

GAY CROSTHWAIT GRUNFELD – 121944
VAN SWEARINGEN – 259809
PRIYAH KAUL – 307956
ERIC MONEK ANDERSON – 320934
HANNAH M. CHARTOFF – 324529
ROSEN BIEN GALVAN & GRUNFELD LLP
101 Mission Street, Sixth Floor
San Francisco, California 94105-1738
Telephone: (415) 433-6830
Facsimile: (415) 433-7104
Email: ggrunfeld@rbgg.com
vswearingen@rbgg.com
pkaul@rbgg.com
eanderson@rbgg.com
hchartoff@rbgg.com

AARON J. FISCHER – 247391
LAW OFFICE OF
AARON J. FISCHER
2001 Addison Street, Suite 300
Berkeley, California 94704-1165
Telephone: (510) 806-7366
Facsimile: (510) 694-6314
Email: ajf@aaronfischerlaw.com

(additional counsel on following page)

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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

v.

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

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

**REPLY DECLARATION OF
LAURA ZOERNER IN
SUPPORT OF PLAINTIFFS'
MOTIONS FOR PRELIMINARY
INJUNCTION AND
PROVISIONAL CLASS
CERTIFICATION**

Judge: Hon. Anthony J. Battaglia

Date: August 11, 2022
Time: 2:00 p.m.
Ct. No.: 4A

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

(counsel continued from preceding page)

CHRISTOPHER M. YOUNG – 163319
ISABELLA NEAL – 328323
OLIVER KIEFER – 332830
DLA PIPER LLP (US)
401 B Street, Suite 1700
San Diego, California 92101-4297
Telephone: (619) 699-2700
Facsimile: (619) 699-2701
Email: christopher.young@dlapiper.com
isabella.neal@dlapiper.com
oliver.kiefer@dlapiper.com

BARDIS VAKILI – 247783
JONATHAN MARKOVITZ – 301767
ACLU FOUNDATION OF SAN DIEGO &
IMPERIAL COUNTIES
2760 Fifth Avenue, Suite 300
San Diego, California 92103-6330
Telephone: (619) 232-2121
Email: bvakili@aclu-sdic.org
jmarkovitz@aclu-sdic.org

Attorneys for Plaintiffs

DECLARATION OF LAURA ZOERNER

I, Laura Zoerner, declare:

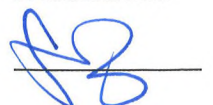
1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. I have been incarcerated at the San Diego County Jail ("the Jail") 24 times since 2010, often for as short as a day at a time, and other times for a matter of months. I was incarcerated six separate times in 2021. Most recently, I was incarcerated at Las Colinas Detention & Reentry Facility from May 4, 2021 to November 2, 2021. I was housed in module 4A. My booking number was 21115395. After November 2, 2021, ~~I served the remainder of my sentence at a~~ *I went to a* residential substance use treatment facility in Lemon Grove, California. I am 50 years old. I am currently homeless and living in a shelter.

3. From an early age, I have had mental health needs. I have been diagnosed with bipolar disorder, post-traumatic stress disorder ("PTSD"), major depressive disorder, and schizoaffective disorder. I have previously attempted suicide several times.

4. I received very poor medical care during my last incarceration at the Jail, which caused serious mental health issues. Shortly after being booked into the Jail on May 4, 2021, I began to notice I had severe pain in one of my molars and felt very dizzy. Before then, I was living on the streets and drinking heavily, so I did not notice the tooth pain until I was sober in the Jail. The pain was so excruciating it kept me up at night. I filed many sick call requests and told Jail medical and custody staff about the pain, but it took about three weeks and constant requests for me to see a dentist for treatment. Those three weeks were miserable.

5. On June 8, 2021, I was finally seen by the dentist. He immediately extracted my tooth. I briefly felt better after the extraction, but the pain soon returned and the area around where my tooth was swelled. Again, I put in multiple sick call slips letting medical staff know that I was still in pain after the extraction.



1 During these periods when I was waiting for care the pain was so bad that it was
2 difficult to concentrate and write complete sentences, so on some sick call slips I
3 wrote things like "Ouch!" and "Help!" and drew crying faces. Later in June, I was
4 sent out to Tri-City Hospital for surgery for a bone infection in my jaw.

5 6. The pain and neglect I was feeling deeply affected my mental health. I
6 began to feel very depressed because it seemed like no one at the Jail cared enough
7 about my suffering to help me. Around this same time, the Jail changed my
8 prescribed psychiatric medications twice in a short period of time, and I had a
9 psychotic episode. I was moved into the Jail's suicide prevention cells, a safety cell
10 and then an enhanced observation housing ("EOH") cell. The cells were miserable
11 places to be. The EOH cell is supposed to be less restrictive than the safety cells,
12 but in both of the cells I did not have access to any of my property. In the EOH cell
13 I had to sleep on a thin mattress on the ground, for days. My clothing was taken
14 away and I had to wear a green smock-like garment. Those cells were so horrible
15 that if I am housed in the Jail again, I will be hesitant to report suicidal feelings.

16 7. I had begun experiencing heart palpitations in June 2021 while at Tri-
17 City Hospital after the surgery to treat my bone infection. Staff at the hospital told
18 me that I should alert Jail staff if I had heart palpitations again when back at the Jail.
19 When I got back to the Jail, I experienced heart palpitations again, and pushed the
20 emergency button in my cell. No one responded. I kept pushing the button. I then
21 began screaming because I felt like no one was paying attention, and banged my
22 head against the cell window to get attention. My head started bleeding. I was only
23 transported to the hospital once I began to harm myself.

24 8. At the Jail I often saw mental health staff at my cell. The meetings
25 were not confidential. A deputy was standing there by the mental health staff
26 person, and the people in the cells nearby could hear. A deputy was often nearby
27 even when the meeting was not at my cell and somewhere else, like out in the rec
28 area.



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

16 I declare under penalty of perjury under the laws of California and the United
17 States of America that the foregoing is true and correct, and that this declaration is
18 executed at SAN DIEGO, California this 23 day of May, 2022.

19
20
21
22
23
24
25
26
27
28


Laura Zoerner