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13 *(additional counsel on following page)*

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 GAY
 CROSTHWAIT GRUNFELD 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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13 Attorneys for Plaintiffs

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1 I, Gay Crosthwait Grunfeld, declare:

2 1. I am an attorney duly admitted to practice before this Court. I am a
3 partner in the law firm of Rosen Bien Galvan & Grunfeld LLP, counsel of record for
4 Plaintiffs. I have personal knowledge of the facts set forth herein, and if called as a
5 witness, I could competently so testify. I make this declaration in support of
6 Plaintiffs’ Motions for Preliminary Injunction and Provisional Class Certification.

7 **I. Plaintiffs’ Counsel Has Extensively Investigated the Conditions in San**
8 **Diego County Jails.**

9 2. I first became aware of the serious constitutional issues faced by
10 incarcerated people in the San Diego County jail system (“the Jail”) with the
11 publication of Disability Rights California’s report, *Suicides in San Diego County*
12 *Jail: A System Failing People with Mental Illness*, in April 2018 (*see*
13 [https://www.disabilityrightsca.org/system/files/file-](https://www.disabilityrightsca.org/system/files/file-attachments/SDsuicideReport.pdf)
14 [attachments/SDsuicideReport.pdf](https://www.disabilityrightsca.org/system/files/file-attachments/SDsuicideReport.pdf)). As part of our investigation and litigation of this
15 case, Plaintiffs’ counsel has interviewed individuals currently and formerly
16 incarcerated at the Jail. At the present time, together with co-counsel we estimate
17 having interviewed approximately 150 incarcerated people in person and by
18 telephone. Plaintiffs’ counsel has also submitted numerous Public Records Act
19 requests to the County and requested medical and custody records for class
20 representatives and declarants after obtaining their authorization. We have also
21 gathered reports from nationally recognized experts such as Lindsay Hayes and
22 Homer Venters, M.D., and government agencies such as the State Auditor, the
23 Citizens’ Law Enforcement Review Board (“CLERB”), and the San Diego County
24 Grand Jury.

25 3. Overall, Plaintiffs’ counsel has collected approximately 50,000 pages
26 of documents, which we are storing in a document management system by e-
27 discovery vendor Relativity. Plaintiffs’ counsel has also met with a number of San
28 Diego community groups, government officials, activists, family members, and

1 whistleblowers concerned about the high death rate and unconstitutional and illegal
2 conditions prevailing in the Jail, as well as overincarceration and racial
3 discrimination in the County’s criminal detention system.

4 4. Plaintiff Darryl Dunsmore filed a *pro se* complaint in this case on
5 March 2, 2020, and a *pro se* amended complaint on July 23, 2020.

6 5. Plaintiffs’ counsel appeared in this action on behalf of Plaintiff
7 Dunsmore on December 13, 2021 and filed the Second Amended Complaint on
8 February 3, 2022. Defendants have not yet responded to the Second Amended
9 Complaint, except for Defendant Mid-America Health, Inc., which answered on
10 March 4, 2022, and Defendant Logan Haak, M.D., Inc., who filed a motion to
11 dismiss on March 4, 2022.

12 **II. Plaintiffs’ Counsel Has Retained Experts to Evaluate the**
13 **Unconstitutional and Illegal Conditions at the Jail and Has Met with**
14 **Mental Health Care Professionals Who Worked at the Jail and Have**
15 **First-Hand Knowledge of the Deficiencies.**

16 6. Plaintiffs’ counsel has retained and met with a number of nationally
17 recognized experts and consultants to assist in evaluating the unconstitutional and
18 illegal conditions at the Jail, as well as jail overcrowding, alternatives to
19 incarceration, and racial discrimination. In connection with the instant motions,
20 Plaintiffs are filing declarations from retained experts Syroun Sanossian of SZS
21 Engineering Access, Inc., Robert Cohen, M.D., James Austin, Ph.D., and Pablo
22 Stewart, M.D.

23 7. Plaintiffs’ counsel has also been contacted by mental health care
24 professionals who have worked at the Jail and have first-hand knowledge of the
25 deficiencies in the system. In our experience, having multiple whistleblowers who
26 worked inside a jail system is unusual, and speaks to the scope and seriousness of
27 the problems in the Jail. In connection with the instant motions, Plaintiffs are filing
28 the declarations of two such brave mental health care providers—one, Christine
29 Evans, M.D., who worked as the Jail’s Medical Director and then Chief Psychiatrist

1 for a total of three years until August 2021, the other, Jennifer Alonso, LCSW, who
2 worked as a Mental Health Clinician at the Jail with a caseload of about 150 patients
3 for three years until April 2022.

4 **III. Class Counsel Meet the Requirements of Rule 23(a)(4), (g)(1), and (g)(4).**

5 8. The attorneys from three private law firms and a non-profit
6 organization working on this case on behalf of the named plaintiffs and the putative
7 class and subclass bring to bear an extraordinary amount of experience and expertise
8 in prisoners’ rights and class action litigation.

9 **A. Rosen Bien Galvan & Grunfeld LLP**

10 9. From its formation in 1990, Rosen Bien Galvan & Grunfeld LLP
11 (“RBGG”) has been a nationally recognized leader in civil rights, employment,
12 consumer, and antitrust class action litigation. The firm has specialized in large
13 class action lawsuits seeking to improve conditions in correctional systems. The
14 firm was co-counsel in *Plata v. Brown*, 563 U.S. 493 (2011), the landmark case that
15 required population reduction in California’s overcrowded prison system. The firm
16 is currently lead or co-lead class counsel in the following class actions (in addition
17 to the present case): *Coleman v. Newsom* (E.D. Cal. No. 2:90-CV-00520-KJM-DB),
18 an Eighth Amendment class action lawsuit against the California Department of
19 Corrections and Rehabilitation (“CDCR”) on behalf of a class of more than 25,000
20 incarcerated people with serious mental illness; *Armstrong v. Newsom* (N.D. Cal.
21 No. C 94-2307 CW), an Americans with Disabilities Act (“ADA”) and
22 Rehabilitation Act class action against CDCR on behalf of more than 10,000
23 incarcerated people and parolees with mobility, hearing, vision, learning, kidney,
24 and developmental disabilities; *Hernandez v. County of Monterey* (N.D. Cal. No.
25 5:13-cv-2354-BLF-NMC), a class action on behalf of all persons incarcerated in the
26 Monterey County Jail and a certified subclass of all qualified individuals with a
27 disability who are incarcerated in the Monterey County Jail; *Hedrick v. Grant* (E.D.
28 Cal. No. 2:76-CV-00162-GEB-EFB), a class action on behalf of all persons

1 incarcerated at the Yuba County Jail; *Cole v. County of Santa Clara* (N.D. Cal. No.
2 5:16-cv-06594-LHK), a class action on behalf of all persons with mobility
3 disabilities incarcerated at the Santa Clara County Jail; *Babu v. County of Alameda*
4 (N.D. Cal. No. 5:18-cv-07677-NC), a class action on behalf of all adults who are
5 incarcerated in the Santa Rita Jail and a certified subclass of all qualified individuals
6 with a psychiatric disability who are incarcerated in the Santa Rita Jail; and the
7 putative class action *Stiner v. Brookdale Senior Living, Inc.* (N.D. Cal. No. 4:17-cv-
8 03962-HSG (LB)), seeking relief under the ADA and other statutes on behalf of
9 senior citizens living in assisted living facilities.

10 10. Best Lawyers in America placed RBGG in the first tier nationally in
11 Appellate Practice, and for San Francisco in Commercial Litigation, Employment
12 Law-Individuals, and Civil Rights for 2022. All of the firm’s partners are AV-rated
13 by Martindale-Hubbell and have been named SuperLawyers or SuperLawyers
14 Rising Stars. Nine of the firm’s senior counsel or associates were named Rising
15 Stars by SuperLawyers in 2021.

16 11. I am the managing partner of RBGG. I graduated from Columbia Law
17 School in 1984 as a Harlan Fiske Stone Scholar and Articles Editor of the *Columbia*
18 *Law Review*, after which I clerked for the Honorable Jack B. Weinstein of the
19 United States District Court for the Eastern District of New York. I became a
20 member of the State Bar of California in 1985. I am also admitted to the Southern,
21 Central, Eastern, and Northern Districts of California; the Ninth Circuit Court of
22 Appeals; and the Supreme Court of the United States.

23 12. In addition to my role as one of the lead counsel in *Armstrong* and
24 *Hedrick*, described *supra* at ¶ 9, I have been appointed class counsel in a number of
25 cases, including *Ramirez et al. v. Ghilotti Bros., Inc.* (N.D. Cal. No. 3:12-cv-04590-
26 CRB), a class action on behalf of workers denied pay for all hours worked and meal
27 and rest breaks; *L.H. v. Brown* (E.D. Cal. No. CIV. S-06-2042 LKK/GGH), a due
28 process and ADA class action on behalf of juvenile parolees; *Smith v. Shoreinstein*

1 *Hays-Nederlander Theatres LLC* (San Francisco Superior Court Case No. CGC-16-
2 554905), a class action on behalf of security guards denied minimum wage and
3 overtime; *Quinby v. ULTA, Salon, Cosmetics & Fragrance, Inc.* (N.D. Cal. Case
4 No. C-15-4099-WHO), a misclassification class action; and *Moore v. Department of*
5 *State Hospitals* (Los Angeles Superior Court Case No. 19STCV16858), a class
6 action on behalf of patients civilly committed to the Department of State Hospitals
7 (“DSH”) who performed work for DSH and whom DSH paid less than minimum
8 wage. I have repeatedly been named to the *Daily Journal’s* Top 100 Lawyers in
9 California, including in 2021, and I have received CLAY Awards and other
10 recognition for my work.

11 13. My partner and co-lead counsel Van Swearingen graduated from the
12 University of California, Berkeley School of Law in 2008 as Executive Editor of the
13 *California Law Review*. He was admitted to the California Bar in 2008. He
14 received CLAY Awards in 2016 and 2022, and was named one of *Lawdragon’s* 500
15 Leading Plaintiff Employment and Civil Rights Lawyers for 2020-2021.

16 14. In addition to Mr. Swearingen and me, the RBGG team includes three
17 associates, each of whom has broad legal experience and expertise in the litigation
18 of class action lawsuits. RBGG has the capacity thoroughly and vigorously to
19 prosecute the claims in this case and properly represent the plaintiff class and
20 intends to commit all necessary resources to do so.

21 **B. Law Offices of Aaron J. Fischer**

22 15. The Law Office of Aaron J. Fischer engages in class action and other
23 complex litigation regarding public entity systems. The firm’s areas of practice
24 include disability rights, civil and constitutional rights, and complex investigations
25 and systems counseling. The firm is willing and able to devote the resources
26 necessary to litigate this case.

27 16. Aaron Fischer is the principal at the Law Office of Aaron J. Fischer.
28 He graduated from Columbia Law School and clerked for the Honorable Jack B.

1 Weinstein of the United States District Court for the Eastern District of New York,
2 and for the Honorable Kimba M. Wood of the United States District Court for the
3 Southern District of New York. He became a member of the State Bar of California
4 in 2006. He is admitted the Southern, Central, Eastern, and Northern Districts of
5 California, and the Ninth Circuit and Eleventh Circuit Courts of Appeals. He
6 previously served as Litigation Counsel for Disability Rights California, where he
7 worked on and litigated several complex criminal system- and disability-related
8 matters. Prior to joining Disability Rights California, he was an attorney at RBGG.
9 In 2014, he received the Jack Berman Award of Achievement for Distinguished
10 Service to the Profession and the Public from the California State Bar Association
11 (now the California Lawyers Association). He has repeatedly been named a
12 Northern California Rising Star by SuperLawyers.

13 17. Mr. Fischer is currently lead class counsel representing approximately
14 800 people incarcerated in Santa Barbara County Jail, in *Murray v. County of Santa*
15 *Barbara* (C.D. Cal. No. 2:17-cv-08805-GW-JPR), a case challenging systemic
16 deficiencies as to mental health and medical care, conditions of confinement
17 (including solitary confinement), environmental health and safety conditions, and
18 the treatment of people with disabilities. The class was certified, and a
19 comprehensive settlement was approved by the court in 2021; remedial plan
20 implementation and monitoring are ongoing. Mr. Fischer is also co-lead class
21 counsel representing more than 3,000 people incarcerated in Sacramento County
22 Jail, in *Mays v. County of Sacramento* (E.D. Cal. No. Case 2:18-cv-02081-TLN-
23 KJN), a case challenging systemic deficiencies in the provision of mental health and
24 medical care, conditions of confinement, and the treatment of people with
25 disabilities. The class was certified, and a comprehensive settlement was approved
26 by the court in 2020; remedial plan implementation and monitoring are ongoing.
27 Other cases in which Mr. Fischer has served on the class counsel team include:
28 *Coleman v. Newsom* and *Armstrong v. Newsom*, both described *supra* at ¶ 9;

1 *Valdivia v. Brown* (E.D. Cal. No. S-94-671 LKK/GGH), on behalf of parolees
2 regarding their constitutional due process rights in parole revocation proceedings;
3 *Hecker v. Brown* (E.D. Cal. No. 2:05-cv-2441 LKK JFM P), on behalf of
4 incarcerated people with a mental health disability; *Hernandez v. County of*
5 *Monterey*, described *supra* at ¶ 9; and *Johnson v. County of Los Angeles* (C.D. Cal.
6 No. 2:08-cv-03515-DDP-SH), on behalf of people with mobility disabilities
7 incarcerated in the Los Angeles County Jail system seeking improved accessibility,
8 reasonable accommodations, and equitable treatment.

9 **C. DLA Piper**

10 18. DLA Piper LLP (US) (“DLA Piper”) is a global law firm with lawyers
11 located in more than 40 countries throughout the Americas, Europe, the Middle
12 East, Africa, and Asia. DLA Piper’s clients range from multinational, *Global 1000*,
13 and *Fortune 500* enterprises, to emerging companies, to individuals. They include
14 more than half of the *Fortune 250* and nearly half of the *FTSE 350* or their
15 subsidiaries. DLA Piper has repeatedly been recognized for its dedication to pro
16 bono work. Most recently, DLA Piper received the 2022 John Minor Wisdom
17 Public Service and Professionalism Award from the American Bar Association
18 Litigation Section’s Access to Justice Committee.

19 19. DLA Piper features one of the premier class action practices in the
20 United States, having handled class action lawsuits in virtually every U.S. juris-
21 diction. Well over 100 lawyers at the firm litigate class action lawsuits, of virtually
22 every variety. DLA Piper’s class action group is regularly recognized by respected
23 legal industry websites and publications. As one example, DLA Piper was recently
24 named a Powerhouse firm for class action litigation by BTI Consulting Group.

25 20. Christopher Young graduated from the University of California,
26 Berkeley School of Law in 1992, and was admitted to the California Bar in 1992.
27 He has been practicing with DLA Piper and its predecessor firms in San Diego for
28 30 years, since 1992. He was an associate with Gray Cary Ames & Frye and Gray

1 Cary Ware & Freidenrich from 1992 to 2000, and a partner with Gray Cary Ware &
2 Freidenrich from 2000 to 2005, when that firm merged to form DLA Piper. He has
3 been a partner with DLA Piper since 2005. He is licensed to practice law in the
4 State of California and is admitted to all California state courts; the Southern,
5 Central, Eastern, and Northern Districts of California; and the Ninth Circuit Court of
6 Appeals. Mr. Young has been repeatedly recognized for his accomplishments by
7 respected legal industry publications. During 2020 and 2021, Chambers USA listed
8 him as one of the two top-ranked litigation attorneys in San Diego, commenting that
9 he regularly takes on significant class actions and is noted for his proficiency in
10 product liability matters. Mr. Young was also recently named 2020 “Lawyer of the
11 Year” by The Best Lawyers in America in the category of Class Actions and Mass
12 Tort Defense Litigation for San Diego.

13 21. Mr. Young has devoted the bulk of his practice to class action litigation
14 for the past 30 years. He has acted as lead counsel in dozens of class actions in
15 courts throughout California and the United States. He has litigated class actions
16 involving putative classes ranging from several hundred to over ten million
17 individuals, and ranging from local to nationwide in scope. Of particular relevance
18 here, Mr. Young recently served as co-lead counsel with RBGG in *Sabata et al. v.*
19 *Nebraska Department of Correctional Services et al.* (D. Neb. No. 4:17-cv-3107-
20 RFR-MDN). Mr. Young worked to prosecute the *Sabata* case for several years, and
21 along with my law firm, received the Good Apple Award from Nebraska Appleseed
22 for his work on that case. *See*

23 [https://webcache.googleusercontent.com/search?q=cache:-](https://webcache.googleusercontent.com/search?q=cache:-GK7otoZIMwJ:https://neappleseed.org/blog/37216+&cd=2&hl=en&ct=clnk&gl=us)
24 [GK7otoZIMwJ:https://neappleseed.org/blog/37216+&cd=2&hl=en&ct=clnk&gl=us](https://neappleseed.org/blog/37216+&cd=2&hl=en&ct=clnk&gl=us)
25 That litigation centered around conditions for incarcerated persons in the Nebraska
26 state prison system and involved many issues similar to those raised by this action.

27 22. In addition to Mr. Young, the DLA Piper team working on the instant
28 matter includes six associate attorneys, all of whom have broad legal experience and

1 expertise in the litigation of class action lawsuits. DLA Piper is willing and able to
2 devote the necessary resources to the representation of the plaintiff class in this
3 matter through the conclusion of the litigation.

4 **D. American Civil Liberties Union Foundation of San Diego &**
5 **Imperial Counties**

6 23. The American Civil Liberties Union Foundation of San Diego and
7 Imperial Counties, Inc. (“ACLU SDIC”) is a regional affiliate of the American Civil
8 Liberties Union and is dedicated to the defense and promotion of the guarantees of
9 liberty and individual rights embodied in the federal and state constitution. The
10 ACLU SDIC has extensive expertise in class action litigation, constitutional law,
11 and the rights of incarcerated people, and attorneys Bardis Vakili and Jonathan
12 Markovitz have participated in numerous federal cases involving constitutional and
13 statutory challenges to conditions and restrictions affecting incarcerated persons.

14 24. Mr. Vakili, Interim Legal Director/Senior Staff Attorney, has been
15 employed at the ACLU SDIC since September 2014. Prior to joining the ACLU
16 SDIC, he was an attorney with the ACLU Foundation of Southern California for
17 about four years. He is licensed to practice law in the state of California and is
18 admitted the Southern, Central, Eastern, and Northern Districts of California, the
19 Ninth Circuit Court of Appeals, and the Supreme Court of the United States.
20 Mr. Vakili has extensive experience litigating civil rights cases in federal courts,
21 including on behalf of plaintiff classes, and has worked on multiple class action
22 cases involving incarcerated people in county jail custody, federal immigration
23 custody, and federal pre-trial custody. Mr. Vakili has been co-recipient of an
24 Attorney of the Year award from the San Diego La Raza Lawyers’ Association in
25 2018, a CLAY award in 2017, and the Daniel Levy Award from the National
26 Immigration Project of the National Lawyers Guild in 2008.

27 25. Mr. Markovitz, Staff Attorney, has been employed at the ACLU SDIC
28 since October 2015. Prior to joining the ACLU SDIC, he clerked for the Honorable

1 John C. Coughenour in the Western District of Washington. He is licensed to
2 practice law in the state of California and is admitted to practice law in federal court
3 in the Southern District of California. Mr. Markovitz also has experience litigating
4 civil rights cases in federal courts, including on behalf of incarcerated persons and
5 plaintiff classes.

6 26. Both Mr. Vakili and Mr. Markovitz have been appointed class counsel
7 in *Jones v. Ray*, No. 37-2021-00010648-CU-MC-CTL (Cal. Sup. Ct. April 25, 2022)
8 (certifying classes and subclasses of people in San Diego County jails seeking
9 protection from COVID-19); *Alcantara v. Archambeault*, No. 20-CV-0756 DMS
10 (AHG), 2020 WL 2315777, at *7 (S.D. Cal. May 1, 2020) (certifying class of people
11 detained by ICE in Otay Mesa Detention Center deemed medically vulnerable to
12 COVID-19); and *Doe v. Wolf*, 424 F. Supp. 3d 1028, 1045 (S.D. Cal. 2020)
13 (certifying class of immigrants detained in U.S. Customs and Border Protection
14 custody).

15 27. Mr. Vakili has also been appointed class counsel in the following
16 additional cases involving the rights of incarcerated people: *Cancino Castellar v.*
17 *Mayorkas*, No. 17-CV-00491-BAS-AHG, 2021 WL 4081559 (S.D. Cal. Sept. 8,
18 2021) (certifying class of immigrants in U.S. Department of Homeland Security
19 custody not promptly presented for hearing before an immigration judge); *Aleman*
20 *Gonzalez v. Barr*, 955 F.3d 762, 767 (9th Cir. 2020) (certifying class of people in
21 prolonged immigration custody in case regarding the right to bond hearings, case
22 currently pending before the Supreme Court, *see Garland v. Gonzalez*, 210 L. Ed.
23 2d 1009 (Aug. 23, 2021); *Ms. L. v. U.S. Immigr. & Customs Enf't*, 310 F. Supp. 3d
24 1133, 1139 (S.D. Cal. 2018) (certifying class of immigrant parents forcibly
25 separated from their children); *Franco-Gonzales v. Holder*, No. CV 10-02211 DMG
26 (DTBx), 2011 WL 11705815, at *1 (C.D. Cal. Nov. 21, 2011) (certifying class of
27 incarcerated people with mental illness in immigration custody).

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1 **IV. Incarcerated Plaintiffs and Declarants and Jail Employees Face a Risk of**
2 **Retaliation for Their Participation in This Case.**

3 28. In my experience representing incarcerated people in lawsuits about
4 prison and jail conditions, as well as representing whistleblowers and employees
5 objecting to unlawful conditions, my clients have repeatedly been subjected to
6 retaliation on the basis of their involvement in litigation. For example, in 2020, a
7 correctional officer at R.J. Donovan Correctional Facility threw an incarcerated
8 person who had signed a declaration in active litigation out of his wheelchair onto
9 the floor and then placed him in administrative segregation and falsely charged him
10 with battering staff. The United States District Court for the Northern District of
11 California issued an injunction preventing further retaliation and ordering that that
12 witness and others be transferred out of the dangerous prison. *See Armstrong v.*
13 *Newsom*, 475 F. Supp. 3d 1038 (N.D. Cal. 2020). In subsequent orders, the
14 *Armstrong* Court found that officers at several CDCR prisons had retaliated against
15 other incarcerated people with disabilities for requesting disability accommodations
16 and complaining about the denial of requested accommodations. *See Armstrong v.*
17 *Newsom*, 484 F. Supp. 3d 819, 823, 828-829 (N.D. Cal. 2020); *Armstrong v.*
18 *Newsom*, 2021 WL 933106 at 3-5, 8-9, 17 (N.D. Cal. March 11, 2021). Also in the
19 *Armstrong* case, a CDCR psychologist testified in a deposition that correctional
20 officers vandalized her office after she reported staff misconduct, throwing her
21 sanitary supplies on the floor and making her fearful for her safety. *See Bolton v.*
22 *Paramo et al.*, No. 4:21-cv-03466-YGR (N.D. Cal.) (ongoing lawsuit filed by same
23 psychologist about retaliation).

24 29. As part of our investigation of conditions at the Jail we have
25 interviewed both incarcerated people and medical and mental health personnel, all
26 of whom are at risk of retaliation. I am aware of two declarations filed in support of
27 these motions that describe retaliation by Jail officials. According to Plaintiff
28 Christopher Nelson, a sheriff's deputy almost denied him a visit with my co-counsel

1 in this case after a dispute with the deputy about keeping a cell window open. *See*
2 Nelson Decl. ¶ 24. Another incarcerated person, Michael Keavney, suffered delays
3 in receiving legal mail and confiscation of his legal papers while incarcerated,
4 interfering with his civil cases against the Jail. *See* Keavney Decl. ¶¶ 10-11.

5 30. Retaliation may well be occurring in this case. For example, I
6 interviewed Plaintiff Ernest Archuleta on March 9, 2022. At that point,
7 Mr. Archuleta was already a named plaintiff in this case, and I had already noticed
8 an appearance. I understand that Mr. Archuleta, who needs a wheelchair for
9 mobility, was denied use of the elevator to access the professional meeting room on
10 the seventh floor of Central Jail for our interview, because the elevators were
11 purportedly out of service. Instead, Mr. Archuleta was forced to use the stairs.
12 Shortly after our meeting began, however, I saw other wheelchair riders arrive in the
13 visiting area to meet with attorneys. When the escort officer was asked about these
14 individuals' use of the elevator, the officer responded that the elevators were
15 working now. I believe it is possible that Jail staff knew that I was present at the
16 Jail that day to interview people in association with this lawsuit and denied
17 Mr. Archuleta access to the elevator in retaliation for his involvement in the case.

18 I declare under penalty of perjury under the laws of the State of California
19 that the foregoing is true and correct, and that this declaration is executed at San
20 Francisco, California this 1st day of May, 2022.

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23 Gay Crosthwait Grunfeld

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