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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 JAMES  
 CLARK IN SUPPORT OF  
 PLAINTIFFS' MOTIONS FOR  
 PRELIMINARY INJUNCTION  
 AND PROVISIONAL CLASS  
 CERTIFICATION**

Judge: Hon. Anthony J. Battaglia

Trial Date: None Set

1 *(counsel continued from preceding page)*

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**DECLARATION OF JAMES CLARK**

I, James Clark, 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 September 29, 2021. I am housed at San Diego Central Jail in module 8C. My booking number is 21137849. I am 61 years old.

3. I have been incarcerated in the Jail over twenty times.

4. I have physical disabilities. I use a wheelchair to travel long distances. I need my wheelchair when showering and using the bathroom.

5. The Jail is not a safe place for people with disabilities. The toilet in my unit does not have grab bars. I frequently fall when trying to transfer from my wheelchair to the toilet without grab bars to support me. I worry that I will seriously injure myself when attempting to use the bathroom.

6. There are two showers in my module. One of the showers has grab bars for gripping but does not have a shower seat. I cannot use this shower. I can only access the second shower by relying on a portable plastic chair. Because I am limited to one shower only, I have not been able to shower at times because there is not enough time for all of the wheelchair users in my module to use that accessible shower.

7. I also have had problems accessing dayroom table space. Out of seven dayroom tables in my module, there is only one that can fit my wheelchair. The other tables have benches that make it so a wheelchair cannot roll up to them. Other people in wheelchairs compete with each other for available table space. Typically, I am forced to eat food from my lap. Every now and then, I get a chance to roll up to the accessible table and eat my meal there.

8. All of the phones in my unit have stools in front of the telephones, which means I have to transfer from my wheelchair to the stool to use the telephone.

1 I have been forced to miss call times because on certain days I am unable to transfer  
2 myself. I am concerned about injuring myself while trying to transfer from my  
3 wheelchair to a stool to use the phone.

4 9. I have also had issues receiving repairs for my wheelchair. On or  
5 around March 7, 2022, my wheelchair broke. I turned in two medical slips about  
6 my wheelchair, and the Jail failed to give me a repair or replacement over the next  
7 few days. I had fallen twice while trying to move in the broken wheelchair.  
8 Attached hereto as **Exhibit A** is a true and correct copy of a sick call slip I filed on  
9 March 9, 2022, explaining that my wheelchair was broken and I had fallen out of it  
10 twice. My elbows were scratched up from the falls. It was extremely difficult to  
11 travel long distances in my broken wheelchair. In order to meet with Plaintiffs'  
12 counsel for an interview on March 9, 2022, I had to borrow a wheelchair from  
13 another person in my unit. Attached hereto as **Exhibit B** is a true and correct copy  
14 of a sick call slip I filed on March 10, 2022 stating that my wheelchair was still  
15 broken and I had fallen out of it again. The Jail gave me a replacement wheelchair  
16 that same day, but only after I had fallen three separate times when trying to use a  
17 broken one.

18 10. I have had issues using the Jail's emergency call button system. I have  
19 pressed the call buttons on multiple occasions because I needed urgent staff  
20 attention, but Deputies failed to respond. I now do not use the call buttons because  
21 they either do not work or staff ignore them. If I am in need of urgent medical  
22 attention, I yell out of my cell until someone comes to check on me.

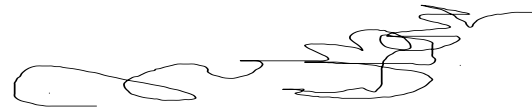
23 11. I have depression and I access mental health care services in the Jail. I  
24 have tried to kill myself, including in the events that led to my current incarceration.  
25 The Jail has failed to provide me with adequate mental health care. I am unable to  
26 see a mental health clinician in a confidential environment. My appointments with a  
27 clinician almost always take place in the dayroom of my unit. These conversations  
28

1 are within earshot of custody staff and other incarcerated people in my unit. The  
2 appointments are very brief and infrequent.

3 12. The infrequent, short, and non-confidential appointments make it  
4 difficult for me to discuss my feelings truthfully. I do not want other incarcerated  
5 people, let alone custody staff, to hear me talk about my depression and personal  
6 life. I am also worried deputies would reveal my confidential information to others,  
7 which could place my personal safety at risk.

8 13. I want to be a class representative in this case or to be involved in some  
9 way. I want to help improve the medical, dental, and mental health care at the Jail,  
10 ensure that incarcerated people with disabilities are accommodated and treated  
11 fairly, and help make the Jail safe and secure for all incarcerated people. I have  
12 been cooperating fully with counsel for the Plaintiffs and am responding to all  
13 requests for information to the best of my ability and recollection, and will continue  
14 to do so in the future if added as a class representative. Counsel for the Plaintiffs  
15 keep me updated on the progress of this case, and if added as a class representative,  
16 I will review all materials provided to me and provide my input to the best of my  
17 ability. When I have questions about the case, I will ask the attorneys for help to  
18 understand everything to the best of my ability.

19 I declare under penalty of perjury under the laws of California and the United  
20 States of America that the foregoing is true and correct, and that this declaration is  
21 executed at San Diego, California this 21<sup>st</sup> day of April, 2022.

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23 

24 James Clark

# **EXHIBITS A-B**

**Filed Under Seal**