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January 14, 2022

By ECF

Hon. Nicholas G. Garaufis
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v Nancy Salzman
Ind #: 18 Cr. 204 (NGG)

Dear Judge Garaufis:

Together with David Stern, I represent Nancy Salzman in the above-captioned matter. I write to request a postponement of Ms. Salzman's surrender date for one month because (i) due to a COVID-19 outbreak at Alderson FPC -- the facility to which our client is scheduled to surrender on January 19 -- the prison is not currently safe; and, (ii) Ms. Salzman's 94 year old mother's condition is rapidly deteriorating, and the prognosis is dire and unlikely to change. After communication with the government, by AUSA Tanya Hajjar, the government takes no position with respect to this application.

To be clear, until late into this week, Ms. Salzman had no intention of seeking a delay in surrender. She has put her affairs in order, made travel plans to drive to West Virginia with her daughter, applied for and been granted a bail modification to permit her to leave a day before her surrender so as to arrive early in the day rather than after a 10-11 hour drive, and placed her ailing elderly mother in an assisted living facility. Mostly, at this point, she simply wants to begin her incarceration to start counting the days off until it concludes.

Now, however, she is very fearful of surrendering into a facility that is in the throes of a failed response to a COVID surge and is reportedly unsafe. News reports, and other reliable information coming to her counsels the instant request to seek postponement. That information includes counsel (including first person reports from inmates inside Alderson) received from Jennifer Myers, founder of LA Myers Consulting, a female-focused "prison consulting business [which] supports people affected by the criminal justice system, and their families." (*See*, <https://www.whitecollaradvice.com/jennifermyers-female-prison-consultant/>). Ms. Myers, who maintains personal contact with her clients inside Alderson, strongly urges Ms. Salzman to seek

delay in surrender for her personal safety until the surge at Alderson abates, even if her desire is to “get it [her sentence] begun to move toward its completion.” Local and national news reports corroborate her fears. On January 5, 2022, one local news outlet reported as follows:

Velma Bowers, a friend of some of the inmates and former inmate herself says through the limited contact the inmates are able to have with the outside, they report nearly 165 cases of COVID and conditions that are only getting worse. ‘They’re not following CDC guidelines there, the staff is not wearing masks. The inmates have to buy their own meds, and at one point, they have to cut commissary down to \$25, which is not a lot to buy personal items plus your own meds.’

(See, <https://woay.com/loved-ones-protest-against-poor-inmate-treatment-at-a-local-prison-after-covid-19-outbreak/>).

Forbes Magazine reported on December 24, 2021:

In FPC Alderson, an all women's minimum security prison camp in West Virginia, COVID cases are spiking. Of the 665 female inmates at the institution, 108 have active COVID cases (December 23, 2022) and 43 have recently recovered ... over 20% are currently or recently infected. Paul Petruzzi, an attorney who represents women at the facility told me, ‘*The conditions there are just abhorrent. Women are sick, there is no hot water in the quarantine unit and staff is short. I’ve contacted the mayor (of Alderson, WV), the Bureau of Prisons and anyone who will look into this crisis.*’

(See, <https://www.forbes.com/sites/walterpavlo/2021/12/24/the-womens-federal-prison-camp-at-alderon-in-middle-of-covid-19-outbreak/?sh=29f6244920c0>).¹

As for the condition of Ms. Salzman’s mother, she has recently become a resident of a New Jersey assisted living facility, which is chronically under-staffed due to the COVID surge, and other structural staffing obstacles. Her mother is supposed to be awakened once every several hours to use the toilet, but on Tuesday of this week she got out of bed herself due to not being properly attended and fell forward on her face. A photograph is filed under seal as Exhibit A evidencing the effect of the fractured orbit she suffered, which injury is causing substantial hindrance to the functioning of her sinuses and ability to breathe. An appointment at an off-site medical facility is scheduled for Wednesday, January 19 (our client’s surrender date) for imaging and evaluation, and Ms. Salzman would very much like to attend. If she and her daughter leave for Alderson on January 18, no family member will be able to go with Nancy’s mother to the medical appointment, and Ms.

¹

Today the BOP website reports 27 inmate positives at Alderson, but prisoners claim these figures are dramatically under-reported.

Salzman does not trust staff at the facility, and knows the level of extreme distress her mother will experience if her daughter is not present to care for her, help her, and simply be present with her.

For all of these substantial reasons, Nancy Salzman respectfully prays of this Honorable Court for a one month postponement of the date of her surrender to federal custody, extending such date to and including Monday February 21, 2022. Thank you very much for your attention and should the Court have further questions about any of the issues raised in this letter, it is respectfully requested the parties be contacted.

Sincerely,

Robert A. Soloway

Robert A. Soloway

cc: AUSA Tanya Hajjar (by ECF)

Application granted.

So Ordered. *LS*

s/Nicholas G. Garaufis

Hon. Nicholas G. Garaufis *U*

Date: *1/14/22*