

Exhibit A
Proposed Revised Class Notice

NOTICE OF PROPOSED SETTLEMENT IN HEPATITIS C CLASS ACTION

This notice was authorized by a federal court. It is not a solicitation from a lawyer.

**Have you or a family member been exposed to or tested positive for hepatitis C?
Are you or a family member incarcerated in a North Carolina state prison?
If so, you or your family member could be entitled to testing and treatment for hepatitis C.**

What is this notice about? People incarcerated in North Carolina Department of Public Safety (“NCDPS”) facilities brought a class-action lawsuit in 2018 seeking testing and treatment of all incarcerated people who have chronic hepatitis C. The case is called *Buffkin v. Hooks*, Case No. 1:18-cv-502 (M.D.N.C.). Both sides have reached an agreement to settle the case, and now Class Members have a right to comment on the proposed settlement, formally called a “proposed consent decree,” which is summarized below.

Who is included in this class-action lawsuit and settlement? The lawsuit was filed on behalf of all current and future prisoners in NCDPS custody who have or will have chronic hepatitis C virus and have not been treated with direct-acting antiviral drugs (the “Class Members”). The proposed settlement will affect all Class Members.

If I am a Class Member, what rights do I have regarding the proposed settlement?

- **You may comment on or object to the proposed settlement.** The Court will decide whether to approve or reject the proposed settlement after a final hearing, scheduled for February 25, 2021. You should submit your comments before February 15, 2021 to counsel for Class Members by email at hepc@acluofnc.org or through regular mail to the below address:

Emily E. Seawell
ACLU of North Carolina
P.O. Box 28004
Raleigh, NC 27611

- **You may choose to do nothing.** If you do nothing, you will still be a Class Member, and the settlement will still apply to you.

Does this proposed settlement waive Class Members’ ability to seek individual damages?
No. This settlement applies only to Class Members’ entitlement to receive future testing and treatment for hepatitis C. Class Members will not lose any rights they may have to bring separate lawsuits asserting individual claims for money damages related to their medical care.

What does the proposed settlement say? A summary of the proposed settlement appears below.

- **Expanded patient education:** NCDPS medical staff will offer regular educational sessions and put up posters with information about hepatitis C, including who is at the greatest risk for contracting it and how it is transmitted.
- **Expanded testing:**
 - Anyone in NCDPS custody may be tested for hepatitis C by putting in a sick call or asking to be tested during a medical appointment.
 - Hepatitis C testing will be offered to everyone at intake, upon transfer to a different facility, and at routine physicals.
- **Enhanced treatment:**
 - Anyone who tests positive for chronic hepatitis C and has at least six months remaining before their projected release date will be eligible for treatment with direct-acting antiviral drugs, which cure hepatitis C in at least 90% of patients.
 - Treatment will be prioritized so that patients who are at highest risk are treated first, using the following Priority Levels:
 - Priority Level 1 (“High Priority”)* includes patients with advanced liver scarring or certain serious co-morbid medical conditions.¹
 - Priority Level 2 (“Intermediate Priority”)* includes patients with moderate liver scarring, patients with medical conditions that can lead to rapid liver scarring, and patients born before 1965.²
 - Priority Level 3 (“Low Priority”)* includes all other patients.³
 - Patients who are waiting for treatment will receive in-person doctor visits every six months to track the progress of their hepatitis C, including a physical examination, blood test, and counseling about hepatitis C.
 - Patients who have hepatitis C and less than six months before their projected release date will be provided with a document showing their latest-calculated APRI score, genotype test result if known, and the dates of each of the foregoing tests and referred to bridge counseling to connect them with treatment options in the community upon release. Patients whose sentences are extended before their release date will be reconsidered for treatment.
 - Within five years, NCDPS will begin treatment for a minimum of 2,100 Class Members, estimated to be roughly one-third of the class.

Will Class Members get any money as part of this case? No. This lawsuit seeks expanded testing and treatment for hepatitis C for the Class Members, not money damages.

¹ In medical terms, Priority Level 1 means patients with advanced hepatic fibrosis (in other words, an APRI score of 2.0 or higher, a METAVIR score of 3 or 4, or known or suspected cirrhosis), liver cancer, renal disease, certain types of lymphomas or hematologic malignancies, or certain other comorbid medical conditions associated with hepatitis C; patients on immunosuppressant medication for a comorbid medical condition; and liver transplant recipients.

² In medical terms, Priority Level 2 means patients with evidence of progressive fibrosis (in other words, an APRI score of 0.7 or greater, or stage 2 fibrosis on a liver biopsy), patients who have chronic kidney disease or certain other medical conditions associated with more rapid progression of fibrosis (such as hepatitis B virus, HIV, or diabetes), and patients born between 1945 and 1965.

³ In medical terms, Priority Level 3 means patients with an APRI score of less than 0.7 or a liver biopsy stage of 0-1.

What is this lawsuit about? Three individuals incarcerated in North Carolina state prisons brought this lawsuit. They alleged that NCDPS was not properly testing or treating people in its custody for hepatitis C. If left untested and untreated, hepatitis C can have harmful effects on individuals' health. Proper testing and treatment for hepatitis C can help reduce the spread of the disease.

Who is involved in this lawsuit? Three individual incarcerated people filed this lawsuit against NCDPS and officials who work for NCDPS. In a class-action lawsuit, one or more plaintiffs (the Class Representatives) bring claims on their own behalf and for others similarly situated (the Class Members). In this case, two of the three individuals who filed the lawsuit are the Class Representatives. The court-appointed counsel for the Class Members are attorneys at the ACLU of North Carolina Legal Foundation and North Carolina Prisoner Legal Services, both based in Raleigh.

What has happened in this case? In March 2019, the Court entered an order preliminarily enjoining NCDPS' previous policy on medical care for hepatitis C, which means the Court blocked the challenged policy from being in effect while this lawsuit is pending. NCDPS amended its policy, and since then the parties have engaged in extensive fact-finding and negotiations, resulting in the proposed class settlement.

How do I comment on or object to the proposed settlement? The Court is scheduled to hold a fairness hearing for final approval of the proposed settlement on February 25, 2021. If you are a Class Member, you have a right to provide comments to the Court before that hearing. If you choose to send written comments, until February 15, 2021 you can either:

- if you have access to email, email your comments to counsel for Class Members at hepc@acluofnc.org. Emails sent to that address will be forwarded to the attorneys representing the plaintiffs and defendants in the case.
- mail your comments to class counsel through regular mail to the below address:

Emily E. Seawell
ACLU of North Carolina
P.O. Box 28004
Raleigh, NC 27611

Mail sent to that address will be forwarded to the attorneys representing the plaintiffs and defendants in the case.

Where can I get more information? Write to class counsel by email or mail, as explained above.