

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LADDY CURTIS VALENTINE and
RICHARD ELVIN KING, individually and
on behalf of those similarly situated,
Plaintiffs,

V.

BRYAN COLLIER, in his official capacity,
ROBERT HERRERA, in his official capacity,
And TEXAS DEPARTMENT OF CRIMINAL
JUSTICE,
Defendants.

W

Civil Action No. 4:20-cv-01115

**DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFFS' EMERGENCY
MOTION FOR CLASS CERTIFICATION**

Exhibit 2

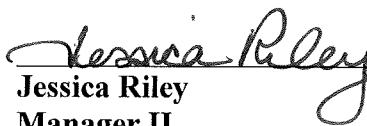
DECLARATION OF JESSICA RILEY

"I am over 21 years of age, of sound mind, capable of making this declaration, and personally acquainted with the facts herein stated.

I am a Manager II in the Administrative Review and Risk Management Division of the Texas Department of Criminal justice (TDCJ), a part of the TDCJ located in Huntsville, Texas. Attached are true and correct copies of *three pending grievances filed by Laddy Valentine, TDCJ #1782033, since April 27, 2020*, which are kept by the TDCJ in the regular course of its business activity. The entries of such records were made as a regularly conducted activity and a regular practice of the TDCJ, and were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters.

My name is JESSICA RILEY and I am an employee of the TDCJ, a governmental agency. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Executed in WALKER County, State of Texas, on the 26th day of MAY, 2020.

_____

Jessica Riley
Manager II

Administrative Review and Risk Management
Texas Department of Criminal Justice



Texas Department of Criminal Justice

STEP 1 OFFENDER GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2020115822
 Date Received: MAY 11 2020
 Date Due: 6-14-20
 Grievance Code: 503
 Investigator ID #: T2435
 Extension Date: _____
 Date Retd to Offender: _____

Offender Name: Lackly C. Valentine TDCJ # 1782033
 Unit: PAC Housing Assignment: D 14-6
 Unit where incident occurred: PAC Unit, 2400 Wallace Pac Rd,
NAVASOTA, TX 77868

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? MR. Selby, Unit Safety Officer When? 24 April 20

What was their response? He stated, "yes they should be cleaned between showers."

What action was taken? None to this date, or date of this Grievance

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

THIS GRIEVANCE REGARDS THE SANITIZATION AND CLEANING OF SHOWERS AND
DRESSING AREA. On 24 April 2020, at approximately 2000 hours I spoke
with Mr. Selby, Unit Safety Officer concerning the unsanitary conditions of
the showers and dressing area when one dorm showers shortly after another
during Medical Showers. Several times we have been ordered to showers
and linen exchange when an inmate within the Dormitory has been removed due to
having symptoms of COVID-19. At no time since I spoke with Mr Selby,
have the showers been cleaned or sanitized when we follow another Dorm
that has showered. When we enter the showers there are significant amounts
of used soap on the shower floor, used towels hanging from shower heads
and on benches, and used towels and clothing on the dressing area floor.
Again on the 3rd of May 20 we were ordered to "Medical Showers" and
linen exchange. We did exchange linen, however there was no one to issue
towels or clothing and the showers were in obvious disarray. There was no
shower taken this time. Nothing seems to be in conjunction with the COVID-19
protocol issued by CHMX or TDCJ. Grave danger exists and increased possibility
of contact spread of COVID-19 as well as other violent exposure,
prepare a situation of a marked rapidly severe and deadly course
of exposure to all inmates at The Pac Unit.

Action Requested to resolve your Complaint

*immediate action and necessary steps taken**to alleviate potential spread of COVID-19*

Offender Signature:

Robert C. Vallet

Date:

4 May 2020

Grievance Response:

Signature Authority:

Date:

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired
- ☐ 2. Submission in excess of 1 every 7 days. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. No documented attempt at informal resolution. *
- ☐ 6. No requested relief is stated. *
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # _____
- ☐ 10. Illegible/Incomprehensible. *
- ☐ 11. Inappropriate. *

UGI Printed Name/Signature: _____

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: _____

I-127 Back (Revised 11-2010)

OFFICE USE ONLY

Initial Submission

UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

2nd Submission

UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

3rd Submission

UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

Appendix F

EMERGENCY GRIEVANCE

Texas Department of Criminal Justice



STEP 1

OFFENDER
GRIEVANCE FORM

Offender Name: Laddy C. Valentine TDCJ # 1782033
 Unit: Pac Housing Assignment: D14-6
 Unit where incident occurred: Pac Unit

OFFICE USE ONLY

Grievance #: 2220119641
 Date Received: MAY 12 2020
 Date Due: 4/24/20
 Grievance Code: 1008
 Investigator ID #: 12433
 Extension Date: _____
 Date Reid to Offender: _____

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? MR. Ken Stecker through I-60 When? on or about 1 May 20

What was their response? No Response I-60 for Internal Resolution NOT Returned

What action was taken? No Action taken

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number, if appropriate.

Request immediate testing for COVID-19 virus. Throughout the Nation and State Test kits for COVID-19 are available. However we have been given no information concerning scheduled testing. With the expanding pandemic as well as increasing illness within the Pac Unit and based on my vulnerability as outlined by the CX, I REQUEST an immediate COVID-19 Test.

Action Requested to resolve your Complaint.

Immediate Termination

Offender Signature:

[Signature]

Date: *10 May 20*

Grievance Response:

Signature Authority:

Date:

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments *
- ☐ 5. No documented attempt at informal resolution *
- ☐ 6. No requested relief is stated. *
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # _____
- ☐ 10. Illegible/Incomprehensible *
- ☐ 11. Inappropriate *

UGI Printed Name/Signature: _____

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: _____

I-127 Back (Revised 11-2010)

OFFICE USE ONLY

Initial Submission	UGI Initials: _____
Grievance # _____	
Screening Criteria Used: _____	
Date Recd from Offender: _____	
Date Returned to Offender: _____	
<u>2nd Submission</u>	UGI Initials: _____
Grievance # _____	
Screening Criteria Used: _____	
Date Recd from Offender: _____	
Date Returned to Offender: _____	
<u>3rd Submission</u>	UGI Initials: _____
Grievance # _____	
Screening Criteria Used: _____	
Date Recd from Offender: _____	
Date Returned to Offender: _____	

Appendix F



Texas Department of Criminal Justice

OFFICE USE ONLY

STEP 1 OFFENDER GRIEVANCE FORM

EMERGENCY GRIEVANCE

Offender Name: LADDY C. VALENTINE TDCJ # 1782033
 Unit: PAC Housing Assignment: D14-6
 Unit where incident occurred: PAC UNIT

Grievance #: 202024948
 Date Received: MAY 21 2020
 Date Due: 6-30-20
 Grievance Code: 506
 Investigator ID #: 12433
 Extension Date: _____
 Date Retd to Offender: _____

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Sgt. Hurd When? 19 May 20
 What was their response? Didn't have an answer
 What action was taken? None

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

Why didn't staff utilize the space available within 14 Dorm for "Social Distancing" when cubicles were empty in abundance, approximately 19 before numerous inmates tested positive for COVID-19 Protein? For weeks prior to testing up until, approximately 5 days, post-testing ample bed space was available to distance some inmates as others were removed due to fever or other Covid-19 Symptoms. However, no action was taken, even though the CDC and the State of Texas, continually warned to social distance for months. Why such a blatant indifference to the health and lives of inmates when proactive measures could have eliminated suffering and possibly saved lives?

~~EMERGENCY RESPONSE~~

Action Requested to resolve your Complaint.

Take protective steps to contain and protect those in harms way!

Offender Signature: *Luddy C. Valente*

Date: *19 May 20*

Grievance Response:

Signature Authority: _____

Date: _____

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when the corrections are made.

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- ☐ 2. Submission in excess of 1 every 7 days. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. No documented attempt at informal resolution. *
- ☐ 6. No requested relief is stated. *
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # _____
- ☐ 10. Illegible/Incomprehensible. *
- ☐ 11. Inappropriate. *

UGI Printed Name/Signature: _____

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: _____

I-127 Back (Revised 11-2010)

OFFICE USE ONLY

Initial Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

2nd Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

3rd Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

Appendix F

DEFS 3RD SUPPL DISCLOSURE - 2387

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LADDY CURTIS VALENTINE and
RICHARD ELVIN KING, individually and
on behalf of those similarly situated,
Plaintiffs,

V.

BRYAN COLLIER, in his official capacity,
ROBERT HERRERA, in his official capacity,
And TEXAS DEPARTMENT OF CRIMINAL
JUSTICE,
Defendants.



















Civil Action No. 4:20-cv-01115

**DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFFS' EMERGENCY
MOTION FOR CLASS CERTIFICATION**

Exhibit 3

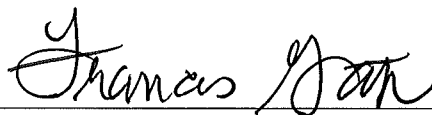
DECLARATION OF **FRANCES GATTIS**

"I am over 21 years of age, of sound mind, capable of making this declaration, and personally acquainted with the facts herein stated.

I am the custodian of records for the Offender Grievance Department, a part of the Texas Department of Criminal Justice (TDCJ) located in Huntsville, Texas. Attached are true and correct copies of *the grievance records for offender King, Richard TDCJ#00516700, Cause Number 4:20-CV-1115, for the time period of 03/01/20 to 05/04/20*, which are kept by the TDCJ in the regular course of its business activity. The entries of such records were made as a regularly conducted activity and a regular practice of the TDCJ, and were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters.

My name is **Frances Gattis** and I am an employee of the TDCJ, a governmental agency. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Executed in **Walker** County, State of Texas, on the 7th day of **May, 2020**.

A handwritten signature in cursive script, appearing to read "Frances Gattis", written over a horizontal line.

Frances Gattis
Deputy Division Director
Administrative Review & Risk Management
Texas Department of Criminal Justice



APAC
STEP 1

OFFENDER GRIEVANCE FORM

Grievance #:	2020099042
Date Received:	APR 02 2020
Date Due:	05/12/20
Grievance Code:	200
Investigator ID #:	I2047
Extension Date:	
Date Retd to Offender:	MAY 04 2020

Offender Name: RICHARD KING TDCJ # 516700
 Unit: Pack Housing Assignment: E-18-02
 Unit where incident occurred: Pack

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? N/A When? _____

What was their response? _____

What action was taken? _____

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

THIS GRIEVANCE IS AGAINST STATE CLASSIFICATION who CONTINUES TO MOVE OFFENDERS FROM OTHER UNITS TO THE PACK UNIT DURING THIS CORONAVIRUS PANDEMIC. ALL THE WAY FROM THE PRESIDENT OF THE UNITED STATES TO THE GOVERNOR OF TEXAS TO MAYORS OF THE CITIES & TOWNS ARE URGING PEOPLE TO STAY AT HOME AND LIMIT THEIR CONTACT WITH OTHER PEOPLE. HOWEVER, CLASSIFICATION PAYS NO ATTENTION AND MOVES OFFENDERS ON CROWDED BUSES. PACK UNIT IS OVERWHELMING HOUSED BY OLDER OFFENDERS WITH SERIOUS MEDICAL CONDITIONS THE MAKE THEM THE MAIN ONES DYING FROM THIS VIRUS. YET JUST YESTERDAY APRIL 1, 2020 OVER TEN (10) NEW OFFENDERS WERE BROUGHT ONTO THE PACK UNIT.

THIS SHOWS A TOTAL DISREGARD FOR THE LIVES OF OFFENDERS ON THE PACK UNIT.

Action Requested to resolve your Complaint. STOP BRINGING IN OFFENDERS FROM OTHER PRISONS UNTIL THIS CORONAVIRUS IS UNDER CONTROL

Offender Signature: Richard Ruiz 516700 Date: 2 APRIL 2020

Grievance Response:

Your grievance has been received and investigated. Per Classification, Unit Classification has no control over offenders arriving at the Pack Unit. Due to the COVID-19 pandemic, as of April 9, 2020, chain was suspended until further notice. No further action warranted at this time.

Signature Authority: [Signature] Date: _____

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. No documented attempt at informal resolution. *
- ☐ 6. No requested relief is stated. *
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # _____
- ☐ 10. Illegible/Incomprehensible. *
- ☐ 11. Inappropriate. *

UGI Printed Name/Signature: _____

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: _____

I-127 Back (Revised 11-2010)

OFFICE USE ONLY

Initial Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

2nd Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

3rd Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

Appendix F

DEFENDANTS' DISCLOSURE - 0647

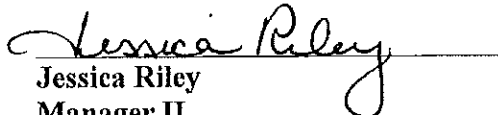
DECLARATION OF JESSICA RILEY

"I am over 21 years of age, of sound mind, capable of making this declaration, and personally acquainted with the facts herein stated.

I am a Manager II in the Administrative Review and Risk Management Division of the Texas Department of Criminal Justice (TDCJ), a part of the TDCJ located in Huntsville, Texas. Attached are true and correct copies of *two pending grievances filed by Richard King, TDCJ #516700, filed since April 27, 2020*, which are kept by the TDCJ in the regular course of its business activity. The entries of such records were made as a regularly conducted activity and a regular practice of the TDCJ, and were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters.

My name is JESSICA RILEY and I am an employee of the TDCJ, a governmental agency. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Executed in WALKER County, State of Texas, on the 26th day of MAY, 2020.


Jessica Riley
Manager II
Administrative Review and Risk Management
Texas Department of Criminal Just



Texas Department of Criminal Justice

STEP 1

OFFENDER GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2020120907Date Received: MAY 14 2020Date Due: 6-23-20Grievance Code: 503Investigator ID #: 12433

Extension Date: _____

Date Read to Offender: _____

Offender Name: RICHARD KING TDCJ # 516700
 Unit: PACK I Housing Assignment: E-18-02
 Unit where incident occurred: PACK I

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title): MS. MAXEY - PROPERTY & CHEMICALS When: 5-12-20

What was their response? THIS IS THE WAY IT HAS ALWAYS BEEN DONE.

What action was taken? NONE

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate.

I ASKED MS. MAXEY WHO DETERMINED HOW MUCH CHEMICALS WERE ISSUED TO THE DORM JANITORS FOR CLEANING. HER ANSWER WAS AS STATED ABOVE, "THIS IS THE WAY IT HAS ALWAYS BEEN DONE."

I THINK THIS IS A VERY UNUSUAL TIME TO BE DOING THINGS AS WE HAVE ALWAYS DONE THEM. JANITOR ARE ISSUED ONE OUNCE OF POWDER BLEACH, POURED INTO A 40P BUCKET WITH WATER IN IT. ABOUT TWO OUNCES OF POWDERED GIPSY AND TWO OUNCES OF LIQUID DOUBLE D disinfectant. THIS DOUBLE D COMES TO THE UNIT IN A CONCENTRATE AND THE CHEMICAL ROOM DILUTES IT BEFORE ISSUING IT TO THE DORM JANITORS. THEN WE HAVE TO DILUTE IT FURTHER TO MAKE A 16 OUNCE BOTTLE. THIS IS SUPPOSE TO LAST FOR A 12 HOUR SHIFT. NOT ENOUGH DISINFECTANT TO PROPERLY DISINFECT AND SANITIZE A DORM.

Action Requested to resolve your Complaint.

TO BE GIVEN ENOUGH DISINFECTANT TO
PROPERLY CLEAN AND SANITIZE OUR DORMS

Offender signature:

Richard Kue

Date: 5-12-20

Grievance Response:

Signature Authority:

Date:

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. *
- ☐ 3. Originals not submitted. *
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- ☐ 5. No documented attempt at informal resolution. *
- ☐ 6. No requested relief is stated. *
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 8. The issue presented is not grievable
- ☐ 9. Redundant. Refer to grievance # _____
- ☐ 10. Illegible Incomprehensible "
- ☐ 11. Inappropriate. *

GI Printed Name/Signature: _____

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: _____

-127 Back (Revised 11-2016)

OFFICE USE ONLY	
Initial Submission	UGI Initials: _____
Screening Criteria Used	_____
Date Received from Offender	_____
Date Returned to Offender	_____
2nd Submission	UGI Initials: _____
Grievance #	_____
Screening Criteria Used	_____
Date Received from Offender	_____
Date Returned to Offender	_____
3rd Submission	UGI Initials: _____
Grievance #	_____
Screening Criteria Used	_____
Date Received from Offender	_____
Date Returned to Offender	_____

Appendix F



Texas Department of Criminal Justice

STEP 2

OFFENDER
GRIEVANCE FORM

Offender Name: RICHARD KING TDCJ # 516700
 Unit: PACK Housing Assignment: 18-02
 Unit where incident occurred: PACK UNIT

OFFICE USE ONLY

Grievance # 2020099042
 UGI Recd Date: MAY 14 2020
 HQ Recd Date: MAY 15 2020
 Date Due: 6-23
 Grievance Code: 200
 Investigator ID#: 12448
 Extension Date: _____

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

While, AS STEP ONE STATES, NO OFFENDERS ARE BEING SHIPPED FROM OTHER UNITS OFFENDERS FROM MEDICAL CHAINS ARE BEING BROUGHT BACK. THESE OFFENDERS HAVE BEEN TO ESTELLE, HOSPITAL GALVESTON, AND/OR OTHER UNITS. ALL THE WHILE PACKED ON CHAIN BUSES COMING IN CONTACT WITH OFFENDERS FROM MANY OTHER UNITS. EVEN WITH HALF THE NORMAL LOAD OF OFFENDERS ON A CHAIN BUS THEY ARE IN CLOSE PROXIMITY TO OFFENDERS FROM NUMEROUS OTHER UNITS.

FOR THIS REASON THE PRACTICE IS UNACCEPTABLE AND DANGEROUS TO OUR LIVES

Offender Signature: Richard KingDate: 5-7-20

Grievance Response:

Signature Authority: _____

Date: _____

Returned because: *Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.*
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments.*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.*

CGO Staff Signature: _____

OFFICE USE ONLY**Initial Submission**

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LADDY CURTIS VALENTINE and *
RICHARD ELVIN KING, *
individually and on behalf *
of those similarly situated, *
Plaintiffs, *

v. *

Civil Action
No. 4:20-cv-01115

BRYAN COLLIER, in his *
official capacity, ROBERT *
HERRERA, in his official *
capacity, And TEXAS *
DEPARTMENT OF CRIMINAL *
JUSTICE, *
Defendant. *

REMOTE ORAL DEPOSITION OF

RICHARD KING

MAY 27, 2020

REMOTE ORAL DEPOSITION of RICHARD KING, produced as
a witness at the instance of the Defendants, and duly
sworn, was taken in the above-styled and numbered cause
on Wednesday, May 27, 2020, from 10:08 a.m. to 4:01 p.m.
Central Time, before Steven Stogel, CSR in and for the
State of Texas, remotely reported via Machine Shorthand,
pursuant to the Federal Rules of Civil Procedure.

A P P E A R A N C E S

FOR PLAINTIFFS:

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The Haehnel Building
1101 East 11th Street
Austin, Texas 78702
(T) 512.623.7727

By: Scott Medlock, Esq.
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AND

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800 Capitol Street, Suite 2400
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(T) 713.651.2600

By: Corinne Stone Hockman, Esq.
chockman@winston.com

AND

Brandon W. Duke, Esq.

FOR DEFENDANTS:

OFFICE OF THE ATTORNEY GENERAL OF TEXAS
P.O. Box 12548
Austin, Texas 78711-2548
(T) 512.463.2080

By: Christin Cobe Vasquez, Esq.
Christin.Vasquez@oag.texas.gov

AND

Shea Fennessey, Esq.

AND

Landon Wade, Esq.

AND

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
OFFICE OF THE GENERAL COUNSEL
P.O. Box 4004
Huntsville, Texas 77342
(T) 936.437.6700

By: Eric Miller, Esq.
Eric.Miller@tdcj.texas.gov

AND

Katie Tanner, Esq.

A P P E A R A N C E S

ZOOM TECHNICIAN:

Mr. Brian Christopher

--00000--

I N D E X

APPEARANCES	2
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--00000--

EXHIBIT INDEX

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--00000--

1 A. Just that. "Swab each side of your cheek and
2 put the swab in the plastic" --

3 **Q. And how was that -- sorry.**

4 A. -- "put it in the -- back in the Ziploc bag
5 and take it over there to that lady."

6 **Q. And how is that different from what you**
7 **understand the instructions said?**

8 A. The instruction says swab your tongue, each
9 side of your cheek in your mouth, your gums, and then
10 it's got a scored place on the swab. You're supposed to
11 break that off and drop the swab head in the -- off and
12 then break the part that you was handling, break it off.
13 You don't put it in the plastic tube. And we didn't do
14 any of that. We wasn't instructed to.

15 **Q. Do you know the purpose of those instructions?**

16 A. Well, I would think to get an accurate test.

17 **Q. Do you understand what a putative class action**
18 **is?**

19 A. No, not really.

20 **Q. Do you know what a -- what a class action case**
21 **is?**

22 A. Well, it's to cover -- encompass the --
23 whoever is, you know, involved in it, I guess. I'm --

24 **Q. Do you understand that you are a putative**
25 **class representative in this case?**

1 MR. MEDLOCK: Object to form.

2 A. Yes, I think I understand that.

3 **Q. (By Ms. Vasquez) But you don't know what that**
4 **means?**

5 MR. MEDLOCK: Object to form.

6 A. Well, it means I'm just one of the named
7 complainants, as far as I, you know, understand it.

8 **Q. (By Ms. Vasquez) Do you know the classes that**
9 **this lawsuit is seeking to represent at the Pack Unit?**

10 A. Well, my understanding is that everybody is at
11 risk of this COVID-19. Everyone is part of the class.

12 **Q. More specifically, do you know any more**
13 **specific characteristics of the classes that you are**
14 **seeking to represent?**

15 A. Well, the -- I guess it could be broken down
16 into the people that are at higher risk, that -- the age
17 would be a factor. Medical conditions would be a
18 factor. I'm -- you know, I'm not real sure what you're
19 asking, you know.

20 **Q. Do you know what your responsibilities are,**
21 **Mr. King, as a class representative?**

22 A. Well, I guess just try and, you know,
23 represent everybody as best I can. And I don't really
24 know -- you know, I don't know what you're, you know --
25 you know, I don't know what you're getting at, you know,

1 what you're asking.

2 **Q. Well, I'm asking if you understand what your**
3 **responsibilities are as a class representative, what**
4 **you're responsible for.**

5 A. Well, you know, I mean, I -- you know, I don't
6 know --

7 **Q. Okay.**

8 A. I don't -- you know, I don't know what -- you
9 know, I don't know how to answer you on that.

10 **Q. Okay. Did you make the decision or did**
11 **someone else make the decision to pursue this case as a**
12 **class action?**

13 A. Well, I'm sure the lawyers made that decision.

14 **Q. It was not you?**

15 MR. MEDLOCK: Object to form.

16 A. You know, I'm a -- you know, I'm just an
17 inmate. You know, I couldn't -- you know --

18 **Q. (By Ms. Vasquez) Mr. King, you're the**
19 **plaintiff in this case. I mean, this is your case.**

20 MR. MEDLOCK: Object to form. Let him
21 answer the question, please.

22 **Q. (By Ms. Vasquez) Are you there, Mr. King?**

23 MR. MEDLOCK: Richard, did we lose you?

24 MS. VASQUEZ: Hold on. We lost you for a
25 minute, Mr. King.

1 MR. MEDLOCK: Yeah, we lost you, Richard.
2 Christin, do you want to ask the question again and then
3 have him start over? I'm not sure how much of that
4 answer any of us got.

5 **Q. (By Ms. Vasquez) Are you there, Mr. King?**

6 A. Yes, I'm here.

7 **Q. Okay. I asked if you made the decision to**
8 **pursue this case as a class action, and your answer was**
9 **"no." Correct?**

10 A. Well, that decision was probably made by me
11 and the lawyers, you know, together. I mean, I didn't
12 make it myself, but -- you know, as far as -- that would
13 be way above my paygrade.

14 **Q. So, no, you did not make the decision to make**
15 **this a class action. Is that correct?**

16 MR. MEDLOCK: Object to form.

17 A. I guess so, yes.

18 **Q. (By Ms. Vasquez) Do you know what claims**
19 **you're making on behalf of other offenders at the Pack**
20 **Unit?**

21 A. Yes, in a -- you know, I've got them written
22 down. Like I said earlier, you know, more cleaning
23 supplies, you know, better -- I guess making sure
24 everybody is wearing more masks and making -- especially
25 the guards that are coming in, making them wear the

1 masks. We could use more toilet paper. Like I said,
2 the hand sanitizer if we ever come up off the lockdown.

3 **Q. Okay. Have you ever heard of any offenders at**
4 **the Pack Unit or any other unit intentionally trying to**
5 **become infected with COVID-19?**

6 A. No, I haven't heard that at all.

7 MS. VASQUEZ: Can we take just a brief
8 five-minute break?

9 MR. MEDLOCK: Yeah.

10 THE WITNESS: Okay.

11 THE REPORTER: We are off the record at
12 3:38.

13 (Recess from 3:38 p.m. to 3:44 p.m.)

14 THE REPORTER: We are back on the record
15 at 3:44 p.m.

16 **Q. (By Ms. Vasquez) Okay, Mr. King. Just a few**
17 **more minutes.**

18 A. Okay.

19 **Q. Do you know how many potential class members**
20 **there are in this lawsuit?**

21 A. No. I would think probably a large population
22 of the Pack Unit, considering the geriatric, you know,
23 way that we are here.

24 **Q. But you don't have -- you don't know how many**
25 **or approximately how many?**

1 STATE OF TEXAS)

2 REPORTER'S CERTIFICATION

3 I, STEVEN STOGEL, CSR, hereby certify
4 that the witness was duly sworn and that this transcript
5 is a true record of the testimony given by the witness.

6 I further certify that I am neither
7 counsel for, related to, nor employed by any of the
8 parties or attorneys in the action in which this
9 proceeding was taken. Further, I am not a relative or
10 employee of any attorney of record in this cause, nor am
11 I financially or otherwise interested in the outcome of
12 the action.

13 Subscribed and sworn to by me this day,
14 June 1, 2020.

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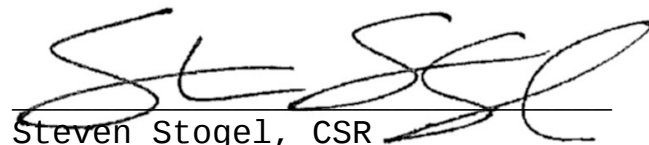
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