

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

Michael G. Postawko, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 16-CV-4219-NKL-P
	)	
Missouri Department of Corrections, et al.	)	
	)	
Defendants.	)	
	)	

**MOTION FOR CLASS CERTIFICATION**

Come now Plaintiffs, pursuant to Federal Rule of Civil Procedure 23, and move this Court for certification of a Plaintiff Class on the claims for prospective relief set forth in Counts I and II of the second amended complaint, ECF No. 30. In support, they state:

1. In this action, Plaintiffs challenge the custom or policy Defendants Missouri Department of Corrections (MDOC), Anne L. Precythe (in her official capacity), and Corizon to refused medical treatment that is consistent with current and prevailing medical standards in a manner that is deliberately indifferent to Plaintiffs’ serious medical needs. In particular, while a cure is available for Hepatitis C viral infection in the form of direct-acting antiviral drugs, these Defendants withhold that treatment from inmates who should receive it—leaving them to develop serious illnesses, spread Hepatitis C viral infections to other inmates, and, in some cases, die.
2. For the reasons set forth in the accompanying suggestions, Plaintiffs meet the numerosity, commonality, typicality, and adequacy requirements to justify a Class of all individuals, like them, who are now, or will in the future be, in the custody of the Missouri Department of Correction and have been, or will be, diagnosed with HCV

but are not provided treatment with DAA drugs. Moreover, the proposed Plaintiff Class also meets the requirements of Rule 23(b).

WHEREFORE Plaintiffs respectfully request that this Court certify a Plaintiff Class of all those individuals in the custody of MDOC, now or in the future, who have been, or will be, diagnosed with HCV but who are not provided treatment with DAA drugs; appoint Michael Postawko, Christopher Baker, and Michael Jamerson as class representatives; and appoint Mae C. Quinn, Amy E. Breihan, Gillian R. Wilcox, Jessie Steffan, and Anthony E. Rothert as class counsel.

Respectfully submitted,

/s/ Anthony E. Rothert

Anthony E. Rothert, #44827

Jessie Steffan, #64861

American Civil Liberties Union  
of Missouri Foundation

454 Whittier Street

St. Louis, Missouri 63108

Phone: 314/652-3114

Fax: 314/652-3112

trothert@aclu-mo.org

jsteffan@aclu-mo.org

Gillian R. Wilcox, #61278  
American Civil Liberties Union  
of Missouri Foundation  
406 West 34th Street, Suite 420  
Kansas City, Missouri 64111  
Phone: (816) 470-9938  
Facsimile: (314) 652-3112  
gwilcox@alcu-mo.org

Mae C. Quinn, #61584  
Amy E. Breihan, #65499  
MACARTHUR JUSTICE CENTER AT ST. LOUIS  
3115 South Grand Blvd., Suite 300  
St. Louis, MO 63118  
Phone: (314) 254-8540  
Fax: (314) 254-8547  
mae.quinn@macarthurjustice.org  
amy.breihan@macarthurjustice.org

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was filed electronically and served by operation of the CM/ECF system on all counsel of record on January 24, 2017.

/s/ Anthony E. Rothert