

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

JOHN BAXLEY, JR.,
ERIC L. JONES,
SAMUEL STOUT,
AMBER ARNETT,
EARL EDMONDSON,
JOSHUA HALL,
DONNA WELLS-WRIGHT,
ROBERT WATSON,
HEATHER REED, and
DANNY SPIKER, JR.,
on their own behalf and
on behalf of all others similarly situated,

Plaintiffs,

v.

CIVIL ACTION NO. 3:18-1526
(Consolidated with 3:18-1533 and 3:18-1436)

BETSY JIVIDEN, in her official capacity as
Commissioner of the West Virginia Division of
Corrections and Rehabilitation and
THE WEST VIRGINIA DIVISION OF
CORRECTIONS AND REHABILITATION, and
SHELBY SEARLS, in his official capacity as
the Superintendent of Western Regional Jail
and Correctional Facility,

Defendants.

ORDER

This matter is before the Court in light of Plaintiffs' pending Motion for a Preliminary Injunction. ECF No. 161. Pursuant to discussion between the Court and counsel, the Court **DIRECTS** Defendants to provide a redacted copy of the Defendants' COVID-19 response plan to the Court, Plaintiffs' counsel, and their expert witness **on or before 5:00 p.m. today**. In light of Defendants' legitimate security concerns, the Court **ORDERS** that copies of the redacted plan

may not be viewed by anyone other than Plaintiffs' counsel or their designated expert without prior court approval. With respect to any redactions, the Court **DIRECTS** Defendants to provide an explanation of the subject matter that has been redacted and how it relates to their security concerns. Following receipt of the plan, the Court **DIRECTS** Plaintiffs to provide a declaration responding to the plan from their expert witness, Dr. Homer Venter, to the Court and Defendants' counsel **on or before 5:00 p.m. tomorrow, April 2, 2020**. The Court **DIRECTS** Defendants to provide a response to Plaintiff's expert's declaration **on or before 3:00 p.m. on Friday, April 3, 2020**. The documents provided pursuant to this Order need not be filed pending the hearing.

As a final matter, the Court believes it is prudent to **RESCHEDULE** the hearing in this matter presently scheduled for April 2, 2020 at 10:00 a.m. to **Monday, April 6, 2020 at 10:00 a.m.** Any members of the public who are interested in attending the hearing must contact the Court's Courtroom Deputy at (304) 528-7583 **before 12:00 p.m. on Friday, April 3, 2020** to make arrangements to participate.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: April 1, 2020



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE