

Helping Trans People Claim Their Identities

“Lillian,” a transgender woman, was honored that her HIV activism was acknowledged by invitations to participate as a panelist at national and international conferences. Unfortunately, it was an honor beyond her reach.

Without official identification that matched her true identity, she was unable to attend any conferences that required boarding a plane or train. Her strong desire to share her story as a longtime survivor of HIV to give strength to others led her to come to the AIDS Law Project for help.

The AIDS Law Project has represented clients living with HIV in legal name changes for many years. For the last four years, with the support of **Philly AIDS Thrift**, we’ve expanded our services to reach acutely vulnerable communities affected by HIV, including transgender women.

Adrian M. Lowe, a senior staff attorney at the AIDS Law Project, was able to help Lillian get a legal name change and corresponding identification. Adrian will now lead a new initiative to consolidate such services under one banner.

Our beloved colleague **Jaci Adams**, who died in 2014, often spoke of the struggles that result when your iden-

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The AIDS Law Project has launched the **Jaci Adams Identity Initiative**, named in honor of a beloved colleague.

\$4M Settlement in Gilead Class Action Suit Awaits Approval

A class action lawsuit that claims the biopharmaceutical company Gilead Sciences Inc. illegally compromised the privacy rights of some of its customers has been settled by the parties for \$4 million pending approval by the court.

The AIDS Law Project learned in 2020 that Gilead had mailed envelopes to certain customers with the return address “HIV Prevention Team” in bold red letters, even though the company had promised them confidentiality.

Gilead, based in Foster City, Calif., develops and sells prescription drugs,

including those for 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 18,192 settlement class members in the lawsuit were participants in Gilead’s Advancing Access Program, a patient-assistance program offering discounts on the expensive PrEP drugs. Gilead customers who signed up for the program were promised confidentiality

and did not expect or agree to receive mail from Gilead that would link them to HIV.

After extensive negotiations between attorneys for the plaintiffs and the company, a motion for preliminary approval of a settlement agreement was recently filed in the Superior Court of California, San Mateo County. A hearing on the motion for preliminary approval is scheduled for Dec. 1, 2022.

If approved by the court, the \$4 million settlement calls for each person to

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FROM THE EXECUTIVE DIRECTOR

What's in a Name?

Friends,

What do Bob Dylan, Billie Holiday, Marilyn Monroe, and NBA player Enes Freedom have in common? If you said they all legally changed their names, you'd be correct. Each of these celebrities assumed an identity that felt true to them.



For some clients of the AIDS Law Project of Pennsylvania, a name change is more than an opportunity for self-expression. It can be the path to survival.



Without identification that matches their appearances, our clients may find themselves shut out of employment, health care, and the ability to participate fully in society. The first step to reliable identification is a name that corresponds with your identity.



According to estimates by the Centers for Disease Control and Prevention, 42 percent of transgender women and 62 percent of black trans women are living with HIV. These vulnerable populations need support.



That's why the AIDS Law Project is proudly launching the Jaci Adams Identity Initiative as we expand our legal services to those who are especially vulnerable to acquiring HIV.

In the name of a strong and outspoken advocate for those whom she dedicated her life to assist, we'll offer a free legal name change to clients whose identification does not match their identity.

We hope our new initiative will help our clients access the security they need to stay safe and healthy. In the name of justice.

Ronda

N A V I G A T I N G

When Benefit Stops, Three SSA Offices Start Passing the Buck

It was a complicated situation that initially three Social Security Administration field offices said was not their problem to fix.

The 72-year-old man relied on two checks he got a month to get by, one Social Security Retirement, the other Supplemental Security Income (SSI), but one check stopped showing up.

Jacob M. Eden, a senior staff attorney at the AIDS Law Project, contacted the Social Security Administration, which confirmed the man was not getting SSI. They said they needed updated banking information, which Jacob provided.

When the benefit had not been restarted in a week, Jacob dug a little deeper. This time he was told the SSI was terminated because his client was living in a medical rehabilitation facility that was paid for by Medicaid. If someone is living in a Medicaid-covered rehabilitation facility, their SSI is eliminated if they have other income, such as the Social Security retirement check the client was receiving.

Jacob talked to his client and learned he had indeed been in a rehabilitation facility for one month last year. SSA gets a report when a person enters a facility, possibly triggering a cut in benefits, but not when they leave the facility, which should lead to benefits being

Why did the SSI checks stop? Outdated bank info? Missing treatment documentation? Confusion over mailing address? All of the above?

restored. The recipient has to provide that documentation themselves.

Jacob arranged for that to be done, but there was another problem.

Usually, the SSA field office for a person is based on their mailing address. However, if you have a representative payee, which his client had recently designated, to handle your finances it is based on that address. Also, if you are in a rehabilitation facility, it is based on the rehab's address. When Jacob reported the discharge paperwork, the three field offices all declined to process the information because they each said another was responsible.

Jacob continued calling around until he reached a supervisor in the field office connected to his client's home address. She said that she was perplexed why her employees did not bring this to her directly. She updated his records and made sure payment were issued for the missing months.

GOOD COUNSEL BY E-MAIL

Want to get the newsletter electronically? Sign up at AIDSLaw-Pa.org/e-newsletter.



Complicated Quest for a Birth Certificate

The 43-year-old man was “beyond frustrated” when he came to the AIDS Law Project in March, according to **John C. Marrero**, the paralegal who assisted him.

“He came to us because he didn’t know where else to go,” John said.

We had helped the client in the past with housing issues, but didn’t realize that we could assist him to get a birth certificate. Trying to track down his birth certificate was proving much more difficult than he ever imagined. Among other things, he needed it to get a Pennsylvania driver’s license. His expired Nebraska license was not sufficient.

He had been born on a U.S. military base in Alberta, Canada, which further complicated his quest.

John has handled many birth certificate cases, but never one involving a birth in a foreign country. He figured out that the document the man needed is called a Consular Report of Birth Abroad, issued by the U.S. State Department.

But the State Department is exacting and required a lot

of information the man did not have, such as the date and place of birth of his parents and the date and place of their marriage, among other things.

Both his parents are deceased, so the man was unsure of how to proceed. John encouraged him to contact anyone who might be able to provide a piece of the puzzle – aunts and uncles, cousins, old family friends.

“It was definitely difficult,” John said. “It got pieced together gradually.”

Finally, everything was ready and John sent it to the State Department on May 24. He called his client when the document was delivered to the AIDS Law Project office on Aug. 23.

“He started crying on the phone,” John said. “He came in the same day to get it.”

As an aside, John, who has seen many, many birth certificates, was impressed with how it looked.

“It was the most beautiful birth certificate I’ve ever seen,” he said.



Disabled Woman's Home Health Aides Saved in a Day

The 54-year-old woman was heavily dependent on her home health aides, who were with her 12 hours a day. They helped with everything from getting out of bed to cooking and cleaning. She used a wheelchair and a walker, so they even helped her get around her home.

When the service was suddenly cut without any notice or warning she didn’t know what to do. She contacted the AIDS Law Project and **Jacob M. Eden**, a senior staff attorney, started to figure out what happened.

He learned she had a contentious relationship with the service coordinator, assigned by the Pennsylvania Department of Human Services (DHS) to do a yearly assessment to ensure she was still eligible for the benefit she received.

As Jacob unraveled the situation, he was told his client had “voluntarily” withdrawn from the program and had been placed in regular Medical Assistance, which does not provide for home health aides.

She denied withdrawing, but said her service coordinator showed up at her door unannounced and she told him to go away. After that she requested a new service coordinator who came to her home, did a new assessment, and granted her the hours she needed.

But the home health-care aides did not return. Jacob immediately reached out to a friendly supervisor at the Pennsylvania Office of Long-Term Living, who noted that the first coordinator sent a withdrawal notice and the new coordinator sent a form restoring the service.

The problem was that the second form was never processed.

The supervisor processed the restoration request right away and the benefits, including home aide, were restored.

Thanks to Jacob’s diligence, the benefit was restored the same day the woman contacted the AIDS Law Project and she once again had the help she needed.

THE AIDS LAW PROJECT AT WORK

Disabled Senior Stunned by Therapist's Bias

Francis Horst had not had an easy life.

Born with a cognitive disability, his mother abused him before leaving the family when he was 4 years old. Luckily, he had a good relationship with his father, who was gay and supported him as he faced his challenges, which included being diagnosed with remitting multiple sclerosis in 1993.

The medications he takes to address his condition exacerbates his depression and anxiety. He takes medication to counteract the side effects, but also relies heavily on therapy to cope.

"It relieves me," Francis, now a senior, said. "It gives me encouragement and confidence."

That's why he felt as if he'd been punched in the gut when he met with a new therapist last year at a large nonprofit health-care center in Philadelphia. Francis was telling the therapist about his background, including that he was gay. He was stunned when the therapist pulled up Bible verses on his office computer and began to read passages aloud that condemned him for being gay.

"I was flabbergasted," he said. "I felt lost in a lot of ways because I didn't have another therapist."

Not sure where to turn, he contacted his good friend **Joe Schwartz**, who he had met when they worked near each other



Francis Horst, left, and his friend, Joe Schwartz.

in West Philadelphia in 2019. Joe helped him arrange a new therapist at a provider Joe knew could be trusted and suited his insurance.

Joe also introduced Francis to the AIDS Law Project, which has expanded its attention to LGBT seniors and other populations vulnerable for acquiring HIV. Francis could have just put the ugly episode behind him, but he thought it was important to pursue a complaint.

"I wanted help—ups to know what was going on," Francis said. "I didn't want others to suffer the same thing."

In January, the AIDS Law Project filed a discrimination complaint with the Philadelphia Commission on Human Relations, asserting that the health-care center treated Francis differently because he's gay and that a heterosexual patient would not have been subjected to condemnation based on sexual orientation.

In October, the complaint was resolved with a settlement for monetary and non-monetary relief.

Francis is now back on solid footing thanks to his own courage and determination, the help from his friend Joe, and the support of the AIDS Law Project.

"I have a very good therapist now who listens and cares," he said. "I really felt at home at the AIDS Law Project."

Staff-Led Webinars Provide Vital Legal Guidance

Summer school was in session this year for the AIDS Law Project, as staff attorneys led educational sessions for professionals who work with the communities we serve.

Jeni Wright and **Shamus Brennan**, AIDS Law Project housing attorneys, led two webinars for approximately 75 medical case managers.

The session titled Pennsylvania Landlord Tenant Landscape on Aug. 23 was 60 minutes and included a 24-page presentation that was emailed to everyone who registered.

The Housing and Urban Development Subsidized Housing webinar was 90 minutes and included a 40-page presentation that was emailed to all registrants. The latter included resources that case managers can provide to their clients

who want to apply for subsidized housing.

"I thought everyone who attended found it truly helpful, especially on recent changes in the law," Jeni said.

"This was a very informative presentation with great resources," one participant said, which was typical of comments left by others who attended.

Jeni is scheduled to do another seminar on Pennsylvania landlord tenant law on Nov. 17.

On July 13, Senior Staff Attorney **Jacob M. Eden** led a session for 15 attorneys and paralegals sponsored by Community Legal Services on how to handle the expedited reinstatement of Social Security disability benefits.

"It was the nitty gritty details of how to do it," Jacob said. "It was well received."

THE AIDS LAW PROJECT AT WORK

Safehouse Legal Fight Returns to Federal Court

It's been a long and winding legal road for Safehouse since it was founded in 2018 with the intent of providing lifesaving overdose prevention services in Philadelphia.

Safehouse is once again in federal court in the Eastern District of Pennsylvania, the scene of an early victory.

Judge **Gerald A. McHugh** of the Eastern District of Pennsylvania ruled in 2019 that the services Safehouse would provide are not illegal under the Controlled Substances Act. The ruling came in response to a lawsuit filed early that year by the Trump Administration-appointed U.S. Attorney at the time contending that Safehouse would violate the so-called "crack house" provision of the act.

Unfortunately, the next few legal developments did not go Safehouse's way.

The U.S. Supreme Court declined in 2021 to review the split decision of the U.S. Court of Appeals for the Third Circuit that blocked Safehouse from opening the first supervised consumption site in the country. That decision overturned Judge McHugh's ruling that Safehouse's proposed activities would not violate federal law.

Safehouse vice president and member of the legal team, AIDS Law Project Executive Director **Ronda B. Goldfein**, said the case has returned to the District Court to pursue claims not previously litigated, including that the religious beliefs of Safehouse leaders compel them to save lives during the overdose epidemic that has ravaged Philadelphia and the nation.

A conference with the judge has been scheduled for Nov. 14 to discuss the case.

The legal landscape has shifted under the Biden Administration. There is a new U.S. Attorney in charge of the district, and Ronda said Safehouse has been in "ongoing productive" conversations with the Department of Justice.

Safehouse was founded with the goal of opening an overdose prevention site, including safe consumption and observation rooms staffed by a medical staff prepared to administer overdose reversal if needed. More than 100 such sites have existed in Europe, Canada, and Australia for over 30 years.

Safehouse's medically based model would provide a range of services, including on-site initiation of medically assisted treatment, recovery counseling, education about substance use treatment, basic medical services, and referrals to supporting services such as housing, public benefits, and legal services.

"This case has been pending for some time," Ronda said. "We are optimistic we'll reach a settlement agreement."

The Safehouse legal team is headed by **Ilana H. Eisenstein** of **DLA Piper**.

"We are hopeful that we will reach a resolution with the federal government that will clear the path for Safehouse and others nationwide to offer overdose prevention services, including supervised injection, as a critical lifeline and public health intervention for our communities suffering in this opioid and overdose crisis," Ilana said.

ABOUT US

WHAT WE DO

The AIDS Law Project of Pennsylvania is a nonprofit, public-interest law firm. We publish *Good Counsel* semiannually for our friends, volunteers and colleagues committed to protecting the rights of people with HIV and those at risk of HIV. Last year, we worked on 1,640 legal issues, nearly all from people with HIV. We help people navigate the legal system, the welfare system, the housing system, and the worlds of public and private insurance. We provide education and training to professionals who work with people living with HIV.

WHO WE ARE

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On Twitter: [@AIDSLawPa](https://twitter.com/AIDSLawPa)

HOW TO HELP

Remember us at workplace giving time. When you donor-designate in your workplace giving campaign, remember your neighbors served by the AIDS Law Project of Pennsylvania.

United Way of SEPA: Specific Care Option #09067
Combined Federal Campaign: Donor Option #36027

THE AIDS LAW PROJECT AT WORK

Remembering Jaci: We Learned From Her Struggle

The **Jaci Adams Identity Initiative**, recently launched by the AIDS Law Project, will help transgender people get legal identification that matches their true identity.

As we have worked to organize the initiative, which consolidates services we have offered for years under one umbrella, we could not help but to pause and reflect on the inspiring legacy of its namesake.

It was a huge blow to the LGBT and HIV activist communities when Jaci (pronounced Jackie) died in 2014 after a long battle with cancer. It was just one of the many challenges she faced in her life.

Jaci overcame childhood abuse and drug addiction to become an inspiring leader in Philadelphia's LGBT community. Miss Jaci, as she was widely known, rose above the trauma and chaos of her early life to become one of the city's most tireless advocates for trans people and on HIV and AIDS issues.



Kass Mencher

Jaci Adams performs at an AIDS Law Project of Pennsylvania event.

The late **Gloria Casarez**, then the director of the Office of LGBT Affairs of Philadelphia, worked with Jaci on a variety of issues, including shelter and behavioral health policies, transgender health, and HIV and AIDS programs.

"Jaci Adams was a fierce leader, mentor, and friend who was unafraid of sharing her own difficult life experiences in an effort to make a difference in the lives and actions of others," Casarez said.

Jaci, 56, served on many boards and commissions, but was perhaps most loved for her ability to offer hope to those who thought there was none.

In 2013, Jaci was named to POZ magazine's 100 Unsung Heroes and received Philly Pride's first Out-Proud Transgender Award.

"It's not what they call you, it's what you answer to," she said in an emotional speech accepting the award.

Continued from 1

tity doesn't match your identification. Without valid identification to confidently pull from your wallet, finding health care, employment, or even respect seem like impossible dreams. To honor Jaci (pronounced Jackie) for all that she taught us and to continue good work in her name, the AIDS Law Project is proud to launch the Jaci Adams Identity Initiative.

Recent favorable legal decisions now enable us to represent individuals previously ineligible for legal name change. Through the initiative, free representation is available without referral. Identity confirmation is more than just using a new name. It's living in the world as the person you know yourself to be.

Keisha, a 38-year-old social worker, was recently able to legally change her name with the help of the AIDS Law Project, overcoming an obstacle she had thought was insurmountable.

"I thought it wasn't going to happen for me, because of my criminal record," Keisha said. "When the day

came and I had the decree in my hand, I felt validated as the person I am, and that society will now recognize me for the woman I am. Everybody deserves to be recognized as who they are."

A recent CDC study estimated that 42% of transgender women have HIV. Sixty-two percent of black transgender women are thought to be living with HIV. For these women, and for others who may acquire HIV, being able to change their name and get corresponding identification can make a life-affirming difference.

Name changes through the Jaci Adams Identity Initiative are available for Philadelphians living with HIV, or who have a high likelihood of acquiring HIV, and who can meet the legal standard of a non-fraudulent reason for changing their name.

"The importance of legal name changes to trans people can't be overstated," Adrian said. "In addition to the validation that comes from documents that match who you are, appropriate identity documents enable trans people

to access employment, housing, public benefits, health care, travel, you name it, with less fear of discrimination."

The initiative also will be supported by our intern **Elizabeth Lilly**, a second-year student at Temple University Beasley School of Law.

"As I see it, the work of the Jaci Adams Identity Initiative is about removing financial and logistical obstacles trans folks are facing and helping them legally affirm their identity," Elizabeth said. "It's so rewarding to be able to support these clients through the process of having their identity fully recognized and respected and to celebrate with them."

Many trans people who have come to the AIDS Law Project have wanted to align their identification with their true identity for years but found the process daunting. Adrian said legal representation is the key to helping them accomplish their goal.

"There are a lot of moving pieces," Adrian said. "People can get lost trying to do it themselves."

INSIDE THE AIDS LAW PROJECT

Sero Project Fellowship Fight HIV Criminalization

People living with HIV face a criminal justice threat for engaging in conduct that would not be criminal, but for their HIV. More than thirty states have statutes criminalizing perceived exposure to HIV. Prosecutions have involved allegations of non-disclosure, exposure, or transmission of HIV.

Pennsylvania does not have a specific law criminalizing HIV exposure or transmission, although Pennsylvanians with HIV have been prosecuted with applicable criminal laws. New Jersey recently repeal its HIV-specific criminal law, although alleged violations of general criminal laws may still be charged.

In 2020, the AIDS Law Project, along with our friends at the Sero Project <https://www.seroproject.com/> launched a legal fellowship to work on policy reform for nationally and provide support for those facing HIV criminalization in Pennsylvania and New Jersey.

To apply for this two-year fellowship, please send or email a resume

and cover letter explaining your interest in helping people living with HIV to:

AIDS Law Project of Pennsylvania
1211 Chestnut Street, Suite 600
Philadelphia, PA 19107
jobs@aidslawpa.org

If you have questions about the position, please email instead of calling.

Responsibilities will include:

- Participate in HIV criminalization state coalition calls and meetings
- Monitor nation-wide legislation for HIV criminalization, communicable diseases and sex work
- Provide legal analysis of legislative bills and amendments
- Provide "rapid response" guidance to PLHIV who are being prosecuted or concerned about prospective prosecution for HIV related crimes

For the full job description, please see: <https://www.aidslawpa.org/about-alpp/employment-opportunities/>.

Meet Our New Data Entry Clerk

The AIDS Law Project is happy to introduce our new data entry clerk, **Gassoh Goba**, who joined us in July.



Gassoh definitely comes with the right mindset. She has worked previously on HIV and other social justice issues.

She said she is lucky that the AIDS Law Project

allows her to have a flexible schedule as she is a full-time student at Widener University in Chester. She is pursuing master's degrees in social work and the education of human sexuality.

Gassoh said her goal is to help combat gender-based violence in Sierra Leone, where her family is from, as well as the rest of the African diaspora.

"It's a great honor to me to support the work of the AIDS Law Project," she said.

BRIEFLY NOTED

Fond Farewell

After nine years of dedicated service Intake Attorney **Blair C. Dickerson** has taken a leave from his work at the AIDS Law Project. We wish him well and thank him for the great service he provided to our clients. He will be difficult to replace and we hope to have the opportunity to work with him again.

Thank You

We are deeply appreciative of the work on behalf of our clients done by our 2022 summer interns from the Class of 2024 at five law schools. They are **Elizabeth Lilly**, Temple University Beasley School of Law; **Ellie Schwab**, University of Pennsylvania School of Law; **Jake Soria**, Harvard Law School Harvard; **Jess Stoltz**, Drexel University Thomas R. Kline School of Law – Legal Research Center; and **Eric Richwine**, Rutgers Law School.



Blair C. Dickerson has been with the AIDS Law Project for nine years.



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Gifts received April 1, 2022 through Sept. 30, 2022

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Gifts were made in honor of:

Ronda Goldfein
Jay Kostman, MD

Gifts were made in memory of:

Steve Goldfein
Stephen Hampton
Christopher Huhn
John Irwin

Continued from Page 1

receive \$100. They also can apply for up to \$2,000 for reasonable non-reimbursed out-of-pocket expenses they may have incurred that were directly caused by the mailer, including any moving costs, medical or counseling costs, or loss of income.

Up to \$500 is also available to class members who experienced emotional distress, anxiety, or fear as a direct result of the mailer.

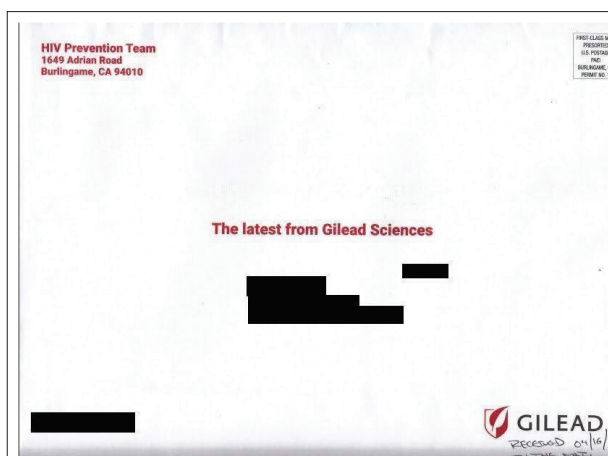
The agreement calls for extensive measures to protect the privacy of the plaintiffs.

Gilead has apologized for the incident but denied the allegations in the complaint.

"Many of our clients will not seek health care unless they are confident that the privacy of their medical information is protected," said **Ronda B. Goldfein**, executive director of the AIDS Law Project and a member of the legal team. "This is especially true for highly vulnerable communities, who have a history of negative consequences from seeking health care."

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 test-



ed and treated for HIV, many states have adopted laws that protect the confidentiality of HIV-related information.

The Gilead case is similar to a federal class action lawsuit settled in 2018 in which the AIDS Law Project and its partners won a \$17 million settlement against the insurance company Aetna. In the Aetna case, insureds were sent a letter in an envelope with a large glassine window, revealing that the recipient was taking HIV medications.

"We are pleased that we

have been able to reach a proposed settlement with Gilead to resolve this breach of privacy case, and we look forward to presenting the proposed settlement to the court for its final approval," said **Shanon Carson**, executive shareholder of **Berger Montague PC** and a member of the legal team.

"This case is part of an ongoing commitment to remain vigilant to assure that access to health services remains as unfettered by stigma as possible," said **John Grogan**, founding partner of **Langer, Grogan & Diver P.C.**, of counsel to the AIDS Law Project and a member of the legal team.

The plaintiffs' litigation team also includes **Yolanda French Lollis** and **Adrian M. Lowe** of the AIDS Law Project; **John Albanese** and **Sophia Rios** of **Berger Montague PC**; and **Kevin Trainer** of **Langer, Grogan & Diver P.C.**