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11 *Charlotte Wells, on behalf of themselves and all others*  
12 *similarly situated*

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24 UNITED STATES DISTRICT COURT  
25 DISTRICT OF ARIZONA

26 Victor Parsons; Shawn Jensen; Stephen Swartz;  
27 Dustin Brislan; Sonia Rodriguez; Christina  
28 Verduzco; Jackie Thomas; Jeremy Smith; Robert  
Gamez; Maryanne Chisholm; Desiree Licci; Joseph  
Hefner; Joshua Polson; and Charlotte Wells, on  
behalf of themselves and all others similarly  
situated; and Arizona Center for Disability Law,

Plaintiffs,

v.

Charles Ryan, Director, Arizona Department of  
Corrections; and Richard Pratt, Division Director,  
Division of Health Services, Arizona Department of  
Corrections, in their official capacities,

Defendants.

No. CV 12-00601-PHX-ROS

**PLAINTIFFS' PROPOSAL  
RE: USE OF CONTEMPT  
FINES (DOC. 2898)**

1 Pursuant to the Court's order, Plaintiffs hereby submit their proposal for the use of  
2 the contempt sanctions "to further compliance with the healthcare requirements of the  
3 Stipulation." [Doc. 2898 at 23]

4 The Court should use 90% of the funds to pay for one or more independent medical  
5 experts to investigate and resolve concerns about the medical care of individual class  
6 members. Concerns regarding medical care may be brought to the expert's attention by  
7 counsel for Plaintiffs, class members and/or their families/friends, and/or by current or  
8 former health care or custody staff. The expert shall investigate all allegations of  
9 inadequate care within seven days of receipt of the complaint. When the expert concludes  
10 based upon professional opinion and training that further action is needed, the expert shall  
11 within seven days of such a conclusion notify Defendants, their health care contractor, and  
12 counsel for Plaintiffs and Defendants of the class member's need for medical attention.  
13 Defendants shall provide a substantive response and update in writing within 14 days of  
14 the notification to the expert and counsel for Plaintiffs regarding what remedial steps were  
15 taken to ensure the provision of adequate medical care to the class member. This process  
16 will not replace the currently existing grievance process outlined in ADC's Department  
17 Order ("DO") 802, at <https://corrections.az.gov/sites/default/files/policies/800/0802.pdf>.

18 The Court should use 10% of the funds to compensate each class member  
19 identified by Defendants as being among the individual instances of noncompliance with  
20 the OSC order in December 2017 and January 2018. *See* Doc. 2898 at 21-22; *citing*  
21 Docs. 2600, 2650, 2664, 2675, 2747, 2815; *see also United States v. United Mine Workers*  
22 *of Am.*, 330 U.S. 258, 303-04 (1947) (holding that the relief granted in civil contempt  
23 proceedings can be either coercive or compensatory); *Hook v. State of Ariz.*, 907 F. Supp.  
24 1326, 1340 (D. Ariz. 1995), *aff'd sub nom. Gluth v. Ariz. Dep't of Corr.*, 73 F.3d 369 (9th  
25 Cir. 1995), *and aff'd sub nom. Hook v. Ariz. Dep't of Corr.*, 107 F.3d 1397 (9th Cir.  
26 1997), *as amended on reh'g and reh'g en banc* (Apr. 22, 1997) (same). A sum of \$100  
27 for each instance of noncompliance should be deposited in each listed class member's  
28 prison trust account. If the class member has been released since the instance(s) of

1 noncompliance, Defendants shall forward payment to the former class member at the last  
2 address on record. If the class member has died since the instance(s) of noncompliance,  
3 Defendants shall forward payment to the next of kin on record. If released class members  
4 or survivors of class members cannot be located, any unpaid money shall be spent paying  
5 for the time and services of the expert, as described above.

6 Respectfully submitted,

7 Dated: July 23, 2018

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**CERTIFICATE OF SERVICE**

I hereby certify that July 23, 2018, I electronically transmitted the above document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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