

# **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THOMAS REMICK, <i>et al.</i>	:	
and all others similarly situated,	:	
	:	CIVIL ACTION NO. 20-1959
Plaintiffs-Petitioners,	:	
	:	(Schiller, J.)
v.	:	
	:	
CITY OF PHILADELPHIA; and	:	
BLANCHE CARNEY, in her official	:	
capacity as Commissioner of Prisons,	:	
	:	
Defendants-Respondents.	:	
	:	

**DECLARATION OF TONY BIZZELL**

I, Tony Bizzell, hereby declare that the following is true and correct to the best of my knowledge and belief:

1. I am 43 years old and currently incarcerated at Philadelphia Industrial Correctional Center (PICC).
2. I am currently housed on Unit C.
3. Many days in December, we were not let out of our cells due to shelter-in-place. For example, on December 6, December 9, December 12, December 15, and December 22, 2020, we were not let out at all. We were not allowed to speak to a Sergeant or a Lieutenant on these days, despite our requests.
4. On December 28, 2020, a man on Unit C committed suicide. I heard him asking for help several times before he died, but staff did not attend to him.
5. We do not receive a bar of soap each week because staff tell us the supply is very limited. We cannot request soap between distributions because of the lack of supply.

6. There is only hot water on Unit C first thing in the morning. Throughout the day, the water temperature drops. Because we are not always let out of our cells in the morning, we often do not have access to a hot shower.

7. Unit C is not cleaned four times a day. Block workers sometimes do minimal cleaning, but proper disinfecting is not enforced.

8. Staff act as though there are never enough cleaning products.

9. The shortage of cleaning products limits our ability to clean our cells as well. Staff do not consistently provide us with products to clean our cells.

10. Staff do not call General Inspection (GI) cleaning on the weekends, as they used to do. We are only permitted to clean during our limited 45-minutes per day recreation time. This means that we often have to choose between showers, phone calls, or cell cleaning.

11. I was not allowed to clean my cell at all during the six weeks of shelter-in-place.

12. There is an infestation of trash gnats and mice on the unit.

13. Phones are cleaned at most once or twice a day, not after every use.

14. There is mold growing around my sink inside the caulking.

15. I only have one mask.

16. When I requested a new mask, staff told me that supplies are very limited so they cannot distribute new ones.

17. Laundry is not always done weekly because sometimes there is no detergent.

18. Sheets are not exchanged every week. I am still using the same sheets that I received when I was transferred to PICC in October 2020.

Pursuant to 28 U.S.C. § 1746, I, Tony Bizzell, declare under penalty of perjury that the foregoing is true and correct. Executed this 1st day of February, 2021.

Mr. Tony Bizzell Jr.  
Tony Bizzell

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**DECLARATION OF MICHAEL FLYNN**

I, Michael Flynn, hereby declare that the following is true and correct to the best of my knowledge and belief:

1. I am 64 years old and currently incarcerated at Riverside Correctional Facility (RCF).
2. I am currently housed on Unit E.
3. I contracted COVID-19 while in PDP custody in November 2020. I was only quarantined at the Detention Center (DC) for five days before returning to RCF.
4. During shelter-in-place, we only came out of our cells for 20 minutes every second or third day. This resulted in hunger strikes and cell flooding. The lack of out-of-cell time caused increased tension, frustration, and physical fights.
5. Although out-of-cell time has increased to 45 minutes per day on most days, staff shortages can still cause us to be locked in all day. For example, on February 1, 2021, there were no rover correctional officers (COs) on Unit E during the 7am-3pm shift. As a result, no one was

let out of their cells during the morning shift and it is unclear whether anyone will be let out during the afternoon shift.

6. Unit E is not cleaned four times per day. Staff do not enforce cleaning when block workers are out of their cells.

7. The phones are cleaned between shifts but not after each use.

8. There is no procedure for cell cleaning. Staff do not call General Inspection (GI) cleaning. People have to request cleaning supplies when they are out of their cells. Because out-of-cell time is still limited, people have to prioritize cell cleaning over showers, phone calls, and virtual visits.

9. On Unit E, we do not receive linen exchange each week. We typically receive either linen or uniforms each week, but not both. We can only exchange one of our two sheets when we are permitted to exchange.

10. We are not allowed to go to the law library for months at a time. I have had to ask people on the outside to send me basic court information that I should be able to look up in the law library.

11. We have little if any access to social workers, clergy, and educational programming.

12. I was previously housed at Curran-Fromhold Correctional Facility (CFCF) on Unit B1P1. Unit B1P1 houses primarily older or medically vulnerable people. I was transferred to RCF after I wrote a grievance about a CO who had been working on Unit B1P1. I had a full-time job at CFCF, but have not been able to get a job at RCF.

Pursuant to 28 U.S.C. § 1746, I, Michael Flynn, declare under penalty of perjury that the foregoing is true and correct. Executed this 1st day of February, 2021.

  
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Michael Flynn

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**DECLARATION OF JOHN HART**

I, John Hart, hereby declare that the following is true and correct to the best of my knowledge and belief:

1. I am currently incarcerated at Curran-Fromhold Correctional Facility (CFCF).
2. I am currently housed on Unit D1P4.
3. Although staff increased out-of-cell time from 20-minute to 45-minute increments in mid-January, staff do not run recreation all day so they run out of time and do not let everyone out each day.
4. Some people on this unit are still locked in their cells for over 40 hours at a time.
5. There are approximately 78 people housed on Unit D1P4. Staff currently let out 4 cells, typically 8-12 people, at a time. This should allow for every person to come out of their cells for at least 45 minutes every day; however staff do not run recreation for the entirety of the day.



6. For example, on January 21, 2021, there was only one correctional officer (CO) on our unit during the morning shift, and he did not begin letting people out of their cells until around 1pm. As a result, there was not enough time left for everyone to come out.

7. When we do not come out of our cells, we cannot take a shower, use the phone to contact our loved ones, or clean our cells.

8. It has become commonplace to go large stretches of time without seeing COs on our unit. This seems to be due to staff shortages. When there are no COs on the unit, nobody is allowed to come out of our cells.

9. We are not being provided with proper cleaning supplies, such as bleach or disinfectant, to clean our cells.

10. We are still experiencing shortages of toilet paper.

11. Staff have told me that the lack of cleaning supplies and toilet paper is due to budget reductions and that there is none available to provide to us.

12. Even with the limited cleaning supplies that we do have access to, such as a broom or a mop, we are only permitted to clean our cells during our limited out-of-cell time. It is difficult to prioritize cleaning our cells over showering and speaking to our loved ones or attorneys.

13. Showers are not being cleaned regularly. There is mold growing on several of the showers.

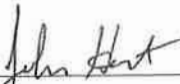
14. Phones are not cleaned after each use.

15. Some people on the unit are struggling to access mental health services. For example, my cellmate has been waiting to speak to mental health staff for weeks.

16. We have no access to the law library so it is very difficult for us to challenge the charges against us.

17. My hair and beard have grown incredibly long because I have not been permitted to get a haircut in nearly a year and access to razors is very limited.

Pursuant to 28 U.S.C. § 1746, I, John Hart, declare under penalty of perjury that the foregoing is true and correct. Executed this 22nd day of January, 2021.

  
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John Hart

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**DECLARATION OF JOHN MARKS**

I, John Marks, hereby declare that the following is true and correct to the best of my knowledge and belief:

1. I am currently incarcerated at Curran-Fromhold Correctional Facility (CFCF).
2. I am currently housed on Unit C1P2.
3. We are still receiving only 20-30 minutes of out-of-cell time per day. Some days we are not allowed out of our cells at all. Staff members have told us that our lack of out-of-cell time is due to staff shortages.
4. Today is Tuesday and I have not been let out of my cell since Sunday, except for a scheduled legal call.
5. When we do not come out of our cells, we are not able to take a shower or use the phone to contact our loved ones or attorneys.
6. I have become very depressed due to the lack of out-of-cell time.

7. We are often told to sign a sheet that says we are receiving out-of-cell time even when we are not.

8. We do not all receive a free bar of soap each week. Incarcerated workers go around with a signature sheet, but they do not pass it around to everyone. Only people who are able to sign the sheet receive a bar of soap.

9. The free soap is not antibacterial soap. I am concerned that the soap provided is not adequate to prevent infections or COVID-19.

10. The same procedure with signature sheets is applied to masks and razors as well. As a result, the distribution of these supplies is also inconsistent and only some people on the unit are receiving supplies.

11. When we do not receive soap, masks, or razors and we request them, the COs will say that they have already been passed out and that we have to wait for next distribution.

12. The showers on Unit H2 are not regularly cleaned. I am scared to use the showers because that are not sanitary and are covered in mildew.

13. Block workers occasionally wipe the phones with a rag, but not every day, let alone after every use. When they are wiped down it is with the same dirty rag that is used for the tables.

14. Staff have not provided me with cleaning supplies to clean my cell a single time in the nine months that I have been at CFCF. Staff do not call General Inspection (GI) cleaning on the weekend like they used to. I use the antibacterial soap that I buy at commissary to clean my cell. Many people on my unit cannot afford to buy commissary soap.

15. In the nine months that I have been at CFCF, I have only received a new mask on around five occasions. The masks that PDP provides are just small pieces of cloth, made out of bedsheets. I wash my mask in my cell with my limited supply of soap.

16. The dryer on Unit H2 has been broken for two weeks and there has been no laundry detergent for almost two weeks. People who cannot afford to buy laundry detergent from commissary cannot do their laundry when the facility does not have soap.

17. I have not received a sheet exchange in three weeks. Staff who provide sheet and uniform exchanges come very early in the morning, around 3am, when no one is awake. Once the laundry staff have passed a cell, they will not come back to provide clean sheets, even if we wake up when they are still on the unit and request them.

Pursuant to 28 U.S.C. § 1746, I, John Marks, declare under penalty of perjury that the foregoing is true and correct. Executed this 26th day of January, 2021.

John Marks  
John Marks

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	:	
Defendants-Respondents.	:	
	:	

**DECLARATION OF JONATHAN MIGGE**

I, Jonathan Migge, hereby declare that the following is true and correct to the best of my knowledge and belief:

1. I am 23 years old and currently incarcerated at Curran-Fromhold Correction Facility (CFCF).
2. I am currently housed on Unit C1P4.
3. We are still not permitted to come out of our cells for 45 minutes every day. We come out of our cells about every other day.
4. On some days, we are let out four cells at a time for 45 minutes. On other days we are still being let out one cell at a time for only 20 minutes.
5. For example, on January 25, 2021, we were let out one cell at a time for 20 minutes each.
6. On days when staff do not let us out at all, we cannot take a shower or use the phone to call our loved ones.



7. I currently have no toilet paper and I have been requesting toilet paper for at least three days. Staff have told me that they do not have any toilet paper to provide and that they are waiting for more to come in. I have had to use brown paper towels to wipe myself and even those I do not always have access to.

8. I have not been able to clean my cell since I have been back at CFCF, which has been more than a week.

9. Before I was moved back to my current cell, two other people had gotten into a fight in that cell. As a result of the fight, there is dried blood on the door. I have asked for bleach to clean it off and disinfect the cell, but staff told me they do not have any.

10. I asked about General Inspection (GI) cleanings and staff told me that they are not doing GI cleanings anymore.

11. Incarcerated workers sweep the unit and wipe down the tables, but they do not thoroughly clean or disinfect. They do not clean the showers.

12. I only have one mask. It is too large for my face and opens at the sides. I have to twist the straps to keep it on my face; otherwise it would fall off.

13. I have been housed on this unit for over a week and have not received a sheet or uniform exchange.

14. For about 20 days in December 2020 and January 2021, I was housed on DC A unit, which is being used as an isolation block for people who have tested positive for COVID-19.

15. During that time, I was brought back to CFCF for one night, but I was still struggling to breath so I was briefly brought to Jefferson Hospital, before returning to DC A Unit.

16. The conditions on DC A Unit were not good.

17. DC A Unit is very cold, much colder than it is at CFCF.

18. There are large bugs and mice on DC A Unit. I had to kill several large bugs on my first day. I could hear the mice running around at night.

19. There was black grime in the showers that looked like mold.

20. I was not been able to do laundry at any point during the 20 days that I was housed at DC.

21. I never received sheet and uniform exchanges at DC.

22. Several correctional officers at DC would treat us cruelly while they were on shift. They often reminded us that there were no cameras on DC, so there would be no proof that they spoke to us disrespectfully and would not let us out of our cells.

23. Prior to testing positive for COVID-19 and being moved to DC, I was housed at CFCF on Unit C1P4 in a multipurpose room.

24. During my previous time at CFCF, when I believe I caught COVID-19, several of the sanitation and COVID-19 prevention measures were not being followed.

25. We were not receiving a bar of soap each week at CFCF. I received two or three bars in the six weeks that I was previously housed there.

26. There was no regular mask exchange at CFCF.

27. At CFCF, I was not able to shower every day because I was not permitted to leave my cell every day.

28. We did not receive regular cleaning supplies to clean our cells at CFCF. Only two COs at CFCF permitted us to clean our cells, so we were not able to do so frequently.

29. During my previous time incarcerated at CFCF, when we were permitted to leave our cells it was only for 20 minutes at a time. As a result, many people at CFCF struggled to get on the phone to speak to their families regularly during that period.

30. There is no notice about the *Remick* class action case or the Settlement Agreement posted in CFCF. I did not know about the lawsuit until I was transferred to DC.

I, Grace Harris, certify that Jonathan Migge relayed the above information to me over video call on January 27, 2021, and that he gave me permission to relay this information in a declaration signed on his behalf. Because Mr. Migge is incarcerated, the finished declaration has not been reviewed with Mr. Migge.

/s/ Grace Harris

Grace Harris  
Attorney I.D. # PA 328968  
PA INSTITUTIONAL LAW PROJECT  
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(215) 925-2966  
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Dated: January 27, 2021

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**DECLARATION OF LAMAR PALMER**

I, Lamar Palmer, hereby declare that the following is true and correct to the best of my knowledge and belief:

1. I am 35 years old and currently incarcerated at Philadelphia Industrial Correctional Center (PICC).
2. I am incarcerated as a pretrial detainee. I was initially arraigned on January 9, 2020. My preliminary hearing has been rescheduled nine times in the interim and is currently scheduled for May 28, 2021.
3. I am currently housed on Unit H2.
4. As of the week of January 18, 2021, our out-of-cell time has increased from 15 minutes to 45 minutes. However, we still do not come out of our cells every day, as some correctional officers (COs) do not run recreation for the entire duration of their shifts.
5. We are typically let out four cells at a time, about eight people total, and at this rate, there should be time for everyone to come out for 45 minutes each day. I know this is possible

because one CO in particular is very diligent about running recreation and when he is on shift, we all come out for the proper 45 minutes. However, other COs waste time in between letting people out so that they run out of time to let everyone out in a given day.

6. On at least one or two occasions in the past week, I have been locked in my cell for the entire day because the CO on duty did not leave enough time to let everyone out of their cells.

7. On December 22, 2020, I was let out for a 15-minute recreation period, but I had a virtual visit scheduled. I was told I had to choose between showering, making a phone call, or having my video visit. As it was my birthday and I had not seen my family since March, I chose the virtual visit, but as a result I was not permitted to shower or use the phone.

8. Virtual visits still come out of our limited recreation time.

9. Even before shelter-in-place went into effect, out-of-cell time on Unit G2, where I was previously housed, was inconsistent. We experienced prolonged periods of lockdown. For example, from October 7 through October 13, 2020, we were locked in our cells for 141 hours straight. The lockdown occurred because of an isolated incident between two cellmates. As a result, those of us housed in cells 38-50 did not come out for six days.

10. We were unable to use the phone or take a shower for six days while locked down.

11. On Unit H2, we are not provided with necessary supplies to maintain our hygiene or the unit's cleanliness.

12. We are never provided with cleaning supplies to clean our cells. I have not been able to clean or spray my toilet in months.

13. When we complain about the lack of cell cleaning, staff tell us to ask for cleaning supplies on the next shift. The responsibility to provide supplies is continually pushed onto the next shift and we never receive them.

14. Unit H2 is not cleaned four times a day. Common areas are filthy at all times.

15. The phones are never cleaned. I use a sock to cover the phone while I use it so that I do not have to touch it.

16. I have not seen bleach used at PICC in months.

17. Weekly distributions of soap are inconsistent. Sometimes we have to wait multiple weeks to get a new bar of soap.

18. When we request soap, staff members tell us that there is a shortage of supplies and there is no soap available to distribute.

19. There is no weekly distribution of clean masks. If someone needs a new mask, they have to request it and it is up to the discretion of individual COs to provide one.


20. We are only reliably able to have our personal laundry cleaned once per week.

21. We do not receive weekly sheet exchange. We get sheet exchange about once every two months.

22. Staff members only wear their masks when supervisors or wardens are present on the unit. Sometimes staff members wear their masks incorrectly, under their noses or chins.

23. I have submitted numerous grievances regarding the conditions at PICC since the pandemic began, but they have not been answered.

Pursuant to 28 U.S.C. § 1746, I, Lamar Palmer, declare under penalty of perjury that the foregoing is true and correct. Executed this 26th day of January, 2021.

  
Lamar Palmer