

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

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In re:  WELLPATH HOLDINGS, INC., <i>et al.</i> ,  Debtors.	Chapter 11  Case No. 24-90533 (ARP)  (Jointly Administered)
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**AMICI CURIAE’S OBJECTION TO DEBTORS’ MOTION FOR ENTRY OF AN  
ORDER ESTABLISHING DEADLINES AND PROCEDURES FOR FILING PROOFS  
OF CLAIM [DKT. NO. 109]**

The Center for Constitutional Rights, Human Rights Defense Center, Public Justice, and Rights Behind Bars submit this brief as amici curiae to object to the *Debtors’ Motion For Entry Of An Order Establishing Deadlines And Procedures For Filing Proofs Of Claim And Approving The Form And Manner Of Notice Thereof* [Dkt. No. 109] (the “Bar Date Motion”) on behalf of the hundreds of pro se tort claimants who may not otherwise be able to object within the twenty-one-day objection period.<sup>1</sup> Amici ask that the Court extend the bar date beyond the requested thirty days from service of the bar date notice and require that Debtors make certain adjustments to the form and manner for providing notice as described in more detail below.

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<sup>1</sup> Amici Center for Constitutional Rights, Human Rights Defense Center, Public Justice, and Rights Behind Bars are all 501(c)(3) nonprofit organizations and are not publicly held corporations. Accordingly, none has any parent corporation, and none has shares owned by any publicly held corporation. No party’s counsel authored this brief in whole or in part, no party or party’s counsel contributed money intended to fund this brief, and no person other than amici, their members, and their counsel contributed money to fund this brief.

## INTEREST OF AMICI

Amici are nonprofit organizations with decades of experience advocating for the rights of incarcerated people and vulnerable populations. As a result of that advocacy, amici are familiar with the barriers that incarcerated people face in accessing the legal system.

The **Center for Constitutional Rights** (“CCR”) is a national, not-for-profit legal, educational, and advocacy organization dedicated to protecting and advancing rights guaranteed by the U.S. Constitution and international law. Founded in 1966 to represent civil rights activists in the South, CCR has litigated numerous landmark civil and human rights cases. CCR has represented numerous incarcerated people in state and federal prisons and immigration detention across the country challenging their conditions of confinement. As such, CCR is deeply familiar with the barriers to participation in court proceedings—bankruptcy or otherwise—faced by incarcerated people and is committed to dismantling those barriers.

The **Human Rights Defense Center** (HRDC) is a nonprofit charitable organization conceived and incorporated in Washington, now headquartered in Florida, that advocates on behalf of the human rights of people held in state and federal prisons, local jails, immigration detention centers, civil commitment facilities, Bureau of Indian Affairs jails, juvenile facilities, and military prisons. HRDC engages in state and federal court litigation on prisoner rights issues, including public records, class actions, and Section 1983 civil rights litigation concerning the First Amendment rights of prisoners and their correspondents. HRDC’s advocacy efforts include publishing two monthly publications, *Prison Legal News*, which covers national and international news and litigation concerning prisons and jails, as well as *Criminal Legal News*, which is focused on criminal law and procedure and policing issues. HRDC also publishes and distributes self-help and legal reference books for prisoners.

**Public Justice** is a national public interest legal organization that specializes in precedent-setting, socially significant civil litigation, with a focus on fighting corporate and governmental misconduct. The organization maintains an Access to Justice Project that pursues litigation and

advocacy efforts to remove procedural obstacles that unduly restrict the ability of consumers, workers, and people whose civil rights have been violated to seek redress in the civil court system. Public Justice has engaged in significant advocacy efforts to prevent abuse of the bankruptcy system to evade the civil justice system, which hinders and delays justice for survivors of corporate wrongdoing.

**Rights Behind Bars** (RBB) legally advocates for people in prison to live in humane conditions and contributes to a legal ecosystem in which such advocacy is more effective. RBB seeks to create a world in which people in prison do not face large structural obstacles to effectively advocating for themselves in the courts. RBB helps incarcerated people advocate for their own interests more effectively and through such advocacy push towards a world in which people in prison are treated humanely. RBB represents clients with claims against one or more Debtors in this action.

### **BACKGROUND**

Debtor Wellpath Holdings, Inc., together with its related corporate bodies who collectively operate as Wellpath, is one of the largest providers of correctional health care services in the United States. On any given day, Wellpath is responsible for providing care to more than 220,000 people at over 400 carceral facilities, including prisons, jails, and immigration detention centers. Since its creation in 2018, Wellpath has been named in hundreds of lawsuits relating to the quality of their health services, as well as the target of multiple federal investigations. The allegations and findings are troublingly similar across both time and jurisdiction. For example, in August 2021, the United States Attorney's Office for the Central District of California found reasonable cause to believe that the San Luis Obispo County Jail had engaged in a pattern or practice of failing to provide incarcerated people with adequate medical care in violation of their constitutional rights, specifically noting that "Wellpath and its staff appear not to take seriously" medical concerns raised by incarcerated people. U.S. Department of Justice, Letter Regarding Investigation of San Luis Obispo County Jail at 5-9 (Aug. 31, 2021), <https://tinyurl.com/33uy524a>. In December 2023,

twelve United States Senators sent a letter to Wellpath expressing “deep concern with reports that Wellpath is providing inadequate health care in prisons and jails across the United States,” including by delaying and denying care, providing inadequate staffing, and failing to follow internal company policies such as policies relating to mortality reviews and suicide watch. Exhibit A. Most recently, and shortly before this Chapter 11 petition was filed, Wellpath agreed to pay at least \$250,000 in civil contempt fees after it was unable to cure years of well-documented and ongoing constitutional deficiencies at the Monterey County Jail in California. Stipulation and Order Re Civil Contempt, *Hernandez v. Cnty. of Monterey*, No. 13-cv-02354, ECF No. 945 (N.D. Cal. Oct. 29, 2024). The full fine amount may reach up to \$1 million, and Wellpath faces the potential for additional contempt fines, (potentially in excess of \$1 million) every six months until it corrects its constitutional deficiencies. Dudley, Paul Dudley, *Monterey County Jail’s Health Care Provider Fined, Questions About Bankruptcy Linger*, KSBW Action News (Nov. 25, 2024), <https://tinyurl.com/3xaxj6tp>.

Despite the unconscionable amount of suffering it has inflicted and its attendant financial liability, Wellpath is reported to have generated approximately \$2.4 billion in revenue last year. Reshmi Basu and Jill R. Shah, *Prison Health-Care Firm Wellpath Prepares Bankruptcy Filing*, BNN Bloomberg (Nov. 1, 2024), <https://tinyurl.com/hv4p3vdf>. It now seeks to use of the bankruptcy system in part to discharge its mounting tort liability. A successful “reorganization” will ultimately allow Wellpath to continue providing sub-standard medical care to thousands of incarcerated people while its owners, private equity giant H.I.G. Capital, continue to enrich themselves at the expense of the health and wellbeing of some of the most vulnerable members of our society. *See id.* (discussing private equity ownership).

### ARGUMENT

Both the Federal Rules of Bankruptcy Procedure and the U.S. Constitution require that Wellpath provide claimants with reasonable notice of the bankruptcy and the bar date for filing a proof of claim. *See Fed. R. Bankr. P. 2002; Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S.

306, 314 (1950) (“An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.”). Debtors’ proposed timeline and noticing scheme, as set forth in the Bar Date Motion, fail to adequately protect the due process rights of a large percentage of people with claims against Wellpath: those who were or are incarcerated.

As explained below in Section I, currently and formerly incarcerated people face unique obstacles to accessing both information and the legal system. These unique obstacles demand careful consideration in deciding how to best protect the rights of incarcerated people in these proceedings. In light of what is at stake—the ability to seek recovery for bodily harm and even death inflicted at the hands of Debtors—this Court should order Debtors to provide creditors with more accessible information regarding the nature of these proceedings and more time to file a proof of claim. Amici’s specific concerns and recommendations are discussed in Section II.

**I. CURRENTLY AND FORMERLY INCARCERATED CREDITORS FACE UNIQUE OBSTACLES THAT HINDER THEIR ABILITY TO PROTECT THEIR INTERESTS IN THESE PROCEEDINGS**

Currently and formerly incarcerated people face significant barriers to pursuing their claims and defending their interests in these bankruptcy proceedings. These obstacles fall into two general categories: (1) barriers to accessing and understanding complex legal information; and (2) barriers to accessing legal proceedings in a timely fashion, or at all.

**A. Obstacles Requiring the Presentation of Complex Legal Information in More Accessible Formats**

As a general matter, currently and formerly incarcerated people may have a limited ability to understand complex written communications. Nearly one-third of adults incarcerated in the U.S. have little or no ability to read, and a similar percentage do not have a high school degree. Bobby D. Rampey et al., *Highlights from the U.S. PIAAC Survey of Incarcerated Adults*, Nat’l Ctr. For

Educ. Statistics, U.S. Dep’t of Educ. at 6, B-3 (2016), <https://tinyurl.com/ysrztpy2>.<sup>2</sup> Similarly, studies have found that 19 percent of people in prison and 31 percent of people in jail have a cognitive disability, which affects their ability to comprehend and respond to legal documents. Jennifer Bronson, et al., U.S. Department of Justice, Bureau of Justice Statistics, *Disabilities Among Prison and Jail Inmates*, 2011-12 (Dec. 2015), <https://tinyurl.com/38vwr4kr> (national survey of almost 40,000 prisoners incarcerated in more than 200 state and federal prisons, including at least one facility located in each state). This is especially a problem in the context of bankruptcy proceedings, for which there are often complex procedural rules and questions of corporate law that make the proceedings difficult for even non-bankruptcy lawyers to fully understand, much less pro se litigants with low literacy levels.

Additionally, a portion of the potential claimant pool likely does not speak or read English fluently or at all. In addition to providing services to people in criminal custody (many of whom are non-English speakers), Wellpath currently and in the past has been responsible for providing care to people in immigration detention.<sup>3</sup> A recent study found that “there is ample basis to infer that the overwhelming majority of people in immigration detention have little to no understanding or command of written and spoken English.” Cardozo Law, *Held Incommunicado: The Failed Promise of Language Access in Immigration Detention* at 14 (2024), <https://tinyurl.com/5n7wswun>. Though federal law and Immigration and Customs Enforcement (“ICE”) regulations require the agency to provide people with limited English proficiency with

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<sup>2</sup> The survey found scored the reading levels of incarcerated individuals from Level 1 to Level 5 and found that 29 percent of incarcerated people scored *below* a Level 2 reading level. Level 2 readers “can integrate two or more pieces of information based on criteria, compare and contrast or reason about information, and make low-level inferences.” Level 1 readers can only “read relatively short...texts to locate a single piece of information that is identical to or synonymous with the information given in the question or directive.”

<sup>3</sup> For example, the Orange County Correctional Facility in Goshen, New York has a contract to detain people in U.S. Immigration and Customs Enforcement custody, and Wellpath recently renewed its contract to provide healthcare there. Lana Bellamy, *Orange County Extends Wellpath Health Care Contract at Jail*, Times Union (Apr. 16, 2024), <https://tinyurl.com/yckywmzx>.

language assistance in the law library, ICE routinely fails to do so. *Id.* at 33. As the study explained, “[p]redictably, the dearth of language access in detention center law libraries leads to devastating legal consequences” for people with limited English proficiency who may require access to the law library not only to prepare their immigration defense, but also to vindicate other important rights—in this case, their ability to recover for injuries inflicted by their medical provider. *Id.* at 39.

**B. Obstacles Requiring Additional Time to Object to Motions, Comply with Orders, and Otherwise Participate in These Proceedings**

Currently incarcerated people face additional barriers that hinder them from fully participating in these proceedings. Incarcerated people have limited means through which they can conduct legal research or exercise their rights in any meaningful way, including by filing a proof of claim, objections to any motions, or attending creditors meetings. Although incarcerated people may have access to law libraries, that access is at the discretion of facility administrators. Further, law libraries do not have access to the internet. Legal authority is often outdated or completely absent for certain subject matters or jurisdictions.

Because internet access is limited in carceral settings, the most common and accessible way for incarcerated people to access the courts is via U.S. mail. But submitting a filing by mail can be difficult. It is not uncommon for incarcerated people to lack access to paper, writing instruments, and postage. A 2021 survey of all 50 states and the Federal Bureau of Prisons found that free basic supplies, including postage, are provided only to those deemed “indigent,” a term that is often narrowly defined. Tiana Herring, *For the poorest in prison, it’s a struggle to access even basic necessities*, Prison Policy Initiative, (Nov. 18, 2021), <https://tinyurl.com/tfkwvdpp> (finding that monetary thresholds for determining indigency range from 0-25 dollars). This survey also found that “the number of free letters allowed range from one per month in Ohio to seven per week in Maryland. In some states, people have to choose between using their mail supplies for personal or legal mail, as they aren’t always considered separate services.” *Id.* Difficulty accessing postage is an especially serious problem in bankruptcy proceedings where important procedural

decisions that impact the rights of all creditors are made very quickly—often faster than a mail filing takes to get delivered—and where creditors risk forfeiting their claims if they fail to take timely action.

Furthermore, it is not unusual for mail to be significantly delayed. Such delays are standard and result from correctional facilities' failure to receive, screen, and deliver legal mail in a timely manner. Amici, for example, have experienced delays of weeks and even months in legal mail actually being delivered to their clients in prisons and immigration detention centers. These delays may be particularly in facilities that process and digitize mail (sometimes including legal mail) through a third-party vendor—a growing trend in carceral settings. For processing of legal mail, many of these vendors require pre-registration, account creation, and bar validation by senders, resulting in possible non-delivery. Moreover, because so many facilities have transitioned to providing incoming non-legal mail only on tablets or electronic kiosks that are not available 24/7 to the recipient of the mail, incarcerated people may have significantly limited time and ability to review and respond to correspondence— in some facilities as little as fifteen minutes a day, three times a week. Ultimately, these mail processing delays contribute to incarcerated people missing important deadlines—through no fault of their own. Given the fast pace of bankruptcy proceedings and its complex and inaccessible procedures, frequent mail delays pose a particularly unique obstacle.

Incarcerated people's ability to gather information through means other than the law library or by mail is also limited. Access to a phone for a purpose other than making a legal call is a privilege that can be restricted by correctional officials. *See, e.g., Armstrong v. Lane*, 771 F. Supp. 943, 949 (C.D. Ill. 1991) (upholding denial of telephone access to prisoners in segregation). In addition to these institutional barriers, calls are often cost-prohibitive. As a result of limited access to phones, incarcerated creditors cannot freely pick up a phone to attend a court hearing or a creditors' committee meeting. The inability to participate in real time in fast-moving proceedings

only underscores why other obstacles, like mail delays and lack of access to postage, are of particularly acute concern here.

Finally, people in immigration detention face two additional barriers. They are frequently transferred between ICE facilities across the country, many of which may not contract with Wellpath for correctional health services. And most people in immigration detention are ultimately deported. These realities may make it more difficult to receive notice or file a proof of claim.

## **II. DEBTORS' PROPOSED BAR DATE AND NOTICING SCHEME FAIL TO PROTECT INCARCERATED CREDITORS' DUE PROCESS RIGHTS**

### **A. The Bar Date Must Be Extended**

Because a claimant who fails to timely submit a proof of claim “shall be forever barred, estopped, and enjoined from asserting such claim against any of the Debtors,” Dkt. No. 109 at ¶ 18, due process demands that creditors have enough time to review and submit their proof of claim. *See Mullane*, 339 U.S. at 314 (establishing that “in any proceeding which is to be accorded finality” notice “must afford a reasonable time for those interested to make their appearance”). Recognizing that many currently incarcerated creditors will rely on U.S. postal mail to receive notice and submit their proof of claim, and given frequent and significant mail delays, the Court should extend the bar date beyond what Debtor’s requested; thirty days from service of the notice is simply too short a time period for incarcerated people to complete and submit their form by mail, and certainly insufficient time for those receiving only constructive notice to request a proof of claim form and submit it by the bar date. Amici suggest a period of at least 120 days.

### **B. The Proposed Notice and Noticing Process Fail to Provide the Required Due Process**

Debtors have failed to propose a sufficiently robust notice plan that adequately protects the due process rights of currently and formerly incarcerated creditors. The notice and noticing scheme in the Debtor’s Bar Date Motion fall short of due process requirements because (1) the proposed notice does not meaningfully apprise people of the nature of these proceedings and the effect of not filing a proof of claim by the required date; (2) it is unclear whether the Debtor’s list of

“known” creditors is sufficiently inclusive; and (3) the proposed constructive noticing scheme is highly unlikely to reach unknown creditors. The Court should ensure these due process deficiencies are addressed.

*i. The Notice and Proof of Claim Form Should Use Plain Language*

To comport with due process, “[t]he notice must be of such nature as reasonably to convey the required information.” *Mullane*, 339 U.S. at 314. Here, in order for bar date notice to be meaningful, the Court should order Debtors to use plain, easy to understand language in both the notice and proof of claim form. Given the low literacy and education rates of the tort claimant population, as well as the language barriers, the proposed notice and proof of claim form are simply too complex to understand.

As a point of comparison, the bar date notice and related documents in the Purdue Pharmaceutical bankruptcy provide useful examples of more accessible materials. In that case, the Debtors and the Unsecured Creditors Committee worked together to ensure the proof of claim forms were clear and the noticing strategy “not only provide[d] broad and robust notice . . . but also deliver[ed] the message in a way that [was] meaningful to victims” of the opioid crisis. UCC Statement and Reservation of Rights in Respect of Debtors’ Bar Date Motion at 1, *In re Purdue Pharma*, No. 19-23649, Dkt. No. 763 (Bankr. S.D.N.Y. Jan. 21, 2020). In addition to simplified proof of claim forms with clear instructions, Purdue created a two-page, full-color summary flyer that used plain language to explain what a claim and proof of claim were, who could file a bar date, and what the bar date was. *See* Exhibits B, C.

In this case, Debtors could also create a summary flyer that explains, at a minimum, (1) who the Debtor entities are (companies that contract with the government to provide health care services in jails, prisons, and immigration detention centers), what a “claim” is, what a “proof of claim” is, who can file a claim, what a creditor’s basic rights are, and how to request a proof of claim form. This flyer (as well as the notice and the proof of claim form, if possible) should be

translated into non-English languages commonly spoken in the prison and jail facilities where Debtors provided services, *e.g.*, Spanish, Haitian Creole, Vietnamese, or other languages.<sup>4</sup>

Some of this basic information could be reprinted in instructions that accompany the proof of claim form, and portions of the proof of claim form could be adjusted for clarity. For example, Section 8 of the proposed proof of claim (“What is the basis of the claim?”), read in isolation from the notice, appears to require submitting documents that support the claim. Dkt. No. 109-2 at 3 (“Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).”). Compare that with Part 6 of the *Purdue* personal injury proof of claim form, which explicitly notes that no supporting documentation is required. Ex. C at 5. This provision is of particular concern because amici believe that people may think that they are required to submit medical or other records to substantiate their claim, which will prevent people with claims from submitting their proof of claim in time or at all.

Finally, recognizing incarcerated people’s inability to access legal information and legal documents, handwritten Proofs of Claim should be accepted even if they do not conform substantially with the official form.

***ii. All Known Creditors Must Receive Actual Notice***

Because Debtors have not filed their schedules, it is hard to determine whether they’ve identified all known creditors. In bankruptcy proceedings, the application of due process requirements “depends on the specific circumstances of each creditor, and bankruptcy courts have distinguished the requisite notice that must be given to ‘known’ creditors and ‘unknown’ creditors.” *In re Placid Oil Co.*, 463 B.R. 803, 816 (Bankr. N.D. Tex. 2012), *aff’d*, 753 F.3d 151

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<sup>4</sup> Amici note a significant percentage of incarcerated people have disabilities that may impair their ability to read a written notice. As required by federal disability laws, notice to people with such disabilities should be accessible to them, *e.g.*, audio recordings for people with vision impairments or who are blind, and video recordings of American Sign Language for people who are d/Deaf. As this may prove impractical given the expense, amici merely note that someone in this situation would have cause to extend time to file their proof of claim. *See* Fed. R. Bankr. P. 3003(c)(3).

(5th Cir. 2014). Generally, “known” creditors must receive actual notice, while “unknown creditors” may receive only constructive notice. *See Chemetron Corp. v. Jones*, 72 F.3d 341, 345 (3d Cir. 1995). “A ‘known’ creditor is one whose identity is either known or ‘reasonably ascertainable by the debtor.’” *Id.* at 346. “A creditor is ‘reasonably ascertainable’ if it can be discovered through ‘reasonably diligent efforts.’” *Matter of Crystal Oil Co.*, 158 F.3d 291, 297 (5th Cir. 1998) (citation omitted).

Amici note to that if Debtors use only active litigation as a proxy for “claims,” this resulting list of known creditors will be underinclusive. There are likely hundreds of people with claims against Debtors who have not filed a lawsuit because they may be statutorily prohibited from doing so until they have exhausted administrative remedies. *See* 42 U.S.C. § 1997e(a). To the extent that Debtors know the identities of people who have alleged a personal injury-like claim against Wellpath using prison-specific means of addressing these complaints,<sup>5</sup> these are “known creditors” are entitled to actual notice.

***iii. The Debtor’s Constructive Notice Effort Is Unlikely to Reach A Meaningful Number of Unknown Incarcerated Creditors***

It is difficult to assess whether the Debtor’s proposed constructive notice efforts adequately protect the due process rights of incarcerated creditors because the Bar Date Motion lacks sufficient detail. “The proper inquiry in evaluating [constructive] notice is whether the party giving notice acted reasonably in selecting means likely to inform persons affected.” *In re Residential Capital, LLC*, No. 12-12020, 2015 WL 2256683, at \*6 (Bankr. S.D.N.Y. May 11, 2015) (quoting *In re Best Prods. Co.*, 140 B.R. 353, 357-58 (Bankr. S.D.N.Y. 1992)). Although constructive notice of the bar claims date by publication may satisfy due process in some instances, *In re Placid Oil Co.*, 753 F.3d 151, 155 (5th Cir. 2014), a proposed noticing scheme must provide a greater

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<sup>5</sup> In amici’s experience, it is not unusual for correctional health care contracts to include provisions requiring the provider to establish policies and procedures for addressing grievances related to health services, and to aggregate grievance data in some form. If Wellpath created these kinds of records, they are part of the “books and records” that the Debtors are required to search to ascertain the identities of known creditors. *See Chemetron*, 72 F.3d at 347.

level of detail beyond mere “identification of media which are expected to be used.” *In re Eagle-Picher Indus., Inc.*, 137 B.R. 679, 682 (Bankr. S.D. Ohio 1992).

Here, Debtors propose publishing the bar date notice in “the national edition of *The New York Times*, *USA Today*, and/or *Prison Legal News* or another publication with similar national circulation.” Dkt. 109 at ¶ 19. This attempt at constructive notice is unlikely to reach most incarcerated people who cannot freely access most periodicals. And it is doubtful that all of the facilities where Wellpath operates subscribe to the *USA Today* or the *Times*. Furthermore, some correctional facilities and systems bar the circulation of *PLN*. See *Prison Legal News v. Secretary, Florida Dep’t of Corrs.*, 890 F.3d 954 (11th Cir. 2018). Even if an incarcerated creditor has access to *PLN*, which is published only monthly, by the time the relevant edition is circulated inside correctional facilities, incarcerated creditors will likely have only a few weeks to obtain and file a proof of claim before a bar date in January.

Because notice by publication in periodicals is unlikely to reach incarcerated creditors, Debtors should engage in supplemental noticing. To their credit, Debtors have also proposed distributing the notice and proof of claim form “to organizations that support Debtors’ patient population and request that organizations post and/or distribute the information to its members.” Dkt. 109 at ¶ 19. Critically, Debtors fail to specify which groups they intend to work with.<sup>6</sup> Finally, Debtors have stated that they intend to post the bar date notice on information bulletin boards accessible to its patient populations within each respective facility. *Id.* Because incarcerated people have limited access to those areas, amici suggest that Debtors request that facilities post notices in common areas outside of the medical unit, such as in dining halls or housing unit common rooms.

## CONCLUSION

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<sup>6</sup> Given the frequent transfers and deportation of people in immigration detention, amici suggest that Debtors identify at least one immigrants’ rights organization who might be willing and able to disseminate information.

There is no question that providing notice of the bar date is a critically important part of ensuring these proceedings are fair and equitable. The Court should ensure that incarcerated creditors—of which there may be hundreds—are properly apprised of these proceedings and their rights. Due process of law requires nothing less.

Dated: December 6, 2024

Submitted,

*/s/ Jaqueline Aranda Osorno*

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# EXHIBIT A

# United States Senate

WASHINGTON, DC 20510

December 18, 2023

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Sami Mnaymneh  
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Tony Tamer  
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Dear Mr. Slocum, Mr. Mnaymneh, and Mr. Tamer:

We write to express deep concern with reports that Wellpath is providing inadequate health care in prisons and jails across the United States.<sup>1</sup>

Wellpath is the largest prison health contractor in the country,<sup>2</sup> serving around 300,000 patients in at least 34 states.<sup>3</sup> Wellpath is owned by the private equity firm H.I.G. Capital and was created in 2018 through a merger of Correct Care Solutions (CCS) with Correctional Medical Group Companies.<sup>4</sup> Wellpath's predecessor CCS was named as a defendant in roughly 1,400 federal lawsuits over the decade leading up to the merger<sup>5</sup> — with many cases resulting in some form of

<sup>1</sup> See, e.g., The Lens, "Orleans jail monitors disclose for first time issues found under Hutson's leadership," Nick Chrastil, May 16, 2023, <https://thelensnola.org/2023/05/16/orleans-jail-monitors-find-falsified-records-understaffing-at-facility/>; U.S. Department of Justice, Civil Rights Division, San Luis Obispo County Jail Findings Letter, August 31, 2021, [https://www.justice.gov/opa/press-release/file/1429076/download?utm\\_medium=email&utm\\_source=govdelivery](https://www.justice.gov/opa/press-release/file/1429076/download?utm_medium=email&utm_source=govdelivery).

<sup>2</sup> U.S. Department of Justice, Civil Rights Division, San Luis Obispo County Jail Findings Letter, August 31, 2021, p. 5, [https://www.justice.gov/opa/press-release/file/1429076/download?utm\\_medium=email&utm\\_source=govdelivery](https://www.justice.gov/opa/press-release/file/1429076/download?utm_medium=email&utm_source=govdelivery).

<sup>3</sup> The New Yorker, "The Jail Health-Care Crisis," Steve Coll, February 25, 2019, <https://www.newyorker.com/magazine/2019/03/04/the-jail-health-care-crisis>; Wellpath, "About Wellpath Care," <https://wellpathcare.com/about/>; The Atlantic, "The Private Option," Marsha McLeod, September 12, 2019, <https://www.theatlantic.com/politics/archive/2019/09/private-equitys-grip-on-jail-health-care/597871/>; Wellpath Statement, p. 3, <https://s3.documentcloud.org/documents/6165071/Wellpath-Statements.pdf>.

<sup>4</sup> The Atlantic, "The Private Option," Marsha McLeod, September 12, 2019, <https://www.theatlantic.com/politics/archive/2019/09/private-equitys-grip-on-jail-health-care/597871/>; Private Equity Stakeholder Project, "HIG Capital's and Wellpath's Correctional Healthcare Investment Risks," June 2019, p. 1, <https://pestakeholder.org/wp-content/uploads/2019/06/HIG-Capitals-Correctional-Healthcare-Investment-Risks-PESP-062519.pdf>.

<sup>5</sup> Private Equity Stakeholder Project, "HIG Capital's and Wellpath's Correctional Healthcare Investment Risks," June 2019, p. 1, <https://pestakeholder.org/wp-content/uploads/2019/06/HIG-Capitals-Correctional-Healthcare-Investment-Risks-PESP-062519.pdf>; Project On Government Oversight, "List of Federal Lawsuits Filed Against

compensation to plaintiffs.<sup>6</sup> Since its creation, Wellpath has been the target of multiple federal investigations and lawsuits, and the company has faced growing public scrutiny.<sup>7</sup>

A host of federal investigations, press reports, and reports by incarcerated people have revealed apparent deficiencies in Wellpath's care. Some of the most serious complaints against Wellpath include the following:

- ***Delayed care and denial of care:*** Reports indicate that Wellpath routinely fails to provide time-sensitive medical care or denies care outright. For example, a 2021 Department of Justice (DOJ) investigation into Wellpath's medical services at a California jail revealed significant delays in care and blanket denials of medical attention for incarcerated individuals scheduled to be released within weeks or months of the request for care.<sup>8</sup> Similarly, a Department of Homeland Security (DHS) investigation into Wellpath's predecessor CCS found that detainees lacked "timely access to proper medical care."<sup>9</sup> Further reports indicate that Wellpath staff have even failed to respond to urgent care needs, including for patients going into labor, seeking to terminate a 15-week pregnancy, requiring an emergency room transfer, or suffering from an emergency drug withdrawal.<sup>10</sup> And in some cases, incarcerated individuals have died after not receiving

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Correct Care Solutions and Companies It Has Acquired," October 26, 2018, <https://www.documentcloud.org/documents/5018937-FINAL-Master-List-of-1395-CCS-Cases-4848-9407-7557.js>.

<sup>6</sup> Correct Care Solutions, "Medical Services – Youth Service Center," p. 12 <https://s3.documentcloud.org/documents/5978594/Example-of-CCS-RFP.pdf>; The New Yorker, "The Jail Health-Care Crisis," Steve Coll, February 25, 2019, <https://www.newyorker.com/magazine/2019/03/04/the-jail-health-care-crisis>; Prison Legal News, "Private Medical Contractor Wellpath Pays \$4.5 Million in Death of Mentally Ill Jail Detainee After Judge Finds It Destroyed Evidence," Douglas Ankney, March 2021, <https://www.prisonlegalnews.org/news/2021/mar/1/private-medical-contractor-wellpath-pays-45-million-death-mentally-ill-jail-detainee-after-judge-finds-it-destroyed-evidence/>.

<sup>7</sup> Reuters, "DOJ report exposes failures of jail reform measures," Hassan Kanu, September 9, 2021, <https://www.reuters.com/legal/government/doj-report-exposes-failures-jail-reform-measures-2021-09-09/>; Prison Legal News, "Wellpath Founder and CEO Pleads Guilty to Federal Bribery Charges," March 1, 2022, <https://www.prisonlegalnews.org/news/2022/mar/1/wellpath-founder-and-ceo-pleads-guilty-federal-bribery-charges>; San Francisco Chronicle, "Its patients are 'literally a captive market.' Is this California health care giant failing them?," Susie Neilson, July 25, 2023, <https://www.sfchronicle.com/california/article/wellpath-health-care-jails-17917489.php>; U.S. Department of Justice, Civil Rights Division, "Notice Regarding Investigation of the Hampton Roads Regional Jail," December 19, 2018, <https://s3.documentcloud.org/documents/5978540/Hampton-Roads-DOJ-report.pdf>; Daily Press, "Hampton Roads Regional Jail, medical provider settle with family in wrongful death case," Peter Dujardin, November 21, 2018, <https://www.dailypress.com/2018/11/21/hampton-roads-regional-jail-medical-provider-settle-with-family-in-wrongful-death-case/>.

<sup>8</sup> U.S. Department of Justice, Civil Rights Division, San Luis Obispo County Jail Findings Letter, August 31, 2021, pp. 6, 13-14, [https://www.justice.gov/opa/press-release/file/1429076/download?utm\\_medium=email&utm\\_source=govdelivery](https://www.justice.gov/opa/press-release/file/1429076/download?utm_medium=email&utm_source=govdelivery)

<sup>9</sup> U.S. Department of Homeland Security, Office of Inspector General, "Management Alert –Issues Requiring Action at the Adelanto ICE Processing Center in Adelanto, California," September 27, 2018, <https://s3.documentcloud.org/documents/5978703/2018-OIG-Adelanto-Report.pdf>.

<sup>10</sup> CNN, "CNN Investigates: 'Please help me before it's too late,'" Blake Ellis and Melanie Hicken, June 25, 2019, <https://www.cnn.com/interactive/2019/06/us/jail-health-care-ccs-invs/>; Declaration Of Cara E. Trapani in Support of Plaintiffs' Motion to Enforce the Settlement Agreement and Wellpath Implementation Plan at 8, Hernandez v. County of Monterey, No. 13-cv-02354 (N.D. Cal. Aug. 10, 2023); Prison Legal News, "\$2.45 Million Paid by Wellpath and Macomb County, Michigan, After Detainee's Withdrawal Death in Jail," September 30, 2022, <https://www.prisonlegalnews.org/news/2022/sep/30/245-million-paid-wellpath-and-macomb-county-michigan-after-detainees-withdrawal-death-jail/>.

care — such as the reported case of a pretrial detainee with breathing problems who was transferred to a new jail without his CPAP machine and died after Wellpath medical staff declined to provide another one.<sup>11</sup> Monitors at a California jail found that 18 of the 19 deaths reviewed at the facility could have been prevented if Wellpath had followed its obligations to provide timely and adequate treatment.<sup>12</sup>

- ***Involuntary treatment:*** Wellpath has also allegedly performed procedures and administered medications without patients’ informed consent and without following the company’s protocol for involuntary treatment.<sup>13</sup> For example, at one South Carolina jail, incarcerated individuals were reportedly injected with an opioid treatment drug without their consent.<sup>14</sup> At another, monitors found that Wellpath staff forcibly administered psychotropic medications without following the established protocol for the involuntary administration of medication.<sup>15</sup>
- ***Inadequate staffing:*** Reports suggest that Wellpath has failed to meet contractually required staffing levels and hires under-qualified medical professionals. For example, a 2021 DOJ investigation found that Wellpath staffed an inadequate number of medical professionals at one of its facilities, putting incarcerated individuals at “substantial risk of serious harm.”<sup>16</sup> Similarly, a 2018 DOJ investigation into Wellpath’s predecessor found that incarcerated individuals were simply not sent to outside medical providers due to medical and security staffing shortages.<sup>17</sup> And a 2015 investigation by DOJ’s Office of the Inspector General (OIG) found that a Federal Bureau of Prisons (BOP) facility in Texas that contracted with Wellpath’s predecessor CCS “had significant issues staffing its health services unit.”<sup>18</sup> In 2023, a Georgia jail feared it would be forced to cease some medical operations altogether due to serious personnel shortages in intake, medication distribution, and the main clinic.<sup>19</sup> Likewise, an audit at a California jail found that Wellpath provided no dental care for months because it lacked adequate dental staff, and

<sup>11</sup> Declaration of Erick Stewart at 2-4, *Hernandez v. County of Monterey*, No. 13-cv-02354 (N.D. Cal. Aug. 10, 2023).

<sup>12</sup> Plaintiffs’ Notice of Motion and Motion to Enforce the Settlement Agreement and Wellpath Implementation Plan at 5, *Hernandez v. County of Monterey*, No. 13-cv-02354 (N.D. Cal. Aug. 10, 2023).

<sup>13</sup> *See, e.g.*, Order Granting Plaintiffs’ Motion to Enforce Settlement Agreement and Wellpath Implementation Plan at 23, *Hernandez v. County of Monterey*, No. 13-cv-02354 (N.D. Cal. Sept. 26, 2023).

<sup>14</sup> The Post and Courier, “Charleston County continued to pay jail’s medical provider millions despite pattern of neglect,” Ema Rose Schumer, April 23, 2023, [https://www.postandcourier.com/news/charleston-county-continued-to-pay-jails-medical-provider-millions-despite-pattern-of-neglect/article\\_d5680a6e-d93a-11ed-bcd7-f3f08cf76ef0.html](https://www.postandcourier.com/news/charleston-county-continued-to-pay-jails-medical-provider-millions-despite-pattern-of-neglect/article_d5680a6e-d93a-11ed-bcd7-f3f08cf76ef0.html).

<sup>15</sup> Declaration of Cara E. Trapani in Support of Plaintiffs’ Motion to Enforce the Settlement Agreement and Wellpath Implementation Plan at 37, *Hernandez v. County of Monterey*, No. 13-cv-02354 (N.D. Cal. Aug. 10, 2023).

<sup>16</sup> U.S. Department of Justice, Civil Rights Division, San Luis Obispo County Jail Findings Letter, August 31, 2021, pp. 14-16, [https://www.justice.gov/opa/press-release/file/1429076/download?utm\\_medium=email&utm\\_source=govdelivery](https://www.justice.gov/opa/press-release/file/1429076/download?utm_medium=email&utm_source=govdelivery).

<sup>17</sup> U.S. Department of Justice, Civil Rights Division, “Notice Regarding Investigation of the Hampton Roads Regional Jail,” December 19, 2018, p. 14, <https://s3.documentcloud.org/documents/5978540/Hampton-Roads-DOJ-report.pdf>.

<sup>18</sup> U.S. Department of Justice, Office of the Inspector General, “Audit of the Federal Bureau of Prisons Contract No. DJB1PC007 Awarded to Reeves County, Texas to Operate the Reeves County Detention Center I/II Pecos, Texas,” April 2015, p. iii, <https://www.oversight.gov/sites/default/files/oig-reports/a1515.pdf>.

stopped conducting intake screenings due to a shortage of nursing staff.<sup>20</sup> A CNN investigation even found that Wellpath staff shredded and hid medical requests at some facilities due to a lack of available medical staff.<sup>21</sup> There are also reports of Wellpath employing licensed vocational nurses in roles that require registered nurses with more advanced training.<sup>22</sup> Monitors in Louisiana have similarly found that Wellpath has relied on under-qualified professionals, some of whom failed to follow routine medical protocols.<sup>23</sup>

- ***Negligent care and failure to follow doctors' treatment plans:*** At times, Wellpath's medical staff have allegedly provided negligent care. For example, one monitor found that Wellpath staff were not consistently looking in patients' mouths when assessing whether they needed dental care.<sup>24</sup> And there are numerous reports of Wellpath staff failing to provide treatment prescribed by a physician. Wellpath has canceled off-site specialist visits recommended by doctors and discontinued medications without a medical justification.<sup>25</sup> In one case, an incarcerated patient was apparently hospitalized due to seizures after Wellpath failed to administer her prescribed medications.<sup>26</sup> In another case, Wellpath discontinued a medication that an incarcerated individual had been taking for 20 years and denied his grievance simply because he raised multiple issues in the grievance at once.<sup>27</sup>
- ***Failure to follow internal company policies:*** There are also reports of Wellpath staff not following the company's own protocols. For example, at some facilities, Wellpath staff

<sup>19</sup> The Atlanta Journal Constitution, "AJC Investigation: DeKalb jail had medical staff shortages," Jeremy Redmon, June 19, 2023, <https://www.ajc.com/news/ajc-investigation-dekalb-jail-had-medical-staff-shortages/7N2ZKBPT2NDX3D6M42R5HCJFKM/>.

<sup>20</sup> Declaration of Cara E. Trapani in Support of Plaintiffs' Motion to Enforce the Settlement Agreement and Wellpath Implementation Plan at 6-7, 45, Hernandez v. County of Monterey, No. 13-cv-02354 (N.D. Cal. Aug. 10, 2023).

<sup>21</sup> CNN, "CNN Investigates: 'Please help me before it's too late,'" Blake Ellis and Melanie Hicken, June 25, 2019, <https://www.cnn.com/interactive/2019/06/us/jail-health-care-ccs-invs/>.

<sup>22</sup> The Lens, "Orleans jail monitors disclose for first time issues found under Hutson's leadership," Nick Chrastil, May 16, 2023, <https://thelensnola.org/2023/05/16/orleans-jail-monitors-find-falsified-records-understaffing-at-facility/>.

<sup>23</sup> Nola.com, "Lackluster care from Orleans jail health provider causes 'serious harm,' monitors say," Joseph Cranney, May 15, 2023, [https://www.nola.com/news/crime\\_police/care-from-orleans-jail-health-provider-causes-serious-harm/article\\_9a3b7dca-f36d-11ed-aaa9-f7c0e64a05be.html](https://www.nola.com/news/crime_police/care-from-orleans-jail-health-provider-causes-serious-harm/article_9a3b7dca-f36d-11ed-aaa9-f7c0e64a05be.html).

<sup>24</sup> Declaration of Cara E. Trapani in Support of Plaintiffs' Motion to Enforce the Settlement Agreement and Wellpath Implementation Plan at 48, Hernandez v. County of Monterey, No. 13-cv-02354 (N.D. Cal. Aug. 10, 2023).

<sup>25</sup> Disability Law Center, "Investigation Report: Experiencing the Pandemic Inside Department of Correction Facilities – MCI-Shirley and MCI-Norfolk," March 28, 2022, p. 2, 10, 12, 16, <https://www.dlc-ma.org/wp-content/uploads/2022/03/FINAL-Public-Report-C-19-DOC-Facilities-3.28.2022-1.pdf>.

<sup>26</sup> The Post and Courier, "Charleston County continued to pay jail's medical provider millions despite pattern of neglect," Ema Rose Schumer, April 23, 2023, [https://www.postandcourier.com/news/charleston-county-continued-to-pay-jails-medical-provider-millions-despite-pattern-of-neglect/article\\_d5680a6e-d93a-11ed-bcd7-f3f08cf76ef0.html](https://www.postandcourier.com/news/charleston-county-continued-to-pay-jails-medical-provider-millions-despite-pattern-of-neglect/article_d5680a6e-d93a-11ed-bcd7-f3f08cf76ef0.html).

<sup>27</sup> U.S. Department of Justice, Civil Rights Division, San Luis Obispo County Jail Findings Letter, August 31, 2021, p. 9, [https://www.justice.gov/opa/press-release/file/1429076/download?utm\\_medium=email&utm\\_source=govdelivery](https://www.justice.gov/opa/press-release/file/1429076/download?utm_medium=email&utm_source=govdelivery).

have, in violation of company policies, reportedly failed to: perform mortality reviews; notify a physician when patients showed abnormal vital signs; develop individual treatment plans for patients with mental illnesses; and assign different staff members to review an initial grievance and an appeal.<sup>28</sup> Additionally, contrary to Wellpath's policies, some staff have failed to monitor for attempts at self-harm or suicide,<sup>29</sup> and some have even falsified logs by stating that they performed welfare checks.<sup>30</sup> Wellpath has also reportedly failed to abide by its own plan for implementing a court-approved settlement agreement, including failing to timely respond to sick call requests, refer incarcerated patients to outside providers as needed, or even schedule internal quality improvement meetings.<sup>31</sup>

- ***Inadequate mental health care and inappropriate use of restraints and solitary confinement:*** There are reports of Wellpath inappropriately responding to mental health issues by prescribing antipsychotics without clinical justification<sup>32</sup> and defaulting to the use of physical or chemical restraints in response to mental health crises.<sup>33</sup> Wellpath has allegedly also abused the use of solitary confinement for incarcerated people with mental health issues. For example, a 2020 DOJ investigation revealed that, under Wellpath, “Massachusetts’ prisons subjected incarcerated people in mental health crisis to prolonged periods of restrictive housing conditions, instead of providing them constitutionally adequate mental health care and supervision.”<sup>34</sup> Meanwhile, Wellpath has refused to give incarcerated individuals their prescribed mental health medications<sup>35</sup> and,

<sup>28</sup> Declaration of Cara E. Trapani in Support of Plaintiffs’ Motion to Enforce the Settlement Agreement and Wellpath Implementation Plan at 7, 19, 27, Hernandez v. County of Monterey, No. 13-cv-02354 (N.D. Cal. Aug. 10, 2023); U.S. Department of Justice, Civil Rights Division, San Luis Obispo County Jail Findings Letter, August 31, 2021, p. 8, [https://www.justice.gov/opa/press-release/file/1429076/download?utm\\_medium=email&utm\\_source=govdelivery](https://www.justice.gov/opa/press-release/file/1429076/download?utm_medium=email&utm_source=govdelivery).

<sup>29</sup> U.S. Department of Justice, Civil Rights Division, San Luis Obispo County Jail Findings Letter, August 31, 2021, p. 23, [https://www.justice.gov/opa/press-release/file/1429076/download?utm\\_medium=email&utm\\_source=govdelivery](https://www.justice.gov/opa/press-release/file/1429076/download?utm_medium=email&utm_source=govdelivery).

<sup>30</sup> NOLA, “Lackluster Care From Orleans Jail Health Provider Causes 'Serious Harm,' Monitors Say,” Joseph Cranney, May 15, 2023, [https://www.nola.com/news/crime\\_police/care-from-orleans-jail-health-provider-causes-serious-harm/article\\_9a3b7dca-f36d-11ed-aaa9-f7c0e64a05be.html](https://www.nola.com/news/crime_police/care-from-orleans-jail-health-provider-causes-serious-harm/article_9a3b7dca-f36d-11ed-aaa9-f7c0e64a05be.html).

<sup>31</sup> Declaration of Cara E. Trapani in Support of Plaintiffs’ Motion to Enforce the Settlement Agreement and Wellpath Implementation Plan at 7, 19, 27, Hernandez v. County of Monterey, No. 13-cv-02354 (N.D. Cal. Aug. 10, 2023); Order Granting Plaintiffs’ Motion to Enforce Settlement Agreement and Wellpath Implementation Plan at 10-11, Hernandez v. County of Monterey, No. 13-cv-02354 (N.D. Cal. Sept. 26, 2023).

<sup>32</sup> U.S. Department of Justice, Civil Rights Division, San Luis Obispo County Jail Findings Letter, August 31, 2021, p. 20, [https://www.justice.gov/opa/press-release/file/1429076/download?utm\\_medium=email&utm\\_source=govdelivery](https://www.justice.gov/opa/press-release/file/1429076/download?utm_medium=email&utm_source=govdelivery).

<sup>33</sup> Disability Law Center, “Public Report: Efficacy of Service Delivery Reforms at Bridgewater State Hospital (BSH) and Continuity of Care for BSH Persons Served,” January 2022, pp. 16, 22-23, <https://www.dlc-ma.org/wp-content/uploads/2022/02/DLC-BSH-January-2022-Public-Report-2.9.2022.pdf>.

<sup>34</sup> U.S. Department of Justice, Office of Public Affairs, “Press Release: Justice Department Secures Agreement with Massachusetts Department of Correction Investigation Involving Individuals in Mental Health Crisis,” December 20, 2022, <https://www.justice.gov/opa/pr/justice-department-secures-agreement-massachusetts-department-correction-investigation>.

<sup>35</sup> Private Equity Stakeholder Project, “Private Equity Firms Rebrand Prison Healthcare Companies, But Care Issues Continue,” Michael Fenne, November 2022, [https://pestakeholder.org/wp-content/uploads/2022/11/Wellpath\\_HIG\\_12-2022.pdf](https://pestakeholder.org/wp-content/uploads/2022/11/Wellpath_HIG_12-2022.pdf).

according to a DOJ investigation, the company “seems to discourage routine follow-up mental health care.”<sup>36</sup>

Wellpath’s payment structure incentivizes cutting costs by minimizing the number of healthcare services provided and opting to provide less resource-intensive services.<sup>37</sup> In its state and local contracts, Wellpath is typically paid a set rate based on the average daily population at the facilities where it provides care, with caps on the total amount that it can be compensated.<sup>38</sup> While some contracts increase Wellpath’s compensation for emergency services such as ambulance runs or decrease compensation for failures such as not triaging sick call requests, pay generally does not increase with the volume, quality, or complexity of medical services provided.<sup>39</sup> Some Wellpath contracts also appear to incentivize the company to reduce the number of transfers to hospitals<sup>40</sup> or to employ fewer staff members.<sup>41</sup> Meanwhile, in at least one contract that did permit reimbursement for specific services provided, the DOJ found that Wellpath’s predecessor CCS was overcharging the BOP by inflating its billing rates in invoices.<sup>42</sup>

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<sup>36</sup> U.S. Department of Justice, Civil Rights Division, San Luis Obispo County Jail Findings Letter, August 31, 2021, p. 20, [https://www.justice.gov/opa/press-release/file/1429076/download?utm\\_medium=email&utm\\_source=govdelivery](https://www.justice.gov/opa/press-release/file/1429076/download?utm_medium=email&utm_source=govdelivery).

<sup>37</sup> Governing, “America Has a Health-Care Crisis — in Prisons,” Alan Greenblatt, July 29, 2019, <https://www.governing.com/archive/gov-prison-health-care.html>; NYTimes, “Prisons Cut Costs By Managed Care,” Melody Petersen, December 26, 1996, <https://www.nytimes.com/1996/12/26/nyregion/prisons-cut-costs-by-managed-care.html>; New York University Law Review, “Mismanaged Care: Exploring The Costs And Benefits Of Private Vs. Public Healthcare In Correctional Facilities,” Micaela Gelman, November 2020, p. 1404-05, 1414, <https://www.nyulawreview.org/wp-content/uploads/2020/11/NYULawReview-Volume-95-Issue-5-Gelman.pdf>.

<sup>38</sup> Wellpath, “2021 Corporate Social Responsibility Report,” 2022, p. 6, <https://wellpathcare.com/wp-content/uploads/2022/09/2022-09-09-Wellpath-2021-Corporate-Responsibility-Report.pdf>; Contract between Alameda County Sheriff’s Office and California Forensic Medical Group (now Wellpath LLC), July 2022, [On file with the Office of Senator Elizabeth Warren]; County of Santa Barbara, “Attachment A: Agreement for Services of Independent Contractor, September 12, 2023, p. 3, <https://santabarbara.legistar.com/LegislationDetail.aspx?ID=6341487&GUID=1E597D78-6FD6-48F6-8B9D-E8B49147A057>; County of Santa Barbara, “Attachment F: Second Amendment to Agreement for Services of Independent Contractor,” August 18, 2020, p. 1, 4, <https://santabarbara.legistar.com/LegislationDetail.aspx?ID=6341487&GUID=1E597D78-6FD6-48F6-8B9D-E8B49147A057>; County of Monterey, “Attachment B - CFMG Agreement with Previous Board Orders,” p. 45, <https://monterey.legistar.com/LegislationDetail.aspx?ID=5148003&GUID=D8AD9820-4D18-43F1-93B3-9698F17D092D&Options=&Search=>.

<sup>39</sup> See, e.g., Contract Between the Department of Correction and Wellpath LLC (Formerly Known as Correct Care Solutions LLC) for Comprehensive Health Services to Massachusetts Prison Population, Nineteenth Amendment, February 2023, [https://drive.google.com/file/d/1Pvn0v1KdQrX2vStOtklLuezLxkAKDg3\\_/view](https://drive.google.com/file/d/1Pvn0v1KdQrX2vStOtklLuezLxkAKDg3_/view); Alameda County Sheriff’s Office and California Forensic Medical Group (now Wellpath LLC), “Exhibit B: Payment Terms,” July 2022, p. 55, [On file with the Office of Senator Elizabeth Warren]; County of Monterey, “Amendment No. 3 to Agreement A-13814 Between the County of Monterey and California Forensic Medical Group, Inc.” (now Wellpath LLC), December 2022, p. 3, [On file with the Office of Senator Elizabeth Warren].

<sup>40</sup> The New Yorker, “The Jail Health-Care Crisis,” Steve Coll, February 25, 2019, <https://www.newyorker.com/magazine/2019/03/04/the-jail-health-care-crisis>.

<sup>41</sup> U.S. Department of Justice, Office of Inspector General, “Audit of the Federal Bureau of Prisons Contract No. DJB1PC007 Awarded to Reeves County, Texas to Operate the Reeves County Detention Center I/II Pecos, Texas,” April 2015, p. 8, <https://oig.justice.gov/reports/2015/a1515.pdf>.

<sup>42</sup> U.S. Department of Justice, Office of the Inspector General, “Audit of the Federal Bureau of Prisons’ Contract Awarded to Correct Care Solutions, LLC for the Federal Correctional Complex in Coleman, Florida,” September 2019, p. 6-8, [https://www.oversight.gov/sites/default/files/oig-reports/a1937\\_0.pdf](https://www.oversight.gov/sites/default/files/oig-reports/a1937_0.pdf).

While Wellpath asserts that its cost-cutting measures do not compromise the quality of services,<sup>43</sup> extensive evidence suggests otherwise.<sup>44</sup> Nationwide, the privatization of prison health care has been associated with instances of reduced quality of care, higher death rates, and less transparency.<sup>45</sup> The more recent trend of private equity firms such as H.I.G. Capital purchasing prison healthcare providers — along with food, commissary, and telecommunications providers — has supercharged the profit incentive to compromise service quality.<sup>46</sup>

Meanwhile, the consolidation of prison healthcare providers into fewer and fewer giant contractors has left local and state governments with few private alternatives to Wellpath.<sup>47</sup> Some governments have turned back to the public provision of prison health care, or to university or nonprofit providers as promising alternatives.<sup>48</sup>

To help the public better understand Wellpath’s conduct in jails and prisons and whether the company is able to provide adequate care, we request that you provide the following information no later than January 8, 2024:

1. A list of all locations where you (or a subsidiary) operate to provide care for incarcerated or detained individuals. For each location, please provide:
  - a. The number of patients you (or the subsidiary) are contracted to provide care for.
  - b. The number of patients you (or the subsidiary) have provided care for during the contract period, per calendar year.
  - c. The number of referrals for outside care that you (or the subsidiary) have made during each calendar year of the contract period.
  - d. The total value of the contract.
  - e. The pay structure for each contract.
  - f. Any incentives built into the contracts, such as bonuses or increased payments based upon cost savings, staff reductions, or quality of care.
  - g. Whether the federal, state, or local contracting partner receives any portion of unspent funds.

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<sup>43</sup> *Id.*

<sup>44</sup> CNN, “CNN Investigates: ‘Please help me before it’s too late,’” Blake Ellis and Melanie Hicken, June 25, 2019, <https://www.cnn.com/interactive/2019/06/us/jail-health-care-ccs-invs/>.

<sup>45</sup> Reuters, “A Reuters Investigation: Dying Inside,” Jason Szep, Ned Parker, Linda So, Peter Eisler And Grant Smith, October 26, 2020, <https://www.reuters.com/investigates/special-report/usa-jails-privatization/>; The New Yorker, “The Jail Health-Care Crisis,” Steve Coll, February 25, 2019, <https://www.newyorker.com/magazine/2019/03/04/the-jail-health-care-crisis>.

<sup>46</sup> Axios, “For-profit prison services company looks to dump phone biz,” Dan Primack, January 27, 2020, <https://www.axios.com/2020/01/27/tkc-holdings-inmate-calling-solutions-spinoff>; Private Equity Stakeholder Project, “HIG Capital’s Prison Food And Commissary Store Racket,” October 2019, <https://pestakeholder.org/wp-content/uploads/2019/10/HIG-Capital-Prison-Food-Commissary-PESP-103019.pdf>; American Federation of Teachers, “Private Prisons and Investment Risks: Part Two,” 2019, <https://www.aft.org/sites/default/files/media/2020/private-prisons-invest-2019-part2.pdf>.

<sup>47</sup> New York University Law Review, “Mismanaged Care: Exploring The Costs And Benefits Of Private Vs. Public Healthcare In Correctional Facilities,” Micaela Gelman, November 2020, p. 1398, 1400, <https://www.nyulawreview.org/wp-content/uploads/2020/11/NYULawReview-Volume-95-Issue-5-Gelman.pdf>.

<sup>48</sup> *Id.* at 1419-21; The New Yorker, “The Jail Health-Care Crisis,” Steve Coll, February 25, 2019, <https://www.newyorker.com/magazine/2019/03/04/the-jail-health-care-crisis>.

2. For each contract, please provide information on required staffing levels at each facility.
  - a. What percentage of the required staffing have you provided in the last 12 months? Answer by providing raw data by position/role. Please identify if any roles are filled by individuals who fill more than one role (ex: if one physician fills both an attending and a supervisory role).
  - b. What percentage of your current staff positions are unfilled?
  - c. In which facilities do you provide a medical doctor on site 24 hours per day (if any)?
3. When seeking a new contract, do you typically promise to cut healthcare operational costs?
  - a. If so, how do you ensure the quality of care remains unchanged while cutting costs?
  - b. Please provide any marketing or pitch materials provided to potential clients.
4. How do you assess the quality of care provided?
  - a. Provide any internal policies used to evaluate your standard of care.
5. What protocol does Wellpath follow when providing medical screenings during the intake process?
  - a. How does Wellpath screen for behavioral health issues?
6. What is the protocol Wellpath (or a subsidiary) utilizes when determining whether or not a patient should be referred for outside care?
7. How much have incarcerated individuals been charged for copays on average in your facilities over each of the past five years?
  - a. Please provide this copay information for each facility where you operate and specify what portion of the copay goes to Wellpath versus the facility or agency.
  - b. Have you tracked changes in the percentage of incarcerated people seeking care based on the amount of the copay charged? If so, what changes have you identified?
  - c. What does the company do when an incarcerated person requires medical attention but cannot afford the copay?
8. How does the availability of security guards or scheduling of court dates affect access to health care in the facilities where you operate?
9. What role does Wellpath play in determining whether individuals should be placed in solitary confinement based on mental health conditions?
  - a. Is there a status that a Wellpath provider of mental health services could assign to a patient that would result in a transfer to solitary confinement?
10. What is Wellpath's policy for identifying and treating drug or alcohol withdrawal?
  - a. What training, if any, are Wellpath staff given for recognizing the symptoms of drug or alcohol withdrawal?

11. Do Wellpath staff provide medication-assisted treatment (MAT) to individuals with opioid use disorder?
  - a. If MAT is provided, how do Wellpath staff ensure that the medication is administered safely and in the appropriate dosage?
  - b. If MAT is provided, what is the protocol for providing counseling alongside the medication?
  
12. How many healthcare-related grievances have been filed in each of the facilities where you operate in each of the past five years?
  - a. What have been the topics of those grievances?
  - b. For each of the past five years, what percentage of grievances have been substantiated?
  - c. What percentage of grievances did not receive any reply for three months or more?
  
13. What steps must an incarcerated person take to request non-emergency medical, mental, or dental treatment?
  - a. What is the median turnaround time for Wellpath staff to process a request for non-emergency care?
  - b. What is the median amount of time between a request for non-emergency care and the receipt of care from a healthcare provider?
  
14. What steps must an incarcerated person take to request emergency medical, mental, or dental treatment?
  - a. What is the median turnaround time for Wellpath staff to process a request for emergency care?
  - b. What is the median amount of time between a request for emergency care and the receipt of care from a healthcare provider?
  
15. List the lawsuits filed against the company over the past five years.
  - a. For each, indicate the outcome of the lawsuit (settlement, dismissal, jury verdict, etc.).
  - b. For all cases resulting in settlements, please indicate the dollar amount for which the case settled.
  - c. Please also list each lawsuit against the company in the past five years related to miscarriages caused by medical neglect.
  
16. Does the company indemnify employees who are found liable for unlawful conduct committed in the course of employment, including negligence, malpractice, intentional torts, and constitutional violations?
  
17. How does the company decide where to allocate money in its operating budget?
  - a. What are the top five line items in your budget and how much is spent on each?
  - b. How has this allocation changed over the last five years? Please provide the breakdown for each of the last five years.

18. What number of staff do you currently employ, in each of the following categories: doctors, physician assistants, nurse practitioners, registered nurses, licensed practical nurses, licensed mental health professionals?
  - a. What percentage of doctors are licensed to practice medicine in the state where they are working for Wellpath?
  - b. What percent of doctors have lost their license to practice medicine in a state other than the one where they are working for Wellpath?
  - c. What is your company's protocol for checking the licenses or other credentials of employees in each of the following categories: doctors, physician assistants, nurse practitioners, registered nurses, licensed practical nurses, licensed mental health professionals?
  - d. Are there any differences between the qualifications required for doctors in your facilities and doctors operating in the local community? If so, what are the differences?
  
19. What types of preventative care do your medical providers offer?
  - a. What process must an incarcerated person go through to access preventative care?
  - b. What types of prenatal care do your medical providers offer?
  
20. What types of dental, mental, or medical care are your providers not permitted to perform without additional approval (if any)?
  - a. What is the process of securing approval?
    - i. Who must approve that care?
    - ii. How long does this process take?
  - b. For each type of care, what percentage of requests by providers to perform a procedure are not approved?
  
21. Does Wellpath participate in any voluntary accreditation system at any of its facilities? If so:
  - a. Who provides the accreditation?
  - b. What information do you make available to accreditors?
  - c. In how many of the five most recent accreditation cycles did an accreditor do a site visit to any of your facilities?
  
22. What are Wellpath's internal policies for responding to deaths in custody?
  - a. How many deaths have occurred in your facilities in each of the past five years?
  - b. During each incident, were the company's mortality policies followed? Were the contracting agency's policies followed?
  - c. Under what circumstances (if ever) is a mortality review conducted by an independent entity?
  
23. What are Wellpath's internal policies for responding to suicide attempts in custody?
  - a. How many suicide attempts have occurred in your facilities in each of the past five years?

- b. During each incident, were the company's relevant policies followed? Were the contracting agency's policies followed?
  - c. What is Wellpath's protocol for providing mental health care to an individual after a suicide attempt?
24. What are Wellpath's internal policies for responding to requests of pregnant and incarcerated individuals for outside appointments?
- a. What is the median length of time a pregnant individual must wait between intake and their first PCP visit?
  - b. How quickly after a pregnant individual reports concerns must they be taken to the hospital?

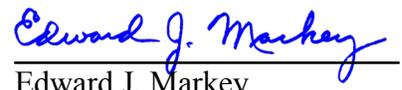
Thank you for your attention to this important matter.

Sincerely,

  
Elizabeth Warren  
United States Senator

  
Richard J. Durbin  
United States Senator

  
Jon Ossoff  
United States Senator

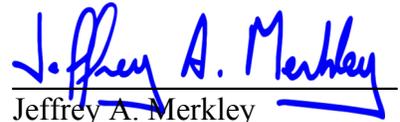
  
Edward J. Markey  
United States Senator

  
Raphael Warnock  
United States Senator

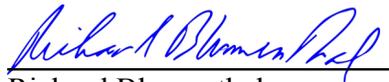
  
Laphonza Butler  
United States Senator



Peter Welch  
United States Senator



Jeffrey A. Merkley  
United States Senator



Richard Blumenthal  
United States Senator



Bernard Sanders  
United States Senator



Mazie K. Hirono  
United States Senator



Cory A. Booker  
United States Senator

# EXHIBIT B

# HAS THE PRESCRIPTION OPIOID CRISIS AFFECTED YOU OR SOMEONE YOU KNOW? YOU COULD BE COMPENSATED FROM THE PURDUE PHARMA L.P. BANKRUPTCY

**FILE YOUR CLAIM BY JUNE 30, 2020**

## WHAT IS THIS ABOUT?

If you think you've been hurt by Purdue Pharma L.P., a U.S. limited partnership, and its affiliated Debtor companies ("Purdue"), or Purdue prescription opioids, like OxyContin, or other prescription opioids manufactured or sold by Purdue, you can file a claim for compensation in the Purdue bankruptcy proceeding. The deadline to file a claim is June 30, 2020, at 5:00 p.m. Eastern Time.

## WHAT IS A CLAIM AND WHO CAN FILE?

A "claim" means a right to seek payment or other compensation. You must file a Proof of Claim Form so it is actually received at the address indicated on the form's instructions by the deadline. It can be filed by you, by a legal guardian, by survivors, or by relatives of people who have died or are disabled. All "Personal Injury Claimant Proof of Claim Forms" and any supporting documentation will be kept highly confidential and will not be made available to the public. You do not need an attorney in order to file a Proof of Claim.

Additionally, partnerships, corporations, joint ventures, trusts, governmental units, and Native American Tribes may also file a claim against Purdue or any of its affiliated Debtor companies.

Go to **PurduePharmaClaims.com** to find a complete list of instructions on how to file a claim. You will also find a list of the opioids produced, manufactured or sold by Purdue or its subsidiaries.

You may file a Proof of Claim even if a settlement is contemplated in the Purdue bankruptcy so that your claim can be considered as part of any settlement.

**“ ANYONE CAN BE IMPACTED BY PRESCRIPTION OPIOIDS. ”**



## IMPORTANT INFORMATION FOR YOU

### WHO DOES THIS AFFECT AND WHAT ARE MY RIGHTS?

If you think you've suffered harm from Purdue or Purdue prescription opioids, you have the right to file a claim even if you may have also received reimbursement from insurance. Examples of claims that may be filed in the Purdue bankruptcy include death, addiction or dependence, lost wages, loss of spousal relationship benefit for things like child-rearing, enjoyment of life, etc., or Neonatal Abstinence Syndrome ("NAS"), among others.

### THE DEADLINE TO FILE A CLAIM IS JUNE 30, 2020, AT 5:00 P.M. EASTERN TIME.

If you do not file a claim by the deadline, you will lose the right to file a claim against Purdue, and you will lose any right you may have had to seek payment or compensation. Proof of Claim Forms, a list of opioids manufactured or sold by Purdue, and instructions for how to file a claim are online at [PurduePharmaClaims.com](http://PurduePharmaClaims.com).

### IS PURDUE OUT OF MONEY? No.

### WHAT IS A BAR DATE?

The Bar Date is the court approved deadline for filing claims against Purdue for money owed or harm you believe was caused by acts or omissions of any of the Debtors (Purdue Pharma L.P. and its subsidiaries and general partner) from before the September 15, 2019 Chapter 11 filing date. The Bar Date has been established as June 30, 2020, at 5:00 p.m. Prevailing Eastern Time.

### WHAT IS A PROOF OF CLAIM?

A "Proof of Claim" is the official form that a creditor or other interested party (or litigant, or someone who believes that Purdue has caused them damages) must submit in order to assert and support any claim against any or all of the Debtors. The Bankruptcy Court has approved four Proof of Claim Forms that seek certain baseline information that will be important for evaluating claims filed against the Debtors. These forms are: (i) a Non-Opioid Claimant Proof of Claim Form; (ii) a Governmental Opioid Claimant Proof of Claim Form; (iii) a General Opioid Claimant Proof of Claim Form; and (iv) a Personal Injury Claimant Proof of Claim Form.

### THIS IS ONLY A SUMMARY

For more information concerning Purdue's bankruptcy, Frequently Asked Questions, examples of personal injury and other claims that can be filed, instructions on how to file a claim, and important documents including the Bar Date Notice, visit [PurduePharmaClaims.com](http://PurduePharmaClaims.com). You can also request a Proof of Claim Form by mail, phone or email:

Purdue Pharma Claims Processing Center  
c/o Prime Clerk LLC  
850 Third Avenue, Suite 412, Brooklyn, NY 11232  
Toll Free: (844) 217-0912  
Email: [purduepharmainfo@primeclerk.com](mailto:purduepharmainfo@primeclerk.com)

# EXHIBIT C

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

PURDUE PHARMA L.P., *et al.*,  
  
Debtors.

Chapter 11

Case No. 19-23649 (RDD)

(Jointly Administered)

Personal Injury Claimant Proof of Claim Form  
(Including Parents and Guardians)

You may file your claim electronically at [PurduePharmaClaims.com](http://PurduePharmaClaims.com) via the link entitled "Submit a Claim."

For questions regarding this Proof of Claim Form, please call Prime Clerk at (844) 217-0912 or visit [PurduePharmaClaims.com](http://PurduePharmaClaims.com).

Read the instructions at the end of this document before filling out this form. This form is for individuals to assert an unsecured claim against the Debtors seeking damages based on actual or potential future personal injury to the claimant or another (for example, deceased, incapacitated, or minor family member) related to the taking of a Purdue Opioid and/or the taking of another opioid for which You believe Purdue is responsible for Your damages.

**Do not** use this form to assert only a non-personal injury claim against the Debtors based on or involving opioids or their production, marketing and sale, including without limitation, the Debtors' production, marketing and sale of Purdue Opioids. File such claims on a General Opioid Claimant Proof of Claim Form. However, if You have a claim against the Debtors based on or involving the production, marketing and sale of opioids, in addition to Your claim based on personal injury, You may include information related to that claim on the Personal Injury Claimant Proof of Claim Form by completing Part 5 of this form.

**Do not** use this form to assert any other pre-petition claims, including secured claims or claims entitled to priority under 11 U.S.C. § 507(a). Secured claims, claims entitled to priority under 11 U.S.C. § 507(a) and non-opioid related claims should be filed on a Non-Opioid Claimant Proof of Claim Form (Form 410).

Creditor (also referred to as "You" throughout) shall provide information responsive to the questions set forth below. Creditors may include parents, foster parents, and guardians submitting claims on behalf of minors with Neonatal Abstinence Syndrome ("NAS"). Instructions and definitions are provided at the end of this document. You shall provide information reasonably available to You and are not excused from providing the requested information for failure to appropriately investigate Your claim. You shall supplement Your responses if You learn that they are incomplete or incorrect in any material respect.

Personal Injury Claimant Proof of Claim Forms and any supporting documentation submitted with the form shall remain highly confidential and shall not be made available to the public. For the avoidance of doubt, all pages of the Personal Injury Claimant Proof of Claim Form and supporting documentation shall be treated as highly confidential and made available only to Prime Clerk, the Court and to those that agree to be bound by the Protective Order.

**Fill in all the information about the claim as of September 15, 2019, the Petition Date. You may also fill in information regarding any claims You believe You may have after September 15, 2019 on this form. This form should be completed to the best of Your ability with the information available to You. If You are unable to answer certain questions at this time, the absence of an answer, by itself, will not result in the denial of Your claim, though You may be asked or required to provide additional information at a later date. You may also amend or supplement Your claim after it is filed.**

Please note that supporting documentation is requested in certain portions of the form. Please provide the requested information to the best of Your ability. At Your discretion, You may also provide additional information to supplement Your claim in any manner available to You.

**Do not send original documents**, as they will not be returned, and they may be destroyed after scanning.

**Part 1:** Identify the Claim

1. Who is the creditor?

Name of the individual to be paid for this claim. If the creditor is a minor (under 18), please provide only the minor's initials.

Other names the creditor used with the debtor, including maiden or other names used:

If Your claim is based on personal injury to another (for example, a deceased, incapacitated, or minor family member), please provide the name of that other person (that is, the injured person). If the injured person is a minor (under 18), please provide only the minor's initials:

If You are submitting a claim on behalf of another person, please provide Your name and relationship to that person:

If you are submitting a claim on behalf of a minor, are You the Legal Guardian?

No  Yes

2. **What is the year of birth, gender, and last 4 digits of the social security number of the creditor (or injured person, if the claim is based on the personal injury of another)?**

Year of Birth: \_\_\_\_\_

Gender:  Male  Female

Last 4 Digits of Social Security Number (if available): XXX-XX-\_\_\_\_-\_\_\_\_-\_\_\_\_-\_\_\_\_

3. <b>Where should notices and payments to the creditor be sent?</b>  Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	<b>Where should notices to the creditor be sent?</b>	<b>Where should payments to the creditor be sent? (if different)</b>
	_____	_____
	Name _____	Name _____
	_____	_____
	Number _____ Street _____	Number _____ Street _____
	_____	_____
City _____ State _____ ZIP Code _____	City _____ State _____ ZIP Code _____	
Contact phone _____	Contact phone _____	
Contact email _____	Contact email _____	

4. **Does this claim amend one already filed?**  No.  
 Yes. Claim number on court claims registry (if known) \_\_\_\_\_ Filed on \_\_\_\_\_  
 MM / DD / YYYY

5. **Do you know if anyone else has filed a proof of claim for this claim?**  No.  
 Yes. Who made the earlier filing? \_\_\_\_\_

**Part 2: Attorney Information (Optional)**

6. **Are You represented by an attorney in this matter?**  No.  
 Yes. If yes, please provide the following information:

You do not need an attorney to file this form.

\_\_\_\_\_

Law Firm Name

\_\_\_\_\_

Attorney Name

\_\_\_\_\_

Address

\_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

Contact phone \_\_\_\_\_ Contact email \_\_\_\_\_

**Part 3: Information as of September 15, 2019, the Petition Date, About Your Claim**

7. **How much is the claim?** \$ \_\_\_\_\_ or  
 Unknown.

8. **Select all that apply to You.**

Creditor has been injured by use of an opioid.

Although Creditor is not currently aware of any injury, Creditor wants to file now to keep the ability to seek payment if Creditor has a future injury or harm due to use of an opioid.

Creditor has a claim arising out of another person's use of an opioid. **Please answer all questions in Part 4 as if that person (the injured person) is filling out the form.**

Creditor is submitting a claim on behalf of a minor with NAS. **Please answer all questions in Part 4 as if the birth mother of the minor is filling out the form (to the extent such information is available to You).**

9. **Briefly describe the type of injury alleged from Your use or another person's use of an opioid. Select all that apply.**

Attach additional sheets if necessary.

- Death
- Overdose
- Addiction/Dependence/Substance Use Disorder
- Lost Wages/Earning Capacity
- Loss of Consortium
- NAS-related
  - Learning Disability
  - Spina Bifida
  - Developmental Disability
  - Heart Defects
  - Congenital Defects or Malformations

Expenses for Treatment

Other (describe): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

10. **Describe the basis for Your claim, including all alleged causes of action, sources of damages, etc., You are asserting against the Debtors.**

Attach additional sheets if necessary.

\_\_\_\_\_  
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11. **Please identify and quantify each category of damages or monetary relief that You allege, including all injunctive relief that You seek. Check as many boxes as are applicable.**

Compensatory: \$ \_\_\_\_\_ or  Unknown  
(for example, lost wages, pain and suffering, expenses not reimbursed, loss of consortium, etc.)

Punitive: \$ \_\_\_\_\_ or  Unknown

Other (describe): \_\_\_\_\_

\_\_\_\_\_

12. **Have You ever filed a lawsuit against any of the Debtors at any time?**

No

Yes. If yes, please provide the following information and attach supporting documentation:

**Case Caption:** \_\_\_\_\_

**Court and Case/Docket Number:** \_\_\_\_\_

**Attorney Information:**

\_\_\_\_\_  
 Law Firm Name

\_\_\_\_\_  
 Attorney Name

\_\_\_\_\_  
 Address

\_\_\_\_\_  
 City State ZIP Code

Contact phone \_\_\_\_\_ Contact email \_\_\_\_\_

**Part 4:**

**Information About Opioid Use**  
 If You have a claim arising out of another person's use of an opioid, please answer these questions as if the injured person is filling out the form. If You are submitting a claim on behalf of a minor with NAS, please answer these questions as if the birth mother of the minor is filling out the form (to the extent such information is available to You).

13. **Were You prescribed or administered a Purdue brand name opioid by a healthcare professional?**

Unknown (select if You were prescribed a prescription opioid but do not know the specific medication).

No.

Yes. If yes, please provide the following information to the extent reasonably available:  
**Please identify the Purdue brand name opioid(s) that You were prescribed or administered by a healthcare professional. Check as many medications as applicable.**

<input type="checkbox"/> Butrans®	<input type="checkbox"/> OxyContin®
<input type="checkbox"/> DHC Plus®	<input type="checkbox"/> OxyFast®
<input type="checkbox"/> Dilaudid®	<input type="checkbox"/> OxyIR®
<input type="checkbox"/> Hysingla ER®	<input type="checkbox"/> Palladone®
<input type="checkbox"/> MS Contin®	<input type="checkbox"/> Ryzolt
<input type="checkbox"/> MSIR®	

14. **Were You ever prescribed or administered any opioid (other than a Purdue brand name opioid) by a healthcare professional?**

Unknown (select if You were prescribed a prescription opioid but do not know the specific medication).

No.

Yes. If yes, please provide the following information to the extent reasonably available:  
 Non-Purdue Brand Name Opioid, if known: \_\_\_\_\_

**Please identify the generic opioid(s) that You were prescribed or administered by a healthcare professional. Check as many medications as applicable.**

<input type="checkbox"/> Buprenorphine transdermal system	<input type="checkbox"/> Oxycodone extended-release tablets
<input type="checkbox"/> Hydrocodone and acetaminophen tablets (generic to Vicodin® or Norco®)	<input type="checkbox"/> Oxycodone immediate-release tablets
<input type="checkbox"/> Hydromorphone immediate-release tablets	<input type="checkbox"/> Oxycodone and acetaminophen tablets (generic to Percocet®)
<input type="checkbox"/> Hydromorphone oral solution	<input type="checkbox"/> Tramadol extended-release tablets
<input type="checkbox"/> Morphine extended-release tablets	
<input type="checkbox"/> Other Generic: _____	

**Part 5:** Other (Non-Personal Injury) Opioid-Related Claims

15. Do You believe You have any other claims against the Debtors based on or involving the Debtors' production, marketing and sale of Purdue Opioids that are not based on a personal injury?

No.

Yes. If yes, please describe the nature of the claim(s) (Attach additional sheets if necessary).

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

16. How much is the claim? \$ \_\_\_\_\_ or

Unknown.

**Part 6:** Supporting Documentation

17. Please provide the following supporting documentation if You would like (but You are not required) to supplement this proof of claim.

Provide any documents supporting Your claim, including but not limited to: any complaint that You have filed against the Debtor(s), prescriptions, pharmacy records or statements showing prescriptions, or any records supporting Your claims of damages.

**Part 7:** Sign Below

**The person completing this proof of claim must sign and date it. FRBP 9011(b).**

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

**A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.**

*Check the appropriate box:*

I am the creditor.

I am the creditor's attorney, guardian, kinship (or other authorized) caretaker, executor, or authorized agent.

Other (describe): \_\_\_\_\_

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date \_\_\_\_\_(mm/dd/yyyy)

\_\_\_\_\_  
 Signature

**Print the name of the person who is completing and signing this claim:**

Name \_\_\_\_\_  
 First name Middle name Last name

Title \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_  
 Number Street

\_\_\_\_\_  
 City State ZIP Code

Contact phone \_\_\_\_\_ Email \_\_\_\_\_

# Instructions for Personal Injury Claimant Proof of Claim Form

These instructions and definitions generally explain the law. In certain circumstances, such as bankruptcy cases that debtors do not file voluntarily, exceptions to these general rules may apply. You should consider obtaining the advice of an attorney, especially if you are unfamiliar with the bankruptcy process and privacy regulations.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both.  
18 U.S.C. §§ 152, 157 and 3571.

## How to fill out this form

- Fill in all of the information about the claim as of the date the bankruptcy case was filed, September 15, 2019. You may also fill in information regarding any claims you believe you may have after September 15, 2019 on this form.
- If the claim has been acquired from someone else, then state the identity of the last party who owned the claim or was the holder of the claim and who transferred it to you before the initial claim was filed.
- Attach any available supporting documents to this form.

Attach copies of any documents that show that the debt exists, a lien secures the debt, or both.

Also attach copies of any documents that show perfection of any security interest or any assignments or transfers of the debt. In addition to the documents, a summary may be added. Federal Rule of Bankruptcy Procedure (called "Bankruptcy Rule") 3001(c) and (d).

- Do not attach original documents because they will not be returned and may be destroyed after scanning.
- A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, individual's tax identification number, or financial account number, and only the year of any person's date of birth. See Bankruptcy Rule 9037.
- A parent, foster parent, or guardian may complete this form on behalf of a minor child if there is reason to believe that the birth mother may have taken opioid products.
- For a minor child, fill in only the child's initials and the full name and address of the child's parent or guardian. For example, write *A.B., a minor child (John Doe, parent, 123 Main St., City, State)*. See Bankruptcy Rule 9037.
- Each question in this proof of claim form should be construed independently, unless otherwise noted. No question should be construed by reference to any other question if the result is a limitation of the scope of the answer to such question.

- The questions herein do not seek the discovery of information protected by the attorney-client privilege.
- The words "and" and "or" should be construed as necessary to bring within the scope of the request all responses and information that might otherwise be construed to be outside its scope.
- After reviewing this form and any supporting documentation submitted with this form, additional information and documentation may be requested.
- Purdue Pharma (Canada) is not a debtor in this case. If your claim is against only Purdue Pharma (Canada), you do not have a claim in this case and should not file and submit this form.

## Confirmation that the claim has been filed

To receive confirmation that the claim has been filed, enclose a stamped self-addressed envelope and a copy of this form. You may also call Prime Clerk at (844) 217-0912, send an inquiry to [purduepharmainfo@primeclerk.com](mailto:purduepharmainfo@primeclerk.com), or submit an inquiry or live chat with Prime Clerk through the case website at [PurduePharmaClaims.com](http://PurduePharmaClaims.com).

## Understand the terms used in this form

**Claim:** A creditor's right to receive payment for a debt that the debtor owed on the date the debtor filed for bankruptcy. 11 U.S.C. § 101 (5). A claim may be secured or unsecured.

**Creditor:** A person, corporation, or other entity to whom a debtor owes a debt that was incurred on or before the date the debtor filed for bankruptcy. 11 U.S.C. § 101 (10).

**Debtor:** A person, corporation, or other entity who is in bankruptcy. Use the debtor's name and case number as shown in the bankruptcy notice you received. 11 U.S.C. § 101 (13).

**Information that is entitled to privacy:** A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, an individual's tax identification number, or a financial account number, only the initials of a minor's name, and only the year of any person's date of birth.

**Priority claim:** A claim within a category of unsecured claims that is entitled to priority under 11 U.S.C. § 507(a). These claims are paid from the available money or property in a bankruptcy case before other unsecured claims are paid. Common priority unsecured claims include alimony, child support, taxes, and certain unpaid wages.

**Proof of claim:** A form that shows the amount of debt the debtor owed to a creditor on the date of the bankruptcy filing. The form must be filed in the district where the case is pending.

**Purdue Opioid** means all natural, semi-synthetic or synthetic chemicals that interact with opioid receptors on nerve cells in the body and brain, and that are approved by the U.S. Food & Drug Administration (FDA) and listed by the DEA as Schedule II or III drugs pursuant to the federal Controlled Substances Act, produced, marketed or sold by the Debtors as (i) the following **Brand Name Medications:** OxyContin®, Hysingla ER®, Butrans®, Dilaudid®, Ryzolt, MS Contin®, MSIR®, Palladone®, DHC Plus®, OxyIR®, and OxyFast®, and (ii) the following **Generic Medications:** oxycodone extended-release tablets, buprenorphine transdermal system, hydromorphone immediate-release tablets, hydromorphone oral solution, tramadol extended-release tablets, morphine extended-release tablets, oxycodone immediate-release tablets, oxycodone and acetaminophen tablets (generic to Percocet®), hydrocodone and acetaminophen tablets (generic to Vicodin® or Norco®). The term “Purdue Opioid(s)” shall not mean: (i) medications and other substances to treat opioid or other substance use disorders, abuse, addiction or overdose; (ii) raw materials and/or immediate precursors used in the manufacture or study of opioids or opioid products, but only when such materials and/or immediate precursors are sold or marketed exclusively to DEA-licensed manufacturers or DEA-licensed researchers; or (iii) opioids listed by the DEA as Schedule IV drugs pursuant to the federal Controlled Substances Act.

**Secured claim under 11 U.S.C. § 506(a):** A claim backed by a lien on particular property of the debtor. A claim is secured to the extent that a creditor has the right to be paid from the property before other creditors are paid. The amount of a secured claim usually cannot be more than the value of the particular property on which the creditor has a lien. Any amount owed to a creditor that is more than the value of the property normally may be an unsecured claim. But exceptions exist; for example, see 11 U.S.C. § 1322(b) and the final sentence of § 1325(a).

Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment may be a lien.

**Unsecured claim:** A claim that does not meet the requirements of a secured claim. A claim may be unsecured in part to the extent that the amount of the claim is more than the value of the property on which a creditor has a lien.

## Offers to purchase a claim

Certain entities purchase claims for an amount that is less than the face value of the claims. These entities may contact creditors offering to purchase their claims. Some written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court, the bankruptcy trustee, or the debtor. A creditor has no obligation to sell its claim. However, if a creditor decides to sell its claim, any transfer of that claim is subject to Bankruptcy Rule 3001(e), any provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.) that apply, and any orders of the bankruptcy court that apply.

## Please send completed Proof(s) of Claim to:

### If by first class mail:

Purdue Pharma Claims Processing Center  
c/o Prime Clerk LLC  
Grand Central Station, PO Box 4850  
New York, NY 10163-4850

### If by overnight courier or hand delivery:

Purdue Pharma Claims Processing Center  
c/o Prime Clerk LLC  
850 Third Avenue, Suite 412  
Brooklyn, NY 11232

### You may also file your claim electronically at

[PurduePharmaClaims.com](http://PurduePharmaClaims.com) via the link entitled “Submit a Claim.”

**Do not file these instructions with your form**