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Bird Marella Obtains Class Action Relief for Lompoc Federal Inmates Over COVID-19 Measures

In partnership with the Prison Law Office and the American Civil Liberties Union of Southern California (ACLU SoCal), Bird Marella obtained approval of a class action settlement in a high-profile pro bono lawsuit against the Director of the Bureau of Prisons and the administrators at Lompoc federal prison regarding their failed response to the COVID-19 pandemic.

Bird Marella filed the class action suit against Lompoc federal prison in May 2020. The lawsuit concerned prison officials' failures to prevent the spread of COVID-19 and provide adequate medical care, as well as their inadequate use of their powers under the CARES Act to transfer suitable inmates to home confinement. Petitioners sought habeas relief on the basis that the conditions in Lompoc were so poor that their continued incarceration amounted to a violation of the Eighth Amendment's prohibition against cruel and unusual punishment.

After obtaining a preliminary injunction in July 2020, the pro bono team successfully moved to enforce compliance with its terms on multiple occasions. To date, over 240 inmates have been transferred to home confinement from Lompoc. The reduction in Lompoc's population has benefited those who remain there due to greater social distancing, and inmates have also benefited from greater access to personal protective equipment and medical care.

The settlement agreement requires the Bureau of Prisons and Lompoc administrators to:

1. Adhere to the terms of the preliminary injunction;
2. Systematically test for COVID-19, including testing close contacts of positive patients;
3. Perform daily symptom checks for individuals placed in quarantine;
4. Screen workers for COVID-19 symptoms;
5. Modify its special housing unit rules for individuals isolated for medical reasons;
6. Provide monthly reports on its compliance with those requirements.

The Bird Marella team was led by Oliver Rocos and included principals Terry Bird and Dorothy Wolpert, associate Christopher Jumin Lee, paralegal Sharon Grisham, and co-counsel Naeun Rim of Manatt, Phelps & Phillips, LLP.

Prior to the approval of this class action, the ACLU SoCal awarded Bird Marella with its 2021 Humanitarian Award, recognizing the team's extraordinary advocacy in the Lompoc and Terminal

Island class action suits.

To learn more about the firm's pro bono practice, please click here.