

1.04-CV-335
U.S. DISTRICT COURT
DISTRICT OF VERMONT

NOTICE OF CLASS ACTION LAWSUIT

In December 2004, a class action lawsuit was commenced in the United States District Court for the District of Vermont, challenging the Vermont Department of Corrections' use of constant illumination by 24-hour "security lights" in the cells at the Southern State Correctional Facility, Northern State Correctional Facility, Marble Valley Regional Correctional Facility, and the Northeast Regional Correctional Facility. The stated cause of action is that the harm from involuntary exposure to constant illumination is a violation of the Eighth Amendment of the United States Constitution. The lawsuit seeks declaratory and injunctive relief ordering VT-DOC to desist in using constant illumination in favor of reasonable alternatives, such as flashlights to check on inmates.

FILED
2005 SEP 15 AM 8 39
CLERK

It is alleged in the Complaint that constant illumination is harmful to inmates and causes such ill-health effects as sleep deprivation, restless sleep, frequent awakening during the night, disruption of the body's normal circadian (day/night) rhythm (jet-lag syndrome), fatigue, headaches, memory problems, depression and other physical and psychological effects.

It is further alleged that exposure to constant illumination causes future, long-term health effects as it suppresses the human body's ability to produce melatonin, an essential hormone responsible for inducing sleep, influencing mood disorders, ensuring normal pituitary-gonadal (reproductive) development and processes, enhancing immune response, and protecting against cell damage from aging. Suppression of melatonin has also been linked to an increased risk of developing certain types of cancer. These allegations are supported by published biomedical research which will be presented as evidence at trial.

The lawsuit is currently pending the Judge's ruling on motions for Class Action Certification and Appointment of Counsel. There are presently 10 inmates (most at NSCF) joined as plaintiff's and proposed class representatives. The Court is awaiting a showing that a substantial number of inmates have been harmed by constant illumination before ruling on these motions. Additional inmates moving to intervene and be added as parties-plaintiff will greatly influence the Court's decision and strengthen the action.

If you or anyone you know of feel you have been harmed by, or fear future harm from, being involuntarily exposed to constant illumination by the VT-DOC, please photocopy the enclosed Motion to Intervene form, fill in your name, the date and your signature in the appropriate areas, and mail the form to:

Richard Wasko, Clerk of Court
United States District Court of Vermont
P.O. Box 945
Burlington, VT 05402-0945

If any information in the Motion to Intervene does not apply to you, or if you disagree with any part or want to add/change any allegations of harm to suit your personal situation, you may re-write the motion (handwriting is okay). DO NOT submit information to the Court that is false or does not personally apply to you.

Motions should be mailed to the Court by September 19th, 2005 (okay if a few days late). The Court will advise you by Notice when your motion has been granted. Your help will make a difference!