

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SUNDAY HINTON, on behalf of herself and
others similarly situated,

Plaintiff,

v.

DISTRICT OF COLUMBIA,

Defendant.

Civil Action No. 21-cv-01295

**PLAINTIFF’S SUPPLEMENTAL MEMORANDUM IN SUPPORT OF A
PRELIMINARY INJUNCTION AND CLASS CERTIFICATION**

Plaintiff Sunday Hinton submits this supplemental memorandum in support of her Motion for Preliminary Injunction, ECF 4, and her Motion for Class Certification, ECF 7. Transgender individuals held by the D.C. Department of Corrections (DOC) have long been and continue to be subjected to DOC’s discriminatory policy of housing transgender individuals solely, or at least presumptively, based on their anatomy instead of their gender identity. Plaintiff has identified four additional class members: Courtney Phillips, Latisa Moorman, Jess Watkins, and Star Parker. All four are transgender women currently held in men’s units, having been initially assigned there and then never given Transgender Housing Committee (THC) hearings. Equally alarming, in the past few weeks, DOC officials have resorted to the same coercive tactics they took with Ms. Hinton, pressuring three of these women to sign waivers claiming they preferred to be housed with men.

This memorandum first presents additional facts supporting Ms. Hinton’s motions for preliminary relief and class certification, ECF 4-1 & 7, then supplements her arguments regarding irreparable injury and the impracticability of joinder. Finally, Ms. Hinton urges the court to enjoin coercive tactics of the kind she and other putative class members have experienced.

SUPPLEMENTAL STATEMENT OF FACTS

I. Named Plaintiff Sunday Hinton

After filing suit, Ms. Hinton met with the THC on Wednesday, May 12, 2021, and stated that she feared sexual harassment and sexual assault if she remained housed with men and that she wanted to be housed in a women's unit. ECF 15 (Pl.'s Reply Br. in Support of TRO) 3-4; *see also* ECF 15-1 (Supp. Decl. of Sunday Hinton) ¶¶ 3-6. After the THC denied the request, Ms. Hinton asked if she could at least be housed with another transgender woman in a men's unit. *Id.* The THC said it would allow that arrangement only if Ms. Hinton signed a waiver indicating that she wished to remain in a men's unit—without allowing Ms. Hinton an opportunity to consult with counsel, despite her request to do so. *Id.*

On Friday, May 14, 2021, a second THC hearing took place immediately before a scheduled hearing with this Court. At this THC hearing, Ms. Hinton reiterated that, two days earlier, she had been strong-armed by DOC officials into signing a waiver stating that she wanted to be housed with the men before she could be moved to the unit where her friend resided, Second Supp. Decl. of Rachel Cicurel ¶ 4, Ex. B (THC Hearing Transcript), at 5:6-10; *see id.* 6:22-7:2 (Ms. Hinton: "I was under the impression that this is the only way that I can get over there to be with her."), and that she had told DOC officials that she "need[ed] to talk to [her] lawyer about this" before signing the form presented to her two days earlier, *id.* 6:3; *see id.* 6:13-14, 10:4-6.

Instead of assessing Ms. Hinton's vulnerability and safety needs, as required by Prison Rape Elimination Act regulations and DOC's own policy, DOC officials tried to dissuade Ms. Hinton from moving to a women's unit because, they argued, she would be sexually harassed there, *id.* 16:21-17:5, even as Ms. Hinton continued to emphasize that she felt unsafe with the men, *id.* 14:17-15:3 ("I don't feel comfortable around the men. I don't want to be around them. You

know, I tired of the ‘what the fuck.’ I’m tired of the, um, ‘man, come on come over here.’ You know what I’m saying? ‘Do this[,] you know, and this and that. And, you know, getting approached and all that. So that’s why I had to strip myself. I even took my wig off.”); *id.* 15:9-12 (“You know, I just feel more comfortable and more safer with the females than I do with the males at this present moment.”). And although DOC invited Ms. Hinton’s lawyers to attend this hearing, they were not permitted to speak or given sufficient time to review the housing form Ms. Hinton ultimately signed. *Id.* 3:9-12, 35:17-19. After this second hearing, Ms. Hinton was finally transferred to a women’s unit. *See id.* 30:20-31:1. However, she was not permitted to pack her belongings before her transfer, and about \$100 worth of commissary items were never returned to her, despite her requests for them. Third Supp. Decl. of Sunday Hinton ¶¶ 4-6.

Ms. Hinton was released from custody after a preliminary hearing in D.C. Superior Court on May 26, 2021. However, she still is able and fully intends to represent the class in this lawsuit. *See J.D. v. Azar*, 925 F.3d 1291, 1313 (D.C. Cir. 2019).

II. Putative Class Members and Formerly Detained Transgender Individuals

Plaintiff has identified four putative class members currently in DOC custody in a unit that does not correspond with their gender identity. All four are transgender women currently held on men’s units and not given the option to be housed in a women’s unit. None of them received a THC hearing. Instead, three of these women, like Ms. Hinton, were subject to coercive tactics by DOC and pressured into signing statements stating they wished to be housed with men.

Ms. Courtney Phillips is a transgender woman who has been held in DOC custody in a men’s unit since August 2020. Decl. of Courtney Phillips ¶¶ 2, 14. Before the filing of this lawsuit, Ms. Phillips was never provided with a housing form or given a choice about whether she would be housed with the men or the women. *Id.* ¶ 3. Ms. Phillips met with Ms. Traci Outlaw, a member

of the THC, to discuss housing about two weeks after Ms. Phillips was initially brought to the D.C. Jail. *Id.* ¶¶ 4-5. Ms. Outlaw told Ms. Phillips that the THC was not meeting due to the pandemic and so “they were not assigning any transgender girls to the female housing unit.” *Id.* ¶ 5. Ms. Phillips asked Ms. Outlaw about her other options because she “did not want to go to solitary confinement,” and Ms. Outlaw agreed to have Ms. Phillips transferred to a men’s unit at the Correctional Treatment Facility (CTF), where Ms. Phillips is still held. *Id.* ¶¶ 6, 8. About two weeks ago, after Ms. Hinton made the Court aware of DOC’s coercive tactics regarding transgender individuals’ housing options, Ms. Charlene Reid, another member of the THC, visited Ms. Phillips and told her to sign a form stating that she wanted to reside with the men, as a “formality,” *id.* ¶¶ 7-8—even though being housed with the women had never been an option.

Ms. Latisa Moorman is a transgender woman who has been held in DOC custody in a men’s unit at the D.C. Jail since April 2021. Decl. of Latisa Charlene Moorman ¶ 2. Upon intake, Ms. Moorman was not provided with a housing form asking where she wanted to be housed. *Id.* ¶ 2. Almost two weeks after her arrival, Ms. Moorman met with Ms. Outlaw and told her that she would like to be transferred to a women’s unit. *Id.* ¶¶ 4-5. Ms. Outlaw tried to dissuade Ms. Moorman, telling her that “the women could try to rape [her],” even though Ms. Moorman told Ms. Outlaw that she “ha[s] been castrated, ha[s] double-D implants, ha[s] had facial feminization done, and [has] even had [her] Adam’s apple scraped away.” *Id.* ¶ 5. She “do[es] not have a working penis.” *Id.* Several days later, while Ms. Moorman was still on the intake block, Ms. Reid visited Ms. Moorman and told her to sign certain papers. *Id.* ¶ 7. Ms. Reid did not give Ms. Moorman enough time to review the papers but stated that “everyone ha[s] to sign them” and “told [Ms. Moorman] to just sign them so [Ms. Reid] could get back upstairs.” *Id.* Ms. Moorman signed the papers, even though she could not tell what they were about. *Id.* Eventually, Ms. Moorman

was transferred from the intake block to a men's unit, without a THC hearing. *Id.* ¶¶ 9-10. On or about May 19, 2021, Ms. Moorman again met with Ms. Reid and told her she wanted to be housed in a women's unit at CTF. *Id.* ¶¶ 12, 15. Ms. Reid tried to dissuade Ms. Moorman by telling her that "the women might try to rape you." *Id.* ¶ 12. Ms. Reid told Ms. Moorman that she had to sign "papers" either affirming that she was fine in the men's unit or requesting a THC hearing, but Ms. Reid stated that the THC would send her to protective custody because it would determine that was the safest option. *Id.* ¶¶ 13-14. Ms. Reid did not give Ms. Moorman a chance to read the papers fully. *Id.* ¶ 14. Even though she has been raped by men while held at another institution and is afraid of being raped by men at the D.C. Jail, Ms. Moorman signed the portion indicating that she was fine in the men's unit because she did not want to go to protective custody, where she expects she would be shackled around her ankles and waist to her wrists, "chained up and locked up like some type of animal when [she] didn't do anything wrong." *Id.* ¶¶ 15-17.

Ms. Jess Watkins is a transgender woman who has been detained in a men's unit at the D.C. Jail since February 2021. Decl. of Jess Watkins ¶¶ 1, 13. Upon intake, Ms. Watkins asked to be housed with the women, but DOC officials informed her that it would be "impossible" because the THC was not meeting. *Id.* ¶ 3. She has been and remains housed in a men's protective custody unit. *Id.* ¶¶ 5, 13. About two weeks ago, a member of the THC met with Ms. Watkins and told Ms. Watkins she needed her to sign a form saying she was willing to remain in a men's protective custody unit. *Id.* ¶¶ 9-11. The official told Ms. Watkins that it was "very unlikely" for her to be moved and kept telling her to sign, which eventually led her to sign the form. *Id.* ¶ 11. Ms. Watkins then filed a complaint that she had been pressured into signing the form. *Id.* ¶ 12. She has wanted and continues to want to be housed with the women. *Id.* ¶¶ 3, 13.

Finally, Ms. Star Parker is a transgender woman who has been housed in a men's unit at the D.C. Jail since April 2021. Decl. of Brandon Burrell ¶¶ 2-3. She has never been provided with a THC hearing, nor has she been given the option of residing in a women's unit. *Id.* ¶ 4.

The experience of these putative class members is uniformly concerning. All are housed in units inconsistent with their gender identity and three of them were coerced into signing forms saying they preferred to be housed where they are. In addition to these putative class members, Ms. Hinton is aware that Ms. Reid, a DOC official, spoke with a transgender man housed in a women's unit, after which he was asked to sign a waiver "saying he wanted to be housed based on his sex at birth." Hinton Third Supp. Decl. ¶¶ 7-8.

Plaintiff has also identified several other transgender individuals who were recently in DOC custody and housed in a unit that does not correspond with their gender identity:

Ms. Meisha Hines is a transgender woman who was held in DOC custody from August 2019 to January 2021. Decl. of Meisha Hines ¶¶ 2, 10. Upon intake, she requested to be housed with women, but was instead placed in a general population men's unit. *Id.* ¶ 2. About a month later, she told the THC that she wanted to be housed with the women, but officials refused because she "still had male parts." *Id.* ¶¶ 3-4. While Ms. Hines was in the general population men's unit, she was sexually assaulted and physically attacked by other detained individuals and, as a result, was placed in a men's protective custody unit, where she felt "punished because of [her] identity" for more than a year. *Id.* ¶¶ 6-10.

Ms. Andrea Richardson is a transgender woman who was held at the D.C. Jail in a men's unit three times—once in 2014 and twice in 2020. Decl. of Andrea Richardson ¶ 2. Even though Ms. Richardson received a THC hearing in 2014 and expressed concerns for her safety, the THC assigned her to a men's unit, where she was sexually assaulted. *Id.* ¶¶ 4-5. In early 2020, Ms.

Richardson was arrested and brought to the Jail, where she received a THC hearing that lasted about 10 or 15 minutes. *Id.* ¶¶ 8-13. She signed a paper stating that she wanted to be housed with the women, but was assigned to be housed with the men anyway. *Id.* ¶¶ 14-15. In late 2020, Ms. Richardson was again held at the D.C. Jail in a men’s unit for about eight months and was never given a THC hearing, despite filing many grievances. *Id.* ¶¶ 17-21. She was sexually harassed by other inmates and felt “afraid for [her] life,” and she was verbally harassed by correctional officers for her transgender status. *Id.* ¶¶ 22-23. Ms. Richardson did not want to be put in protective custody because “[i]n protective custody, you are treated like you are being punished,” and protective custody still leaves transgender women at risk of sexual assault. *Id.* ¶¶ 24-25.

Ms. Seviin Robinson is a transgender woman who was held in DOC custody for two weeks in November 2019. Decl. of Seviin Robinson ¶¶ 1-2. She was brought to the D.C. Jail and stayed in an intake housing unit for nearly her entire time; she did not receive a THC hearing until the day before she was released. *Id.* ¶¶ 3-4, 7-8. She informed officials she wanted to be housed in the women’s facility, in accordance with her gender identity. *Id.* ¶ 8. Officials refused, because she had “not had bottom surgery” and “women would rape [her].” *Id.*

Ms. Ronniesha Tucker is a transgender woman who was held in DOC custody from August 2019 to September 2020 and again from October 2020 to December 2020. Decl. of Ronniesha Tucker ¶ 1. Ms. Tucker was housed with men who were disrespectful and harassed her. *Id.* ¶¶ 6-7. She stated that transgender women “know that as long as we . . . have what we have between our legs, the officers are never going to house us with the women.” *Id.* ¶ 8.

These individuals’ experiences underscore that Ms. Hinton’s situation is far from unique—transgender individuals cycle in and out of DOC custody, where each is subjected to its discriminatory housing policy.

ARGUMENT

I. Detained Transgender Individuals Continue to Suffer Irreparable Injury.

Putative class members, such as Ms. Phillips, Ms. Moorman, Ms. Watkins, and Ms. Parker, are suffering irreparable injury. Other putative class members, who will be held in DOC custody in the future, will face such injury when they arrive. “[C]ourts often find a showing of irreparable harm where the movant’s health is in imminent danger.” *Al-Joudi v. Bush*, 406 F. Supp. 2d 13, 20 (D.D.C. 2005). As explained in Plaintiff’s Motion for Preliminary Injunction, transgender individuals face a significant risk of sexual violence. ECF 4-1, at 16-17. Putative class member Ms. Moorman is “afraid of being raped,” and avoids recreation time on the men’s unit because she is “afraid of the men.” Moorman Decl. ¶¶ 16, 18; *see also* ECF 15-1, at ¶ 3 (Ms. Hinton describing the harassment she faced and stating it “has been scary”). These fears are well-founded, as the experiences of transgender individuals recently detained in DOC custody make clear. Ms. Hines, a transgender woman housed in a men’s unit until January 2021, was sexually assaulted, held in protective custody, and then brought *back* to a general population men’s unit, where she was then again sexually harassed as well as physically assaulted. Hines Decl. ¶¶ 6-10. Ms. Richardson, a transgender woman housed in a men’s unit on the three occasions she was in DOC custody, was sexually assaulted, harassed, and threatened while in custody in a men’s unit. Richardson Decl. ¶¶ 2, 5-6, 22-23. These declarations all reflect the same terrifying reality: class members are at imminent risk of harm. Emergency relief is not just warranted but imperative.

Additionally, and independently, the continuing violation of Ms. Moorman’s, Ms. Phillips’, Ms. Watkins’, and Ms. Parker’s constitutional rights “unquestionably constitutes irreparable injury.” *Mills v. District of Columbia*, 571 F.3d 1304, 1312 (D.C. Cir. 2009) (citation omitted).

II. Joinder Is Impracticable Because of the Transient Nature of the Class and the Difficulty of Identifying Transgender Individuals in Custody.

Ms. Hinton seeks to represent a class of transgender individuals who reside in a DOC housing unit that does not accord with their gender identity or who will be detained in such a DOC facility in the future. As explained in Plaintiff's Motion for Class Certification, joinder of all members is impracticable. ECF 7, at 4-7. Ms. Hinton has now identified eight transgender individuals currently or recently in DOC custody. Many of these individuals, in turn, are aware of the existence of *other* transgender individuals currently or recently in DOC custody. *See* Phillips Decl. ¶ 2 (saw two transgender women she knew when initially placed in men's unit); Moorman Decl. ¶ 19 ("at least four trans girls" in her intake unit over a 14-day period and at least one gender non-conforming person on men's unit where she is currently housed); *id.* ¶ 3 (explaining that she was told that Ms. Outlaw did not have time to meet because she "had too many other transgender individuals on her schedule"); Hines Decl. ¶ 11 (four or five other transgender women in her general population men's unit at some point during her time in DOC custody in 2019 through 2021); Robinson Decl. ¶ 15 (at least seven other transgender people on her intake block in 2017 and three other transgender women on her intake block in 2019); Tucker Decl. ¶ 6 (two other transgender women in her general population men's unit in 2020); Richardson Decl. ¶ 26 (identifying another transgender woman in her housing block in late 2020).

Joinder here is impracticable because of the nature of the class and the difficulty of identifying class members. Classes such as this one that include "future claimants generally meet the numerosity requirement due to the impracticality of counting such class members, much less joining them." *J.D.*, 925 F.3d at 1322 (internal citations and quotation marks omitted).

Identifying and joining *current* members of the class is similarly unfeasible. Some class members are held pretrial and therefore may only be in the facility for a few weeks, making timely

identification and adjudication of their claims difficult, if not impossible. *See* Robinson Decl. ¶ 2 (held for about two weeks). Because the population at a correctional institution is “constantly revolving,” joinder of class members is impracticable. *See Andre H. by Lula H. v. Ambach*, 104 F.R.D. 606, 611 (S.D.N.Y. 1985) (holding that “[t]he numerosity requirement is . . . satisfied based on the nature of the class”); *see also Ogden v. Figgins*, 315 F.R.D. 670, 673 (D. Kan. 2016) (“[T]he ever-changing nature of jail populations makes identification of all of the class members nearly impossible.”); *J.D. v. Nagin*, 255 F.R.D. 406, 414 (E.D. La. 2009) (finding numerosity satisfied as to youth detention facility with a capacity of only “around thirty” because the “fact that the population . . . is constantly revolving during the pendency of litigation renders any joinder impractical”), *cited with approval, Coleman through Bunn v. District of Columbia*, 306 F.R.D. 68, 80 (D.D.C. 2015); *accord Decoteau v. Raemisch*, 304 F.R.D. 683, 687 (D. Colo. 2014).

This problem is exacerbated by the challenges of identifying transgender individuals in custody. DOC’s public demographic data does not track the number of transgender people detained in DOC facilities,¹ and its internal tracking appears faulty. For instance, a DOC official who is a member of the THC stated that she was “not aware of any housing requests from a transgender inmate” other than Ms. Hinton since November 2020. ECF 14-1 (Opp’n to TRO, Ex. A), Reid Decl. ¶ 5. But Plaintiff has identified at least four more transgender individuals *currently* in units inconsistent with their gender identity, Moorman Decl. ¶¶ 2-4, 15; Phillips Decl. ¶¶ 2-6; Watkins Decl. ¶ 13; Burrell Decl. ¶¶ 2-3, as well as several others who were in similar situations in the past year. Tucker Decl. ¶ 1; Hines Decl. ¶¶ 2, 10; Richardson Decl. ¶ 2. And, as noted, each of these declarants stated that there were several *other* transgender individuals on the same DOC housing

¹ *See* D.C. Dept. of Corr., *Facts and Figures* (2020), <https://doc.dc.gov/sites/default/files/dc/sites/doc/publication/attachments/DC%20Department%20of%20Corrections%20Facts%20and%20Figures%20October%202020.pdf>.

units as them. *See also* Decl. of Quo Judkins ¶ 4 (estimating that she “personally represented or stood in to represent approximately one to three transgender individuals in court” per week during eight weeks in 2020 and 2021 when she handled first appearances); ECF 4-4 (Golden Decl.) ¶¶ 1-3 (estimating that between 40 and 60 transgender individuals reside in DOC facilities).

Moreover, many putative class members may fear that voicing complaints about their housing status puts them at risk of being placed in protective custody or of harassment and assault by correctional staff or other inmates. Moorman Decl. ¶ 14-17 (stating she did not request a THC hearing because Ms. Reid said she would be sent to protective custody, and stating that she did not want to tell jail officials that she was afraid of being raped by men because she was afraid of being sent to protective custody); Hines Decl. ¶ 9 (stating she did not press charges for harassment she experienced on the general population men’s block because she was “afraid for [her] life”); *see generally* ECF 4-3 (Chen Decl.) ¶ 9; ECF 4-4 (Golden Decl.) ¶¶ 4-6.

Concerns about retaliation not only impede accurate estimates of the transgender population but also are one of several barriers to individualized litigation discussed in Ms. Hinton’s class certification brief. *See* ECF 7 at 4-7. The discussion there, combined with the additional facts introduced here, show that Ms. Hinton has satisfied Rule 23(a)(1).

III. The Court Should Enjoin DOC’s Coercive Tactics Toward Putative Class Members.

This litigation is not even a month old, and already Plaintiff herself and several additional declarants have brought to light strong-arm tactics that DOC is currently employing to coerce individuals to waive their rights. Accordingly, Plaintiff requests that, in granting relief to the class against DOC’s unconstitutional policy, this Court additionally enjoin Defendant from coercing transgender individuals in DOC custody to sign forms regarding their housing, and to require DOC to provide access to counsel as a prophylactic measure prior to any THC hearings or waivers.

Courts strongly disapprove of coercive conduct of the kind Ms. Hinton and the other declarants have experienced—which were, in the case of Ms. Hinton and other currently held residents, undoubtedly intended to moot or otherwise undercut their claims. *See Ingenuity13 LLC v. Doe*, 651 F. App’x 716, 718, 720 (9th Cir. 2016) (finding district court acted within its discretion in imposing sanctions on principals of copyright holders who engaged in abusive litigation tactics to pressure settlement); *Ponte v. Sage Bank*, 255 F. Supp. 3d 344, 351 (D.R.I. 2015) (sanctioning party who participated in “strong-arm tactic” to leverage settlement by reading privileged information against attorney’s advice). Ms. Hinton, Ms. Moorman, Ms. Phillips, and Ms. Watkins were all pressured into signing housing forms after the filing of this lawsuit, and all four did so outside the presence of counsel and understanding that there was no option for them to be housed in accordance with their gender identities.

Ms. Hinton initially brought this conduct to this Court’s attention after Defendant attempted to misrepresent her expressed preferences. *See* ECF 15 (Pl.’s Reply Br. in Support of TRO), at 5-8. Yet DOC has continued its behavior. Thus, enjoining coercion is essential to protect putative class members’ rights, and this Court has the authority to order as much. *See Brewer v. Holder*, 2013 WL 12399110, at *3 (D.D.C. Aug. 9, 2013) (entering order requiring defendant, prior to communicating with potential class members about litigation’s subject matter, to notify potential class members regarding the existence of the litigation, the nature of the communication, and other information, in order to “curb any potential for abuse”); *Cobell v. Norton*, 212 F.R.D. 14, 19-20 (D.D.C. 2002) (entering order prohibiting defendants from contacting class members during pendency of litigation regarding the litigation without court’s prior authorization, where defendants had sent notices to individual class members “that ha[d] the effect of extinguishing the rights of those class members”).

Requiring Defendant to provide access to counsel would satisfy the requirements of the Prison Litigation Reform Act, 18 U.S.C. § 3626(a)(1)(A), (2) because it would extend no further than necessary to ensure that the DOC does not continue to engage in coercion of putative class members—something DOC has now done *four* separate times during the brief lifespan of this litigation. This protective measure would neither be intrusive nor jeopardize DOC’s operations; it would merely provide notice and an opportunity to consult with counsel as a necessary counterweight to DOC’s demonstrated proclivity to engage in heavyhanded tactics that seek to undermine putative class members’ ability to pursue their interests—indeed, their very safety—through this litigation. *See Armstrong v. Newsom*, 484 F. Supp. 3d 808, 851-52 (N.D. Cal. 2020) (ordering remedial measures including mechanisms to “end and prevent any retaliation against class members” and to share information with Plaintiffs’ counsel, and finding that these measures are consistent with the PLRA requirements); *cf. Armstrong v. Brown*, 768 F.3d 975, 984 (9th Cir. 2014) (affirming district court’s PLRA finding that “an effective accountability and tracking system was necessary to prevent continued rights’ violations” where defendant’s behavior “underlay[] the violations”). Thus, this relief ensures that putative class members’ rights under this litigation are not preemptively and coercively extinguished. It is critical to protecting not only the class members but also the integrity of the proceedings before this Court.

CONCLUSION

For the reasons above, in addition to those set forth in Plaintiff’s moving papers, ECF 4-1 & 7, and the exhibits attached to those papers and this one, the Court should grant Plaintiff’s Motions for Preliminary Injunction and Class Certification.

A revised proposed preliminary injunction is attached. The proposed order on class certification was filed with the original class certification motion. ECF 7-3.

June 1, 2021

Respectfully submitted,

/s/ Scott Michelman

Scott Michelman (D.C. Bar No. 1006945)
Megan Yan* (D.C. Bar No. 1735334)
Marietta Catsambas* (D.C. Bar No. 1617526)
Arthur B. Spitzer (D.C. Bar No. 235960)
Michael Perloff (D.C. Bar No. 1601047)
American Civil Liberties Union Foundation
of the District of Columbia
915 15th Street NW, Second Floor
Washington, D.C. 20005
202-601-4267
smichelman@acludc.org

/s/ Rachel Cicurel

Rachel Cicurel* (D.C. Bar No. 1024378)
Steven Marcus (D.C. Bar No. 1630882)
Public Defender Service for the District of Columbia
633 Indiana Avenue N.W.
Washington, D.C. 20004
Tel. 202-824-2774
Fax 202-824-2776
rcicurel@pdsdc.org

Counsel for Plaintiff

* In accordance with D.D.C. Local Civil Rule 83.2(g), the attorneys whose names are marked with an asterisk above certify that: (i) they are members in good standing of the District of Columbia Bar; (ii) they are representing a petitioner who is indigent within the meaning of Local Rule 83.2(g), at no cost to petitioner; (iii) they have never been subject to disciplinary complaint or sanction by any court or other disciplinary authority; and (iv) they possess a copy of the Local Rules of this District and are familiar with the rules generally and as they pertain to this proceeding.