, and we will continue to devote the time and resources to this case through conclusion.

DATED: May 16, 2019, at Cambridge, Massachusetts.



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Attorney for Plaintiffs