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US, inmate settle Valley fever lawsuit for \$425,000

Government agrees to pay \$425,000 to former inmate who contracted the disease while in Kern County prison

By Ben Adlin

The U.S. government will pay \$425,000 to settle a lawsuit brought by a former prison inmate who says he contracted a potentially deadly disease known as Valley fever during his time in a Kern County correctional facility.

The settlement, approved this week by U.S. District Judge Gary A. Feess in Los Angeles, is the first to stem from the rash of Valley fever infections that have plagued California prisons in recent years.

Attorneys for plaintiff Arjang Panah, who sued for \$2.5 million in damages under the Federal Tort Claims Act, said they see the settlement as a huge success.

'A series of emails showed that [the disease] exploded in the facility.' - Ian M. Wallach

"I'm on top of the world," said Ian M. Wallach of Venice-based Feldman & Wallach, one of three attorneys who represented Panah in the suit. *Panah v. United States*, CV 09-6535 (C.D. Cal., filed Sept. 9, 2009).

In the settlement, the government accepted no liability for Panah's infection. Assistant U.S. Attorney Joanne S. Osinoff, who handled the defense, did not immediately respond to requests for comment.

Panah acquired Valley fever in 2005, while serving time at Taft Correctional Institute for a drug-dealing charge, according to his lawsuit. He claimed the Federal Bureau of Prisons knew of the risk the disease posed to inmates but failed to inform prisoners of the outbreak or take steps to reduce its spread.

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"The discovery was pretty crazy," Wallach said. "A series of emails showed that [the disease] exploded in the facility." Roughly one in 25 inmates contracted Valley fever, he said, and roughly one percent to five percent of those blossomed into serious infections.

Known scientifically as Coccidioidomycosis, Valley fever is caused by inhalation of a fungus found in soil throughout the American Southwest and parts of Central and South America. In California, a majority of the cases occur in the San Joaquin Valley, for which the disease is named.

Most people experience mild, flu-like symptoms, if any, and can weather the condition without permanent damage. But some patients experience serious complications, such as meningitis, which can be fatal. Panah claims the disease has caused him chronic respiratory problems, including asthma and bronchitis.

According to the complaint, a Bureau of Prisons official in 2004 alerted medical personnel to the risk of Valley fever and recommended people "avoid exposure to dust and dry soil areas where valley fever is common."

Panah's lawyers argued that that description fit the prison - located southwest of Bakersfield - exactly. "If you look at Taft, it is five or six buildings on dirt," Wallach said. "Just on a pile of dirt."

The prison could have taken steps to mitigate the spread of the disease, Wallach said, such as planting grass, watering down soil or providing inmates with breathing masks. "None of them were implemented," he said.

Wallach said he is optimistic the settlement will help protect others in California prisons. "We do hope that preventative measures will start to be implemented," he said.

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