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# **EXHIBIT A**

# DAVONTAE ROSS DECLARATION

I Davontae Ross Swear and affirm ~~the~~  
under penalty of perjury that the following  
information is true and correct:

I am a 24 year old black man.

I was arrested on Thursday, April 11, 2019,  
~~there~~ at about 8:30am outside  
my apartment.

I went to ~~me~~ Mound around 9:00am.

I spent the night locked up at  
Mound.

The next morning I had my video  
arraignment.

I was told to stand in front of the  
Seal and look at the camera.

The arraignment was very fast.

Bail was set at \$200 cash or surety for an old ticket for staying in the park after dark. The judge described it as entering property after dark.

This ticket was very old, based on events from around 2014.

The judge never asked if I could afford to pay.

The judge said that if I don't have \$200, I have to stay in jail until my next court date.

I cannot afford to pay the bond amount because I am unemployed. My fiancée and I rely on government assistance like food stamps and WIC.



I don't have a lot of family support.

The judge did not give me any reasons why she set the bond at \$200.

There was no lawyer representing me at the arraignment. I cannot afford to hire a lawyer.

I have been in jail for 2 days.

I have lost weight since I have been in jail.

During the time I've been in jail I have missed an appointment with child protective services, my GED classes, and a job interview.

If I stay in jail, I will not be able to provide for my children who are two years old and and 3 months old.

My fiance needs me, and I miss her.

I gave Laura Beth Cohen permission to handwrite this statement. I have reviewed this statement with her and it is true and correct.

I sign this statement under penalty of perjury.

April 13, 2019  
Date

Darontae K. Ross  
Signature

# **EXHIBIT B**



## Timothy Lucas Declaration

I, Timothy Lucas, swear and affirm under penalty of perjury, is true and correct:  
that the following

1. I am a 65 year old Black man.

2. I was arrested, on Tuesday, April 9 around 2pm for assault and battery, a misdemeanor. I was arrested at the rooming house where I live. I live in my own room in the house, and about 13 other families or individuals live in other rooms in the house.

3. I went to the Detroit Detention Center around 3pm. I was held there for about 72 hours before being arraigned.

4. I was arraigned on Friday afternoon, April 12. I saw the judge on a TV/Video. The jail officer told me to stand at the black stripe in front of the seal.

5. The judge read me the charge against me and the penalty and the bond amount. The judge only asked me if I understood what she said. She talked very fast and the



video was muffled. I tried to say something but she didn't care what I was saying. The arraignment was very fast, 2 or 3 minutes, and she ~~was~~ tried to hurry up.

6. The judge said my bond amount was \$3500/10%.

7. I cannot afford to pay the bond amount because I am unemployed and disabled. I have been on disability for over ten years, <sup>of \$800 per month</sup> and was on SSI before that. I receive disability because I have gran mal seizures, and my last gran mal seizure was about one year ago. I am under doctor's care and have been under the same doctor's care since 2003 when I had my first gran mal seizure. I've been taking doctor-prescribed medication twice a day since then, with food. In the DDC I got medication twice a day of the right dosage, but not 8 hours apart or with food as instructed by my doctor. Since arriving at the Wayne County Dickerson jail on Friday afternoon I have not received any medication, even though I've asked. The last time I received my medication was around 8am on Friday morning at the DDC. It's been over 24 hours since I received my medication.

8. I also had a stroke in 2016, and take blood pressure medication for that. I take two medications, two times a day, for that condition. I have a separate specialist for this hypertension. I have not received my blood pressure medication since arriving at Dickerson. I also have an enlarged heart and asthma. For the asthma, I use an inhaler every day. The inhaler is in my property and I don't have access to it. I also take advair twice a day for a narrow windpipe, which is part of my asthma problem. My advair is at home and I have no access to it either. I also have no access to my breathing machine, which is in my home.

9. If I stay in jail because because I can't pay the bond, I will not be able to get my things from my room, including my deceased mom's, sisters', and wife's obituaries and my photo album. I can't get my medication. All of my medical records and personal documents are there.

10. The judge did not ask me any questions about my income, monthly expenses or if I could afford the set bond amount.

11. The judge did not tell me any reasons

why she set my bond amount at \$3500/10%.

T.L. ~~12. The judge did not tell me any reasons why she set my bond amount at \$3500/10%.~~

12. I have no prior criminal convictions.

13. The judge did not tell me that there were other options to get out of jail besides paying a cash bond.

14. There was no lawyer to represent me at the arraignment.

15. I cannot afford to hire a private lawyer.

16. I did not receive any paperwork after the arraignment.

17. I have been in jail for 4 days.

18. I gave Philip Mayor permission to handwrite this statement. I reviewed it with Philip Mayor and Twyla Carter and it is true & correct.

I sign this statement under penalty of perjury.

Date 4-13-19

Timothy Lucas  
Signature



# **EXHIBIT C**

I Farmarine Jackson swear and confirm under penalty of perjury the the following information is true and correct:

I am 24 years old.

I was arrested Monday April 8 in my car in the passenger side. I thought I was arrested for traffic tickets. I learned later I was arrested for felony charges. I went to Macomb County jail and I was booked and Detroit came and got me because the warrants were in Detroit.

Detroit took me to DSC  
on Maund. That's when I  
learned more about my traffic  
tickets and charges.

No one said anything about  
bond. My sisters tried calling but  
could not get any information.  
For two days, my family could  
not find me.

I was arraigned on Tuesday  
for my tickets. The guards took  
me to the room and said I  
would be arraigned. Everyone  
said they didn't know anything



about my case and I had to talk the judge.

The judge told me about my tickets, my bond amount and my next court date.

I was not allowed to ask any questions. If I did, the judge said it could be used against me in a court of law.

I had questions but could not ask them.

No one asked if I could afford the bond.

The arraignment was quick. I did not talk except for yes man to the judge.

After arraignment, the officer told me my bond & my court date. My bond was \$200. I could not afford it.

I was arraigned the next day on felony charges. By a different judge. The process was exactly the same - \*in and out. The judge told me the charges, my bond and next court date.

I was not allowed to ask any questions. The judge said anything I say could be used



against me. The bond was \$500. I could not afford it. I was not asked if I could afford it.

I cannot afford my bonds because I am recently unemployed. I was supposed to begin my new job at a nursing home as a CNA (cert nursing asst) on Wednesday April 10. I could not start because I was locked up. I have not been able to call my new employer to explain my absence.



My kids are 5 and 3. I am the only provider. I pay all the bills - rent, gas, lights, ~~gas~~<sup>water</sup>, food, clothes, shoes, + School supplies. My monthly expenses are about \$900 a month. Some times I have to decide what bills to pay because I can't afford to pay them all. I don't get child support. My only income is my job and government housing assistance. The judge did not ask about my income or my bills.

The judge did not say why she set the bond at \$500.

I understand to go home I have to bond out. No one told me there is another way to get out. There was not a lawyer at the arraignment.

I cannot afford a private lawyer.

I have been in jail since Monday. I am legally blind in my left eye. I have glasses I need to wear <sup>to</sup> see. I do not have them with me. I cannot see ~~out~~ out of my left eye. I come in at 130 lbs. I'm now 100 lbs.



It's hard for me to hold weight and I've lost  
30lbs in 5 days.

By being inside because I  
can't afford bond, I missed my  
first day at my new job, I'm  
not home with my kids, my 5  
year old is missing school, & my  
bills aren't getting paid.

I gave Heather Cornelison permission  
to handwrite this statement I  
reviewed it - she read it all to  
me and I saw it ~~and it is true and correct~~  
and it is true and correct  
I sign this statement under penalty  
of perjury

Date:

4/12/19

Signature: Jennifer W



# **EXHIBIT D**

DECLARATION OF KUSHAWN MOORE, JR.

I, Kushawn Jovan Moore, Jr., swear and affirm, under penalty of perjury, that the following information is true and correct:

1. I am a 17-year-old black male. I will turn 18 on September 27, 2019.
2. I was arrested on Wednesday, April 10, 2019, for armed robbery, a felony. I was arrested at my dad's house, where I live with my parents. I was born and raised in Detroit, on the east side.
3. I have no prior criminal ~~ex~~ history.
4. I went to the Detroit Detention Center (DDC) at approximately 8:00 pm.
5. The jail officers did not believe me when I told them I was 17 years old. They called me names and handcuffed me to a bench. They told me I could make a phone call but they never let me do it.
6. No one at DDC told me anything about what was going to happen next.



7. I was taken to my arraignment and I only saw the judge by video. She asked me my name, and then she talked so fast I couldn't understand anything she said except that my bond was \$50,000, no 10%.

8. The arraignment lasted about one minute, 30 seconds, which was too fast for me.

9. I did not understand the maximum penalty because she said it so fast.

10. I cannot afford to pay the bond because I don't have a job. I quit my job making minimum wage at McDonalds to focus on school. I go to Ace Academy, I'm in the eleventh grade, with a 2.9 GPA, and I will graduate in 2020. I have my first baby coming by C-section scheduled for August 19, 2019.

11. My parents cannot afford to pay \$50,000 for my bond.

12. The judge did not ask me any questions about if I had a job, go



to school, or anything. The judge did not ask me any questions except my name.

13. The judge did not tell me any reasons why she set my bond at \$50,000.

14. The judge did not tell me that there were other options to get out of jail besides paying a cash bond.

15. There was no lawyer to represent me at the arraignment.

16. I have been in jail for 2 days.

17. If I stay in jail because I can't afford to pay the bond amount, then I will not be able to see my family, including my baby mama, my parents, my sister, my little brother who looks up to me, and I will not be able to go to school. I had tests yesterday and today. I will not be able to go to doctor appointments for my baby. I was supposed to go to a doctor's appointment for my baby yesterday.

18. I feel stressed and depressed. I cannot take care of my son if I am in here. I cannot continue my education while I am in here.

19. I gave Daniel Korobkin permission to handwrite this statement. I reviewed this statement with Twyla Carter and Daniel Korobkin, my lawyers, and it is true and correct.

I sign this statement under penalty of perjury.

Date: April 12, 2019

Kushawn Moore, Jr.  
Kushawn Moore, Jr.



# **EXHIBIT E**



I Asia Nixon swear and  
affirm under penalty of perjury  
that the following information is  
true and correct:

I am a 20 year old woman.  
I was arrested on April 10, 2019  
for assault. about 9:00pm. I was  
3 houses down from my home.

I went to DSC on Mound. They  
told me I was in for assault.

On the ~~third~~<sup>second</sup> day I was there, the  
officers told me I was going to  
see a judge.

The officers walked me down, put

me in a holding cell and got me  
for my arraignment.

I went into a room with  
a video screen. The judge spoke  
very quickly. Very fast and I  
could barely understand what she was  
saying. I heard her say I had  
an assault with a deadly weapon  
charge. This was the first time I  
heard I had that charge.

I could not ask any questions.  
I asked the officer, who said I  
could find out details when I  
went to the County and my bond

(2)

amount - \$10,000 10%.

I cannot afford \$1,000 because I am unemployed. I was scheduled to start my new job at Family Dollar on Friday (yesterday). I was just hired but could not show up.

I have an interview appointment with Cedar Point for a job <sup>and</sup> ~~that~~ includes ~~training~~ on April 15. I have already been hired.

My bills include regular living expenses and I don't have any money in my bank account. I don't have family or friends who



<sup>me</sup>  
can afford to bond out.

The judge did not ask me  
any questions about my income, monthly  
expenses or if I could afford the  
set bond amount. I have never been in <sup>trouble</sup> before.

The judge did not tell me  
any reasons why he set my bond  
amount. at \$10,000 10%

There was no lawyer to represent  
me at the arraignment proceeding.

~~The~~ I cannot afford to hire  
a private lawyer.

I have been in jail for 4  
days. If I stay in jail

(4)

because I can't afford to pay  
 the bond amount, then I will  
 lose my job at Family Dollar, lose  
 my job at Cedar Point, cannot  
 see my kids on visits and cannot  
 contact the foster system that I  
 work with to visit my kids.

I gave Heather Carretson  
 permission to handwrite this statement  
 I reviewed this statement with  
 Heather Carretson and it is true  
 and correct. I sign this statement  
 under penalty of perjury.

⑤

Date:

4-13-19

Sybil Asia Dixon

# **EXHIBIT F**



I Keith Lovell Wilson, swear and affirm under penalty of perjury that the following information is true and correct:

1. I am a 46-year-old man. I was arrested on Thursday, April 11, 2019 around 9:00<sup>09:30</sup> a.m. for assault with intent to do great bodily harm, a felony. I went to Mound around 10:00 ~~around~~ a.m. (at)
2. Holding cell (at) Friday, April 12, 2019 the guard took me to a large ~~cell~~ with other men. The guard took me to stand (at) ~~in front of~~ in front of (at) video camera and screen to ~~see~~ see the judge. (at) I could hear everyone's video appearance before me. I knew the judge talked fast because I heard people go before me. The guard told me to stand behind the line and to just hear what the judge had to say.
3. The judge was talking fast. I could understand some things but not others. I felt as if I was ~~unable~~ (at) not able to say anything. She asked if I understood and I just said yes. But I really only understood some of it.
4. The judge told me the bond was \$25,000, 10% but she did not ask me if I could pay it. She did not ask me whether I had an income or my monthly expenses. The judge did not tell me any reasons why she set my bond amount at \$25,000, 10%. I cannot afford to pay the bond because my social security income is too low and I have to pay rent and pay bills.
5. There was no lawyer to represent me at the bail process. The judge told me that I could have a lawyer, but I did not think I could ask for one for the bail proceeding.

6. I cannot afford to hire a private lawyer.

7. I have been in jail for three days. If I stay in jail because I cannot afford to pay the bond amount then I might lose my apartment because I cannot pay rent.

I gave Amia Trigg permission to handwrite this statement. I reviewed this statement with Amia Trigg and it is true and correct.

I sign this statement under penalty of perjury.

4-13-19  
Date.

Aedra Wilson  
Signature

# **EXHIBIT G**



I Katrina Gardner swear  
and affirm under penalty of perjury  
that the following information is  
true and correct:

I am a 26 year old female.  
I was arrested on Wednesday April 10  
for an assault at about

1:30pm at my kids' aunt's house.  
I went to ADC on Mond.

I saw the judge on Friday for  
a video arraignment.

I could not understand  
what he was saying. He was

①

going so fast all I heard

was numbers and 10.

I asked about my bond & he said the officer will tell me.

I did not understand what was happening - he was going too fast.

The judge did not ask me any questions - when I left I asked about my bond and that's when he said the officer will let me know.

My bond is \$600<sup>00</sup>. I cannot afford it. I work

at Checkers and have expenses

②

of renting a room for me and my 3 kids, school supplies and transportation. I have no money in savings and my friends & family do not have the money to bail me out.

The judge didn't ask questions about my income or expenses.

I don't know why he set the amount he did.

The judge did not tell me there are other options to get out of jail besides paying a cash bond.

③



There was no lawyer to represent me. I cannot afford to hire a private lawyer.

I have been in jail for 4 days. Because I can't afford my bond, I am missing work - that I just started on Monday. I can't stay with and care for my kids - I have full custody of my 6 - 4 year old and joint custody of my 5 year old. I will miss taking my kids to their dentist appointments and a medical visit for my leg

(4)

for  
with her  
old ~~adverse~~ ADHD diagnosis.

I gave Heather Carotson permission  
to handwrite this statement. I  
reviewed this statement with  
Heather Carotson and it's true  
and correct.

I sign this statement under  
penalty of perjury.

Date: 4-14-19

Signature: *Patricia Perovich*

5

# **EXHIBIT H**



## **DECLARATION OF RICHARD J. GRIFFIN**

I, Richard James Griffin, declare as follows:

1. I am a resident of Detroit, MI. I live at 6533 Ashton Ave. I am currently unemployed.
2. I understand that the American Civil Liberties Union of Michigan (“ACLU”) may use this declaration in connection with a lawsuit that addresses bail practices in Detroit. I have not been compensated, nor have I been promised any compensation, by the ACLU for providing this statement. I am providing it of my own free will in order to tell my story.
3. On February 27, 2019, I was arrested and charged with a felony for possession of a concealed weapon without a license. After being arrested, I was transported to the Detroit Detention Center on Mound Road (“DDC”). I was held at the DDC up until the date of my arraignment, which occurred on March 1, 2019.
4. The arraignment occurred by video, with me and other people who had been arrested for various matters in a room at the DDC. The judge who arraigned us was in a courtroom. (I have now been told that the person who arraigned me was a magistrate, but the guards referred to her as a judge.)
5. Before the video connection to the courtroom began, the guards at the DDC spoke to me and the other people who were about to be arraigned. They instructed us that the purpose of the arraignment was for the judge to enter a not

guilty plea for us. The guards told us that this was not the time to tell our story to the judge, that we should not ask the judge any questions, and that we should just answer yes or no when asked questions by the judge.

6. Prior to being arraigned, I was not offered a chance to request that the government appoint a lawyer on my behalf. I could not (and still cannot) afford to hire a lawyer. As a result, I did not have a chance to speak with a lawyer before my arraignment.

7. At the arraignment, the judge read me my rights and asked if I understood those rights. I responded that I did. The judge also read the charge against me and the possible penalty and asked if I understood the charges. I responded that I did. The judge did not ask me any other questions other than my name, and I did not ask any questions of the judge, just as we had been instructed by the DDC guards.

8. The judge set bail in my case at \$7500/10%. When she did so, she did not ask me any questions about whether I could afford to pay bail.

9. I did not learn that I had been assigned a court-appointed lawyer until the first hearing on my felony case, which occurred on March 14, 2019. At that time, a lawyer entered the courtroom while I was waiting for my hearing and called my name out loud. When I identified myself as Richard Griffin, the lawyer introduced himself as my court-appointed lawyer.

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

Executed on this 8 day of April, 2019.



RICHARD JAMES GRIFFIN



# **EXHIBIT I**

**DECLARATION OF JUDITH LOWITZ ADLER  
IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

I, Judith Lowitz Adler, declare as follows:

1. I am an attorney licensed to practice law in Michigan (P43586). I have been practicing law for 37 years. This declaration summarizes my experiences observing arraignments at Michigan's 36th District Court on April 1, 2, and 5, 2019.

2. I observed the afternoon arraignment sessions on each of the three days in question. I did so at the request of attorneys from the American Civil Liberties Union Fund of Michigan.

3. On the afternoon of April 1, 2019, Magistrate Dawn White presided. On the afternoon of April 2, 2019, Magistrate Jeffrey Kleparek presided. On the afternoon of April 5, 2019, Chief Magistrate Bari Blake Wood presided. None of the magistrates stated their names for the record, but I was able to glean which magistrate was which based on their photographs on the 36th District Court's webpage and based on comments by court staff.

4. With the exception of eleven arraignments that involved individuals who were present in person, all of the arraignments were conducted via a video connection between the courtroom and detention facilities in Wayne County, mostly the Detroit Detention Center ("DDC").

5. None of the individuals who were arraigned while I was observing were represented by court-appointed defense counsel. Instead, each unrepresented individual was told by the arraigning magistrate that he or she had the right to an attorney at hearings that would occur in the future, and that one would be provided for the individual if he or she could not afford an attorney.

6. I witnessed 98 arraignments. In 93 of the 98 the arraignments, the individual being arraigned did not have the assistance of counsel. These uncounseled arraignments typically lasted approximately 3 minutes. The vast majority of the time at each arraignment was devoted to the magistrate reading the charges and possible sentences and informing the arraigned individual of his or her rights. The reading of the charges and rights occurred so quickly that it was difficult for me to catch every detail despite my legal training and despite observing many arraignments. It seemed to me that the magistrates had no interest in being understood but in just finishing the arraignment as quickly as they could. The bail-setting portion took less than a minute in most cases, and it seemed to me that there was no thought or real consideration being given to the arrestee's individualized circumstances when bail was set.

7. In the vast majority of arraignments in which the individual being arraigned was not represented, the arraigning magistrate asked the individual to speak on only three occasions: once at the beginning to state his or her name, once



in response to a yes/no question about whether he or she understood his or her rights, and once in response to a yes/no question about whether he or she understood the charges against him or her and the possible sentence.

8. As part of each arraignment, the magistrate set a date for an initial hearing in front of a district judge. Depending on the type of case, the initial hearing was called either a probable cause conference, a pre-trial hearing, or a review hearing. In any event, in no case was the initial hearing scheduled for less than seven days from the arraignment, and on average the next hearing was approximately 10 days later.

9. The bail-setting portion of the arraignment moved very quickly. Out of the 93 uncounseled arraignments I observed, 2 moved so quickly that I was unable to determine with certainty whether cash bail was imposed. Of the remaining 91, cash bail was imposed in 78 cases (85.7%). By cash bail, I mean that the magistrate either imposed a cash, cash/surety, or 10% bond such that the individual being arraigned would have to pay money in order to be released from jail. I do not include individuals who were given personal recognizance bonds or unsecured appearance bonds as having had cash bail imposed.

10. In the vast majority of cases, the magistrates did not ask questions of the unrepresented individuals being arraigned during the bail-setting phase unless that individual affirmatively spoke up in a way that demanded follow-up. None of

the magistrates asked any individual being arraigned without counsel whether the individual could afford bail.

11. In the 78 unrepresented cases in which cash bail was imposed, the magistrates did not make a finding that the bail was affordable for the individual being arraigned in any case. Similarly, the magistrates did not make an individualized finding on the record that the individual posed an unusual flight risk based on clear and convincing evidence in any case. Nor did the magistrates make an individualized finding on the record in any case that the individual presented an identified and articulable danger to others. Finally, the magistrates did not make an individualized finding on the record in any case that non-financial release conditions would not be able to adequately address any flight risk or danger to the community. In no instance did the magistrate affirmatively provide an opportunity for the individual being arraigned to comment on the nature of the offense, their criminal history, or the facts alleged in the investigator's report or pre-trial services report. Similarly, in no instance did the magistrate affirmatively provide an opportunity for the individual being arraigned to comment on their ability to pay bail, their appearance at future court hearings as required, or whether they presented a danger to the public.

12. To the contrary, the magistrates appeared to disregard ability to pay even if the individual being arraigned tried to bring it up uninvited. For example,

in one arraignment on April 5, 2019, Chief Magistrate Bari Blake Wood imposed bail of \$5000/10% on an individual accused of feloniously assaulting a co-worker. The individual spoke up to request that her bond be reduced because she was unemployed as a result of the same incident—a fact which, it seems to me, would also tend to show that there was minimal danger of a repeat incident for the alleged victim. But the Chief Magistrate refused to adjust bail.

13. In cases in which the individual was being arraigned because of a failure to appear at a prior hearing, I repeatedly heard the magistrates inform the individual that the magistrate lacked the power to reconsider the bond at all.

14. After setting bail, the magistrate instructed the individual being arraigned to step away from the camera without asking if the individual had any questions or comment about his or her bail.

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

Executed on this 8th day of April, 2019.

  
JUDITH LOWITZ ADLER



# **EXHIBIT J**

**DECLARATION OF MELISSA BRUZZANO  
IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

I, Melissa Bruzzano, declare as follows:

1. I am an attorney licensed to practice law in Michigan (P73602). I have been practicing law for 26 years. This declaration summarizes my experiences observing arraignments at Michigan's 36th District Court on April 1–5, 2019.

2. I observed the morning arraignment session each day of the week in question.<sup>1</sup> I did so at the request of attorneys from the American Civil Liberties Union Fund of Michigan.

3. On the morning of April 1, 2019, Magistrate Laura A. Echarte presided. On the morning of April 2, 2019, Chief Magistrate Bari Blake Wood presided. On the mornings of April 3 and 4, 2019, Magistrate Millicent Sherman presided. On the morning of April 5, 2019, Magistrate Jeffrey Kleparek presided. None of the magistrates stated their names for the record, but I was able to glean which magistrate was which based on their photographs on the 36th District Court's webpage and based on comments by court staff.

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<sup>1</sup> On Thursday, April 4, the morning session began late because much of the court was closed due to Opening Day for the Detroit Tigers. As a result, the "morning session" carried on into the afternoon. I observed the arraignments that occurred in the morning, and I understand that another observer viewed the "morning" arraignments that occurred in the afternoon.

4. With the exception of a few arraignments<sup>2</sup> that involved individuals who were present in person, all of the arraignments were conducted via a video connection between the courtroom and detention facilities in Wayne County, mostly the Detroit Detention Center (“DDC”).

5. None of the individuals who were arraigned while I was observing were represented by court-appointed defense counsel. Instead, each unrepresented individual was told by the arraigning magistrate that he or she had the right to an attorney at hearings that would occur in the future, and that one would be provided for the individual if he or she could not afford an attorney.

6. I witnessed 123 arraignments. In 118 of the 123 the arraignments, the individual being arraigned did not have the assistance of counsel. These uncounseled arraignments typically lasted approximately 2–3 minutes. The vast majority of the time at each arraignment was devoted to the magistrate reading the charges and possible sentences and informing the arraigned individual of her rights. The reading of the charges and rights occurred so quickly that it was difficult for me to catch every detail despite my legal training and despite

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<sup>2</sup> I did not record the precise number or results of in-person arraignments on April 1–3, but I do not believe it was more than 5 total. There were 4 on April 4–5. The remaining statistics below exclude the in-person arraignments from April 1-3. However, the arraignments were similar in all relevant respects to the ones described below: none of the individuals being arraigned in person were asked if they could afford bail and none of the individualized findings described below were made.



observing many arraignments. It seemed to me that the magistrates had no interest in being understood but in just finishing the arraignment as quickly as they could. The bail-setting portion took less than a minute in most cases, and it seemed to me that there was no thought or real consideration being given to the arrestee's individualized circumstances when bail was set.

7. In the vast majority of arraignments in which the individual being arraigned was not represented, the arraigning magistrate asked the individual to speak on only three occasions: once at the beginning to state her name, once in response to a yes/no question about whether she understood her rights, and once in response to a yes/no question about whether she understood the charges against her and the possible sentence.

8. As part of each arraignment, the magistrate set a date for an initial hearing in front of a district judge. Depending on the type of case, the initial hearing was called either a probable cause conference, a pre-trial hearing, or a review hearing. In any event, in no case was the initial hearing scheduled for less than seven days from the arraignment, and on average the next hearing was between 11–12 days later.

9. The bail-setting portion of the arraignment moved very quickly. Out of the 118 uncounseled arraignments I observed, 2 individuals were denied pretrial release without any opportunity to post bail in any amount, cash bail was imposed

in 100 instances, and only 16 were released without a requirement that they pay cash bail. Thus, of the individuals the court treated as eligible for bail, 86.2% had cash bail imposed. By cash bail, I mean that the magistrate either imposed a cash, cash/surety, or 10% bond such that the individual being arraigned would have to pay money in order to be released from jail. I do not include individuals who were given personal recognizance bonds or unsecured appearance bonds as having had cash bail imposed.

10. In the vast majority of cases, the magistrates did not ask questions of the unrepresented individuals being arraigned during the bail-setting phase unless that individual affirmatively spoke up in a way that demanded follow-up. None of the magistrates asked any individual being arraigned without counsel whether the individual could afford bail.

11. In the 100 cases in which cash bail was imposed, the magistrates did not make a finding that the bail was affordable for the individual being arraigned in any case. Similarly, the magistrates did not make an individualized finding on the record that the individual posed an unusual flight risk based on clear and convincing evidence in any case. Nor did the magistrates make an individualized finding on the record in any case that the individual presented an identified and articulable danger to others. Finally, the magistrates did not make an individualized finding on the record in any case that non-financial release

conditions would not be able to adequately address any flight risk or danger to the community. In no instance did the magistrate affirmatively provide an opportunity for the individual being arraigned to discuss the nature of the offense, their criminal history, or the facts alleged in the investigator's report or pre-trial services report. Similarly, in no instance did the magistrate affirmatively provide an opportunity for the individual being arraigned to comment on their ability to pay bail, their appearance at future court hearings as required, or whether they presented a danger to the public.

12. To the contrary, the magistrates appeared to disregard ability to pay even if the individual being arraigned tried to bring it up uninvited. In one instance on April 5, for example, an individual who was arraigned in person told the court officer who was escorting her back to be fingerprinted that she could not afford the \$10,000/10% bail that had been set in her case. The comment was audible throughout the courtroom, but Magistrate Kleparek did not comment or invite the individual to return to the podium for further questioning. Similarly, on April 4, another individual attempted to inform the magistrate that he could not afford the \$75,000/10% bond that was set in his case and would lose his job. Magistrate Sherman did not ask any follow up questions or consider any alternate non-financial release conditions in response, and she did not adjust the bond. And on April 1, an individual accused of entering a property without consent (a



misdemeanor) spoke up to tell Magistrate Echarte that he was homeless and had just been released a couple of days ago. Magistrate Echarte nonetheless imposed bail of \$1000/10%.

13. In cases in which the individual was being arraigned because of a failure to appear at a prior hearing, I repeatedly heard the magistrates inform the individual that the magistrate lacked the power to reconsider the bond at all. For example, one individual previously accused of misdemeanors for public urination and a gambling-related offense had missed a competency hearing in his misdemeanor case. The magistrate imposed the \$5100 cash/surety bond set by the judge who was supposed to preside over the competency hearing and stated that she could not reconsider the bond, even though the individual spoke up to say that he was unable to pay. The man, who was speaking through a translator and appeared to possibly have mental health challenges, asked, “Will I leave jail today?” The judge responded, “You are going to stay in jail because of the bond.”

14. After setting bail, the magistrate instructed the individual being arraigned to step away from the camera without asking if the individual had any questions or comment about his or her bail.

15. It was clear to me that arraignments with attorneys were conducted differently, and more thoughtfully, for the individuals being arraigned. In particular, in all of the arraignments with lawyers, and *only* in the arraignments

with lawyers, the judges asked for argument on the issue of bond, and the lawyers were able to advocate for their clients.

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

Executed on this 9th day of April, 2019.

  
MELISSA BRUZZANO

# **EXHIBIT K**

**DECLARATION OF NOEL SALEH  
IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

I, Noel Saleh, declare as follows:

1. I am an attorney licensed to practice law in Michigan (P26594). I have been practicing law for 43 years. This declaration summarizes my experiences observing arraignments at Michigan's 36th District Court on April 3 and April 4, 2019.

2. I observed the following arraignment sessions at the 36th District Court: the Wednesday, April 3, afternoon arraignments and the Thursday, April 4, afternoon arraignments.<sup>1</sup> I did so at the request of attorneys from the American Civil Liberties Union Fund of Michigan.

3. On April 3, 2019, I believe that Magistrate Laura A. Echarte presided. On April 4, I believe that Magistrate Millicent Sherman presided. (Neither stated her name, so I attempted to identify both from their photographs on the 36th District Court's webpage.)

4. With the exception of four arraignments that involved individuals who were present in person, all of the arraignments were conducted via a video

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<sup>1</sup> I arrived on Thursday, April 4 to observe the afternoon arraignments, and was informed that the Court would be closed in the afternoon because of Opening Day for the Detroit Tigers. However, the morning arraignments had begun late in the morning, so I observed the arraignments from the "morning" session that occurred in the afternoon.



connection between the courtroom and a detention facility that I understand to have been the Detroit Detention Center (“DDC”).

5. None of the individuals who were arraigned while I was observing were represented by court-appointed defense counsel. Instead, each unrepresented individual was told by the arraigning magistrate that he or she had the right to an attorney at hearings that would occur in the future.

6. I witnessed 45 arraignments. In 41 out of 45 the arraignments, the individual being arraigned did not have the assistance of counsel. These arraignments without counsel typically lasted approximately 2–3 minutes. The vast majority of the time at each arraignment was devoted to the magistrate reading the charges and possible sentences and informing the arraigned individual of her rights. The reading of the charges and rights occurred so quickly that it was difficult for me to catch every detail despite my legal training and despite observing many arraignments. The bail-setting portion took less than a minute in most cases, and it seemed to me that there was no thought or real consideration being given to the arrestee’s individualized circumstances when bail was set.

7. In every arraignment in which the individual being arraigned was not represented, the arraigning magistrate asked the individual to speak on only three occasions: once at the beginning to state her name, once in response to a yes/no question about whether she understood her rights, and once in response to a yes/no

question about whether she understood the charges against her and the possible sentence.

8. As part of each arraignment, the magistrate set a date for an initial hearing in front of a district judge. Depending on the type of case, the initial hearing was called either a probable cause conference, a pre-trial hearing, or a review hearing. In any event, in no case was the initial hearing scheduled for less than seven days from the arraignment, and on average the next hearing was between ten and eleven days later.

9. The bail-setting portion of the arraignment moved very quickly. Out of the 41 uncounseled arraignments I observed, cash bail was imposed in 34 instances (82.9%). By cash bail, I mean that the magistrate either imposed a cash, cash/surety, or 10% bond such that the individual being arraigned would have to pay money in order to be released from jail. I do not include individuals who were given personal recognizance bonds or unsecured appearance bonds as having had cash bail imposed.

10. In no instance did the magistrate ask any additional questions of the individual being arraigned unless that individual affirmatively spoke up in a way that demanded follow-up. None of the magistrates asked any individual being arraigned without counsel whether the individual could afford bail.

11. In the 34 cases in which cash bail was imposed, the magistrates did not make a finding that the bail was affordable for the individual being arraigned in any case. Similarly, the magistrates did not make an individualized finding on the record that the individual posed an unusual flight risk based on clear and convincing evidence in any case. Nor did the magistrates make an individualized finding on the record in any case that the individual presented an identified and articulable danger to others. Finally, the magistrates did not make an individualized finding on the record in any case that non-financial release conditions would not be able to adequately address any flight risk or danger to the community. In no instance did the magistrate affirmatively provide an opportunity for the individual being arraigned to comment on the nature of the offense, their criminal history, or the facts alleged in the investigator's report. Similarly, in no instance did the magistrate affirmatively provide an opportunity for the individual being arraigned to comment on their ability to pay bail, their appearance at future court hearings as required, or whether they presented a danger to the public.

12. After setting bail, the magistrate instructed the individual being arraigned to step away from the camera without asking if the individual had any questions or comment about her bail.

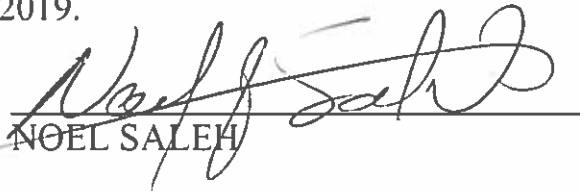
13. It was clear to me that arraignments with attorneys were conducted differently, and more thoughtfully, for the individuals being arraigned. In

particular, in all of the arraignments with lawyers, and *only* in the arraignments with lawyers, the judges asked for argument on the issue of bond, and the lawyers were able to advocate for their clients.

14. In one case, the family of one of the individuals being arraigned had retained a lawyer, but the lawyer arrived late. Magistrate Echartea had already arraigned this person without counsel, not knowing that he would be represented. She imposed a bond of \$15,000/10% for hit-and-run related charges. Once counsel arrived, she was allowed to argue bond, and as a result of the argument, bond was reduced.<sup>2</sup>

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

Executed on this 9<sup>th</sup> day of April, 2019.

  
NOEL SALEH

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<sup>2</sup> Setting cash bail in any amount nonetheless seemed unreasonable to me given the facts of the case. The accused individual had apparently turned himself in only a few hours after the hit-and-run incident and had been released without a citation by the police. A warrant did not issue for approximately another year, and it was this warrant that led to the arrest and arraignment. Under these circumstances, it did not seem that the evidence demonstrated that the accused individual presented a credible flight risk (he had turned himself in voluntarily; he was easily located a year later at the same address; and his attorney had encouraged the police to contact her about the case if they needed to reach him) or a danger to others (because he'd been driving around for an additional year without issue and attending Wayne County Community College without any suggestion of further criminal activity).



# **EXHIBIT L**

Inbox (2) - philip.e.mayor@gmail.com | March 36th District Court Watch | Register of Action - Search | MJL - District Court Magistrate | Michigan Legislature - Article I | Westlaw | Home

Not secure | www.36thdistrictcourt.org

Apps | Bail links | ACLU Loop | Detroit Ordinances | Westlaw | Email Login | SCOTUSblog - The...

**36th District Court**  
421 Madison Street | Detroit, MI 48226

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**Comerica PARK**

The 36th District Court is the largest district court in the state of Michigan and one of the busiest courts in the United States. More people have contact with the district court than any other court. For this reason, it is often referred to as the "People's Court".

**I WANT TO...**

- Make a Payment
- Resolve My Ticket Online
- Request a Hearing
- Look Up a Case / Balance
- View Today's L - T Dates
- File using GarnIT
- File an Appearance
- Request Accommodations
- Request an Interpreter
- Apply For a Job
- Email Photo / Video

**ANNOUNCEMENTS**

The 36th District Court is NOT currently participating in any ticket amnesty programs. **Alert**  
Mar 07, 2019

36th District Court Work Program Participants Help Clean Up Tires Illegally Dumped at House  
Mar 17, 2019

Governor Gretchen Whitmer Appoints Kristina L. Robinson to the 36th District Court  
Mar 13, 2019

View Court Dates for Landlord-Tenant & Summary Proceedings  
Mar 06, 2019

The 36th District Court has exclusive jurisdiction over the following matters occurring within the City of Detroit:

- General Civil:** Lawsuits seeking damages up to \$25,000.
- Landlord-Tenant:** Disputes between a landlord and tenant(s).
- Small Claims:** Money disputes up to \$6,000.
- Criminal:** Felony offenses from arraignment through preliminary examination and misdemeanor offenses.
- Traffic:** Misdemeanor citations/tickets including statute and ordinance violations and

**36th District Court**  
421 Madison Street  
Detroit, MI 48226  
Monday through Friday  
8:00 a.m. to 4:30 p.m.  
TDD/TTY (313) 965-4158  
Fax: (313) 965-3951  
Holidays / Court Closures  
Directory

10:29 AM  
4/8/2019

# **EXHIBIT M**

**DECLARATION OF DANIEL S. KOROBKIN  
IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

I, Daniel S. Korobkin, declare as follows:

1. I am an attorney with the American Civil Liberties Union Fund of Michigan (“ACLU of Michigan”) and one of the plaintiffs’ attorneys in this case. I submit this declaration in support of Plaintiffs’ motion for class certification to demonstrate that the ACLU of Michigan’s attorneys, in conjunction with co-counsel, satisfy the requirements of Rule 23(a)(4) and Rule 23(g).

2. The ACLU of Michigan and its attorneys are experienced in class action litigation. Among the class action lawsuits litigated by the ACLU of Michigan in recent years have been *Dowdy-El v. Caruso*, E.D. Mich. No. 06-cv-11765 (halal food for Muslim prisoners); *Duncan v. Michigan*, Ingham Co. Cir. Ct. No. 07-242-CZ (indigent defense); *Hill v. Snyder*, E.D. Mich. No. 10-cv-14568 (juvenile life without parole); *Barry v. Lyon*, E.D. Mich. No. 13-cv-13185 (public assistance); and *Hamama v. Adducci*, E.D. Mich. No. 17-cv-11910 (deportation to Iraq).

3. The ACLU of Michigan has assigned three highly qualified attorneys to litigate this case: Michael J. Steinberg, myself, and Philip Mayor.

4. Mr. Steinberg is the legal director at the ACLU of Michigan. He has over 25 years of experience litigating major federal civil rights cases, including class action lawsuits. He has been appointed class counsel in *Johnson v. Martin*,



W.D. Mich. No. 00-cv-75; *Cox v. Holman*, E.D. Mich. No. 00-cv-71310; *Dowdy-El v. Caruso*, E.D. Mich. No. 06-11765; *Duncan v. Michigan*, Ingham Co. Cir. Ct. No. 07-242-CZ; *McBurrows v. Detroit Public Schools*, E.D. Mich. No. 09-cv-14863; and *Ackerman v. Washington*, E.D. Mich. No. 13-cv-14137.

5. I am the deputy legal director at the ACLU of Michigan. I have over 12 years of legal experience, including 10 years in civil rights litigation with the ACLU. I have litigated on behalf of plaintiff classes in *McBurrows v. Detroit Public Schools*, E.D. Mich. No. 09-cv-14863; *Hill v. Snyder*, E.D. Mich. No. 10-cv-14568; *Morningside Community Organization v. Sabree*, Wayne Co. Cir. Ct. No. 16-008807-CH; and *D.R. v. Michigan Department of Education*, E.D. Mich. No. 16-cv-13694.

6. Mr. Mayor is a senior staff attorney at the ACLU of Michigan. He has over 7 years of legal experience, including clerkships at the federal trial-level, the Ninth Circuit Court of Appeals, and the California Supreme Court. He has served as litigator at the U.S. Department of Labor and for a major international union. He has taken cases to trial in various forums, and has served as lead counsel in multiple matters before the federal courts of appeals, including the Sixth Circuit. *See Hopkins Cty. Coal, LLC v. Acosta*, 875 F.3d 279 (6th Cir. 2017).

7. The ACLU of Michigan's "Smart Justice" Campaign, which challenges overincarceration in our criminal legal system, includes a commitment

to pursue bail reform in Detroit and elsewhere. In this case, ACLU of Michigan attorneys, law students, volunteers, and support staff have already been spent hundreds of hours on investigation, research, and preparing the pleadings. The ACLU of Michigan's attorneys are highly experienced, and highly knowledgeable about the law, in handling class actions, complex litigation, cases seeking declaratory and injunctive relief, and cases involving systemic reform of state policies. The ACLU of Michigan is fully dedicated to pursuing the relief sought in this lawsuit on behalf of the putative class, and is prepared to commit substantial resources to do so.

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on this 13th day of April, 2019.

  
\_\_\_\_\_  
Daniel S. Korobkin

# **EXHIBIT N**

**DECLARATION OF BRANDON BUSKEY IN SUPPORT OF PLAINTIFFS'  
MOTION FOR CLASS CERTIFICATION**

I, Brandon Buskey, hereby declare under penalty of perjury:

1. I am a Senior Staff Attorney with the Criminal Law Reform Project (“CLRP”) at the American Civil Liberties Union Foundation (“ACLU”), where I have worked full time since 2012. I am one of the attorneys for the named Plaintiffs and the putative Class members in this case. I submit this Declaration in support of the motion for class certification.

2. I was first licensed in 2007 and have continuously practiced law since that time.

3. I have been lead or counsel of record in nine class actions: *Hester v. Gentry*, No. 5:17-cv-00270-MHH (N.D. Alabama, April 9, 2018); *Booth v. Galveston County et al*, No. 3:18-cv-00104 (S.D. Texas, April 8, 2018); *Mock et al v. Glynn County, Georgia et al*, No. 2:18-cv-00025-RSB-BWC (S.D. Georgia, March 9, 2018); *Daves et al v. Dallas County et al*, No. 3:18-cv-154 (N.D. Texas, January 21, 2018); *Ayo v. Dunn*, No. 17-cv-00526 (M.D. La. Aug. 8, 2017); *Edwards v. Cofield*, No. 17-CV-321 (M.D. Ala. May 18, 2017); *Yarls v. Bunton*, No. 3:16-cv-31-JJB-RLB (M.D. La. Jan. 14, 2016); *Burks v. Scott County*, No. 3:14-cv-745-HTW-LRA (S.D. Miss. Sept. 24, 2014); *Hill v. Snyder* No. 5:10-CV-14568 (E.D. Mich Nov. 17, 2010).

4. I have developed substantial experience related to the constitutionality of bail procedures. For example, *Burks*, referenced above, included a challenge to a Mississippi judicial circuit’s system of wealth-based, pretrial detention without counsel for felony arrestees. In 2019, we recently reached a settlement with the judges and counties of the circuit that ended this practice.



5. ACLU National has assigned two highly qualified attorneys to litigate this case: Ms. Twyla Carter and myself.

6. Ms. Carter is a senior staff attorney with the Criminal Law Reform Project (“CLRP”) at the American Civil Liberties Union Foundation (“ACLU”), where she has worked full time since September 2017.

7. Ms. Carter was licensed in Washington State in 2007 and has continuously practiced law since that time.

8. Ms. Carter is co-counsel of record in three class actions: *Bairefoot et al v. Beaufort South Carolina, City of et al*, No. 9:17-cv-02759-RMG (D. South Carolina, Oct. 12, 2017); *Mock et al v. Glynn County, Georgia et al*, No. 2:18-cv-00025-RSB-BWC (S.D. Georgia, March 9, 2018); *Booth v. Galveston County et al*, No. 3:18-cv-00104 (S.D. Texas, April 8, 2018).

9. CLRP also coordinates with and consults with ACLU affiliate offices around the country on potential bail reform and litigation efforts in states such as Alabama, Arizona, Colorado, Florida, Hawaii, Louisiana, Mississippi, Montana, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Texas and Washington.

10. The ACLU has spent substantial time and effort to investigate this case and to understand how the 36<sup>th</sup> District criminal court system functions. This includes working with the legal team to review and discuss jail records, interviews with individuals detained under the bail system in the 36<sup>th</sup> District, and substantial research on Michigan’s constitutional and statutory protections for pretrial liberty.

11. The ACLU is prepared to contribute significant resources to represent the class in this case. Plaintiffs' counsels have paid for all costs associated with this litigation to date and will continue to do so.

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

Executed on this 9th day of April, 2019.



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Brandon J. Buskey  
American Civil Liberties Union  
Foundation  
125 Broad Street, 18<sup>th</sup> Floor  
New York, NY 10004  
Telephone: (212) 284-7364  
Email: [bbuskey@aclu.org](mailto:bbuskey@aclu.org)

# **EXHIBIT O**

**DECLARATION OF AMIA TRIGG IN SUPPORT OF MOTION FOR CLASS  
CERTIFICATION**

I, Amia L. Trigg, hereby declare under penalty of perjury:

1. I am an attorney at Covington & Burling LLP (“Covington”) and have knowledge of the facts contained in this declaration. Covington is co-counsel for Plaintiffs in the above-captioned litigation, and I submit this declaration which details the qualifications of Covington attorneys in support of Plaintiffs’ Motion for Class Certification.

2. Founded in 1919, Covington has more than 1000 lawyers in offices in Beijing, Brussels, Dubai, Frankfurt, Johannesburg, London, Los Angeles, New York, Palo Alto, San Francisco, Seoul, Shanghai, and Washington, D.C. Covington provides litigation, regulatory, and corporate expertise to help its clients navigate through their most complex legal problems and disputes. Both the firm as a whole and its litigation group are regularly recognized among the nation’s best.

3. Since its founding, Covington has had a strong commitment to public service and pro bono cases. The *American Lawyer* magazine regularly ranks Covington as one of the top three law firms in the country for pro bona work. *Law360* has repeatedly named Covington a Pro Bono Firm of the Year.

4. Covington has effectively and successfully represented other plaintiffs pro bono in class actions, recently in *McBride v. Michigan Department of Corrections*, 2018 WL 1224783 (E.D. Mich. Mar. 9, 2018), a class action challenging inadequate accommodations for deaf and hard of hearing prisoners; *Cab Siquic v. Star Forestry, LLC*, No. 3: 13-cv-00043, 2016 WL 1650800 (W.D. Va. Apr. 22, 2016), a class action on behalf of migrant agricultural workers who were not paid minimum wage and overtime; *Ortega*



*Melendres v. Arpaio*, 989 F. Supp. 2d 822 (D. Ariz. 2013), a class action challenging the immigration-related policies and practices of the Maricopa County Sheriff's Office; *Floyd v. City of New York*, 959 F. Supp. 2d 540 (S.D.N.Y. 2013), a class action challenging the stop-and-frisk policy of the New York City Police Department; and *R.I.L.-R. v. Johnson*, 80 F. Supp. 164 (D.D.C. 2015), a class action on behalf of detained asylum-seekers.

5. The Covington attorneys involved in representing Plaintiffs include Aaron Lewis, Mitchell Kamin, James Garland, Wesley Wintermyer, Marta Cook, Julia Brower, Laura Beth Cohen, and myself.

6. Aaron Lewis is a partner at Covington. He is admitted to practice in California, the District of Columbia and Michigan, and has been admitted to the bars of the U.S. Court of Appeals for the Ninth Circuit, the U.S. District Court for the Eastern District of Michigan and the U.S. District Court for the Central District of California. Mr. Lewis graduated from the University of Michigan Law School in 2005 and served as a Law Clerk to the Honorable Ronald M. Gould, U.S. Court of Appeals for the Ninth Circuit, from 2005 to 2006. His practice focuses primarily on White Collar Criminal Defense and Investigations.

7. Mitchell Kamin is a partner at Covington. He is admitted to practice in California and New York, and has been admitted to the bars of the U.S. Court of Appeals for the Second Circuit, the U.S. Court of Appeals for the Fourth Circuit, the U.S. Court of Appeals for the Ninth Circuit, the U.S. District Court for the Central District of California, the U.S. District Court for the Northern District of California, the U.S. District Court for the District of Colorado and the U.S. District Court for the Southern District of New York.

Mr. Kamin graduated from Harvard Law School in 1993 and his practice focuses primarily on Commercial Litigation.

8. James Garland is a partner at Covington. He is admitted to practice in the District of Columbia and has been admitted to the bars of the U.S. Supreme Court, the U.S. Court of Appeals for the Second Circuit, the U.S. Court of Appeals for the Third Circuit, the U.S. Court of Appeals for the Sixth Circuit, the U.S. Court of Appeals for the Eleventh Circuit, the U.S. Court of Appeals for the District of Columbia Circuit, the U.S. District Court for the District of Columbia, and the U.S. District Court for the Southern District of Ohio. Mr. Garland graduated from the University of Virginia School of Law in 2000 and served as a Law Clerk to the Honorable R. Guy Cole, Jr., U.S. Court of Appeals for the Sixth Circuit, from 2000 to 2001. His practice focuses primarily on White Collar Criminal Defense and Investigations.

9. Wesley Wintermyer is an associate at Covington. He is admitted to practice in the District of Columbia and Georgia, and has been admitted to the bar of the U.S. Court of Appeals for the Tenth Circuit. Mr. Wintermyer graduated from University of Alabama School of Law in 2013 and served as a Law Clerk to the Honorable Paul J. Kelly, U.S. Court of Appeals for the Tenth Circuit, from 2013 to 2014, and the Honorable Kenneth A. Marra, U.S. District Court for the Southern District of Florida, from 2014 to 2015. His practice focuses primarily on White Collar Criminal Defense and Investigations.

10. Marta Cook is an associate at Covington. She is admitted to practice in the District of Columbia and New York. Ms. Cook graduated from the University of Virginia School of Law in 2014 and served as a Law Clerk to the Honorable John E. Jones III, U.S. District Court for the Middle District of Pennsylvania, from 2014 to 2016. Her practice

focuses primarily on White Collar Criminal Defense and Investigations and Anti-Corruption Compliance.

11. Julia Brower is an associate at Covington. She is admitted to practice in the District of Columbia and New York, and has been admitted to the bar of the U.S. Court of Appeals for the Sixth Circuit. Mrs. Brower graduated from Yale Law School in 2014 and served as a Law Clerk to the Honorable Karen Nelson Moore, U.S. Court of Appeals for the Sixth Circuit, from 2014 to 2015. Her practice focuses primarily on international arbitration and her pro bono practice focuses on immigration issues.

12. Laura Beth Cohen is an associate at Covington. She is admitted to practice in Michigan and her admission is pending in the District of Columbia. Ms. Cohen graduated from the University of Michigan Law School in 2018. Her practice focuses primarily on Insurance Recovery litigation.

13. I am an associate at Covington. I am admitted to practice in California, the District of Columbia and New York, and have been admitted to the bar of the U.S. Court of Appeals for the Fourth Circuit. I graduated from Harvard Law School in 2011 and served as a Law Clerk to the Honorable George B. Daniels, U.S. District Court for the Southern District of New York, from 2011 to 2012, and the Honorable Andre M. Davis, U.S. Court of Appeals for the Fourth Circuit, from 2012 to 2013. My practice focuses primarily on White Collar Criminal Defense and Investigations.

14. Aaron Lewis, Mitchell Kamin, James Garland, Wesley Wintermyer, Marta Cook, Julia Brower, Laura Beth Cohen and I have been involved in the investigation and preparation of this lawsuit, including developing facts and legal arguments and drafting briefs. We are familiar with the issues, and will zealously represent the plaintiffs and the

class. None of us is receiving any reimbursement from the individual plaintiffs or class members in this case; nor is Covington.

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

Executed on this 13<sup>th</sup> day of April, 2019.

  
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Amia L. Trigg