

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN WASHINGTON
AT SEATTLE

A.B., BY AND THROUGH HER NEXT
FRIEND CASSIE CORDELL
TRUEBLOOD; D.D., BY AND THROUGH
HIS NEXT FRIEND ANDREA CRUM-
PLER; 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,

v.

WASHINGTON STATE DEPARTMENT
OF SOCIAL AND HEALTH SERVICES;
KEVIN QUIGLEY, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF THE
DEPARTMENT OF SOCIAL AND
HEALTH SERVICES; WESTERN STATE
HOSPITAL; RON ADLER IN HIS OFFI-
CIAL CAPACITY AS CHIEF EXECU-
TIVE OFFICER OF WESTERN STATE
HOSPITAL; EASTERN STATE HOSPI-
TAL; AND DOROTHY SAWYER IN HER
OFFICIAL CAPACITY AS CHIEF EX-
ECUTIVE OFFICER OF EASTERN
STATE HOSPITAL,
Defendants.

No. 14-cv-01178-MJP

DECLARATION OF SARAH DUNNE

1 Pursuant to 28 U.S.C. § 1746, I, SARAH DUNNE, declare and state as follows:

2 1. I am duly licensed to practice law in the States of Washington and California. I
3 am the Legal Director of the American Civil Liberties Union of Washington Foundation
4 (“ACLU of Washington”). I am counsel of record for Plaintiffs in this case. I have knowledge of
5 the facts set forth herein and if called upon to testify as a witness thereto, I could and would
6 competently do so under oath.

7 2. The ACLU of Washington is one of the largest regional affiliates of the American
8 Civil Liberties Union. It is dedicated to defending and securing important constitutional rights
9 and to extending these rights to people who have been excluded from their protection. The
10 ACLU of Washington has extensive expertise in class action litigation and has participated in
11 numerous cases in federal court involving due process rights.

12 3. I graduated from the University of Chicago Law School in 1998. In addition to
13 being admitted to practice in Washington and California, I am a member in good standing of the
14 Washington State Bar Association (WSBA) and the State Bar of California. I was a member of
15 the Virginia Bar Association from 1999-2007, until I resigned in good standing. I am admitted to
16 practice in the United States District Courts for the Western and Eastern Districts of Washington
17 and the Central District of California, and the United States Court of Appeals for the Ninth Cir-
18 cuit. While representing the United States in my work at the U.S. Department of Justice, I prac-
19 ticed in multiple federal district courts in various states, including Virginia, South Carolina,
20 Georgia, Mississippi, Alabama, Florida, Michigan, and South Dakota.

21 4. After law school, I served as a judicial clerk for the Honorable Richard A. Paez,
22 then serving at the United States District Court for the Central District of California. After leav-
23 ing my clerkship, I litigated complex constitutional cases, representing the United States during
24 all stages of trial litigation in federal district courts for four years as a trial attorney in the Civil
25 Rights Division of the U.S. Department of Justice. I was lead counsel and responsible for over 20
26 desegregation cases throughout Alabama, Mississippi, Georgia and South Carolina, including

1 serving as counsel for the desegregation case involving Jefferson County Schools – the largest
 2 public school district in Alabama with over 35,000 students. All of these cases sought injunctive
 3 relief against the defendant state or local government institutions. Many of these cases I litigated
 4 alongside the NAACP Legal Defense Fund who represented classes of student plaintiff-
 5 intervenors. Notable other cases that I litigated concerning constitutional claims include *Peder-*
 6 *sen and United States v. South Dakota High School Activities Association*, Case No. CV 00-
 7 4113-LLP (D.S.D.) (first Title IX athletics lawsuit filed by U.S. Department of Justice), *Commu-*
 8 *nities for Equity v. Michigan State High School Athletics Association*, 178 F. Supp. 2d 805 (W.D.
 9 Mich. 2001) (judgment in class action ending decades of discrimination against more than
 10 50,000 female student athletes), and the remedial phase of *United States v. Commonwealth of*
 11 *Virginia*, Case No. CV 90-00126-JLK (W.D. Va.) (responsible for implementing remedy requir-
 12 ing the gender integration of formerly male-only public institution). While at the U.S. Depart-
 13 ment of Justice, I received the Special Achievement Award in 2001 and 2002 for my litigation
 14 efforts.

15 5. In 2003, I relocated to Washington state where I worked as a litigation associate
 16 at Hillis, Clark, Martin & Peterson (HCMP), where I represented clients in complex civil and
 17 constitutional litigation in federal and state courts, including among others: *Washington Associa-*
 18 *tion of Churches v. Reed*, Case No. CV 06-726-RSM (W.D. Wash.) (voting rights); and *Farris v.*
 19 *State of Washington*, Case No. 06-2-00900-0 (Thurston County Sup. Ct., WA) (sex discrimina-
 20 tion). In 2006, I was honored by the WSBA's Young Lawyers Division with its Professionalism
 21 Award for my pro bono work on cases involving constitutional claims while in private practice at
 22 HCMP.

23 6. Since 2006, I have served as the Legal Director of the ACLU of Washington
 24 Foundation where I actively litigate civil rights and constitutional cases in federal and state
 25 courts, including class actions under Rule 23(b)(2) seeking injunctive relief. At the ACLU of
 26 Washington, I have obtained relief for clients in matters involving due process, right to counsel,

1 freedom of speech and expression, and discrimination, including: *Wilbur v. City of Mount*
 2 *Vernon*, Case No. CV 111100-RSL (W.D. Wash.) (judgment in class action finding violation of
 3 indigent accused Sixth Amendment right to counsel); *Ramirez-Martinez v. U.S. Immigration and*
 4 *Customs Enforcement*, Case No. CV 14-5273-RJB (W.D. Wash.) (case voluntarily dismissed af-
 5 ter ICE immediately removed immigrant detainees from solitary confinement where they had
 6 been placed in retaliation for exercising First Amendment rights); *Wilson v. Rentgrow, Inc.*, Case
 7 No. 13-2-15514-1 DSL (King County Sup. Ct.) (class action challenging tenant screening com-
 8 pany violations of state credit reporting laws resolved by settlement); *Sanchez v. U.S. Office of*
 9 *Border Patrol*, Case No. CV 12-5378-BHS (W.D. Wash.) (class action involving illegal vehicle
 10 stops by Border Patrol resolved by settlement); *Witt v. U.S. Department of Air Force*, Case No.
 11 CV 06-5195-RBL (W.D. Wash.) (ruling after 2-week bench trial finding Don't Ask Don't Tell
 12 policy unconstitutional as applied to Plaintiff Major Witt); *Roshandel v. Chertoff*, Case No. CV
 13 07-1739-MJP (W.D. Wash.) (first class action in country certified on this issue and resolved by
 14 settlement providing for timely processing of plaintiffs' applications for citizenship); *Tarrer &*
 15 *Garland v. Pierce County*, Case No. CV 10-5670-BHS (W.D. Wash.) (class action involving re-
 16 ligious accommodations in jail resolved by settlement); and *Khoury v. Asher*, Case No. CV 13-
 17 1367-RAJ (W.D. Wash.) (class of immigration detainees in Washington who have or will be
 18 subject to mandatory detention even though ICE failed or fails to take them into custody at the
 19 time of their release from criminal custody).

20 7. Co-counsel with me on this case is Margaret Chen of the ACLU of Washington
 21 Foundation.

22 8. Since October 2012, Margaret Chen has been a staff attorney at the ACLU of
 23 Washington Foundation who works on constitutional litigation. Ms. Chen graduated from the
 24 University of California, Berkeley, School of Law in 2012. She has been admitted to practice in
 25 the State of California since December 2012 and the State of Washington since June 2013. She is
 26 a member in good standing of the Washington State Bar Association (WSBA) and the State Bar

1 of California. Ms. Chen has been admitted to practice in the United District Court for the West-
 2 ern District of Washington.

3 9. During her time at the ACLU of Washington, Ms. Chen has gained considerable
 4 litigation experience. She has served as co-counsel on *Ramirez-Martinez v. U.S. Immigration and*
 5 *Customs Enforcement, supra*, involving a challenge to the placement of immigrant detainees in
 6 solitary confinement in retaliation for exercising their First Amendment rights. She currently
 7 serves as co-counsel on *Ingersoll v. Arlene's Flowers, Inc.*, Case No. 13-2-00953-3 (Ben-
 8 ton/Franklin Sup. Ct.), involving a gay couple refused service by a florist because of their sexual
 9 orientation.

10 10. The ACLU of Washington Foundation has the capacity to thoroughly and vigor-
 11 ously litigate the claims in this case and properly represent the plaintiff class, and intends to
 12 commit all necessary resources to do so. If appointed class counsel, I will ensure that Ms. Chen
 13 and I zealously represent the interests of the class to the best of our collective ability.

14 I declare under penalty of perjury under the laws of the United States and the State of
 15 Washington that the foregoing is true and correct and that this declaration was executed on Oc-
 16 tober 3, 2014, at Seattle, Washington.

17
 18 /s/ Sarah Dunne

19 SARAH DUNNE

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)
- Nicholas A Williamson (NicholasW1@atg.wa.gov)
- Sarah Jane Coats (sarahc@atg.wa.gov)
- Amber Lea Leaders (amberl1@atg.wa.gov)

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

/s/Mona Rennie

Legal Assistant
Disability Rights Washington