



**AIDS Law Project
of Pennsylvania**
a nonprofit, public-interest law firm

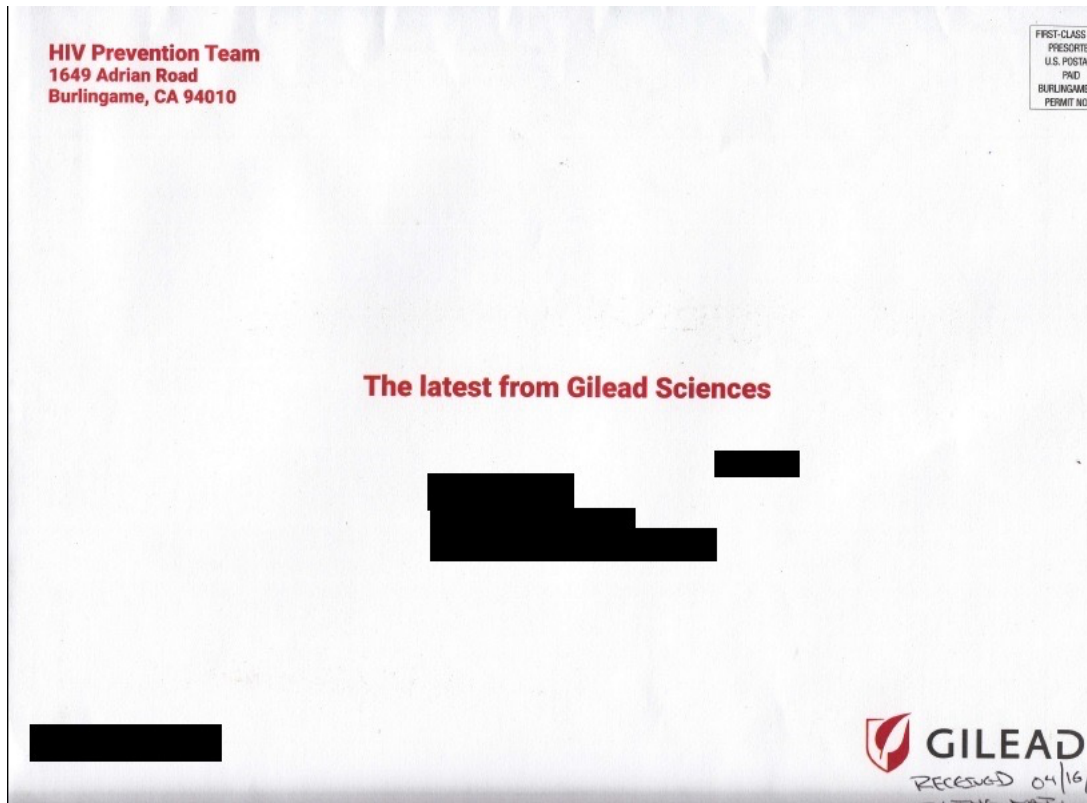


Class action lawsuit: Big Pharma firm Gilead Sciences sent envelopes violating privacy of users of HIV medication

FOR IMMEDIATE RELEASE

PHILADELPHIA (May 22, 2020) – An Alabama man was mortified when an envelope for him with the return address *HIV Prevention Team* in bold red lettering turned up in his workplace mailroom. An Indiana man, who is so protective of his confidentiality that he fills his HIV-related prescriptions at a different pharmacy chain from where he gets his other medications, was shocked to receive the same mailing.

The two men are plaintiffs in a federal class action lawsuit filed last night in the U.S. District Court for the Northern District of California, alleging that the California pharmaceutical company Gilead Sciences Inc. illegally compromised the privacy rights of people taking its medications by recklessly mailing the inappropriately marked envelopes after promising its customers confidentiality. It is not immediately known how many Gilead customers received the mailing.



The plaintiffs from Alabama and Indiana, who do not know each other and who are listed with pseudonyms to protect their confidentiality, retained a litigation team of Ronda B. Goldfein of the AIDS Law Project of Pennsylvania, Shanon J. Carson of Berger Montague PC, and John J. Grogan of Langer Grogan & Diver P.C.

The case is similar to a federal class action lawsuit filed three years ago by Goldfein and Carson against the insurance company Aetna after more than 12,000 customers received large-windowed envelopes revealing they had prescriptions for HIV medications. Aetna settled that case for more than \$17 million.

Gilead is a biopharmaceutical company headquartered in Foster City, Calif., that develops and sells prescription drugs, including for the treatment and prevention of HIV. They include Truvada and Descovy, the only drugs available for the prescribed medication regimen known as pre-exposure prophylaxis ("PrEP"), for people who want to avoid contracting HIV. The plaintiffs in the lawsuit are participants in Gilead's Advancing Access Program, a patient-assistance program offering discounts on the expensive PrEP drugs.

In signing up for the Advancing Access Program, Gilead customers were promised confidentiality and did not expect or agree to receive mail from Gilead that would link them to HIV. Stigma surrounding HIV can lead to discrimination in employment, housing, education, and health care, and even violence. Fear of that stigma is widely recognized as contributing to the AIDS epidemic by discouraging people from getting tested. To ensure that people feel safe to come forward to be tested and treated for HIV, many states have adopted laws that protect the confidentiality of HIV-related information and provide for statutory damages. The lawsuit demands that Gilead reform its mailing procedures and pay monetary damages to the plaintiffs and class members.

“The Aetna case put a spotlight on the obligation to safeguard confidential HIV information,” said Goldfein. “We hoped that the Aetna case would put an end to faulty mailings by companies holding this sensitive information. Mail delivery should not strike fear in the hearts of people who live with HIV or are at risk of getting it.”

Carson said: “Our law firm is constantly battling on behalf of our clients in cases involving serious data breaches and violations of consumers’ privacy rights. Ironically, while many of these cases involve consumer data stolen by third parties, the violation of privacy rights in this case is wholly self-inflicted by Gilead. Indeed, our clients report that when they called Gilead to complain about the above mailing at issue, the company acknowledged responsibility. Now we ask that Gilead, like Aetna before it, step up to the plate and pay plaintiffs and class members the damages they are owed. We look forward to litigating this case in court and obtaining a fair and just resolution for our clients.”

Those affected by Gilead Sciences’ privacy breach should contact the AIDS Law Project of Pennsylvania at 215-587-9377 or by using the contact information below. Additional information about this lawsuit is available at www.aidslawpa.org and www.bergermontague.com/gilead.

Founded in 1988, the AIDS Law Project of Pennsylvania is the nation’s only independent nonprofit public-interest law firm providing free legal services to people living with HIV and those affected by the epidemic.

Berger Montague PC, a national plaintiffs' law firm, is headquartered in Philadelphia and has offices in San Diego, Minneapolis, and Washington, D.C. The firm has played lead roles in major cases for 50 years, resulting in recoveries of more than \$36 billion for its clients and the class members they have represented.

Langer Grogan & Diver P.C. is a Philadelphia-based complex commercial litigation boutique law firm built on a focus and dedication to the public good.

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