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9 *Counsel for Plaintiffs and the Proposed*
10 *Settlement Class*

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12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF SAN MATEO**

14 ALABAMA DOE 1, ALABAMA DOE 2,
15 INDIANA DOE, MISSOURI DOE, AND
16 FLORIDA DOE, Individually and on Behalf of
17 All Others Similarly Situated,

18 Plaintiffs,

19 vs.

20 GILEAD SCIENCES, INC.,

21 Defendant.

22 Case No.: 20-CIV-03699

23 **DECLARATION OF RONDA B.**
24 **GOLDFEIN**

25 Dept: 22
26 Judge: Hon. Danny Chou

27 CLASS ACTION

28 Action Filed: September 1, 2020
Trial Date: None Set

1 I, Ronda B. Goldfein, hereby declare under penalty of perjury and under the laws of California
2 that the following is true and correct:

3 1. I respectfully submit this Declaration in support of Plaintiffs' Motion for Preliminary
4 Approval of Class Action Settlement. The following is based on my personal knowledge, and if called
5 upon to do so, I could and would competently testify thereto.

6 2. I am the executive director of the AIDS Law Project of Pennsylvania ("AIDS Law
7 Project") (www.aidslawpa.org) and Co-Lead Counsel for Plaintiffs and the proposed Settlement Class
8 in the above-captioned litigation. I joined the AIDS Law Project in 1992 and have been the executive
9 director since 2000.

10 3. In my more than 30 years at the AIDS Law Project, I have come to appreciate the
11 intense stigma surrounding people living with HIV and communities associated with HIV.

12 4. I was Co-Lead Counsel in *Beckett v. Aetna, Inc. et al*, (EDPA 2:17-cv-03864, settled
13 Jan. 2018) ("*Aetna*"). In *Aetna*, a faulty mailing disclosed the HIV status of thousands of individuals.

14 5. In the administration of the *Aetna* settlement, we saw clearly that class members
15 preferred to contact the AIDS Law Project rather than the settlement administrator when they had
16 questions about the settlement. People impacted by the mailing in *Aetna* felt more comfortable sharing
17 sensitive details of their life with a nonjudgmental, culturally competent public interest law firm
18 created to provide services for their communities.

19 6. I believe that many of the individuals impacted by the Gilead Mailer share the same
20 privacy and cultural competence concerns as those impacted by the *Aetna* mailing. Because of stigma,
21 some class members may prefer to bring their questions to someone knowledgeable about HIV, HIV
22 prevention, and the communities impacted by HIV rather than a nonspecific call-center. For this
23 reason, we feel it is important to include contacting the AIDS Law Project as an option, along with
24 the Settlement Administrator, for class members with questions about the settlement.

25 7. The Gilead Mailer was sent on or about April 14, 2022. The AIDS Law Project was
26 first contacted by an individual who received the Mailer on April 17, 2022. Unlike in the aftermath
27 of the *Aetna* Mailer, the AIDS Law Project was not inundated with calls from class members harmed
28 by the Gilead Mailer. Even after media coverage and outreach through national networks, the AIDS

1 Law Project received only a handful of calls. We are aware that some Mailer recipients contacted
2 Gilead customer service to voice their anger and frustration.

3 8. I believe that Mailer recipients' responded differently from the *Aetna* recipients
4 because of the following facts:

5 a. The location of the HIV-related information: Aetna sent a mailer where the visible text
6 of the enclosed letter, addressed to the recipient, included options for filling prescriptions for "HIV
7 Medica," while the Gilead Mailer's return address began with HIV Prevention Team,

8 b. The HIV-related information itself: Aetna's mailer disclosed that recipients were
9 prescribed HIV medication, while Gilead's Mailer disclosed that the recipients were concerned with
10 HIV prevention,

11 c. The populations targeted by the respective mailings: In *Aetna*, the mailing was sent to
12 people with Aetna insurance who had been prescribed HIV medication, a class primarily of people
13 living with HIV. Gilead's Advancing Access program is targeted primarily to people who are not
14 living with HIV and are taking medications to prevent acquiring HIV.

15 d. The difference in the experience of stigma and harm between the populations living
16 with HIV and those concerned with preventing HIV: In *Aetna*, the AIDS Law Project heard from over
17 500 people whose lives were dramatically upturned as a result of their HIV status becoming known
18 to their families, neighbors, workplaces, and communities. The Gilead class members who contacted
19 us experienced harm, but for the most part not the dramatic consequences of stigma we heard in *Aetna*.
20 The Gilead class primarily experienced embarrassment over their HIV prevention concerns becoming
21 known, anxiety over not being sure who now knew their concerns, and distrust of health care systems.

22 9. Resolving this litigation without further delay will send a reassuring message to the
23 individuals and communities that when they access HIV prevention, their privacy will be protected.

24 10. Founded in 1988, the AIDS Law Project was established when the fear of AIDS was
25 at its height. Routine and widespread discrimination flourished in every major aspect of life, including
26 healthcare, housing and education. Almost thirty-five later, the AIDS Law Project remains the
27 nation's only independent nonprofit public-interest law firm that provides free legal services
28 exclusively to people living with HIV and those affected by the epidemic.

1 11. I am a nationally recognized advocate for people living with HIV. In December 2010,
2 I was listed among the top 100 HIV/AIDS activists in the United States by POZ magazine. In 2007,
3 I was named “Policymaker of the Year” by the Penn Center for AIDS Research, a joint project of the
4 University of Pennsylvania, the Children’s Hospital of Philadelphia, and the Wistar Institute.

5 12. The AIDS Law Project provides free legal services to people living with HIV
6 throughout Pennsylvania and Southern New Jersey. We have a holistic approach to providing legal
7 services. We provide representation in those areas that are HIV-specific, such as discrimination and
8 privacy. We help people obtain health care through private or public health insurance. We assist
9 people who are unable to work obtain private or public disability benefits. We represent people facing
10 eviction, utility terminations or mortgage foreclosures. We provide immigration assistance. We also
11 draft Wills, Living Wills and Medical and Financial Powers of Attorney for our clients.

12 13. We are part of a continuum of care for people living with HIV in Pennsylvania and
13 southern New Jersey. We have three medical legal-partnerships. One is located at Philadelphia’s
14 largest primary care provider for people living with HIV; the second is based at an infectious disease
15 clinic in Southern New Jersey; and the third is at Philadelphia’s only legal syringe exchange. We are
16 also part of a health education program for people living with HIV that is taught in English and
17 Spanish.

18 14. Our legal services are available to the working poor because we do not impose means
19 testing that often disqualifies this population. We make home and hospital visits to clients who are
20 too ill to travel to our offices, and we utilize bilingual staff and translation services to assist our clients
21 in their preferred language.

22 15. Complementing our direct legal representation are our public education services and
23 legislative advocacy. The AIDS Law Project educates the public on AIDS-related legal issues through
24 three monthly seminars, trains case management professionals in a biannual two-day public benefits
25 training, and works at local, state and national levels to achieve fair HIV laws and policies.

26 16. In our 35-year history, the AIDS Law Project has risen to the defense of approximately
27 47,000 Pennsylvanians living with HIV and AIDS, and educated more than 45,000 others on HIV-
28 related legal issues so that they could advocate for themselves and their communities.

1 17. The AIDS Law Project has been honored with several awards as a testament to our
2 dedication and commitment to people living with HIV and AIDS. In 2014, the AIDS Law Project
3 received the Alexander D. Forger Award for Excellence in HIV Legal Services and Advocacy for our
4 “record of commitment and effectiveness in the fight against HIV and AIDS.” In 2012, we were
5 awarded the Kiyoshi Kuromiya Award for Justice “for more than 20 years of fighting fearlessly for
6 the legal rights of those living with HIV, educating thousands about AIDS-related issues, and working
7 on multiple levels of government to achieve fair laws and policies for those living with and affected
8 by the virus.” In 2007, Philadelphia Black Gay Pride recognized us for our “unapologetic commitment
9 to Philadelphia’s Black LGBT communities.” In 2006, we received the Bridge Award for our
10 “unconditional work and dedication to unite and strengthen Philadelphia’s diverse LGBT
11 community.” In 2005, we received the Barristers’ Association of Philadelphia annual Cecil B. Moore
12 award for “continued and selfless service to the Philadelphia community.” That same year, we
13 received the Philadelphia AIDS Consortium Annual Providers’ Choice Award. In 1994, we were
14 awarded Dignity Philadelphia’s annual Community Service Award for our “outstanding service to
15 the Lesbian/Gay/Bisexual community.”

16 18. The AIDS Law Project has worked to defend the rights of people living with HIV
17 since early in the epidemic’s history. For example, in 1994, the AIDS Law Project sued a Philadelphia
18 health club after a member was ejected because of fears of HIV transmission.¹ The settlement in this
19 case was not just a validation for the client and his family – although the plaintiff did not live long
20 enough to see the resolution – but sent a clear message to the community that people with HIV need
21 not be feared and present no risk of transmission in casual settings.

22 19. The AIDS Law Project works to ensure that clients understand that their medical
23 information is private and may not be shared without permission, except in certain limited
24 circumstances. In our 35-year history, the AIDS Law Project has responded to over 1,500 complaints
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27 ¹ See Joseph A. Slobodzian, *Lawsuit Accuses Gym of AIDS Bias: A City Center Man Says the Owner Embarrassed
28 Then Ejected Him After Learning He Had AIDS*, PHIL. INQUIRER, Aug. 18, 1994, at B01 (“The plaintiff’s lawyers
called the suit the first against a fitness center under the two-year-old Americans With Disabilities Act, the federal law
that requires facilities that serve the public to accommodate people with disabilities, including AIDS or HIV, the AIDS
virus”).

1 of HIV-specific medical privacy on behalf of clients who could not find a private lawyer willing to
2 take their case.

3 20. We have represented numerous individuals living with or affected by HIV in
4 confidentiality cases. *See, e.g., MS v. Dr. & Philadelphia Hospital* (Feb. 2021) (reached settlement
5 where treating physician disclosed client's HIV status to visitors in hospital room); *Doe v. Sunray*
6 *Drugs*, No. 191103276 (Pa. Commw. Ct. Feb. 19, 2020). (Pharmaceutical company settled for an
7 undisclosed amount after woman's HIV medications were delivered and left visible within her
8 apartment complex, leading to social ostracizing and loss of community); *F.T. v. Phila. Nurse Family*
9 *Partnership*, 181002105 (Pa. Commw. Ct. Jan. 30, 2019) (Health agency settled for an undisclosed
10 amount after a nurse inadvertently disclosed a young mother's HIV status to family members,
11 resulting in loss of support and community); *EEOC and MB v. Shoe Store*. (Aug. 2016) (reached
12 settlement for employer disclosure of HIV status to a co-worker without consent, in violation of the
13 Americans with Disabilities Act); *DD v. Home Healthcare Provider* (Apr. 2015) (reached settlement
14 on behalf of client whose HIV status was disclosed to a family member by a home health worker);
15 *TH v. Doctor & Hospital* (July 2014) (reached settlement where treating physician disclosed client's
16 HIV status to visitor in hospital room); *JS v. Hospital* (Sept. 2014) (reached settlement where treating
17 physician disclosed HIV status to visitor in hospital room); *MM, et al. v. Residential Treatment Center*
18 (Dec. 2011) (reached settlement on behalf of residents of a drug treatment center where dietician was
19 careless with a list of HIV positive patients); *see also Doe v. Southeastern Pennsylvania Transp.*
20 *Auth.*, 886 F. Supp. 1186 (E.D. Pa. 1994) (alleging that employer's administrative officer reviewed
21 and disclosed information on utilization of employer's prescription benefit plan that indicated that
22 employee was being treated for HIV-related illness, violating client's rights to privacy).

23 21. The AIDS Law Project has represented numerous clients in HIV discrimination cases,
24 *See, e.g., WR v. Pennsylvania Medical Center*, (PHRC 201801702) (settlement reached on behalf of
25 woman alleging discriminatory refusal of outpatient procedure); *Jones v. OSS Orthopaedic Hospital*
26 *LLC*, No. 1:16-cv-01258-YK (M.D. Pa. 2016) (representing client alleging discriminatory denial of
27 access to aquatic therapy pool because of the plaintiff's HIV status); *Jones v. Diamantoni &*
28 *Associates Family Practice*, No. 2:14-cv-6796-GP (E.D. Pa. 2015) (settlement reached on behalf of

1 client and his family after being allegedly dismissed from a medical practice based on the client's
2 HIV status); *Smith v. Milton Hershey School*, No. 11-7391, 2012 WL 1966125 (E.D. Pa. 2012)
3 (alleging that the Milton Hershey School refused to enroll a 13-year-old student because he is living
4 with HIV; case settled with Department of Justice for \$715,000); *Canal Side Care Manor, LLC v. Pa.*
5 *Human Relations Commission*, 30 A. 3d 568 (Commw. Ct. Pa. 2011) (affirming a finding of
6 discrimination against a personal care home that evicted a client because she was HIV positive); *see*
7 *also EEOC v. Capital Healthcare Solutions*, No. 2:11-cv-01249-NBF (W.D. Pa.) (representing a
8 Certified Nursing Assistant who was refused employment by a staffing service because of his HIV
9 status); *Smith v. City of Philadelphia*, 345 F. Supp. 2d 482 (E.D. Pa. 2004) (alleging that city
10 emergency medical technicians failed to provide appropriate care to our client because he was HIV
11 positive).

12 22. Moreover, the AIDS Law Project serves as an expert in HIV confidentiality laws and
13 HIV privacy issues generally. We train approximately 500 people a year on HIV confidentiality at
14 lectures convened by the Philadelphia Department of Health, the federal AIDS Education and
15 Training Center Program, and the Drexel University College of Medicine. We have also lectured at
16 national and local CLEs, the international AIDS conference, and webinars for private industry.

17 Date: December 23, 2022

/s/ Ronda B. Goldfein _____

Ronda B. Goldfein