

1 Barrett S. Litt, SBN 45527  
blitt@kmbllaw.com  
2 Lindsay Battles, SBN 262862  
Kaye, McLane, Bednarski & Litt, LLP  
3 975 East Green Street  
Pasadena, California 91106  
4 Telephone: (626) 844-7660  
5 Facsimile: (626) 844-7670

6 PETER J. ELIASBERG, SBN 189110  
peliasberg@aclu-sc.org  
7 AHILAN ARULANANTHAM, SBN  
237841

8 aarulanantham@aclu-sc.org  
PETER BIBRING, SBN 223981  
9 pbibring@aclu-sc.org

10 JENNIFER PASQUARELLA, SBN  
263241

11 [jpasquarella@aclu-sc.org](mailto:jpasquarella@aclu-sc.org)  
ACLU FOUNDATION OF SOUTHERN  
12 CALIFORNIA  
1313 West 8th Street  
13 Los Angeles, California 90017  
14 Phone: (213) 977-9500  
Facsimile: (213) 977-5299

15 Attorneys for Plaintiffs  
(Other counsel listed below)

17 **UNITED STATES DISTRICT COURT**  
18 **CENTRAL DISTRICT OF CALIFORNIA**

19 DUNCAN ROY, *et al.*,

20 Plaintiffs,

21 vs.

22 COUNTY OF LOS ANGELES, *et al.*,

23 Defendants.

Case No. CV 12-09012 (FFMx)

[Honorable André Birotte, Jr.]

**DECLARATION OF BARRETT S. LITT  
IN SUPPORT OF MOTION FOR  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT**

**Date: November 20, 2020**  
**Time: 10:00 A.M.**  
**Place: Courtroom 10A**

1 CHRIS NEWMAN, SBN 255616  
2 newman@ndlon.org  
3 NATIONAL DAY LABORER ORGANIZING NETWORK  
4 675 South Park View Street, Suite B  
5 Los Angeles, California 90057  
6 Telephone: (213) 380-2214  
7 Facsimile: (213) 380-2787

8 OMAR C. JADWAT (pro hac vice)  
9 ojadwat@aclu.org  
10 AMERICAN CIVIL LIBERTIES UNION FOUNDATION  
11 IMMIGRANTS' RIGHTS PROJECT  
12 125 Broad Street, 18th floor  
13 New York, NY 10004  
14 Telephone: (212) 549-2660

15 CECILLIA D. WANG, SBN 187782  
16 cwang@aclu.org  
17 AMERICAN CIVIL LIBERTIES UNION FOUNDATION  
18 IMMIGRANTS' RIGHTS PROJECT  
19 39 Drumm Street  
20 San Francisco, CA 94111

21 MARK M. FLEMING (pro hac vice)  
22 mfleming@heartlandalliance.org  
23 NATIONAL IMMIGRANT JUSTICE CENTER  
24 208 S. LaSalle Street, Suite 1300  
25 Chicago, IL 60604  
26 Telephone: (312) 660-1628  
27 Facsimile: (312) 660-1505  
28

1  
2 I, **BARRETT S. LITT**, declare:

3 1. This declaration is submitted in support of Plaintiffs' Motion for Preliminary  
4 Approval of the proposed class settlement in this case. The facts set forth herein are  
5 within my personal knowledge or knowledge gained from review of the pertinent  
6 documents. If called upon, I could and would testify competently thereto.

7 2. I am an attorney duly licensed to practice in the State of California. Since  
8 1984, I have been the principal or senior partner in firms that operate for the specific  
9 purpose of developing and maintaining a civil rights and public interest law practice that  
10 operates in the private sector on the basis of self-generated fee awards and other  
11 recoveries. Since January 1, 2013, I have been a partner in the law firm of Kaye,  
12 McLane, Bednarski & Litt. Between September 2010 and December 31, 2012, I was a  
13 partner in the law firm of Litt, Estuar, and Kitson. From July 2004 to September 2010, I  
14 was a partner in the law firm of Litt, Estuar, Harrison, and Kitson. From 1998 to July  
15 2004, I was the principal in the law firm of Litt & Associates, Inc. From September 1,  
16 1991 to May 1, 1997, when my then partner left the law firm to become Deputy General  
17 Counsel for Civil Rights at the United States Department of Housing and Urban  
18 Development, I was a partner at the firm of Litt & Marquez. And for the seven years  
19 prior to that, I was a partner in the firm of Litt & Stormer, Inc.

20 3. I initially acted as the lead counsel in this case when it was filed in 2012, but  
21 shortly thereafter, and continuing through the present, Lindsay Battles, formerly an  
22 associate and now a partner at my firm, has acted as co-lead counsel. She has done the  
23 lion's share of the work on this case on behalf of our firm. As the Court is aware, the case  
24 was successfully prosecuted by Plaintiffs through class certification of several classes,  
25 summary judgment for Plaintiffs on liability, and denial of Defendants' motions to  
26 decertify the class and reconsider the favorable (to Plaintiffs) summary judgment rulings.

27 4. Our qualifications and experience in class action litigation have been  
28 provided in declarations filed in connection with the motions for class certification and  
will not be repeated here, except to repeat that we are highly experienced in civil rights

1 damages class actions. I am one of most experienced civil rights class action litigators in  
2 the country and have probably acted as class action counsel in more law enforcement  
3 related civil rights class actions than any lawyer in the country. I have attached as Exhibit  
4 1 to this Declaration a copy of my current CV, which recites, inter alia, my class action  
5 cases, mostly successful (b)(3) damages cases, to date, as well as my recognition by  
6 Super Lawyers and Best Lawyers in America. Ms. Battles has acted as co-lead counsel in  
7 this and the *Amador* class action cases referenced in my CV, and has played or is playing,  
8 central roles in the pending *M.S.*, *Brewster*, *Cullors* and *Black Lives Matter* class actions  
9 referenced in my CV. She has also played a central role in several multi-million-dollar  
10 civil rights individual settlements. She was named a Super Lawyer Rising Star for several  
11 years running and a Super Lawyer beginning in 2020.

12 5. Throughout the litigation, the parties were in an adversarial position, and  
13 there was only an interest in settlement expressed by Defendants after summary judgment  
14 and denial of reconsideration and decertification. The parties held one full day in-person  
15 settlement conference before Antonio Piazza, one of the most well-known mediators in  
16 the country, known for his success in settling difficult to settle cases. At certain times  
17 during settlement negotiations, Mr. Piazza was similarly helpful in resolving roadblocks  
18 (e.g., resolution of the parties' differences over a per diem and per class member  
19 maximum recovery). The December 3, 2018 conference resulted in a settlement in  
20 principle, but did not resolve several key terms and a dispute regarding the class size.  
21 Even after reaching a settlement in principle, it took well over a year and numerous  
22 discussions among or between counsel and Mr. Piazza to agree to the specific settlement  
23 terms and the methodology to ascertain class members from LASD data. Both the daily  
24 cap of \$1000 and the per class member cap of \$25,000 were hotly disputed issues in  
25 drafting the settlement agreement, and were ultimately the result of a mediator's proposal  
26 because the parties were unable to agree. The proposed settlement has now been  
27 approved by the Los Angeles County Board of Supervisors and is contingent on the  
28 Court's approval.

1           6.       Plaintiffs’ counsel received extensive document discovery in this case, as  
2 well as extensive database discovery. Complex data analysis was performed by database  
3 experts to identify class members from Sheriff’s data, and various other experts were  
4 retained; these experts filed declarations in connection with Plaintiffs’ class certification  
5 and summary judgment motions. The two named plaintiffs were deposed. Plaintiffs  
6 deposed several Los Angeles Sheriff’s Department (“LASD”), in the chain of command  
7 and elsewhere, as well as ICE personnel.

8           7.       The Court certified the following classes: 1) a Fourth Amendment  
9 (“*Gerstein*”) Class: All LASD inmates who were detained beyond the time they are due  
10 for release from criminal custody, solely on the basis of immigration detainers, excluding  
11 inmates who had a final order of removal or were subject to ongoing removal  
12 proceedings as indicated on the face of the detainer. (Class period: 10/19/2010 to June 6,  
13 2014); 2) an Equal Protection Class (“No Money Bail Class”): All LASD inmates on  
14 whom an immigration detainer had been lodged, who would otherwise have been subject  
15 to LASD’s policy of rejecting for booking misdemeanor defendants with bail of less than  
16 \$25,000 (including Order of Own Recognizance (OR)). (Class period: 10/19/2010 to June  
17 6, 2014; and 3) a No-Bail-Notation Class: All LASD inmates on whom an immigration  
18 detainer had been lodged and recorded in LASD’s AJIS database, and who were held on  
19 charges for which they would have been eligible to post bail. (Class period: 10/19/2010  
20 to 10/18/2012).

21           8.       Based on extensive analysis of Defendants’ database records, in combination  
22 with ICE records, we have determined that the size of the *Gerstein* class (including those  
23 who can be confirmed from LASD data and those who are potential class members but  
24 require a review of their LASD paper file and certain ICE forms to confirm their class  
25 status, is 16,486 people (of whom it is estimated that 11,364 are confirmed and that, of  
26 the remainder, approximately 3,585 would be confirmed as class members). In addition,  
27 we have determined that there are 3,622 No Money Bail class members. The members of  
28 these two classes receive a maximum of \$1000 per over detention day, capped at \$25,000  
per class member. Both the daily cap of \$1000 and the per class member cap of \$25,000

1 were hotly disputed issues in drafting the settlement agreement, and were ultimately the  
2 result of a mediator's proposal because the parties were unable to agree.

3 9. For the third class, the No-Bail-Notation Class, we have identified 5,776  
4 class members. All of these class members had bail in excess of \$25,000. Because jail  
5 records do not reflect whether they attempted to post bail, such class members will be  
6 asked to attest, under penalty of perjury, whether they had access to over \$2,500 and  
7 would have posted bail had it not been for LASD's policy, and notwithstanding their  
8 immigration hold; such claiming class members will receive a flat sum of \$250.

9 10. All of these class size figures are based on our expert consultants' analysis  
10 of LASD data. Each of these classes will receive class notices tailored to their particular  
11 circumstances.

12 11. The proposal for incentive awards was at Class Counsel's initiative, and no  
13 discussion or agreement regarding incentive awards occurred with the Named Plaintiffs  
14 until the proposed settlement was reached. The amount of the proposed incentive awards  
15 was at Plaintiffs' counsel's initiative and reflects our assessment of a reasonable incentive  
16 award based on the contributions of the class representatives, the risk taken by them and  
17 the size of the settlement.

18 12. In my experience in settling several jail class actions, the typical claims rate  
19 in a jail conditions case is between 10% - 20%. A claims rate of 18-20% is generally  
20 considered very good. Most of my large class actions (i.e., with class members  
21 numbering in the tens or hundreds of thousands) have had claims rates in the 15-20%  
22 range, occasionally higher. (The higher ones have been either because there was a court  
23 ordered second round of notice, essentially providing a second bite at the apple; smaller  
24 classes where there is more ongoing contact among class members; or in the *Amador*  
25 case, an exceptionally intense class member interest.)  
26  
27  
28

1           13.     Provided the claims rate is 10% or less, all claimants will recover the  
2 maximum of \$1,000 per day (up to a maximum of \$25,000 per claimant).<sup>1</sup> The average  
3 *Gerstein* class member has 2.3 days of incarceration, meaning their average award would  
4 be \$2,300. The average No-Money-Bail class member has 4 days of incarceration; their  
5 average award would be \$4,000. Approximately 1,500 individuals belong to both classes  
6 and can anticipate average rewards of over \$5,000. Should the claims rate reach 15%,  
7 which is higher than we anticipate, each over detention day would be valued at over \$700  
8 per day (with average awards of \$1,610 and \$2,800). The individual recoveries fall on the  
9 higher side of recoveries in jail over-detention class actions.

10           14.     Based on the class period (extending back to 2010), and characteristics of  
11 the class, we believe the claims rate will likely fall between 5% - 10%. That would place  
12 it at the high end of class member recoveries in over detention class actions.

13           15.     If the claims rate falls below 10%, there will be *cy pres* distributions. At a  
14 5% claims rate, the *cy pres* distribution would be \$4,075,275. and the *cy pres* distribution  
15 may be more if the claims rate is lower.

16           16.     That these figures are favorable is confirmed by my personal experience in  
17 other large over detention class actions.

18           ➤ In the *Williams* case, listed in my CV, which was settled in 2001 for a total of  
19 \$27,000,000 (about \$40,000,000 in 2020 dollars), there were several hundred  
20 thousand class members, and the settlement covered both over-detentions and  
21 strip searches. (Anyone who was over detained was also, by definition, strip  
22 searched.) I don't have the exact figures at hand, but my recollection is that the  
23 claims rate was in the 15-16% range, and the mean recovery for over detentions

---

24  
25 <sup>1</sup> Including both the estimated *Gerstein* class members and all No-Money-Bail class members,  
26 there are a total of 80,063 over-detention days. Assuming that approximately 10% of No-Bail-  
27 Notation class members make claims, each for \$250, the total award to that subclass would be  
28 \$144,250, leaving \$8,555,750 for distribution to the *Gerstein* and No-Money-Bail class  
members. This would compensate 8,556 days at \$1,000 per day, which constitutes 10.7% of the  
total over-detention days attributable to class members.

1 and strip searches combined for claiming class members was under \$500. Given  
2 that, in my experience, strip searches are valued significantly above over  
3 detentions, and they were so differentially valued there, the settlement here,  
4 after adjusting for inflation, compares very favorably. (Assuming that half the  
5 funds went to strip searches and half to over detentions, that would be a mean  
6 payment of \$250 for each overdetention claiming class member, which is  
7 approximately \$375 in today's dollars; the current settlement is clearly far more  
8 favorable.)

- 9 ➤ In the *Bynum v. District of Columbia* case, listed in my CV, which was settled  
10 in 2005 for a total of \$12,000,000 (about \$16,000,000 in 2020 dollars),  
11 approximately \$5,000,000 was available for distribution to class members.  
12 (\$3,000,000 went to improvements to the Jail's releases processes and  
13 \$4,000,000 to attorney's fees and costs, and to class administration costs).  
14 Bynum, like Williams, involved both over detentions and strip searches, with  
15 significantly greater weight given to strip searches. The Bynum claims rate was  
16 just under 15%, and the average combined class member payment for strip  
17 searches and over detentions combined was around \$1050. Again assuming half  
18 for strip searches and half for over detentions, the per class member over  
19 detention recovery there was approximately \$525 (or about \$700 in today's  
20 dollars), again far less than the average recovery here even if there were to be  
21 an 18% claims rate.
- 22 ➤ The *Barnes v. District of Columbia* case, listed in my CV, was settled in 2014  
23 for a total of \$2,900,000 to class members (with separate awards for attorney's  
24 fees and costs and for class administration costs), the settlement amount was  
25 fixed at \$370 for each over detention day (about \$410 in 2020 dollars), and  
26 \$1000 for a strip search. The final payout was approximately 88% of these  
27 amounts, based on documents submitted to the court in 2018, which means that  
28 class members received \$350-\$370 in 2020 dollars for each over detention day,  
again far less favorable than the settlement here.

1           17. While the size of the three foregoing settlement classes varied, the payouts  
2 were fairly consistent, with average over detention payouts per class member under \$700  
3 in today's dollars. Here, the average payout is expected to be significantly higher. (In  
4 addition, the settlement will likely provide meaningful *cy pres* funds reflecting the  
5 interests of absent class members through preventative programs). I have elaborated on  
6 these previous over detention class settlements to explain why, in my opinion, this is a  
7 highly favorable outcome for the class members.

8           18. We sent out requests for bids to three experienced class action  
9 administrators. We received extensive bids from each, and Ms. Battles engaged in back  
10 and forth discussions to negotiate and refine the bids. We ultimately chose Heffler Claims  
11 Group because they proved to be uniquely qualified to design and execute a notice  
12 strategy for this class. Heffler Claims Group has previously been appointed as the Class  
13 Administrator for a class comprised of undocumented persons held at an immigration  
14 detention center in Southern California. The capped cost of class administration is  
15 \$350,000, which could be more if Plaintiffs' counsel believe extra outreach is warranted,  
16 plus approximately \$50,000 for transnational, community-based outreach by  
17 organizations that specialize in locating immigrants who have returned to Mexico and  
18 Central America. We intentionally expanded the outreach efforts in this case because,  
19 given the challenges of reaching class members, we believe that extraordinary outreach  
20 efforts should be made. We also set an eight month claims period to maximize the  
21 potential for increased claims.

22           19. A factor driving settlement from Plaintiffs' perspective is that, even given  
23 summary judgment on liability, this case could have spread out over several years. In  
24 addition, absent settlement, it is very likely that Defendants would have appealed the

25 ///

26 ///

27 ///

28 ///

1 grant of summary judgment, and the outcome of such an appeal could not be predicted  
2 with certainty.

3 I declare under penalty of perjury that the foregoing is true and correct.

4 Executed on October 30, 2020, at Pasadena, California.

5  
6 /s/ Barrett S. Litt  
7 BARRETT S. LITT

# **EXHIBIT 1**

**Barrett S. Litt**

Kaye, McLane, Bednarski & Litt, LLP  
975 East Green Street  
Pasadena, California 91106  
Telephone: (626) 844-7660  
Facsimile: (626) 844-7670

**Education**

1966 B.A. University of California at Berkley  
1969 J.D. UCLA School of Law

**Honors and Awards**

1987 Pro Bono Firm of the Year Award from Public Counsel (Litt & Stormer)  
1992 Civil Rights Firm of the Year Award from the NAACP Legal Defense Fund (Litt & Marquez)  
1995 Public Interest Alumnus of the Year Award from UCLA School of Law  
2010 California Lawyer Attorney of the Year Award (CLAY)

**Recent Contributions to Professional Publications**

“Class Certification in Police/Law Enforcement Cases”, *Civil Rights Litigation and Attorney’s Fee Annual Handbook*, Vol.18, Ch.3, West Publishing 2002

“Rights for Wrongs”, addressing issues under the California Civil Rights statutes, *Los Angeles Lawyer Magazine*, December 2005

“Select Substantive Issues Regarding Class Action Litigation In The Jail/Prison Setting”, *National Police Accountability Project*, October 2006

“Obtaining Class Attorney’s Fees,” *Civil Rights Litigation and Attorney’s Fee Annual Handbook*, Vol.26, West Publishing 2010

## Professional

|                       |                                     |
|-----------------------|-------------------------------------|
| 1/2013 to the present | Kaye, McLane, Bednarski & Litt, LLP |
| 2004 to 2012          | Litt, Estuar & Kitson, LLP          |
| 1997 to 2004          | Litt & Associates                   |
| 1991 to 1997          | Litt & Marquez                      |
| 1984 to 1991          | Litt & Stormer                      |

### Licensed to practice in:

State of California  
U.S. District Court, Central District of California  
U.S. District Court, Eastern District of California  
U.S. District Court, Northern District of California  
Ninth Circuit Court of Appeals  
Fourth Circuit Court of Appeals  
Fifth Circuit Court of Appeals  
Eleventh Circuit Court of Appeals  
D.C. Circuit Court of Appeals  
United States Supreme Court

### Admitted Pro Haec Vice in:

U.S. District of Columbia  
U.S. District Court, Northern District of Georgia  
U.S. District Court, District of Maryland  
U.S. District Court, Arizona

Rated “AV” by Martindale-Hubbell

Listed in *Southern California Super Lawyers* in the fields of civil rights and class actions for the years 2005-present.

Listed in Best Lawyers in America (Los Angeles area) in the field of civil rights.

**Civil Rights Class Actions – Classes Certified and Cases Currently Pending:**

*Amador v. Baca*, No.: 10-1649 SVW (RC) (C.D. Calif) (pending certified class action challenging manner of searches of women inmates in outside bus bay; estimated number of class members is an estimated 94,000; 23 (b)(2) and (b)(3) classes certified; summary judgment on liability granted to Plaintiffs; \$53 Million settlement pending final settlement discussions and preliminary approval);

*Roy v. Los Angeles County Sheriff's Department*, Case No.: CV 12-9012 RGK (FFMx) (pending class action for injunctive relief and damages;(b)(2) and (b)(3) classes certified in Sept. 2016; summary judgment on liability granted; settlement discussions pending);

*Chua et al. v. City of Los Angeles, et al.* Case No.: CV-00237-JAK-GJS(x) (C.D. Calif.) (pending class action for injunctive relief and damages for arrests and related actions regarding Ferguson related protests at 6<sup>th</sup> & Hope and Beverly & Alvarado; estimated class size is 170; class certification granted; preliminary approval motion set for hearing on September 9, 2019).

**Civil Rights Class Actions – Classes Certified and Cases Resolved:**

*Williams v. Block*, Case No.: CV-97-03826-CW (Central District of California) and related cases (a series of county jail overdetention and strip search cases, settled for \$27 Million and a complete revamp of jail procedures; classes certified in conjunction with settlement; class size over 250,000);

*Craft v. County of San Bernardino*, 468 F.Supp.2d 1172 (C.D.Cal. 2006) (certified class action against the Sheriff of San Bernardino County for blanket strip searches of detainees, arrestees, and persons ordered released from custody; partial summary judgment decided for plaintiffs; class size approximately 150,000; \$25.5 Million settlement approved April 1, 2008);

*MIWON v. City of Los Angeles*, Case No.: CV 07-3072 AHM (C.D. Calif.) (certified class action against City of Los Angeles and others for use of police force and related conduct at MacArthur Park on May 1, 2007; final approval of class settlement for \$12,800,000 settlement granted June 24, 2009, the largest class action protest settlement in the U.S.);

*Bynum v. District of Columbia*, Case No.: 02-956 (RCL) (D.D.C.) (certified class action against the District of Columbia for overdetentions and blanket strip searches of persons ordered released from custody; final approval of \$12,000,000 settlement occurred January 2006 );

*Nozzi v. Housing Authority of the City of Los Angeles*, No.:CV 07-00380 GW (C.D. Calif.) (pending certified class action against the Housing Authority for violations of due process and federal regulations by failing to provide proper notice of Section 8 rent increase affecting approximately 10,000 tenants; case dismissed on sj for defendants; reversed by Ninth Circuit; dismissed again; reversed second time in *Nozzi v. Hous. Auth. of City of Los Angeles*, 806 F.3d 1178 (9th Cir. 2015), as amended on denial of reh'g and reh'g en banc (Jan. 29, 2016; case pending).and summary judgment on liability ordered entered for Plaintiffs; on remand, (b)(2) and (b)(3) classes certified in *Nozzi v. Hous. Auth. of the City of Los Angeles*, No. CV 07-380 PA (FFMX), 2016 WL 2647677, at \*1 (C.D. Cal. May 6, 2016)); final approval for \$9.25 Million settlement granted);

*Barnes v. District of Columbia*, Civil Action No.: 06-315 (RCL) (D.D.C.) (class action against District of Columbia for continuing to both over-detain and strip search post-release inmates despite settlement in *Bynum*, supra; class certification granted; summary judgment granted Plaintiffs on most claims; case ultimately settled for \$6 Million);

*Lopez v. Youngblood*, No.: CV07-00474 LJO (DLBx) (E.D. Calif.) (certified class action against Kern County, California, for unlawful pre-arraignment and post-release strip searches and strip searches not conducted in private; class certification and summary judgment on liability granted; approximately \$7 Million settlement);

*Aichele et al. v. City of Los Angeles, et al.* Case No.: CV 12-10863 DMG FFM (x) (C.D. Calif.) (certified class action for injunctive relief and damages for arrests and related actions regarding the shutdown of the use of the City Hall lawn by Occupy LA; estimated class size is 300-400; class certified; \$2,675,000 settlement);

*Gail Marie Harrington-Wisely, et al. v. State of California, et al.*, Superior Court Case No.: BC 227373 (a case involving searches of visitors to California prisons utilizing backscatter x-ray methods without reasonable suspicion; injunctive relief class certified; stipulated injunction entered; partial reversal on appeal and case returned to Superior Court for determination of attorney's fees and discrete damages claims; case settled for approximately 15 individual damages claims decertified in light of certain liability determinations on appeal; injunctive relief attorneys' fee resolved for \$4.25 Million.)

*McKibben v. County of San Bernardino*, Case No.: EDCV 14-2171 - JGB (SPx) (certified class action for injunctive relief and damages for unequal treatment of Gay, Bisexual and Transgender jail inmates; class size of approximately 800 people; final approval of settlement for injunctive relief, class damages and attorneys' fees approved August 2019);

*Ofoma v. Biggers*, Case No.: 715400 (Complex Litigation Panel) (Orange County Superior Court)(family discrimination class action settled in 1996 for damages for the individual plaintiffs and the class of residents, a consent decree and an award of attorneys' fees);

*Francis, et al. v. California Department of Corrections, et al.*, Case No.: BC302856 (class action against the CDC(R) for the failure to reimburse inmates assigned to the restitution centers in Los Angeles for their obligations as ordered by the court. Case was successful in bringing about the restructuring of the CDCR's inmate accounting systems, and in the payment of restitution settlement in the amount of \$325,000.)

*People of the State of California v. Highland Federal Savings and Loan*, Case No.: CA 718 828 (Los Angeles Superior Court)(class action filed on behalf of the People of the State of California and a class of tenants residing in several slum buildings located in Los Angeles for financing practices encouraging and perpetuating slum conditions, settled for \$3.165 million after decision in *People v. Highland*, 14 Cal.App.4th 1692, 19 Cal. Rptr. 555 (1993) established potential liability for lenders);

*Hernandez v. Lee*, No.: BC 084 011 (Los Angeles Superior Court) (a class action on behalf of tenants of numerous buildings for slum conditions settled in 1998 for \$1,090,000);

*Mould v. Investments Concept, Inc.*, Case No.: CA 001 201 (Los Angeles Superior Court)(race discrimination class action on behalf of a class of applicants and potential housing applicants, settled in 1992 for a total of \$850,000 for the class and a comprehensive consent decree regarding the defendants' discriminatory policies and practices);

*California Federation of Daycare Association v. Mission Insurance Co.*, Case No.: CA 000 945 (Los Angeles Superior Court)(class action on behalf of several thousand family daycare providers whose daycare insurance policies were canceled mid-term or were not renewed by Mission Insurance Company, settled in 1980's for reinstatement of policies and attorney's fees; brought at request of Public Counsel).

**Pending Class Actions Where Class Certification has not yet been addressed:**

*Brewster v. City of Los Angeles*, Case No.: EDCV14-2257- JGB (SPx) (class action for injunctive relief and damages for 30 day impounds of cars without a warrant; dismissal reversed by Ninth Circuit; class certification motion and motion for preliminary injunction pending; case dismissed and currently on appeal);

*M.S. v. County of Ventura*, No. 2:16-CV-03084-BRO-RAO(x) (C.D. Calif.) (pending class action for injunctive relief and damages for failure to provide mental health treatment to criminal defendants held in jail and found incompetent to stand trial until their mental health is restored).

*Coordinated Proceeding, County Inmate Telephone Service Cases*, Case No: JCCP 4897 (Superior Court for the County of Los Angeles (nine pending class action complaints against nine counties coordinated in Los Angeles and consolidated into a single complaint alleging that the telephone charges to jail inmates and inmate callers constitute an unlawful tax under the California Constitution, seeking injunctive relief and damages; demurrer for lack of standing granted and appeal pending).

*Puente v. City of Phoenix*, Case 2:18-cv-02778-JJT (District of Arizona) (pending class action against the City of Phoenix for the unlawful breakup and use of force against several thousand people protesting President Trump's attendance at a rally in 2017; class certification motion argued and awaiting ruling).

**Multi-party Civil Rights Cases:**

*Hospital and Service Employees Union, SEIU Local 399, AFL-CIO v. City of Los Angeles* (Los Angeles Superior Court) (a settlement in 1993 of \$2.35 million against the Los Angeles Police Department for injuries to 148 demonstrators at Century City organized by the Justice for Janitors campaign of SEIU);

*Rainey v. County of Ventura*, Case No.: 96 4492 LGB (C.D. Calif.)(action against County of Ventura for race discrimination on behalf of 12 police officers, settled for damages, structural relief and attorney's fees);

*Lawson v. City of Los Angeles*, Case No.: BC 031 232 (Los Angeles Superior Court)(lawsuit filed in 1991 on behalf of individuals who had been subjected to what plaintiffs alleged were unlawful use of force practices by the Los Angeles Police Department's Canine Unit, settled in 1995 for \$3.6 million and comprehensive structural relief);

*Tipton-Whittingham v. City of Los Angeles*, Case No.: CV-94-3240 (TH)(C.D. Cal.)(sex discrimination and harassment suit against the Los Angeles Police Department, involving over 25 individual officers, as a result of which the Department has already completely revamped its anti-discrimination policies and procedures; damages claims settled for \$4.85 Million in 2004 in addition to separate fee award of nearly \$2 Million in 2000 for injunctive relief, resulting in decision in *Tipton-Whittingham v. City of Los Angeles* (2004) 34 Cal.4th 604, in which the California Supreme Court upheld catalyst fees under California law);

*Hampton v. NRG* (racial harassment in employment claim; jury verdict of \$1,000,000 for two former employees, plus award of attorney's fees and costs; settled in mid-'90's while on appeal);

*Zuniga v. Los Angeles Housing Authority*, 41 Cal.App.4th 2 (1995) (holding that the Housing Authority could be held responsible for injuries to tenants after the Housing Authority was put on notice that tenants were being victimized on the premises and took no reasonable measures to prevent the injury; case settled for \$1,040,000);

*PIN v. HACLA*, Case No.: CV-96-2810 RAP (RNBx)(action against the Housing Authority of the City of Los Angeles on behalf of several hundred present or former tenants for discrimination by failing to provide adequate security for isolated minorities in housing developments, settled in 1998 for \$1.3 Million plus a comprehensive structural relief settlement agreement);

*Heidy v. United States Customs Serv.*, 681 F.Supp. 1445 (C.D.Cal. 1988) (injunction against U.S. Customs Service for policies and practices of seizing materials from persons traveling from Nicaragua in violation of the First Amendment);

*Castaneda v. Avol* (Los Angeles Superior Court) (1985) (action on behalf of approximately 350 slum housing residents, settled in 1988 for a comprehensive injunction and \$2.5 Million damages, plus a separate award of attorneys' fees).

### **Individual Civil Rights Cases: Wrongful Conviction Cases**

*Craig Coley v. City of Simi Valley* (wrongful conviction case of man imprisoned for 39 years for crime he did not commit; settled pre-filing for \$21 Million; case handled jointly with Neufeld, Scheck & Brustin, who are based in New York);

*Frank and Nicholas O'Connell v. County of Los Angeles, et al.*, Case No.: 13-01905-MWF (PJWx) (C.D. Cal.) (civil rights cases for police failure to turn over exculpatory information and eyewitness manipulation, resulting in murder conviction; plaintiff spent 27 years in prison before his habeas petition was granted, and he was not re-tried; suit on behalf of son as well for denial of relationship with father as result of conviction; defendants' qualified immunity appeal rejected in *Carrillo/O'Connell v. County of Los Angeles*; \$15 Million settlement);

*Thomas Goldstein v. City of Long Beach et al.*, Case No.: 04-CV-9692 AHM (Ex) (C.D. Cal.) (civil rights cases for police failure to turn over exculpatory information regarding jailhouse informant perjury and eyewitness manipulation, resulting in murder conviction; plaintiff spent 24 years in prison before his habeas petition was granted, and he was not re-tried; brought in mid-way through the case to act as lead counsel; final settlement of \$7.95 Million approved by the Court; Ninth Circuit recently reversed dismissal of County/DA's Office, and case against DA settled for additional \$900,000);

*Bruce Lisker v. City of Los Angeles*, Case No.: CV 09-9374 AHM (AJW) (C.D. Cal.) (civil rights cases for police fabrication of evidence and failure to turn over exculpatory information, resulting in murder conviction; plaintiff spent 26 years in prison before his habeas petition was granted, and he was not re-tried; 9<sup>th</sup> Circuit affirmed district court's denial of immunity on 3/20/15; petition for en banc review denied; \$7.6 Million settlement).

Consulting counsel in wrongful conviction cases of *Franky Carrillo v. County of Los Angeles*, CV 11-10310-SVW(AGRx) (settled for \$10.1 Million), *Obie Anthony v. City of Los Angeles*, CV 12-01332-CBM (AJWx) (settled for \$8.3 Million) and *v. County of Los Angeles*, CV 13-07224-CBM (AJWx) (settled for \$890,000 and reform of DA practices), and *Harold Hall v. City of Los Angeles*, C.D. Cal. No. CV 05-1977 ABC, 9<sup>th</sup> Cir. No. 10-55770 (appeal from grant of summary judgment to Defendants affirmed).

#### **Other Individual Civil Rights Cases:**

*McClure v. City of Los Angeles*, No.: CV-92-2776-E (C.D. Cal.) (fair housing and equal protection case against City of Long Beach and its agents for preventing six group homes for Alzheimer's victims from opening; jury verdict of \$22.5 Million (reduced on remittitur to \$13,826,832) plus

approximately \$10,000,000 in attorney's fees and costs; settled while on appeal for \$20 Million);

*U.S. v. Hovsepien*, 359 F.3d 1144, 1147 (9<sup>th</sup> Cir. 2004)(en banc) (successful action to naturalize individuals previously convicted of conspiracy to bomb Turkish consulate in Philadelphia), aff'd en banc after remand, 422 F.3d 883 (9/6/05);

*Walker v. City of Lakewood*, 263 F.3d 1005 (9<sup>th</sup> Cir. 2001) (reversing district court decision dismissing fair housing organization's claim against city for retaliation for supporting tenants suing landlord; case subsequently settled for structural relief, damages and attorneys' fees);

*Tavelman v. City of Huntington Park* (individual employment discrimination case against the City on behalf of a Jewish police officer who had been subjected to a campaign of religious harassment which was settled in mid-'90's for \$350,000);

*Ware v. Brotman Medical Center* (Los Angeles Superior Court) (1993 \$2.5 million jury verdict against hospital for removal of hospital privileges of black doctor; settled for \$1.75 million);

*Mathis v. PG&E* (1991 \$2 million verdict against PG&E for barring contract employee from Diablo Canyon Nuclear Power Plant; reversed by the Ninth Circuit);

*Macias v. State of California* (Los Angeles Superior Court) (action against the State of California and others for blinding of young man as a result of exposure to malathion spray, a portion of which was decided in *Macias v. State of California*, 10 Cal.4th 844 (1994));

*Melgar v. Klee* (Los Angeles Superior Court) (1988) (\$1.5 million jury verdict against Los Angeles Police Department for police shooting; settled for \$1.45 million).

**Selected Civil Rights Decisions (from 1995 forward):**

*Aichele v. City of Los Angeles*, 2013 WL 2445195 (C.D. Cal. June 5, 2013);

*Amador v. Baca*, No. CV-10-1649 SVW, 2014 WL 10044904 (C.D. Cal. Dec. 18, 2014) (order certifying class [later decertified and then recertified]);

*Amador v. Baca*, No. CV 10-01649-SVW-JEM, 2017 WL 9472901 (C.D. Cal. June 7, 2017)(order granting summary judgment on liability to

Plaintiffs on behalf of class of women inmates who were strip/visual body cavity searched without privacy);

*Biggs v. Best, Best & Krieger*, 189 F.3d 989 (9<sup>th</sup> Cir. 1999);

*Bynum v. Dist. of Columbia*, 384 F.Supp.2d 342 (D.D.C. 2005);

*Bynum v. District of Columbia*, 412 F.Supp.2d 73 (D.D.C. 2006);

*Carrillo v. Cty. of Los Angeles*, 798 F.3d 1210 (9<sup>th</sup> Cir. 2015);

*Chua v. City of Los Angeles*, No. LACV1600237JAKGJSX, 2017 WL 10776036 (C.D. Cal. May 25, 2017) (Order certifying class);

*Craft v. Cnty. of San Bernardino*, EDCV 05-359 -SGL, 2006 WL 4941829 (C.D. Cal. Mar. 23, 2006);

*Craft v. County of San Bernardino*, 468 F.Supp.2d 1172 (C.D.Cal. 2006);

*Craft v. Cnty. of San Bernardino*, 624 F. Supp. 2d 1113 (C.D. Cal. 2008);

*Goldstein v. City of Long Beach*, 603 F. Supp. 2d 1242 (C.D. Cal. 2009);

*Goldstein v. City of Long Beach*, CV 04-9692AHM, 2010 WL 3952888 (C.D. Cal. Apr. 9, 2010)

*Goldstein v. City of Long Beach*, 715 F.3d 750 (9<sup>th</sup> Cir. 2013)

*Haynie v. Superior Court*, 26 Cal.4th 1061 (Cal. S. Ct. 2001);

*Jones v. Murphy*, 256 F.R.D. 519 (D. Md. 2009)

*Jones v. Murphy*, 470 F.Supp.2d 537 (D.Md. 2007);

*Jones v. Murphy*, 567 F. Supp. 2d 787 (D. Md. 2008);

*West v. Murphy*, 771 F.3d 209 (4<sup>th</sup> Cir. 2014)

*Lisker v. City of Los Angeles*, CV 09-09374 AHM AJWX, 2011 WL 3420665 (C.D. Cal. Aug. 4, 2011);

*Lisker v. City of Los Angeles*, CV 09-09374 AHM AJWX, 2012 WL 3588560 (C.D. Cal. Aug. 20, 2012);

*Lisker v. City of Los Angeles*, 2:09-CV-09374-ODW, 2014 WL 293463 (C.D. Cal. Jan. 27, 2014)

*Lisker v. City of Los Angeles*, 780 F.3d 1237 (9<sup>th</sup> Cir. 2015)

*Lopez v. Youngblood*, 609 F.Supp.2d 1125 (E.D.Cal. 2009);

*Lopez v. Youngblood*, 2011 WL 10483569 (E.D. Cal. Sept. 2, 2011)

*Macias v. State of California*, 10 Cal.4th 844 (Cal. S. Ct. 1995).

*Mathis v. Pacific Gas and Elec. Co.*, 75 F.3d 498 (9<sup>th</sup> Cir. 1996);

*Multi-Ethnic Immigrant Workers Org. Network v. City of Los Angeles*, 2009 WL 1065072 (C.D. Cal. Mar. 19, 2009)

*Nozzi v. Hous. Auth. of City of Los Angeles*, 425 F. App'x 539, 540 (9<sup>th</sup> Cir. 2011)

*Nozzi v. Hous. Auth. of City of Los Angeles*, 806 F.3d 1178 (9<sup>th</sup> Cir. 2015), *as amended on denial of reh'g and reh'g en banc* (Jan. 29, 2016)

*Powell v. Barrett*, 376 F.Supp.2d 1340 (N.D.Ga. 2005);

*Powell v. Barrett*, 496 F.3d 1288 (11<sup>th</sup> Cir. 8/23/07)

*Powell v. Barrett*, 541 F.3D 1298 (11<sup>th</sup> Cir. 2008) (en banc) [overruling a portion of the preceding panel decision; after remand to the panel, remaining issues remanded to the District Court];

*Rodriguez v. Cty. of Los Angeles*, 96 F. Supp. 3d 1012 (C.D. Cal. 2014), *aff'd*, 891 F.3d 776 (9<sup>th</sup> Cir. 2018) (order awarding 5,378,174.66 in attorney's fees);

*Rodriguez v. Cty. of Los Angeles*, 891 F.3d 776, 784 (9<sup>th</sup> Cir. 2018) (upholding jury verdict for LASD inmates beaten in violation of the Eighth Amendment and attendant award of attorney's fees);

*Roy v. Cty. of Los Angeles*, No. CV1209012ABFFMX, 2018 WL 3435417 (C.D. Cal. July 11, 2018) (grant of motion to modify class definition);

*Roy v. Cty. of Los Angeles*, 114 F. Supp. 3d 1030, 1032 (C.D. Cal. 2015) (granting part and denying in part motion for judgment on the pleadings);

*Roy v. Cty. of Los Angeles*, No. CV1209012ABFFMX, 2018 WL 914773, at \*1 (C.D. Cal. Feb. 7, 2018), *reconsideration denied*, 2018 WL 3439168 (C.D. Cal. July 11, 2018) (order granting in part summary judgment on liability);

*Roy v. Cty. of Los Angeles*, No. CV1209012ABFFMX, 2018 WL 3436887 (C.D. Cal. July 11, 2018) (order denying decertification of class);

*Silva v. Block*, 49 Cal.App.4th 345 (1996);

*Streit v. County of Los Angeles*, 236 F.3d 552 (9<sup>th</sup> Cir. 2001);

*Tipton-Whittingham v. City of Los Angeles*, 316 F.3d 1058 (9<sup>th</sup> Cir. 2003);  
*Tipton-Whittingham v. City of Los Angeles*, 34 Cal.4th 604 (2004);  
*U.S. v. Hovsepian*, 359 F.3d 1144 (9<sup>th</sup> Cir. 2004) (en banc);  
*U.S. v. Hovsepian*, 422 F.3d 883 (9<sup>th</sup> Cir. 2005) (en banc);  
*Walker v. City of Lakewood*, 272 F.3d 1114 (9<sup>th</sup> Cir. 2001);  
*Zuniga v. Housing Authority*, 41 Cal.App.4th 82 (1995);