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## Lawsuit alleges inmates exposed to toxins

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Posted: Monday, March 14, 2016 11:00 pm | Updated: 1:12 pm, Tue Mar 15, 2016.

By Uriel J. Garcia  
The New Mexican

A lawsuit against the Santa Fe County jail claims that as many as 500 inmates might have been exposed to toxic contaminants during a three-month period in 2014 when a private contractor renovated the jail's showers.

Between March 2014 and June 2014, the toxic contaminants could have affected hundreds of inmates as well as some jail employees who complained about getting diarrhea, nosebleeds, burning eyes and sore throats because of dust and fumes from the renovation work, the lawsuit says.

Santa Fe lawyers Mark Donetelli, John Bienvenu and Alicia Lopez filed the state District Court complaint against the county commission, former jail warden Mark Gallegos and the contractor. The lawsuit names two inmates — Christopher Mavis of Cerrillos who is currently in jail for violating probation, and Joe Martinez of Chimayó, who at the time was in jail for violating probation — but is seeking a class-action status to represent the hundreds of inmates.

Donetelli said Monday his legal team picked Mavis and Martinez to represent the class because they were jail trustys and the most credible witnesses among the people they interviewed.

Kristine Mihelcic, a Santa Fe County spokeswoman, said she couldn't comment on pending litigation. An employee of Industrial Commercial Coatings, the Albuquerque-based contractor named in the lawsuit, said Monday he couldn't comment.

In the lawsuit, three jail employees said they suffered various symptoms from being exposed to the dust and fumes from the work being done. A pulmonary specialist diagnosed one of the employees with "possible occupational asthma," the lawsuit says.

The attorneys seek to represent the estimated 300 to 500 inmates who were booked into the jail and not the employees.

The complaint says some inmates were exposed to the toxins indirectly when jail staff kept them locked in their cells from 8:30 a.m. to 4 p.m. as the contractors

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worked on the showers, blowing dust into the jail cells. The dust and fumes also made contact with the inmates' beds and food, the suit says.

Other inmates were exposed directly to the toxins when they were asked to clean up after the work crew at the end of the day without protective gear, such as the safety goggles and respirators worn by the work crew, the suit says. The suit also says that it was the work crew's responsibility to do the cleanup work but instead jail staff employed inmates to do this labor.

Jail staff assigned Mavis, who was 33 at the time of the jail renovation, to prepare the shower areas for the work crew by removing doors, shower heads, knobs and light bulbs, the suit says. After the work crew finished, he had to re-install the equipment.

Toward the end of the project, Mavis asked for "something to protect his eyes from the dust and particulate around him" and was given "cheap sunglasses" instead of safety goggles, the suit says.

Mavis began coughing up "gritty phlegm," had chronic headaches and nosebleeds because of the toxins he was exposed to, the suit says. After he complained about his symptoms, jail staff told him they could replace him with another inmate if he couldn't handle the job, the suit says.

Mavis was in jail twice in 2014 for the same case. He pleaded guilty to a 2013 robbery charge and was returned to jail after violating his probation from that he case.

Martinez, who was 32 at the time of the jail renovation, also complained about similar symptoms in addition to the diarrhea and blurry vision he suffered after being assigned to clean up a different part of the jail.

A jail nurse who treated Martinez for strep throat said his sickness might have worsened because of dust and fumes spread inside the jail, according to the suit.

Martinez was in jail during that time for probation violation stemming from a 2012 case in which he plead guilty to battery and leaving a court-order program.

The suit is asking for a six-person jury to determine how much money the inmates should receive.

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