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

Al Otro Lado, Inc., *et al.*,
 Plaintiffs,

v.

Elaine C. Duke, *et al.*,
 Defendants.

No. 2:17-cv-5111-JFW (JPRx)
 Hon. John F. Walter (Courtroom 7A)

**DECLARATION OF BAHER AZMY
 IN SUPPORT OF PLAINTIFFS'
 MOTION FOR CLASS
 CERTIFICATION**

Hearing Date: December 11, 2017
 Hearing Time: 1:30 p.m.

Pre-Trial Conf.: July 20, 2018
 Trial: July 31, 2018

DECLARATION OF BAHER AZMY

I, Baher Azmy, declare under penalty of perjury as follows:

1. I am an attorney admitted to the Bar of New York and admitted to practice before this Court *pro hac vice*. I am the Legal Director of the Center for Constitutional Rights (CCR) in New York and have personal knowledge of the matters stated herein. I submit this Declaration in support of Plaintiffs' Motion for Class Certification and to specifically address the adequacy of class representation by CCR and co-counsel appearing in this litigation.

2. The Center for Constitutional Rights is a national, not-for-profit legal, educational and advocacy organization dedicated to protecting and advancing rights guaranteed by the United States Constitution, federal civil rights law and international law. Founded in 1966 to represent civil rights activists in the South, CCR has since litigated numerous landmark actions protecting the rights of noncitizens as well as a range of federal civil rights class actions challenging racial profiling by law enforcement, discrimination against racial and ethnic minorities in public and private employment, and harsh and unconstitutional treatment of state and federal prisoners.

3. CCR has litigated a number of historic civil rights cases such as *Monell v. Department of Social Services*, 436 U.S. 658 (1978) (holding that municipalities can be liable for damages in suits brought under 42 U.S.C. § 1983); *Palmer v. Thompson*, 403 U.S. 217 (1971) (equal protection challenge to Jackson, Mississippi's decision to close public facilities rather than desegregating them); *United States v. United States District Court*, 407 U.S. 297 (1972) (holding Fourth Amendment's warrant requirement applies to electronic surveillance); *Texas v. Johnson*, 491 U.S. 397 (1989) (holding First Amendment protects expressive activity of flag burning); *Holder v. Humanitarian Law Project*, 561 U.S. 1 (2010) (First Amendment challenge to prospect of being charged for material support of terrorism for nonviolent speech activity).

4. In recent years, CCR has served as class counsel in a number of successful complex federal civil rights cases that include: demonstrating the New York City Fire Department's systematic, discriminatory hiring and promotion practices was in violation of Title VII, *see Vulcans Society v. City of New York*, 717 F.3d 72 (2d Cir. 2013); that the New York City Police Department engaged in a systematic practice of racial discrimination and unconstitutional "stop and frisks," *see Floyd v. City of New York*, 959 F. Supp.2d 540 (S.D.N.Y. 2013); that New York City and State teacher certification requirements violated the Title VII rights of Black and Latino teachers and candidates, *see Gulino v. Board of Education of the New York City School Districts*, 201 F.R.D. 326 (S.D.N.Y. 2001); and, ending indeterminate and long-term solitary confinement for prisoners in California state facilities, *Ashker v. Brown*, 09-cv-05796, Dkt 445 (N.D. Cal. Oct. 14, 2015) (court approval of class action settlement); *see also Austin v. Wilkinson*, 545 U.S. 209 (2005) (Eighth and Fourteenth Amendment due process challenge to Ohio's practices with respect to its supermaximum prison)

5. CCR also has a breadth of experience in advancing the rights of non-citizens and litigating international human rights norms in U.S. courts. CCR filed the first petitions on behalf of foreign nationals challenging the legality of indefinite detention in Guantanamo Bay, resulting in the Supreme Court's recognition of statutory and constitutional habeas corpus rights for detainees imprisoned there, *see Rasul v. Bush*, 542 U.S. 466 (2004); *Boumediene v. Bush*, 553 U.S. 723 (2008), and has represented numerous men detained there on a broad range of legal questions governing the scope of substantive and procedural rights available in Guantanamo. CCR pioneered the use of the Alien Tort Statute, 28 U.S.C. § 1350 (ATS), in *Filartiga v. Pena-Irala*, 630 F.2d 876 (2d Cir. 1979), a case which recognized that the ATS – a claim asserted in this case – confers jurisdiction to hear claims brought by aliens for violations of the law of nations, *see also Sosa v. Alvarez-Machain*, 542 U.S. 692 (2004). CCR has represented

1 aliens subject to unlawful government and private conduct such as extraordinary
 2 rendition, *Arar v. Ashcroft*, 535 F.3d 559 (2d Cir. 2009), and torture and abuse at
 3 Abu Ghraib. *See Al Shimari v. CACI Premier Technology, Inc.*, 758 F.3d 516 (4th
 4 Cir. 2014) (holding that ATS applies to claims of torture and abuse against Iraqi
 5 citizens that occurred extraterritorially); *Al Shimari v. CACI Premier Technology,*
 6 *Inc.*, 840 F.3d. 147 (4th Cir. 2016) (holding that claims of torture and war crimes
 7 brought by Iraqi citizens against U.S. entity were not barred by political question
 8 doctrine). Since 2002, CCR has brought cases, including a class action, on behalf
 9 of non-citizens challenging the unconstitutional treatment of Muslim, Arab and
 10 South Asian by federal officials in connection with investigations into the
 11 September 11th attacks, *see, e.g., Ziglar v. Abassi*, 137 S. Ct. 1843 (2017).

12 6. The team of CCR attorneys working on this case includes myself,
 13 Ghita Schwarz, Angelo Guisado and Stephanie Llanes. I am a 1996 graduate of
 14 NYU School of Law, *magna cum laude*. Prior to assuming my current position as
 15 Legal Director of CCR, I was for over ten years a law professor at Seton Hall Law
 16 School in Newark, New Jersey, where I directed a Civil Rights and Constitutional
 17 Litigation Clinic and regularly taught a five-credit course in U.S. Constitutional
 18 Law; prior to that teaching position I served as a law clerk to the then-Chief Judge
 19 of the Third Circuit Court of Appeals, Dolores Sloviter, and worked in private
 20 practice. For over fifteen years, I have been involved in dozens of complex civil
 21 rights actions, including a number of class actions, in areas of immigration
 22 enforcement and detention, policing and racial and religious profiling, government
 23 surveillance, free speech, separation of powers, and involving the rights of
 24 Guantanamo detainees and victims of torture and abuse, including a number of
 25 cases that reached the U.S. Supreme Court. I have published a number of scholarly
 26 articles in prominent law journals on issues relating to access justice and I appear
 27 regularly in the media and at academic conferences on questions related to civil
 28 and human rights.

7. Ghita Schwarz is a Senior Staff Attorney at CCR and a 1998 graduate of Columbia Law School. She has worked on a number of civil rights and access to information cases at CCR, including *Vulcan Society v. City of New York*, 717 F.3d 72 (2d Cir. 2013), a class action which successfully challenged long-term employment discrimination in the New York City Fire Department, *Hassan v. City of New York*, 804 F.3d 277 (3d Cir. 2015), which challenged the NYPD's discriminatory program of suspicionless surveillance of Muslims, and *Detention Watch Network v. ICE*, 215 F. Supp. 3d 256 (S.D.N.Y. 2016) and *Immigrant Defense Project v. ICE*, 208 F. Supp. 3d 520 (S.D.N.Y. 2016), which are FOIA actions successfully seeking government transparency about controversial immigration detention and enforcement practices. She was co-lead counsel in *Aguilar v. ICE*, No. 07 Civ. 8224 (S.D.N.Y. 2007), a class action challenging the policy or practice of warrantless home raids by officers from Immigration and Customs Enforcement. Prior to joining CCR, Ms. Schwarz was an attorney at LatinoJustice PRLDEF, the Door Legal Services Center, and Legal Services of New York. She speaks Spanish fluently.

8. Angelo Guisado is a staff attorney at CCR and a 2012 *cum laude* graduate of Fordham Law School, where he now focuses on racial justice and immigrants' rights issues. Prior to working at CCR, Mr. Guisado served as a law clerk to Judge Damon J. Keith of the Sixth Circuit Court of Appeals and was an associate at Paul, Weiss, Rifkind, Wharton & Garrison LLP in New York City, where he litigated a broad range of both commercial and pro bono civil rights cases. He has published several articles in academic law reviews and is a fluent Spanish speaker.

9. Stephanie Llanes is a 2016 graduate of U.C. Berkeley School of Law, where she served as co-President of the Latino Law Students Association and articles editor for the Berkeley Journal of African-American Law & Policy. Ms. Llanes is in her second year of a two-year Bertha Justice Fellowship at CCR,

1 where she is involved in a range of complex federal litigation related to solitary
2 confinement, government surveillance, and immigrants' rights. She is a fluent
3 Spanish speaker.

4 9. I am aware of no conflicts of interest between myself, CCR, and any
5 members of the class

6 10. CCR has committed substantial time and resources to represent the
7 proposed class in this case. CCR has been heavily involved in the investigation
8 and litigation of this matter for over a year and has sufficient resources to
9 vigorously prosecute this case alongside co-counsel.

10 I declare under penalty of perjury under the laws of the United States that
11 the foregoing is true and correct.

12 Executed this 13th day of November 2017 at New York, New York.

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14 /s/ Baher Azmy

15 Baher Azmy
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