

**FORM TO BE USED BY A PRISONER IF FILING A
CIVIL RIGHTS COMPLAINT**

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

06-5033
(SRC)

RECEIVED-CLERK
U.S. DISTRICT COURT
2007 OCT 20 A 11:40

LEWIS IRA HAGAN
JAMES HEMPHILL
EFRAIM ESQUILIN
CHRISTOPHER MARK
TOBORIS WRIGHT
WILLIAM WEISS
CHRISTOS PAPACRISTOS
PETER BRAUN
TYMIL MASON
CLAUDE FRANKLIN
OLIVER MASON
LOUIS GEORGE JOHNSTON, JR.
RONALD YOUNG
ALLAN LOVENSON

AND ON BEHALF OF THEMSELVES
AND ALL OTHERS SIMILARY

SITUATED

Plaintiffs,

vs.

GRACE ROGERS, ADMINISTRATOR
GEORGE HAYMAN, COMMISSIONER
DR. JOHN HOCHBERG, MD.
DR. GRACE MELENDEZ, MD.
CORRECTIONAL MEDICAL SERVICES,
INC.
BERNARD J. GOODWIN, ASST. ADMIN.,
MARGARET LEBAK, ASST.
OMBUDSMAN, OFFICE OF
CORRECTIONS OMBUDSMAN,
IN THEIR INDIVIDUAL AND
OFFICIAL POSITIONS
Defendant(S).

CIVIL ACTION

Docket No.:

ORIGINAL

QUESTIONS TO BE ANSWERED

1. Jurisdiction is asserted pursuant to (CHECK ONE)

X 42 U.S.C. *1983 (applies to state prisoners)

Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971)
28 U.S.C. §1331 (applies to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:
Eight Amendment and Fourteenth Amendment, Violating N.J.S.A 10A: 16-2.21

2. Previous Lawsuits:

(a) Have you filed any other suits in Federal or State court since you were imprisoned?
 Yes. No.

(b) If your answer to (a) is "yes," describe the lawsuit in the spaces below. (If there is more than one suit, describe the additional suits on a separate sheet, answering the same question for each suit).

I. Parties to previous suit:

Plaintiffs: Lewis Ira Hagan

Defendants: Felicita Betances, Denise Betances, Township of Woodbridge, Patrolman William Banz, Officer Joe Doe, Patrolman K. Gallop, Patrolman William Wolff, Patrolman D. Cioni, Patrolman Randy Aptaker, Detective V. Toka, Martha B. McKinney, Brue J. Kaplan, Julie Davidson. Lisa M. Walsh, Robert B. White III.

II. Court (if federal court, name the district; if state court, name the county): Middlesex County Superior Court

III. Docket number: MID-L-04550-05

IV. Name of Judge to whom case was assigned: Nicholas J. Stroumtsos, Jr., J.S.C.

V. Disposition (for example: Was the suit dismissed? Was there an appeal? Is it still pending?):
Still pending

VI. Approximate date of filing suit: July 21, 2004

VII. Approximate date of disposition:

VIII. Issue in previous suit: False arrest, false imprisonment, malicious prosecution, abuse of process, making a false statement to a police officer, legal malpractice, negligence, inadequate

#2 Lewis I. Hagan Continued

2. Previous Lawsuits:

(a) Have you filed any other suits in Federal or State court since you were imprisoned?

Yes. No.

(b) If your answer to (a) is "yes," describe the lawsuit in the spaces below. (If there is more than one suit, describe the additional suits on a separate sheet, answering the same question for each suit).

I. Parties to previous suit:

Plaintiffs: Lewis I. Hagan, James Hemphill, Charles Slaughter aka Umar M. AliKhan, Ramoncito Ramos, Robert P. Watson

Defendants: Grace Rogers, George Hayman, Ronald Cathel, Bernard Goodwin, Zulima V. Farber, Lt. Sullivan, Capt. Heaney, Sgt. Brown, Joseph D' Amico, Keefe Industries, Lane Limited Tucker, Lorillard Tobacco Company, Phillips Morris Incorporated, Brown & Williamson Tobacco Company, R.J. Reynolds Tobacco Company, John Middleton, Inc.

II. Court (if federal court, name the district; if state court, name the county): United States District Court, Newark, New Jersey

III. Docket number: 06-cv-4491 (JAG)

IV. Name of Judge to whom case was assigned:

V. Disposition (for example: Was the suit dismissed? Was there an appeal? Is it still pending?):
Still pending

VI. Approximate date of filing suit: September 19, 2006.

VII. Approximate date of disposition:

VIII. Issue in previous suit: Violation of Eighth and Fourteenth Amendment.

training of officers, failure to investigate, racial discrimination, personal injury, emotional distress and outrage, lack of thorough investigation by police officer, defamation of character, official misconduct, loss of liberty and freedom.

3. Previously Dismissed Actions or Appeals: N/A

If you are proceeding in forma pauperis list each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility, that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on separate sheets.

a. Parties to previous lawsuit: N/A

Defendant(s): N/A

b. Court and docket number: N/A

c. Grounds for dismissal: Frivolous Malicious failure to state a claim upon which relief may be granted.

d. Approximate date of filing lawsuit: N/A

e. Approximate date of disposition: N/A

4. Place of Present Confinement? Adult Diagnostic & Treatment Center, 8 Production Way, P.O. Box 190, Avenel, New Jersey 07001

5. Parties

(In item (a) below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any).

a. Name of plaintiff:

Lewis Ira Hagan

C/O Adult Diagnostic & Treatment Center, 8 Production Way, P.O. Box 190, Avenel, New Jersey 07001

Inmate No.: 168433B

James Hemphill

C/O Adult Diagnostic & Treatment Center, 8 Production Way, P.O. Box 190, Avenel, New Jersey 07001

Inmate No.: 603360A

Efraim Esquilin

C/O Adult Diagnostic & Treatment Center, 8 Production Way, P.O. Box 190, Avenel, New Jersey
07001

Inmate No.: 174029C

Christopher Mark

C/O Adult Diagnostic & Treatment Center, 8 Production Way, P.O. Box 190, Avenel, New Jersey
07001

Inmate No.: 808711C

William Weiss

C/O Adult Diagnostic & Treatment Center, 8 Production Way, P.O. Box 190, Avenel, New Jersey
07001

Inmate No.: 404750C

Christos Papacristos

C/O Adult Diagnostic & Treatment Center, 8 Production Way, P.O. Box 190, Avenel, New Jersey
07001

Inmate No.: 838176C

Louis George Johnston, Jr.

C/O Adult Diagnostic & Treatment Center, 8 Production Way, P.O. Box 190, Avenel, New Jersey
07001

Inmate No.: 436856B

Tymil Mason

C/O Adult Diagnostic & Treatment Center, 8 Production Way, P.O. Box 190, Avenel, New Jersey
07001

Inmate No.: 502496D

Claude Franklin

C/O Adult Diagnostic & Treatment Center, 8 Production Way, P.O. Box 190, Avenel, New Jersey
07001

Inmate No.: 104811B

Peter Braun

C/O Adult Diagnostic & Treatment Center, 8 Production Way, P.O. Box 190, Avenel, New Jersey
07001

Inmate No.: 786615A

Oliver Mason

C/O Adult Diagnostic & Treatment Center, 8 Production Way, P.O. Box 190, Avenel, New Jersey
07001

Inmate No.: 0878271

Toboris Wright

C/O Adult Diagnostic & Treatment Center, 8 Production Way, P.O. Box 190, Avenel, New Jersey 07001

Inmate No.: 119025D

Ronald Young

C/O Adult Diagnostic & Treatment Center, 8 Production Way, P.O. Box 190, Avenel, New Jersey 07001

Inmate No.: 317908D

Allan Lovenson

C/O Adult Diagnostic & Treatment Center, 8 Production Way, P.O. Box 190, Avenel, New Jersey 07001

Inmate No.: 522094C

b. First defendant--name: Grace Rogers

Official position: Administrator,

Place of Employment: Adult Diagnostic & Treatment Center, 8 Production Way, P.O. Box 190, Avenel, New Jersey 07001.

How is this person involved in this case? (i.e., what are you alleging that this person did or did not do that violated your constitutional rights?):

Grace Rogers is the administrator in her official position; she has disregarded my serious medical needs thus violating my eight amendment and fourteenth amendment right for my involuntary exposure to an environment which may cause disease and death. She has continued to allow me and others to be constantly exposed to inmates with contagious diseases. Grace Rogers is the administrator in her official position; she has disregarded the Eight Amendment right that holds that prison officials may not be deliberately indifferent to the exposure of inmates to a serious, communicable disease on the grounds that the complaining inmate shows no serious current symptoms.

The Eight Amendment also protects against future harms to inmates and is not a novel proposition. That inmates be furnished with the basic human needs, one which is "reasonable safety". That the mingling of inmates with serious contagious diseases is a threat to my personal safety. Grace Rogers is acting under the color of state law. She has failed to inform the plaintiff's of the risk of exposure, failed to prevent said exposure, and failed to put procedures or policies in place to eliminate or minimize the risk of exposure.

5 b. Lewis I. Hagan Continued

5. b. Second defendant -- name: George Hayman

Official position: Commissioner New Jersey State Prisons

Place of employment: Department of Corrections, Whittlesey Rd., P.O. Box 863, Trenton, New Jersey 08625-0863

How is this person involved in this case? (i.e., what are you alleging that this person did not do that violated your constitutional rights?):

He is the head of all New Jersey State Prison institutions. He is ultimately responsible for all policies and decisions made regarding state inmates. With the number of outbreaks it is surely impossible for him not to know about the seriousness of the situation here at A.D.T.C. because it is his responsibility to know what is going on at all seventeen (17) New Jersey prisons. He is responsible for our protection from constant and habitual exposure of prison inmates who are contagiously ill which is subjecting us to cruel and unusual punishment.

Mr. Hayman disregard is also contributing to my involuntary exposure to an environment which may cause disease or death a violation of our Eighth Amendment Rights. Our current condition of confinement falls well below what society's standards of decency are. By the commissioner not providing me with a living environment free of inmates with contagious diseases or adopting a process to address the concerns of this infectious disease our physical health is at risk. Thus Commissioner George Hayman is also violating our Fourteenth Amendment Right for this dangerous environment may be construed as a deliberate decision which is not reasonably related to any proper governmental objective, and thus it is depriving us of our liberty rights without due process. George Hayman is acting under the color of state law. He has failed to inform the plaintiffs of the risk of exposure, failed to prevent said exposure, and failed to put procedures in place to eliminate or minimize the risk of exposure.

5. b. Third defendant -- name: Dr. Hochberg

Official position: Doctor whom is employed by Correctional Medical Services

Place of employment: Assigned to Adult Diagnostic & Treatment Center, 8 Production Way, P.O. Box 190, Avenel, New Jersey 07001

How is this person involved in this case? (i.e., what are you alleging that this person did not do that violated your constitutional rights?):

Dr. Hochberg is a medical doctor who has an ethical responsibility to provide the best medical treatment he can regardless of the cost. He has first handily seen over 100 inmates and has received

5 b. Lewis I. Hagan Continued

numerous calls from both civilians and institutional guards as to what is this outbreak, but has failed to diagnose the problem. If he is unable or incapable to then he should have brought in someone who is more experience and knowledgeable then himself.

Dr. Hochberg has refused to tell any patient that he has treated what the disease is he is treating them for. He has said one thing and then changes his diagnoses to another.

Dr. Hochberg has been treating inmates with scabies medication but has refused to acknowledge that scabies is what anyone has. Although on numerous occasions he has informed all that have inquired that this disease is not contagious, but inmates and guards and civil visitors who have come in contact with inmates and have contracted this disease. If the disease is not scabies then why is he treating inmates with scabies medication?

Dr. Hochberg has a duty to report this outbreak to another state agency and if they are unable to help him then he should have reported this to a federal agency that has the resources to find out what it is that is spreading uncontrollable at A.D.T.C.

Dr. Hochberg an employee of Correctional Medical Services has taken biopsy, but has not informed any inmate of the results he has continued to fail to inform the plaintiffs of the risk of exposure, failed to prevent said exposure, and failed to put medical procedures or policies in place to eliminate or minimize the risk of exposure. He as well as the other defendants continues to misled inmates, the guards, the guards' union representative and visitors who have contracted the disease/ contagious skin infection which is still spreading. By failing to tell patients about a potentially life threatening condition is a fundamental breach of standard medical practice. The key moral issue is that every person including a prisoner, has a right to know his health status.

5. b. Fourth defendant -- name: Correctional Medical Services, Inc.

Official position: Employer

Place of employment: Bear Tavern Road, Ewing, New Jersey 08628

(2nd Address) 12647 Olive Blvd. P.O. Box 419052, St. Louis, Mo 63141-1752

How is this person involved in this case? (i.e., what are you alleging that this person did not do that violated your constitutional rights?):

Plaintiffs submit medical request forms stating there medical concerns and symptoms of why they need to see the doctor. We are then placed on a list to come and see the doctor. Upon arriving

5 b. Lewis I. Hagan Continued

at the medical department we are first seen by a nurse who determines as to whether the inmate will be able to see the doctor or not. We are charged a \$5.00 co-payment for a doctor visit even when we have not seen the doctor. If the inmate is fortunate enough to see the doctor, the doctor asks what the problem is. Most of the problems are over looked and usually only one is address at a time even through you have mention several. This forces the inmate to submit another medical request form, again being charged another \$5.00 co-payment and the process starts again, with the doctor on many occasions not recording your exact complaint but rewording it or omitting it all together as if you never complained about a certain ailment. The majority of the time inmates' problems are not addressed causing prolonged pain because of the inadequate medical treatment. This is an on going problem in many institutions where the health care provider is Correctional Medical Services, Inc.

The employer Correctional Medical Services, Inc. is responsible for the action of there employees which are following company policies and procedures. Correctional Medical Services, Inc. is the largest prison health company in the nation. Which has been the party of numerous law suits for failing to either treat or notify prisoners of the diseases that they have contracted.

CMS and its employees are ethically responsible for failing to tell patients about potentially life threatening conditions which is a fundamental breach of standard medical practice. The key moral issue is that every person, including a prisoner, has a right to know his health status. Patients have a right to know what they are being treated for and the delay in finding out what this disease is and how it is spread is unconscionable. New Jersey has a 'Patient Bill of Rights' that reinforces this right for hospital patients.

5.b. Fifth defendant -- name: Bernard Goodwin

Official position: Asst. Administrator,

Place of employment: Adult Diagnostic & Treatment Center, P.O. Box 190, Avenel, New Jersey 07001-1628

How is this person involved in this case? (i.e., what are you alleging that this person did not do that violated your constitutional rights?):

He is the asst. administrator; which is also responsible for policies and decisions made regarding state inmates. With the number of outbreaks it is surely impossible for him not to know about the seriousness of the situation here at A.D.T.C. because it is he has personally answered

5 b. Lewis I. Hagan Continued

numerous remedy forms. He is also responsible for our protection from constant and habitual exposure of prison inmates who are contagiously ill which is subjecting us to cruel and unusual punishment.

Mr. Goodwin disregard is also contributing to my involuntary exposure to an environment which may cause disease or death a violation of our Eighth Amendment Rights. Our current condition of confinement falls well below what society's standards of decency are. By the Mr. Goodwin not providing me with a living environment free of inmates with contagious diseases or adopting a process to address the concerns of this infectious disease our physical health is at risk.

Thus Mr. Goodwin is also violating our Fourteenth Amendment Right for this dangerous environment may be construed as a deliberate decision which is not reasonably related to any proper governmental objective, and thus it is depriving us of our liberty rights without due process. Bernard Goodwin is acting under the color of state law. He has failed to inform the plaintiffs of the risk of exposure, failed to prevent said exposure, and failed to help put procedures in place to eliminate or minimize the risk of exposure.

c. If there is more than one defendant, attach a separate sheet. For each specify: (1) name, (2) official position, (3) place of employment, and (4) involvement of the defendant.

6. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in the statement of claims number 8.

Yes. No.

If your answer is "Yes," briefly describe who relief was sought and the results:

7. Have you exhausted available administrative remedies?

Yes. No.

If your answer is "Yes," briefly explain the steps taken. If your answer is "No," briefly explain why administrative remedies were not exhausted:

I submitted remedy complaint forms to Grace Rogers.

8. Statement of Claims:

(State here as briefly as possible the facts of your case. Describe how each defendant violated your rights, giving dates and places. If you do not specify how each defendant violated your rights and the date(s) and place of the violations, your complaint may be dismissed. Include also the names of other persons who are involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach separate sheet if necessary.)

I have been incarcerated for over eighteen (18) months and I never came to A.D.T.C. with any diseases, now there is a serious chance that I may catch this scabies or "Itchy Scratchy" which it is commonly referred to here at A.D.T.C.! There are at least a hundred inmates' guards and civilian visitors who have caught scabies. That due to the recycled air and lack of clean air on this side of the building which effects both 7 Left, 7 Right, 8 Left and 8 Right, the disease is not going away and continues to resurface. Administration has taken away the bleach and refuses to give it back to us so that we can clean our area which may cut down the way the disease is spread.

Grace Rogers also refuses to acknowledge the outbreak in this building and thus is continuing to put my health and life at risk. I am afraid for my life and the everyday thought of catching this disease and going thorough the unbearable pain is very emotionally distressing. Mrs. Rogers is doing this because if she does acknowledge the disease and the outbreak she would be able to be sued by both guards and civilians who have contracted the disease from here. This disease has been here since 2005. Mrs. Rogers also knows that once she acknowledges the

outbreak that the health department or any other government agency such as the Center for Disease Control and Prevention (CDC) would have to come in and place this facility in quarantine. Some thing that would cost the State of New Jersey allot of money. I do not wish to end up as any other inmate who has contracted this skin infection, especially considering that one inmate Lawrence Fascia had to be hospitalized for over a week to be treated for this ailment. He arrived back at A.D.T.C. on September 28, 2006 at 8:35 pm and still looks bad off. He has had this disease for over one year.

Permethrin is only for temporary relief. It does not cure what ever it is that so many numerous inmates have contracted. What type of experiment is going on at A.D.T.C. at the expense of my health, life and welfare?

These are just a few additional inmates who have contracted this contagious skin infection, and there are many more. Babilonia, 840995C, Smith, 714837A, Davenport, 342845B, Cunningham, 99906B, Dworkin, 100985A.

9. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no case or statues.):

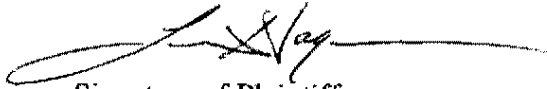
To award the inmates monetary amounts for the on going wrongs associated with the superficial treatment of this contagious disease which has infected hundreds of inmates and is life threaten. It has infected inmates, guards and civilians who come to visit. That the Department of Correction be made to properly treat this disease at all and any cost as well as acknowledge this serious outbreak. To award the inmates \$500 million for violation of our Eight Amendment Rights. For CMS to also pay the inmates \$500 million for the same reason and that all inmates who are either still in prison or have been released and have contracted this disease be given treatment that will eradicate the disease once and for all. To stop giving superficial treatment that does not last and the disease resurfaces again. Defendants responsible for all court cost and fees associated with this action as well as attorney fees. Defendants to pay all taxes on monetary amounts awarded.

10. Do you request a jury or non-jury trial? (Check only one)

Jury Trial Non- Jury Trial

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

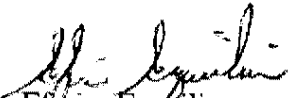
Signed this 16th day of October, 2006



Signature of Plaintiff
Lewis Ira Hagan



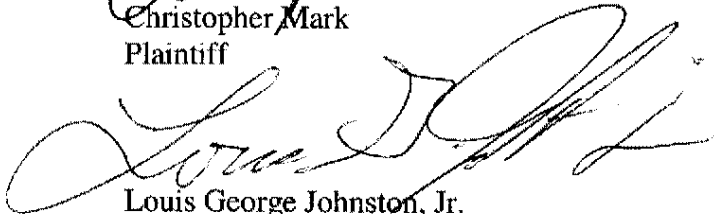
James Hemphill
Plaintiff



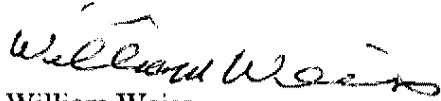
Etzaim Escudilin
Plaintiff



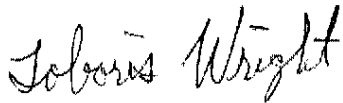
Christopher Mark
Plaintiff



Louis George Johnston, Jr.
Plaintiff



William Weiss
Plaintiff



Toboris Wright
Plaintiff

Christos Papacristos

Christos Papacristos
Plaintiff

Tymil Mason

Tymil Mason
Plaintiff

Claude Franklin

Claude Franklin
Plaintiff

Ronald Young

Ronald Young
Plaintiff

Peter Braun

Peter Braun
Plaintiff

Oliver Mason

Oliver Mason
Plaintiff

Allan Lovenson

Allan Lovenson
Plaintiff

Lewis I. Hagan #168433B
Adult Diagnostic & Treatment Center
8 Production Way, P.O. Box 190
Avenel, New Jersey 07001

RECEIVED-CLERK
U.S. DISTRICT COURT

2007 OCT 20 A 11:40

October 16, 2006

Mr. William T. Walsh, Clerk
United States District Court
District of New Jersey
Newark, New Jersey 07101-0419

06-5033
(SRC)

Dear Mr. Walsh, Clerk:

Please find enclosed one original and one copy of the following documents for the court:

1. Cover Letter
2. Prayer Request
3. Verification of Complaint and attached Civil Rights Complaints Form § 1983
4. Application for Pro Bono Counsel
5. Class Action Complaint
6. Allegation in Motion for Class Action Determination
- ✱ 7. Forma Pauperis Affidavit (to be sent in as soon as institution supplies 6 month statements)

Also enclosed is one additional civil rights complaint form § 1983 for each named defendant.

We thank you for your time and effort in this matter.

Respectfully submitted,


Lewis Ira Hagan

Enclosure
cc: file

ORIGINAL

Lewis I. Hagan #168433B
Adult Diagnostic & Treatment Center
8 Production Way, P.O. Box 190
Avenel, New Jersey 07001

RECEIVED-CLERK
U.S. DISTRICT COURT
2007 OCT 20 A 11:49

October 16, 2006

Mr. William T. Walsh, Clerk
United States District Court
District of New Jersey
Newark, New Jersey 07101-0419

06-5033
(SRC)

RE: Prayer Request

Dear Mr. Walsh:

Plaintiffs pray respectfully, and ask the court to transfer this case to the Hon. Dickinson R. Debevoise, U.S.S.D.J.

The reason being that there is one plaintiff, [Mr. Peter Braun] who is already a member of a class action suit which the Hon. Dickinson R. Debevoise, U.S.S.D.J. is hearing (Civ. No. 06-0331 (DRD)). That the defendants Grace Rogers, Administrator, Bernard Goodwin, Asst. Administrator and the Commissioner of the New Jersey Department of Corrections ("DOC") are also members of that matter which involved plaintiff, Peter Braun which is a member of this case also.

Considering that the Hon. Dickinson R. Debevoise, U.S.S.D.J. has familiarity with the plaintiffs and defendants already before him; we believe that this matter will move more quickly if he were to hear this matter as well.

Plaintiffs respectfully pray that the court will take this matter into consideration and appoint the Hon. Dickinson R. Debevoise, U.S.S.D.J. and we thank you in advance for your indulgence in this matter.

Respectfully submitted,



Lewis Ira Hagan

ORIGINAL

State of New Jersey
City and County of Middlesex

Lewis Ira Hagan, being first duly sworn on oath deposes and says:

1. I am the plaintiff above-named and am suing herein individually and on behalf of other inmates of the Adult Diagnostic & Treatment Center.
2. I have read the attached Verified Complaint for Damages, Injunction and Declaratory Judgment, am familiar with the facts alleged therein, and hereby verify that the factual allegations contained in the aforementioned Verified Complaint are true and correct to the best of my information, understanding and belief.


Plaintiff's Signature

Subscribed and sworn to before me on 11 OCT, 2006

Notary Public, State of New Jersey

Notary Signature and seal



My commission expires

LANE D. BLAQUIERE
NOTARY PUBLIC
MY COMMISSION EXPIRES
OCTOBER 4, 2009

Allegation in Motion For Class Action Determination
Satisfaction of Rule 23(b)(3) Prerequisites

UNITED STATES DISTRICT COURT
FOR THE THIRD DISTRICT OF NEW JERSEY
CIVIL DIVISION

06-5033
(SRC)

LEWIS IRA HAGAN
JAMES HEMPHILL
EFRAIM ESQUILIN
CHRISTOPHER MARK
TOBORIS WRIGHT
WILLIAM WEISS
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PETER BRAUN
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RONALD YOUNG
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AND ON BEHALF OF THEMSELVES
AND ALL OTHERS SIMILARY
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GEORGE HAYMAN, COMMISSIONER
DR. JOHN HOCHBERG, MD.
DR. GRACE MELENDEZ, MD.
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INC.
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MARGARET LEBAK, ASST.
OMBUDSMAN, OFFICE OF
CORRECTIONS OMBUDSMAN,
IN THEIR INDIVIDUAL AND
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Defendant(S).

CIVIL ACTION

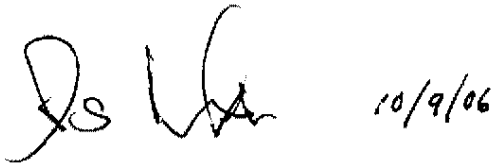
Civil Action File No.

**Allegation in Motion For
Class Action Determination
Satisfaction of Rule 23(b)(3)**

ORIGINAL

The questions of law and fact common to the members of the class predominate over any questions affecting only individual members, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy. The following factors support these allegations:

1. To the best of plaintiff's knowledge, no other actions by individual members of the class which plaintiffs seek to represent have, to this date, been initiated.
2. There will be no difficulties likely to be encountered in the management of the case as a class action.

A handwritten signature in black ink, appearing to read 'J. Hemphill', followed by the date '10/9/06' written in a similar cursive style.

James Hemphill
Signature of Plaintiff
Adult Diagnostic & Treatment Center
8 Production Way, P.O. Box 190
Avenel, New Jersey 07701