

1  EXPEDITE  
2  Hearing set for:  
3 Date: Friday, April 23, 2021  
4 Time: 9:00 a.m.  
5 Judge/Calendar: Judge James Dixon

6 **SUPERIOR COURT OF WASHINGTON**  
7 **FOR THURSTON COUNTY**

8 CANDIS RUSH, JUSTIN AUTREY,  
9 GREGORY STEEN, THEODORE RHONE, and  
10 MICHAEL LINEAR, on behalf of themselves  
11 and all others similarly situated,

12 Plaintiffs/Petitioners,

13 vs.

14 WASHINGTON STATE DEPARTMENT OF  
15 CORRECTIONS, a state agency; STEPHEN  
16 SINCLAIR, Secretary of the Washington State  
17 Department of Corrections; WASHINGTON  
18 STATE DEPARTMENT OF HEALTH, a state  
19 agency; and DR. UMAIR SHAH, Secretary for  
20 the Washington State Department of Health;

21 Defendants/Respondents.

CLASS ACTION

No. 21-2-00491-34

DECLARATION OF MICHAEL  
LINEAR

22 I, Michael Linear, declare the following:

- 23 1. I am 38 years old.
2. My birthday is June 15, 1982.
3. I am over the age of 18 and am competent to testify as to the contents of this

declaration.

1           **Background**

2           4.       I am currently in detention at the Washington Corrections Center (WCC) in  
3 Shelton, Washington.

4           5.       My DOC number is 847176.

5           6.       I have been at this facility since August 1, 2019.

6           7.       I'm housed in Cedar Hall in D-10.

7           8.       WCC is generally known as a work facility. Cedar and Evergreen living units  
8 serve as housing for longer term people who work in number of different jobs throughout the  
9 facility, providing services to the 6 other units that serve as intake. I transferred here from  
10 Coyote Ridge Corrections Center in July/August of 2019 because I wanted to enhance my work  
11 experience. At WCC, people are allowed to work for Correctional Industries (CI) and learn  
12 jobs/trades like: maintenance, painting, plumbing, laundry, kitchen, warehouse, grounds crew,  
13 etc. However, not all jobs are CI jobs. Holding a job here allows people to send money to family  
14 members or save. It is not much, but it's better than nothing. Generally, unless people are housed  
15 in the other 6 units or recently transferred here, just about everyone in my unit has a CI job and  
16 we collectively keep the facility running.

17          9.       I currently work as a porter. I was hired as a porter when the pandemic first  
18 started, either late March or early April, and DOC created a position called a graveyard porter. In  
19 this position, I go around and sanitize high touch or heavy traffic areas with bleach inside of  
20 Cedar. I've been a porter for a little over a year now and every night from Tuesday to Saturday, I  
21 go around the Cedar living unit cleaning, with a special emphasis on the showers. I clean the  
22 hallways, ice machines, staff desks, all door handles, phones, etc. In short, I'm just a bleach guy,  
23 going around and making sure things are cleaned at night from 10:40 p.m. to 4 a.m. My work

1 keeps me in the Cedar living unit only, although there are other positions that go to other areas in  
2 WCC.

3 10. I served as a tier representative until two weeks ago when I resigned. This means I  
4 attended meetings with DOC staff to get copies of memos and other information that needs to be  
5 distributed throughout the facility. Serving as a tier representative gave me a chance to voice  
6 concerns and serve as a bridge between the people that live here and the people that work here. I  
7 feel like I can have a positive impact for people inside without serving as a tier representative  
8 and now I have more time to dedicate to advocating for people inside.

9 11. I'm Muslim and I'm part of the Muslim faith group in the facility. I'm also  
10 involved in the Black Prisoners Caucus in WCC.

### 11 **General Conditions**

12 12. Around November 27, 2020 DOC called all kitchen workers back to the kitchen  
13 because one of the DOC staff working in the kitchen had tested positive for COVID. DOC ran  
14 tests on all staff and workers. About one-and-a-half to two hours later, before receiving the test  
15 results, DOC allowed those workers to return to their respective living units—including mine—  
16 and to intermingle with us. I did not work in the kitchen so I wasn't tested. I learned this  
17 information from one of the kitchen workers that returned to my unit. Those kitchen workers said  
18 that DOC had just tested them for COVID because an AC (one of the DOC staff who works in  
19 the kitchen) had tested positive. One of the CI workers who was tested was immediately  
20 quarantined, but DOC allowed the rest of the CI workers who had been exposed to DOC kitchen  
21 worker to return to their living units; all of these workers were spread out throughout the living  
22 unit on different tiers, exposing everyone. DOC did not take the proper measures to quarantine or  
23

1 isolate those men until their test results came back. Ultimately, ninety-five percent of my unit  
2 ended up sick with COVID.

3 13. On November 28, DOC moved around those kitchen workers to house them  
4 together in one tier so that they could continue working and operating the kitchen. One of the  
5 people in my unit—one of our unit porters—said he wasn't feeling well. He went to medical, and  
6 DOC immediately locked my unit down. We were only let out of our cells to use the restroom.

7 14. On November 29, we woke up with a cohort schedule posted on our doors  
8 explaining how and when we would be let out of our cells. The schedule said that cleaning would  
9 take place during fifteen-minute intervals between cells being let out, and that people cleaning  
10 would be given proper PPE.

11 15. On November 30, DOC tested everyone in our unit for COVID. I was given the  
12 test to administer myself.

13 16. From November 29 to December 3, we were on a cohort schedule, and during this  
14 time, I cleaned the unit periodically as a porter. DOC did not provide us with proper education  
15 on how to clean and they did not provide us with proper PPE. The porters were scrubbing a lot.  
16 Now that I've read the proper procedures, I know that it says that scrubbing vigorously is not  
17 recommended because it can aerosolize the virus and cause spread. We thought we were doing a  
18 good job, but we were actually doing more harm than good, putting people inside at further risk.  
19 Staff often rushed us to stop cleaning when we had not finished. We had masks and gloves but  
20 no shield or gown, even though I had asked for proper PPE. DOC told us proper PPE was just for  
21 staff, and not for us. But staff are not the ones clean our toilets and showers.

22 17. On December 3, we were locked down completely in our cells. We have no toilets  
23 in our cells, and we had to wait hours to use the bathroom. We sent messages through our jPay

1 players (a handheld device used to email family and friends activated through the wifi system) to  
2 our families to ask them to contact the DOC administration because we needed to be let out to  
3 use the bathroom and to have medical checks. It took DOC hours to respond. Some people had to  
4 resort to urinating out of their windows. That day, DOC moved around fifty of us to the gym. We  
5 were not told why we were being moved to the gym, but some friendly staff members told us  
6 that being moved to the gym meant that we had tested positive. I was kept on medical isolation  
7 in the gym until December 12. I received a copy of my positive test result around early January  
8 2021.

9 18. I felt lucky that my symptoms were relatively mild to begin with, and that I didn't  
10 die or have to use a breathing machine or be transferred to the regional care facility. I still have  
11 breathing issues and periodically I have severe headaches like I've never had before in my life.  
12 My headaches are so painful that I need to stop and rest and some days I have to stay in bed  
13 because my head is ringing from headache. I also have periodic muscle aches. I know COVID is  
14 still a new disease. I don't know how I'll be feeling one year from now. When I try to exercise, I  
15 can feel that my breathing is different and strained. I had no preexisting medical conditions that  
16 I'm aware of before getting COVID.

17 19. On December 12, two days before my medical isolation in the gym was supposed  
18 to expire, they moved me and approximately fifty-one other men out of the gym and back to one  
19 tier of our living unit. That night, I was allowed out to do my work as a porter. I helped a CO get  
20 some boxes and he told me that DOC was moving another group that had recently become sick.  
21 Our isolation was supposed to end on December 14.

22 20. On December 14, staff told us that we were not being let off medical isolation  
23 completely and that we would still be restricted to our tier. We could not exit our tier to get ice,

1 for example. I asked why because I didn't have symptoms anymore. Three DOC staff (the  
2 sergeant, the correctional program manager (CPM), and correctional unit supervisor (CUS)) said  
3 that they wanted to wait for the entire unit to be taken off medical isolation, so they kept us  
4 locked down in our tier until December 21. Also, around December 14, some of us, including  
5 me, complained verbally to the sergeant and CPM that we had never received a copy of our  
6 positive COVID test result. How was I supposed to be sure that I had really had COVID? DOC  
7 failed to give us information about our health and medical situation.

8 21. While I was in medical isolation in the gym, medical staff would come take my  
9 temperature twice a day and ask if I was feeling any symptoms. I had muscle aches,  
10 lightheadedness, and dizziness. When we were moved back to the tier, we did not have anyone  
11 consistently monitoring us or coming to check our temperatures twice a day. I worried that if I  
12 had a hard time breathing, or had to put in a distress call, no medical staff would come see us and  
13 talk to us. Later on, after we all had received our test results, we learned that some people in  
14 isolation in our tier with us had never tested positive.

### 15 **DOC Vaccine Efforts**

16 22. Around February 20, 2021, two counselors came into our unit and made an  
17 announcement that they were looking for specific people that worked in CI who wanted vaccine  
18 shots. They were calling out names, and I'm a social individual, so I asked them what this was  
19 all about. The counselors said they wanted to see how many people would sign up for the  
20 vaccine. One of the counselors told me that they thought that most people did not want a vaccine  
21 because they had already had COVID and were probably worried about getting sick from the  
22 vaccine. DOC never provided any education around the vaccine. DOC just assumed what people  
23 in prison would want based on stereotypes about us. I told them that I wanted to be on the list

1 and asked if I could get on it, too. They were pretty open to it, so I volunteered for the vaccine  
2 that day, saying that I was not scared of the vaccine and wanted one. Then more people in the  
3 unit started to ask if they could sign up for the vaccine too. Over seventy-five percent  
4 (approximately 180 out of 240 guys) of our unit signed up for the vaccine on February 20.

5 23. On February 26, they came into our unit to administer the first doses of the  
6 Moderna vaccine. They only had sixty doses at that time, and already had a list of people these  
7 doses were assigned to, so many people in the unit were left out. It looked like these doses were  
8 administered to CI workers who live in the unit, except some of them had already gone to work  
9 in the kitchen and they were not present when the doses were given. So, the leftover doses were  
10 given to other people who wanted it, like some of the porters who work in medical. The rest of  
11 us wondered what we were supposed to do, and why did DOC choose those sixty people to  
12 receive the vaccine first.

13 24. On March 12, I received my first shot of the vaccine. I'm scheduled to receive my  
14 second dose next week around April 9. More CI workers got it and some porters who work in  
15 the living units, such as myself, were able to get the vaccine too.

16 25. Around March 26, the first group of guys to receive the vaccine received their  
17 second dose.

18 26. There are not enough vaccines. DOC is not making the vaccine available to the  
19 entire population. People have filed grievances asking to receive vaccines and asking why they  
20 don't qualify for the vaccines yet. As far as I am aware, a limited number of people living in the  
21 Evergreen and Cedar living units are the only ones who have been offered the vaccine so far.

22 27. I think DOC prioritized vaccinating people who have jobs within the facility.  
23 DOC is not doing a good job of prioritizing who needs the vaccine. All prisoners should be a

1 priority, because if any one of us gets sick, the disease will spread like wildfire, as we've already  
2 seen. If you put one of us at risk, you put all of us at risk because of the living conditions that we  
3 live in.

#### 4 **Current Conditions**

5 28. Currently, our facility is "cleared," meaning that we are not on outbreak status.  
6 There is still a quarantine area for people who arrive from county jail. There are still certain  
7 restrictions in place, including restricting how many people can be in the foyer at one time. The  
8 foyer is where we can get ice, do video visits, etc. DOC restricts intermingling in the yard  
9 between people from different units. But if you work in Correctional Industries (CI), then DOC  
10 doesn't restrict intermingling between workers from different tiers.

11 29. I grieved this issue in March, saying that DOC is still putting me at risk by  
12 allowing some workers to be exposed to people from other living units. DOC responded that the  
13 facility is taking proper precautions, and that this issue is not grievable. It seems like DOC is  
14 prioritizing profit over people because DOC is making exceptions for people who work for CI  
15 and allowing them to move all over the building, without regard to the health and safety of  
16 everyone else, in an effort to make sure their facilities that make money continue operating.  
17 Additionally, DOC offered incentives to keep CI workers in class 2 positions showing up to  
18 work. They were offered \$20 per week on top of their existing pay. Class 2 positions included  
19 kitchen, warehouse, and laundry workers. Meanwhile, the rest of the people working other jobs,  
20 like porters, had to keep going to work without this additional pay and we were just told to suck  
21 it up.

22 30. I still work as a porter five nights a week sanitizing the unit. I bleach the interiors  
23 of each tier in the living unit.



1           31.     Last week, I found out that DOC has a new policy requiring staff to report on  
2 each other when they don't wear their masks, but I'm seeing that there's no accountability for  
3 this. Staff in our unit will go to the duty station where the cameras can't see them, and then take  
4 off their masks. It's hard to keep safe in here when the staff don't care and don't believe that  
5 COVID is a problem. One time I was reprimanded for not wearing my mask correctly, but in my  
6 line of sight I could see an officer not wearing a mask at all.

7           32.     Columbia Legal Services has permission to use my declaration to try and help the  
8 situation here in DOC given this dangerous public health crisis.

9  
10           I declare under penalty of perjury under the laws of the State of Washington that the  
11 following statements are true and correct to my best knowledge and belief:

12           *I am unable to sign this document as it was prepared in Wenatchee, Washington, but I*  
13 *have had it read to me over the telephone and authorize Tony Gonzalez to sign it on my behalf.*

14           Dated this 4th day of April 2021 in Shelton, Washington.

15  
16  
17  


18           \_\_\_\_\_  
Michael Linear, by Tony Gonzalez, WSBA #47771

1 CERTIFICATION RE AUTHORIZATION TO SIGN  
2 ON BEHALF OF DECLARANT  
3

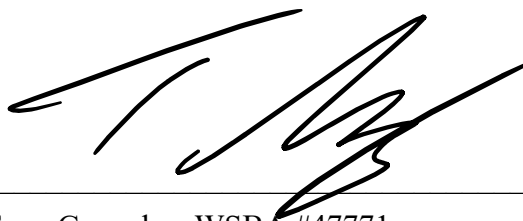
4 I, Tony Gonzalez, declare under penalty of perjury under the laws of the State of  
5 Washington:

6 33. I am counsel for the petitioners in this action.

7 34. Due to urgency and limitations on access to the declarants due to the current  
8 public health crises, distance, shortened time, and prison procedures, I was unable to obtain  
9 physical signatures from the declarants.

10 35. I personally spoke with Michael Linear over the telephone on April 2, 2021. I  
11 drafted Mr. Linear's declaration while on the telephone with him. At the conclusion of the call, I  
12 read Mr. Linear's declaration to him, and Mr. Linear stated to me that he believed the  
13 contents of this attached declaration to be true and correct, and authorized me to sign the  
14 declaration on his behalf.

15  
16 DATED this 4th day of April, 2021 at Wenatchee, Washington.

17  
18  
19  
20 

21 Tony Gonzalez, WSBA #47771  
22  
23