

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

Thomas Wilkes, et al.,)	
On behalf of themselves and)	Civil No.: 3:20cv594
all other persons similarly)	
situated,)	
Plaintiffs,)	
v.)	
)	
Ned Lamont, Governor, et al.,)	
Defendants.)	June 8, 2020

PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs, on behalf of themselves and a class of all individuals who are patients at Connecticut Valley Hospital and Whiting Forensic Hospital (hereinafter collectively “Plaintiffs”), seek a preliminary injunction to remedy the undue risk of contracting and dying from COVID-19 that exists at these facilities.

Plaintiffs seek relief under the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution, which affords individuals institutionalized in state mental health facilities a right to safety and protection from harm. *Youngberg v. Romeo*, 457 U.S. 307 (1982); *Society for Good Will to Retarded Children v. Cuomo*, 737 F.2d 1239, 1246 (2d Cir. 1984). These rights are violated when, as here, those who run state mental facilities depart substantially from professional standards and

thereby jeopardize the health and safety of residents. *Youngberg*, 457 U.S. at 323. Plaintiffs' are entitled to a preliminary injunction to end and correct Defendants' illegal practices.

Plaintiff's request that the Court issue a preliminary injunction ordering the defendants to:

1. Conform their testing protocols to CDC standards,
2. Take steps to ensure that staff consistently wear masks and that Plaintiffs are encouraged and supported in wearing masks including through education,
3. Improve hygiene and decontamination practices,
4. Implement social distancing to the maximum extent possible including by reducing patient census,
5. Undertake a clinical review in order to accelerate discharges, and
6. Grant such other or different relief the Court deems appropriate.

Wherefore, Plaintiffs request that the Court issue a preliminary injunction to enforce their constitutional right to safe conditions of confinement. In support of this motion Plaintiffs submit an accompanying memorandum.

The Plaintiffs

By:

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Certificate of Service

On June 8, 2020 a copy of the foregoing **Motion for Preliminary Injunction** was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

s/Kirk W. Lowry
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