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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,

22 Plaintiffs,

23 v.

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

28 Defendants.

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

**DECLARATION OF GUSTAVO
 SEPULVEDA 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 GUSTAVO SEPULVEDA

I, Gustavo Sepulveda, 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 October 2017, although I was at Atascadero State Hospital for several months in late 2020 and early 2021. I am housed at San Diego Central Jail in housing unit 7B. My booking number is 21106540. I am 41 years old.

3. I am in cell 4 in housing unit 7B. Cell 4 is right next to cell 5. On March 12, 2022, there were two guys in cell 5. One was named Patrick, and he was a younger guy. The other guy was older. I did not know the older guy’s name, but later learned his name was Derek Baker. That afternoon, I heard an altercation in cell 5 through the wall in my cell. It sounded like the two guys were fighting. A little while later, I heard someone in the cell next to me say “man down, man down” a few times. It sounded like Patrick. The person saying it was not saying it very loudly, so I believe he was saying it into the intercom box in his cell. If he had been yelling to get someone’s attention, his voice would have been much louder. It was silent for a bit longer, and then I heard grunting and the sound of impact over and over again. It sounded like a person’s body or head being hit against an object like the ground or wall over and over again. The sound was bone-chilling. The sound stopped for a bit, and then resumed. After a few more minutes, I heard Patrick call to another incarcerated person in the dayroom, and say something like, “go tell the cops that I killed my cellie.” He said that he pushed the emergency button in his cell and nobody answered, so he killed his cellie. I later learned when detectives came to talk to me that the older guy was on life support.

4. Staff in my unit are notorious for not responding to the call button in our cells. There have been many times where I have pushed the button but deputies did not respond. For example, a few days before that March 12, 2022 incident in

1 cell 5, the toilet in my cell was malfunctioning and was not able to flush. The
2 deputies knew this and so they told me to push the call button in my cell so they
3 could escort me to another toilet. When I needed to go to the bathroom, I pushed
4 the intercom button in my cell, but no deputies would come to escort me. Instead I
5 would have to wait for deputies to walk their hourly rounds around the housing unit,
6 and then get their attention.

7 5. A few days after the March 12, 2022 incident in cell 4, I was talking
8 with a deputy, who told me that the intercom button is supposed to have an audio
9 indicator and a visual indicator in the control tower where the deputies are. That
10 deputy told me that the audio indicator was not working, so when we pushed the
11 intercom button it was not making any sound.

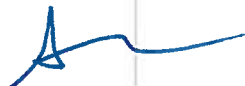
12 6. I do not feel safe in my housing unit knowing that if I have an
13 emergency or my cellmate does, pushing the intercom button is not a reliable way to
14 get assistance from custody staff. I would feel much safer in the Jail if I knew the
15 intercom system would work and that staff would respond promptly when I push the
16 intercom button in my cell.

17 7. I also have serious mental health needs. I was at Atascadero State
18 Hospital from August 2020 until February 25, 2021. When I returned to the Jail on
19 February 25, 2021 and was re-booked into the facility, I was not screened by a
20 mental health clinician. Only a registered nurse asked me questions about my
21 mental health needs, even though I was returning from a state hospital where I had
22 been receiving intensive mental health treatment for months. Attached as **Exhibit A**
23 is a true and correct copy of the intake questionnaire from my return to the Jail on
24 February 25, 2021. I was not seen by a psychiatrist until March 3, 2021, but that
25 was a cell-side visit, and it was not confidential. Attached as **Exhibit B** is a true and
26 correct copy of the encounter notes from that March 3, 2021 non-confidential visit
27 with the psychiatrist. The deputy outside the cell could hear what we were talking
28 about. Other visits with mental health staff are not confidential. Attached as

1 **Exhibit C** is a true and correct copy of a March 8, 2021 encounter note, showing
2 that I met with a psychologist at the cell door because “no confidential or semi-
3 confidential areas available.” When visits with mental health staff are not
4 confidential, I do not feel comfortable speaking freely and openly about the issues
5 that I am facing. I do not feel safe with other incarcerated people or custody staff
6 knowing these private issues from my case or my emotions.

7 8. I submit this declaration because I want to be a part of this litigation to
8 help improve medical and mental health care at the Jail, make sure that people with
9 disabilities are accommodated and treated fairly, and make the Jail safe for all
10 incarcerated people.

11 I declare under penalty of perjury under the laws of California and the United
12 States of America that the foregoing is true and correct, and that this declaration is
13 executed at San Diego, California this 19 day of April, 2022.

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15 _____
16 Gustavo Sepulveda

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EXHIBITS A-C

Filed Under Seal