

FILED

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
COUNTY OF WAKE SUPERIOR COURT DIVISION

WAKE CO., C.S.C.

No. 20CVS500110

BY _____

NORTH CAROLINA STATE
CONFERENCE OF THE NAACP, *et al.*,

Plaintiff-Petitioners,

v.

ROY COOPER, in his official capacity
as Governor of North Carolina,
et al.,

Defendant-Respondents.

ORDER REGARDING STAFF TESTING

On 16 June 2020, the Court entered a preliminary injunction. On July 10, 2020, the Court ordered Defendants to implement “ongoing, regular surveillance testing, as described in Plaintiffs’ Objections to Defendants’ Testing Plan,” Order at 11¶8, which provided for “regular monthly testing for a sampling based on population per unit of incarcerated people *and prison staff* assigned to that housing unit,” Pls’ Objections to Defs’ Proposed Testing Plan (June 26, 2020) at 6¶e(iii) (emphasis added).

On October 15, 2020, and December 4, 2020, the Court held Status Review Hearings regarding the status of the conditions of confinement in Defendants’ prisons during the COVID-19 pandemic, including the status of Defendants’

progress in testing its prison staff. According to both parties' submissions, Defendants have not yet implemented regular monthly testing of all prison staff.

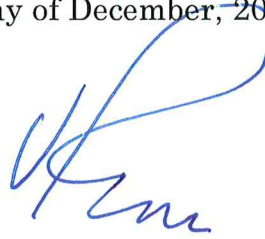
The record reflects growing rates of positive COVID-19 cases in North Carolina and in Defendants' prisons, which continues to result in hospitalizations and deaths in communities as well as of incarcerated people. Prison staff are a critical potential vector for COVID-19 transmission inside prisons, as they may carry the infectious virus with them from the community into the prisons. Thus, the Court has determined that additional staff testing is required.

Accordingly, the Court hereby ORDERS that the Court's July 10, 2020 Order as to staff testing is modified as follows:

1. Defendants shall test, at least every 14 days, all prison staff who come into contact with incarcerated people in Defendants' custody;
2. Defendants shall report to the Court, on a weekly basis, the number of tests administered to prison staff at each prison by date and the result of those tests by date. If a staff person tests positive, DPS shall also report the last day that person worked and the date that they returned to work; and
3. The first 14-day cycle for testing of prison staff pursuant to this Order shall begin on December 14, 2020, such that the first round of COVID-19 testing of prison staff shall be completed within 14 days of December 14.

4. Staff who are out of work for five or more days and who miss routine testing for that reason will be tested on the next business day upon returning to work.
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SO ORDERED this 10th day of December, 2020.

A handwritten signature in blue ink, appearing to read 'W. Rozier', is written above a horizontal line.

THE HONORABLE WINSTON ROZIER, JR.
SUPERIOR COURT JUDGE PRESIDENT

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on the persons indicated below via e-mail transmission addressed as follows:

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This the 10th day of December 2020.



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