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March 13, 2020

Via Fax to (505) 827-8533

Mr. Brian Fitzgerald
General Counsel
New Mexico Corrections Department
P. O. Box 27116
Santa Fe, NM 87502-0116

Via Fax to (505)-476-2226

Governor Michelle Lujan Grisham
490 Old Santa Fe Trail Room 400
Santa Fe, NM 87501

Via Fax to (505) 827-2969

Risk Management Claims Bureau
P.O. Box 6850
Santa Fe, NM 87502

Via Fax to (505)-827-8533

Secretary Alisha Tafoya Lucero
New Mexico Department of Corrections
P.O. Box 27116
Santa Fe NM 87502-0116

Re: 27 Inmates Listed on Exhibit A
Notice of Tort Claims, Spoliation,
Deliberate Indifference to COVID-19 in NMCD Facilities

Date of Incident: Ongoing
Location: NMCD Facilities State-Wide

Gentlemen\Mesdames:

This letter is intended to provide written notice to the above captioned parties under the Tort Claims Act, NMSA 1978, §§ 41-4-1 to -4-27 regarding the actions and inactions of the New Mexico Corrections Department (NMCD), its employees, staff contractors and other agents in their gross negligence and deliberate indifference to the dangers of COVID-19 (Coronavirus) to the list of 27 inmates identified on Exhibit A.

Acts of Negligence

Our firm is working with the inmates identified on Exhibit A hereto. We have filed suits on a number of the inmates listed. Others, we are evaluating and/or monitoring for ongoing medical negligence and deliberate indifference to their medical needs. These inmates have highly compromised immune systems that have resulted from the underlying gross negligence and

deliberate indifference to their medical needs which led to extensive prior hospitalizations with ongoing very serious health conditions.

As I visited Central New Mexico Correctional Facility on Monday, March 9, 2020, I learned from the guard escorting me and co-counsel to the LTCU that CNMCF was taking no precautions against Corona virus. This was confirmed also in the LTCU. It was indicated that it was not a serious threat and there was nothing to worry about.

This is shocking on many levels. For us, it is extremely alarming due to our clients highly compromised immune systems made so by NMCD and its medical providers. The fact that NMCD and its medical providers are utterly incompetent if not malicious in the provision/denial of medical care to inmates makes this revelation even more concerning.

Given NMCD's shameless behavior in the past, it is expected that NMCD and its medical providers will attempt to use Coronavirus as an excuse for further denial of medical care. Rest assured, we fully intend to protect our clients and all of those inmates who have sought our assistance. NMCD and its medical providers will be held accountable for its callous indifference to what is an inevitable outbreak of Coronavirus in the states' prisons.

Preservation of Evidence:

Under sanction of spoliation of evidence, please preserve all documents and communications related to the medical care of the listed inmates:

1. All medical records, sick call slips, medical grievances, photographs, videos, investigative files, communications, audit trails, audit log files, reports or any other documents and evidence.
2. All communications of whatsoever kind related to NMCD preparation, planning and execution of Coronavirus protections within any and all NMCD facilities to include mail, emails, text, electronic messaging, voicemails, memorandum, meeting notes, meeting minutes and/or other communications related to the medical care of the inmates identified in Exhibit A.

Please also preserve all of the items in #1 and #2 above in the original electronic format in which they are entered, created, stored, maintained and archived. Thank you for your consideration of this matter.

Sincerely,

Covid-19 & NMCD
March 13, 2020
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COLLINS & COLLINS, P.C.

Parrish Collins
PC/gtg

cc: Robert Gentile
David Ketai