

The Honorable Marsha J. Pechman

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

**A.B., by and through his next friend Cassie Cordell Trueblood; D.D., by and through his next friend Andrea Crumpler; K.R. by and through his next friend Marilyn Roberts; Q.M. by and through his next friend Kathryn McCormick; all others similarly situated; and Disability Rights Washington;**

**Plaintiffs,**

**vs.**

**Washington State Department of Social and Health Services; K.R. Quigley, in his official capacity as Secretary of the Department of Social and Health Services; Western State Hospital; Ron Adler in his official capacity as Chief Executive Officer of Western State Hospital; Eastern State Hospital; and Dorothy Sawyer in his official capacity as Chief Executive Officer of Eastern State Hospital,**

**Defendants.**

**No. 14-cv-01178-MJP**

**DECLARATION OF  
MARK STROH IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
TEMPORARY RESTRAINING  
ORDER**

I, Mark Stroh, declare as follows:

1. I am over the age of eighteen, have personal knowledge of the matters stated herein, and am competent to testify thereto.

2. I am the Executive Director of Disability Rights Washington ("DRW"). I have held this position since 1990. As the Executive Director of DRW, my job duties include, but are not limited to, ensuring that DRW carries out and fulfills its federally mandated protection and

1 advocacy duties. In order to accomplish these tasks, I am required to read and understand our  
2 federal mandates. Therefore, I am familiar with all the citations to the federal mandates set forth  
3 below.

4 3. DRW is a non-profit corporation duly organized under the laws of the State of  
5 Washington to protect and advocate for the legal and civil rights of those citizens of this state who  
6 have mental, physical, sensory, and developmental disabilities pursuant to the “Developmental  
7 Disabilities Assistance and Bill of Rights Act,” 42 U.S.C. § 15041, *et seq.*; the “Protection and  
8 Advocacy for Individuals with Mental Illness Act,” as amended, 42 U.S.C. § 10801, *et seq.*; the  
9 Protection and Advocacy of Individual Rights Act,” 42 U.S.C. § 794e; and RCW 71A.10.080.

10 4. DRW is the duly designated protection and advocacy system for individuals with  
11 mental, physical, sensory, and developmental disabilities in the state of Washington. Specifically,  
12 DRW has the authority to investigate incidents of abuse and neglect and pursue administrative,  
13 legal and other appropriate remedies to ensure the protection of individuals with disabilities. 42  
14 U.S.C. § 10805(a)(1); 42 U.S.C. § 15043(a)(2)(A) and (B); 42 U.S.C. § 794e(f)(2).

15 5. Individuals with disabilities participate in and guide DRW’s organizational mission  
16 and advocacy efforts by participating on DRW’s Board of Directors, DRW’s advisory councils,  
17 and DRW’s public comment process. A majority of DRW’s Board of Directors self-identify as  
18 individuals with disabilities, including mental health conditions. The Board of Directors is advised  
19 by two councils comprised predominately by people with disabilities. Pursuant to the requirements  
20 of federal law, DRW’s Mental Health Advisory Council is composed predominantly of individuals  
21 who self-identify as having mental health conditions. In addition, DRW has a Disability Advisory  
22 Council comprised predominantly of individuals who self-identify as having developmental  
23

1 mental conditions and their family members. People with disabilities are also able to provide input  
2 on how DRW prioritizes what it advocates about through an annual survey process.

3 6. Each of the named plaintiffs and putative class members are DRW's constituents.  
4 All fall within DRW's mandate to ensure that the rights of persons with mental health conditions  
5 are protected. *See* 42 U.S.C. § 10805; 42 U.S.C. § 15043; 42 U.S.C. § 794e.

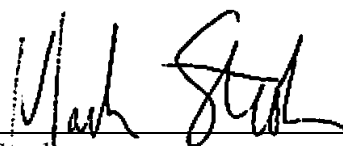
6 7. DRW provides information, advice, technical assistance, and legal representation  
7 to individuals with mental health conditions and their families, and is mandated to conduct  
8 outreach and monitoring to its constituents. Through these various activities, DRW learned that  
9 many of its constituents face barriers in accessing competency evaluation and restoration services.

10 8. DRW's Mental Health Advisory Council recommended and the Board of Directors  
11 agreed to make the decriminalization of mental conditions a priority for many years. For nearly a  
12 decade, DRW has investigated and advocated for improvements to the timeliness of evaluation  
13 and restoration services.

14 9. Due to Defendants' failures to timely serve people with mental conditions, those  
15 individuals have suffered and continue to suffer irreparable harm, and DRW has devoted and must  
16 continue to devote considerable resources to investigating and advocating to resolve this critical  
17 issue.

18 I declare under penalty of perjury under 28 U.S.C. § 1746, that the forgoing is true and  
19 accurate.

20 DATED this 2<sup>nd</sup> day of October, 2014, at Silverdale, Washington.

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23 \_\_\_\_\_  
Mark Stroh

**CERTIFICATE OF SERVICE**

I hereby certify that on October 3, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

- John K McIlhenny ([JohnM5@atg.wa.gov](mailto:JohnM5@atg.wa.gov))
- Nicholas A Williamson ([NicholasW1@atg.wa.gov](mailto:NicholasW1@atg.wa.gov))
- Sarah Jane Coats ([sarahc@atg.wa.gov](mailto:sarahc@atg.wa.gov))
- Amber Lea Leaders ([amberl1@atg.wa.gov](mailto:amberl1@atg.wa.gov))

DATED: October 3, 2014, at Seattle, Washington.

*/s/Mona Rennie*

Legal Assistant  
Disability Rights Washington