

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
ABDY NIZEYIMANA, on behalf of)	
himself and all others similarly situated,)	
)	
Petitioners,)	
)	C.A. No. 20-10685-ADB
v.)	
)	
ANTONE MONIZ, Superintendent of the)	
Plymouth County Correctional Facility,)	
)	
Respondent.)	
_____)	

**NOTICE OF FURTHER SUPPLEMENTAL INFORMATION
IN SUPPORT OF PETITIONERS’ MOTION FOR DISCOVERY (D.E. 176)**

Between September 8 and September 10, two employees at the Plymouth County Correctional Center (PCCF) tested positive for COVID-19. *See* D.E. 251. In their filing earlier this week (D.E. 253), Petitioners demonstrated that, due to the PCCF’s minimal COVID-19 testing, it is impossible to assess the extent of this active outbreak among the incarcerated population. Petitioners now respectfully submit a true and accurate excerpt of the most recent Special Master’s Weekly Report filed on September 17, 2020, in *Committee for Public Counsel Services v. Chief Justice of the Trial Court*, No. SJC-12926. The report reflects that – despite the two positive employee tests between September 8 and September 10 – the PCCF did not test a single incarcerated person for COVID-19 between September 10 and September 16. *See* Ex. A App. at 34.

Respondent recently notified the Court that PCCF employees are sometimes tested for COVID-19 by outside providers, and that these outside tests are not reported to the Supreme Judicial Court in *Committee for Public Counsel Services v. Chief Justice of the Trial Court*, No.

SJC-12926. *See* D.E. 255. The lack of publicly available information regarding PCCF employee testing further supports Petitioners' motion for discovery. Beyond counsel's representation, Petitioners have no way of confirming that these outside tests occurred, let alone what providers did the testing, when the testing happened, or what risk factors triggered the tests.

Respectfully Submitted,

/s/ Laura K. McCready

Wm. Shaw McDermott (BBO # 330860)
Andrew C. Glass (BBO # 638362)
Christopher F. Warner (BBO # 705979)
Molly R. Maidman (BBO # 705600)
K&L GATES LLP
State Street Financial Center
One Lincoln Street
Boston, MA 02111
(617) 261-3120
shaw.mcdermott@klgates.com
andrew.glass@klgates.com
chris.warner@klgates.com
molly.maidman@klgates.com

Matthew R. Segal (BBO # 654489)
Daniel McFadden (BBO # 676612)
Adriana Lafaille (BBO # 680210)
Laura K. McCready (BBO # 703692)
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF MASSACHUSETTS, INC.
211 Congress Street
Boston, MA 02110
(617) 482-3170
msegal@aclum.org
dmcfadden@aclum.org
alafaille@aclum.org
lmccready@aclum.org

David C. Fathi (WA 24893) (*pro hac vice*)

Eunice H. Cho (WA 53711) (*pro hac vice*)
AMERICAN CIVIL LIBERTIES UNION FOUNDATION,
NATIONAL PRISON PROJECT
915 15th St. N.W., 7th Floor
Washington, DC 20005
T: 202-548-6616
E: dfathi@aclu.org
E: echo@aclu.org

Michael K. T. Tan (*pro hac vice*)
Anand V. Balakrishnan (*pro hac vice*)
Rebecca A. Ojserkis (*pro hac vice*)
Omar C. Jadwat (*pro hac vice*)
ACLU FOUNDATION IMMIGRANTS' RIGHTS PROJECT
125 Broad Street, 18th Floor
New York, New York 10004
Tel: 212-549-2660
mtan@aclu.org
abalakrishnan@aclu.org
rojserkis@aclu.org
ojadwat@aclu.org

Sarah Sherman-Stokes (BBO# 682322)
Associate Director
IMMIGRANTS' RIGHTS AND HUMAN TRAFFICKING
PROGRAM
BOSTON UNIVERSITY SCHOOL OF LAW
765 Commonwealth Avenue
Room 1302F
Boston, MA 02215
T. 617-358-6272
sstokes@bu.edu

Susan B. Church (BBO# 639306)
DEMISSIE & CHURCH
929 Massachusetts Avenue, Suite 01
Cambridge, MA 02139
Tel. (617) 354-3944
sbc@demissiechurch.com

Kerry E. Doyle (BBO# 565648)
GRAVES & DOYLE
100 State Street, 9th Floor
Boston, MA 02109
(617) 542-6400
kdoyle@gravesanddoyle.com

Date: September 18, 2020