

**UNITED STATES DISTRICT COURT  
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, VERMONT DEPARTMENT OF CORRECTIONS, and CENTURION OF VERMONT, LLC,

Defendants.

Case No.

**DECLARATION OF RICHARD WEST  
IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**


I, Richard West, declare under penalty of perjury and in accordance with the laws of the United States and of the State of Vermont that:

1. I am a plaintiff in this case.
2. I am 48 years old.
3. I am in the legal custody of the Vermont Department of Corrections (DOC) at the Northern State Correctional Facility in Newport, Vermont.
4. I first entered into DOC custody in 2005. My maximum release date is June 23, 2019. I have passed my minimum release date.
5. I have been diagnosed with, and currently suffer from, chronic Hepatitis C (cHCV). My initial diagnosis was made in 2006. My life expectancy is longer than one year.

6. I believe I have suffered liver scarring and I have experienced several chronic conditions associated with cHCV, including fatigue, sore muscles, joint pain, nausea, loss of appetite, digestive issues, dark urine, peripheral neuropathy, dry eyes and mouth, retaining fluid in stomach, and abdominal pain.
7. These conditions cause me to suffer nearly every day. In addition to my physical pain, my cHCV diagnosis causes me stress and worry.
8. My doctor has informed me that I am a good medical candidate for cHCV treatment.
9. I have requested treatment for cHCV, but DOC/Centurion denied me treatment access.
10. I have exhausted my administrative remedies.
11. On and before November 15, 2018, I submitted healthcare request forms seeking the curative cHCV medication to DOC/Centurion asking for cHCV treatment. Treatment was verbally denied each time.
12. On and before November 15, 2018, I submitted an informal grievance asking for cHCV curative treatment.
13. On November 15, 2018, after submitting an informal grievance, correctional staff, Steven Murphy, told me to file a formal grievance. I then submitted a formal grievance form asking for cHCV curative treatment.
14. I did not receive a response to my November 15, 2018 formal grievance, except that in late December, 2018, the formal grievance was returned to me with a handwritten note at the top stating "Medication Denied."
15. On January 6, 2019, I submitted an appeal grievance form to the Corrections Executive, Director of Health Services, Benjamin Watts, to report that cHCV curative medication had been denied to me.
16. On January 9, 2019, Benjamin Watts received my grievance appeal.
17. On January 22, 2019, Benjamin Watts denied my appeal because "there is not time to initiate and complete the treatment" before I was to be released.
18. On January 27, 2019, I appealed the Corrections Executive's decision to deny my cHCV treatment to the DOC Commissioner of Corrections, Michael Touchette.
19. I did not receive a response to my January 27, 2019 appeal to the Commissioner.
20. When I went to the medical office on April 3, 2019, the doctors there would not respond to my requests for cHCV treatment. I was told me to leave immediately or that I would be dragged away.

21. On April 30, 2019, I went to the medical office and again asked for cHCV treatment and was told by Dr. Sabine that I would not receive the cHCV curative treatment because there is insufficient time left on my sentence and that I am not sick enough.

DATED: May   1  , 2019, at Newport, Vermont.

  
Richard West