

## PRESS RELEASE

# District Court Issues Injunction Against Virginia Department of Corrections

---

## JUDGE FINDS VDOC BREACHED ITS 2016 SETTLEMENT AGREEMENT TO PROVIDE ADEQUATE MEDICAL CARE AT FLUVANNA WOMEN'S PRISON

January 3, 2019

### Press Contact

Patricia O'Connell

T: 202.719.4532

poconnell@wiley.law

## Related Professionals

---

Theodore A. Howard

Partner

202.719.7120

thoward@wiley.law

*Washington, DC* – Yesterday, the U.S. District Court for the Western District of Virginia issued an injunction against senior officials at the Virginia Department of Corrections (VDOC) ordering them to comply with the Settlement Agreement approved by the Court in 2016 in *Scott v. Clarke*. Citing “egregious facts” and “material and significant breaches,” Senior District Court Judge Norman K. Moon found that VDOC has breached its duty under the Settlement Agreement to provide adequate medical care at the Fluvanna Correctional Center for Women (FCCW).

Wiley Rein LLP – along with the Washington Lawyers’ Committee for Civil Rights and Urban Affairs (WLC) and the Legal Aid Justice Center of Charlottesville (LAJC) – originally filed the class action lawsuit in 2012 on behalf of women prisoners incarcerated in FCCW. A comprehensive team of lawyers and staff from all three organizations have worked diligently for the past seven years to address the healthcare needs of the women at FCCW.

“We are pleased that the court has fully recognized and articulated how the VDOC failed on a broad scale to honor its commitments,” said Theodore A. Howard, Pro Bono Partner at Wiley Rein, and one of the lead lawyers in the case. “VDOC’s failure to act has resulted in

the continued substandard medical care for the prisoners, sometimes with tragic, fatal consequences. The decision sends a powerful message to our clients, that their voices have been heard and given credence, and we look forward to a better result from VDOC moving forward.”

To read more about the decision on the LAJC website, please [click here](#).

To view the decision, please [click here](#).

### Background

The 2012 lawsuit alleged that the Virginia Department of Corrections (VDOC) and its private, for-profit medical care contractors violated the female inmates’ constitutional rights by failing to provide adequate medical care in contravention of the Eighth Amendment prohibition against “cruel and unusual punishment.” The complaint described substandard health care conditions that led to numerous life-threatening complications for the clients, significant pain and suffering, and even premature deaths.

The settlement approved by the court in 2016 provided a framework for significant reforms of and improvements to all aspects of the medical care at FCCW, subject to the critical oversight of the court-appointed Compliance Monitor and the district court’s continuing supervisory jurisdiction.