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14 Attorneys for Plaintiffs

16 UNITED STATES DISTRICT COURT  
 17 SOUTHERN DISTRICT OF CALIFORNIA

18 DARRYL DUNSMORE, ERNEST  
 ARCHULETA, ANTHONY EDWARDS,  
 19 REANNA LEVY, JOSUE LOPEZ,  
 CHRISTOPHER NELSON,  
 20 CHRISTOPHER NORWOOD, and  
 LAURA ZOERNER, on behalf of  
 21 themselves and all others similarly situated,  
 Plaintiffs,

22 v.

23 SAN DIEGO COUNTY SHERIFF'S  
 DEPARTMENT, COUNTY OF SAN  
 24 DIEGO, CORRECTIONAL  
 HEALTHCARE PARTNERS, INC.,  
 25 LIBERTY HEALTHCARE, INC., MID-  
 AMERICA HEALTH, INC., LOGAN  
 26 HAAK, M.D., INC., SAN DIEGO  
 COUNTY PROBATION DEPARTMENT,  
 27 and DOES 1 to 20, inclusive,  
 28 Defendants.

Case No. 3:20-cv-00406-AJB-WVG

**DECLARATION OF ANTHONY  
 RAY EDWARDS IN SUPPORT  
 OF PLAINTIFFS' MOTIONS  
 FOR PRELIMINARY  
 INJUNCTION AND  
 PROVISIONAL CLASS  
 CERTIFICATION**

Judge: Hon. Anthony J. Battaglia

Trial Date: None Set

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**DECLARATION OF ANTHONY RAY EDWARDS**

I, Anthony Ray Edwards, declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. I have been incarcerated at the San Diego County Jail (“the Jail”) since July 2, 2019. I am currently housed at George Bailey Detention Facility in the Medical Observation Bed unit. My booking number is 19741120. I am 48 years old.

3. Since December 2011, I have been incarcerated in the Jail eight times. Depending on the outcome of my criminal case, I may be transferred to the custody of the California Department of Corrections and Rehabilitation (“CDCR”). While in CDCR custody, I would return to the Jail for any out-to-court proceedings related to my underlying conviction, or if I am asked to testify in this case. If I were released from CDCR on state parole, I would be sent back to San Diego County. On parole, I could be arrested and housed in the Jail for allegedly violating the terms and conditions of parole, whether or not the alleged violation is a violation of a criminal law. I am concerned that, if I were sent back to the Jail, I would experience serious problems similar to those I currently experience.

4. I suffer from severe sleep apnea. I was diagnosed with sleeping problems from a very young age. I require a CPAP machine to help me breathe at night. I also have glaucoma and cataracts in my left eye, causing blurry vision and floaters. While in Jail, I have become prediabetic and am given insulin. ~~I have developed diabetes and have retinopathy in my eyes, causing blurry vision and floaters.~~ *AR*

5. I have mental health disabilities. I suffer from depression. I take medication, including Prozac and Remeron, to treat my depression. I also have been

1 diagnosed with attention deficit hyperactivity disorder (“ADHD”) and post-  
2 traumatic stress disorder (“PTSD”). I access mental health services in the Jail.

3 6. In my experience, the Jail is an unsafe place for incarcerated people  
4 with medical issues. When I first booked into the Jail on July 2, 2019, I informed  
5 booking staff that I had sleep apnea and use a CPAP machine outside of Jail.  
6 Attached hereto as **Exhibit A** is a true and correct copy of notes from my Jail intake  
7 screening showing that I informed the intake nurse of my sleep apnea and need for a  
8 CPAP machine. Attached hereto as **Exhibit B** is a true and correct copy of a nurse’s  
9 encounter note from July 16, 2019 indicating that during a prior detention at the Jail  
10 in 2012, I used a CPAP machine. I had first received a CPAP machine around June  
11 or July 2008. I believe I got that CPAP machine from Sleep Data in San Diego.

12 7. For more than two years, the Jail did not give me a CPAP machine.  
13 Many times during those two years, I would wake up gasping for air. Sometimes,  
14 my cellmates would have to wake me up in the middle of the night. They would  
15 kick my bunk if I was snoring loudly or struggling to breathe. It caused issues with  
16 my cellmates and they wanted to move out to get away from me. I was unable to  
17 get a full night’s sleep the entire time I was without my CPAP. I often woke up  
18 with terrible chest pains and a racing heart. The pain was so bad that it sometimes  
19 felt like I was having mini heart attacks. Without consistent sleep, I had constant  
20 migraines, dizziness, fatigue, and confusion for two years.

21 8. In July and August 2019, medical staff requested my other medical  
22 records, but told me that they ~~did not find~~<sup>did</sup> could not find a history of me having  
23 sleep apnea or a CPAP machine. I was confused by this, because I believed there  
24 was a record of this. Attached hereto as **Exhibit C** is a true and correct copy of a  
25 2017 progress note from Sharp Memorial Hospital, found in my Jail medical  
26 records, which notes my history of sleep apnea. Because the Jail could not locate  
27 relevant records, staff told me I would be referred for a sleep study to reevaluate me.  
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1           9.       Attached hereto as **Exhibit D** are true and correct copies of sick call  
2 requests I submitted in late August 2019 and early September 2019 asking for a  
3 “CPAP sleep test.” In these sick call requests, I described my severe breathing  
4 problems at night. In one response, a nurse wrote that the Jail first needed to  
5 monitor my oxygen in the Medical Observation Bed (“MOB”) unit prior to any  
6 sleep study. However, “unfortunately we don’t have any open room/vacancy in  
7 MOB,” the nurse wrote, and I was on a wait list. On September 6, I was admitted to  
8 the MOB and on September 7, 2019, medical staff performed a study monitoring my  
9 oxygen, two months after I began requesting help for my sleep apnea. Jail medical  
10 staff still did not perform a full sleep apnea test or refer me to anyone that could.

11           10.       I continued to file grievances about needing a CPAP. I estimate I have  
12 filed over ten grievances and sick call requests in the past two years asking the Jail  
13 to do a sleep study and give me a CPAP machine. Attached hereto as **Exhibit E** is a  
14 true and correct copy of a sick call request dated February 10, 2020 and the Jail’s  
15 response. In the request, I stated “I’m having bad episodes, when I sleep I stop  
16 breathing. I wake up clenching my heart ... Need CPAP.” The response only said  
17 that I had a pending appointment with nursing staff. I was not seen by medical staff  
18 until March 3, 2020. During that appointment, I asked about an overnight sleep  
19 study, and the medical staff member asked me to sign another release of information  
20 to obtain my medical records.

21           11.       That same day, I filed a grievance. A true and correct copy of this  
22 March 3, 2020 grievance is attached hereto as **Exhibit F**. In the grievance, I wrote  
23 “I have been here going on 1 year [and] I have been asking to get a CPAP and still  
24 none.” The Jail did not respond to that grievance for an entire month, until April 4,  
25 to say that I was “on the list for pending C-PAP study.” I was frustrated by this  
26 response, as I had already been waiting months for a sleep study.

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1           12. Attached hereto as **Exhibit G** is a true and correct copy of another  
2 grievance I submitted, dated March 21, 2020. In that grievance, I explained that I  
3 “had been requesting a machine since I’d been locked up ... my sleep is being  
4 disrupted, I keep having mild heart [sic] attacks ... [and] I’ve been having really bad  
5 [sic] headaches.” I explained that in 2012, I was housed at the Jail with a CPAP,  
6 which should be in the Jail’s medical records. The Sheriff’s Department responded  
7 on March 24, 2020, marking my grievance as an inmate request instead of a  
8 grievance. The response said that on March 24, a physician saw me about my  
9 request for a CPAP, and that they had requested my records. The Jail had  
10 previously requested my records in July and August 2019. I did not understand why  
11 the Jail needed to request my records again.

12           13. On August 28, 2020, more than a year after my booking at the Jail, the  
13 Sheriff’s Department finally referred me to an outside provider for a sleep study.  
14 Attached hereto as **Exhibit H** is a true and correct copy from my Jail medical file of  
15 the results of that sleep study from Sleep Data Diagnostics, Inc. The study  
16 confirmed that I have obstructive sleep apnea and recommended a CPAP as the  
17 most effective way to treat my condition. But the Jail still did not give me a CPAP  
18 machine for many months.

19           14. I continued to file sick call requests for a CPAP machine. The Jail did  
20 not respond to many of these requests. I finally received a CPAP machine on  
21 August 27, 2021, as reflected in the excerpt from my Jail medical records attached  
22 hereto as **Exhibit I**. I got my machine an entire year after the sleep study was done  
23 and over two years after I was first booked in to the Jail.

24           15. During those years, I struggled to breathe at night, waking up with  
25 chest pains and a racing heart. My symptoms got so bad that I was afraid to fall  
26 asleep. It was terrifying to think that I could have died in my sleep because I could  
27 not breathe. I now experience short-term memory loss, which I did not have when I  
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1 entered the Jail, and that I think could have been caused from not having my CPAP  
2 machine. I have trouble remembering names and other details shortly after learning  
3 them from someone. I believe all of the pain and suffering I endured for two years  
4 could have been avoided if staff had listened to my complaints, conducted a sleep  
5 study sooner, and then quickly given me a CPAP.

6 16. I also have experienced problems receiving other medical treatment. In  
7 late June 2021, a physician at an outside hospital recommended eye surgery to treat  
8 cataracts in <sup>MY</sup>his left eye. The Jail refused to cover the costs of my surgery, but failed  
9 to inform me that I would not receive cataract surgery while incarcerated until  
10 September 4, 2021, as reflected in the excerpts from my Jail medical file attached as  
11 **Exhibit J**. I had to wait and wait just to get bad news. Now I have to wait until I  
12 leave the Jail to get surgery, but I have been here for almost three years now. By the  
13 point I am out, my cataracts and other eye problems may be worse. I still  
14 experience eye pain and headaches, especially when the light is in my eyes, and my  
15 vision continues to worsen.

16 17. In addition, I have not been able to get a new prescription for my  
17 glasses. The glasses I have right now are an old prescription and do not allow me to  
18 see as well. I have been asking for new glasses since 2021. In October 2021, I was  
19 scheduled to see an eye specialist about my vision problems and need for new  
20 glasses. At the time, I was experiencing serious back pain due to a recent injury. I  
21 could not walk more than 15 steps without assistance. I had asked the Jail to give  
22 me a cane or other assistive device, but I did not receive it in time. I told deputies  
23 that I needed a wheelchair to go to the appointment, because the appointment was at  
24 Central Jail and required me to walk a longer distance to the transport bus, but I was  
25 not provided a wheelchair or other assistance. I was not able to go to the  
26 appointment and to my knowledge, have not been rescheduled to see the eye  
27 specialist. Attached hereto as **Exhibit K** is a true and correct copy of excerpts from  
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1 my Jail medical file marking a “refusal” to go to my eye specialist appointment in  
2 October 2021. I received my cane shortly after that incident.

3 18. Delays in receiving medical or mental health care, or even receiving  
4 responses to requests for medical or mental health care, are not uncommon at the  
5 Jail. Attached hereto as **Exhibit L** are true and correct copies of sick call requests  
6 from my Jail medical records showing that after I submitted requests, I get a  
7 response a few days later saying that I was scheduled to see the nurse. I usually do  
8 not see the nurse for one or two weeks after my request. The nurse will then  
9 schedule me to see a Jail physician or nurse practitioner for further evaluation,  
10 which happens in one or two weeks. ~~causing an additional one or two week wait to~~  
11 ~~see a doctor.~~ These delays also affect mental health care. Attached hereto as  
12 **Exhibit M** are true and correct excerpts from my Jail medical records showing that I  
13 filed a sick call request about changing my psychiatric medications on July 5, 2021,  
14 but I did not see a doctor about this issue until July 30, 2021.

15 19. The dental care at the Jail is inadequate. I have severe pain in my  
16 lower left molar, which can sometimes reach a pain level of 8 out of 10. It started in  
17 2021. I have decided to manage the pain because the Jail dentist will not provide  
18 any treatment other than tooth extraction. I know this from experience. On or  
19 around November 2020, I started to have pain in my right molar. When I was able  
20 to see the dentist, they extracted it and did not offer other treatment. I do not want  
21 to lose another tooth, so I am forced to endure the pain in my lower left molar until I  
22 am out of the Jail. I was taking Tylenol for the pain for some time, but I stopped  
23 taking it because I do not want to take it daily and risk kidney problems. During my  
24 two and half years detained at the Jail, I have never received a regular dental  
25 examination, dental cleaning, or treatment options other than extraction, such as a  
26 filling.



1           20. I have not received adequate mental health care at the Jail to treat my  
2 depression. Since the psychologist I met with for wellness checks and general  
3 counseling retired around July 2021, my mental health has gotten worse. I have  
4 seen lots of turnover among the mental health staff at the Jail. The turnover means  
5 that I do not have a regular clinician with whom I am familiar. Instead, I often have  
6 to recount all of my emotions and trauma to a new clinician. It is difficult to make  
7 progress in managing my depression because I have to build up trust again with  
8 someone new. Many of my appointments with mental health staff are only a few  
9 minutes long. Recently, a clinician told me that she did not have much time to see  
10 me because she had lots of other people to see. I knew right then I would not have  
11 time to talk about what I wanted because she did not have time to listen, even  
12 though I have been having high anxiety and flashbacks. I also meet with clinicians  
13 with a deputy just outside the meeting room. I can hear what is being said outside  
14 that meeting room, so I believe the deputy can hear what we are talking about  
15 inside.

16           21. The Jail has also limited my ability to speak with my attorneys.  
17 Usually, custody staff will inform an incarcerated person that their attorney has  
18 called and requested a call back. The incarcerated person will be allowed to leave  
19 his cell and place a return call to the attorneys. In early December, I received a  
20 letter from my attorneys dated December 1, 2021 asking if I had received any call  
21 back requests. I was confused. I called my attorneys on December 10, 2021 and  
22 explained that custody staff never notified me of any call requests. My attorneys  
23 have informed me and I understand that they have placed at least five professional  
24 callback requests that were confirmed by Jail staff. They informed me that they  
25 placed requests for me on October 26, October 29, November 2, November 15, and  
26 November 30, 2021. I never received notice of any of these calls.

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1           22. I agreed to be a class representative in this case because I want to help  
2 improve the medical, dental, and mental health care at the Jail, ensure that  
3 incarcerated people with disabilities are accommodated and treated fairly, and help  
4 make the Jail safe and secure for all incarcerated people. I have been cooperating  
5 fully with my counsel and am responding to all requests for information to the best  
6 of my ability and recollection, and will continue to do so in the future. My lawyers  
7 keep me updated on the progress of this case, and I will review all materials  
8 provided to me and provide my input to the best of my ability. When I have  
9 questions about the case, I will ask the attorneys for help to understand everything to  
10 the best of my ability.

11           23. I declare under penalty of perjury under the laws of California and the  
12 United States of America that the foregoing is true and correct, and that this  
13 declaration is executed at San Diego, California this 10<sup>th</sup> day of March, 2022.

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16 Anthony Ray Edwards  
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# **EXHIBITS A-M**

**Filed Under Seal**