

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

inquiry could be satisfied by representative proof in wage-and-hour class action and that plaintiff class had been properly certified), and as lead counsel in *Roach v. T. L. Cannon Corp.*, 778 F.3d 401 (2d Cir. 2015) (holding that individualized damages determinations alone cannot preclude class certification under the predominance inquiry and vacating the denial of class certification).

6. I was or am among class counsel for successful plaintiffs in *J.D. v. Azar*, 925 F.3d 1291 (D.C. Cir. 2019) (class action on behalf of unaccompanied minor immigrants denied access to abortions; injunctive relief and class certification largely affirmed on appeal); *Banks v. Booth*, 468 F. Supp. 3d 101 (D.D.C. 2020) (granting preliminary injunction requiring D.C. Department of Corrections to improve conditions of confinement to address threat of COVID-19; class settlement later approved, April 2022); and *Mathis v. U.S. Parole Comm'n*, 749 F. Supp. 3d 8 (D.D.C. 2024) (granting preliminary injunction requiring two federal agencies to grant accommodations to individuals with disabilities who are on parole or supervised release), *class cert. granted sub nom. Davis v. U.S. Parole Comm'n*, No. 1:24-CV-01312 (TNM), 2025 WL 457779 (D.D.C. Feb. 11, 2025).
7. I was lead counsel for the plaintiff in *Hinton v. District of Columbia*, 567 F. Supp. 3d 30 (D.D.C. 2021). Although this putative class action did not result in a certified class, it produced a settlement for substantial policy changes benefiting members of the putative class.
8. I was among counsel for the putative plaintiff class in *Costa v. Bazron*, 464 F. Supp. 3d 132 (D.D.C. 2020) (suit on behalf of residents of Saint Elizabeths Hospital challenging repeated failure to adopt constitutionally adequate emergency response plans for health emergencies, including COVID-19 pandemic). Although a class was never certified, the

Court granted a preliminary injunction requiring conditions improvements that benefited all putative class members, and the parties ultimately settled on terms that required policy changes that benefited all putative class members.

9. Each spring semester beginning in 2015, I have been appointed Shikes Fellow in Civil Liberties and Civil Rights and Lecturer on Law at Harvard Law School, where I have taught the upper-level course Civil Rights Litigation for 11 years.
10. I am the author of the law school textbook Civil Rights Enforcement, now in its Second Edition (Aspen 2023).
11. My colleague Arthur B. Spitzer serves as the senior counsel at the ACLU-DC. He has worked at our organization, which was previously known as the American Civil Liberties Union of the National Capital Area, for 45 years, serving as its legal director or co-legal director until spring 2020. Mr. Spitzer has been counsel in hundreds of federal lawsuits. Among them have been numerous class action lawsuits, including *Dellums v. Powell*, 566 F.2d 167 (D.C. Cir. 1977) (class action for damages on behalf of 1,200 falsely accused demonstrators); *Smith v. Montgomery County*, 573 F. Supp. 604 (D. Md. 1983), *appeal dismissed*, 740 F.2d 963 (4th Cir. 1984) (class action for damages on behalf of thousands of arrestees unlawfully strip-searched at detention center); *Green v. District of Columbia*, 134 F.R.D. 1 (D.D.C. 1991) (class action for injunctive relief regarding health care, legal materials and educational opportunities for prisoners); *LaShawn A. v. Barry*, 990 F.2d 1319 (D.C. Cir. 1993) (class action for injunctive relief on behalf of children in D.C. foster care); *Lampkin v. District of Columbia*, 27 F.3d 605 (D.C. Cir. 1994) (class action to obtain school transportation for homeless children); *Barry v. Little*, 669 A.2d 115 (D.C. 1995) (class action challenging cutoff of welfare benefits); *Carr v. District of Columbia*,

587 F.3d 401 (D.C. Cir. 2009) (class action for damages arising out of mass arrest); and *Wood v. Moss*, 572 U.S. 744 (2014) (class action for damages arising out of breakup of peaceful demonstration). He also was one of plaintiffs' counsel in *J.D.*, *Hinton*, *Banks*, and *Costa*, discussed above.

12. I believe that Mr. Spitzer and I will fairly and adequately represent the interests of the class proposed to be certified in this case.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Washington, D.C. on June 3, 2025.

A handwritten signature in blue ink, reading "Scott Michelman", is positioned above a horizontal line.

Scott Michelman