

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

TWANDA MARSHINDA BROWN;
SASHA MONIQUE DARBY;
CAYESHIA CASHEL JOHNSON;
AMY MARIE PALACIOS;
NORA ANN CORDER; and
XAVIER LARRY GOODWIN and RAYMOND
WRIGHT, JR., on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

LEXINGTON COUNTY, SOUTH CAROLINA;
GARY REINHART, in his individual capacity;
REBECCA ADAMS, in her official and individual
capacities as the Chief Judge for Administrative
Purposes of the Summary Courts in Lexington
County and in her official capacity as the Judge of
the Irmo Magistrate Court; ALBERT JOHN
DOOLEY, III, in his official capacity as the
Associate Chief Judge for Administrative Purposes
of the Summary Courts in Lexington County;
BRYAN KOON, in his official capacity as the
Lexington County Sheriff; and ROBERT MADSEN,
in his official capacity as the Circuit Public
Defender for the Eleventh Judicial Circuit of South
Carolina,

Defendants.

Case No.
3:17-cv-01426-MBS-SVH

**DECLARATION OF NUSRAT J. CHOUDHURY IN SUPPORT OF
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

I, Nusrat J. Choudhury, declare as follows:

1. I am a senior staff attorney with the Racial Justice Program of the American Civil Liberties Union Foundation (“ACLU”) and the lead counsel for Plaintiffs in this case. I am a

member in good standing with the New York State Bar Association. I have been admitted pro hac vice to represent the Plaintiffs in this action. I respectfully submit this declaration in support of Plaintiffs' Motion for Class Certification. I make this declaration based on personal knowledge, and I am competent to testify regarding the following facts.

2. The ACLU is a non-profit, non-partisan organization dedicated to the defense and preservation of the individual rights and liberties guaranteed by the U.S. Constitution and the laws of the United States. Its staff has extensive experience with class actions in both state and federal court and has litigated numerous important cases on matters including the right to counsel, the right to due process, the right to equal protection of the law, prisoners' rights, the right to free speech, and the right to vote.

3. I am the lead attorney for the ACLU in the instant litigation. As an attorney with the ACLU's Racial Justice Program, I have been engaged in direct litigation on behalf of the ACLU since 2008.

4. I received a B.A., summa cum laude, from Columbia University in 1998. In 2006, I received an M.P.A. in International Development from Princeton University, and a J.D. from Yale Law School.

5. From 2006 to 2007, I served as a law clerk for the Honorable Denise Cote in the United States District Court for the Southern District of New York, and from 2007 and 2008, I served as a law clerk for the Honorable Barrington D. Parker in the United States Court of Appeals for the Second Circuit.

6. I am admitted to practice in New York and have also been admitted to practice in the United States District Courts for the Southern and Eastern Districts of New York and for the

Eastern District of Wisconsin, in the United States Courts of Appeal for the Third, Sixth, and Ninth Circuits, and in the United States Supreme Court.

7. I have ample experience with complex civil rights litigation in federal district and appellate courts, and particular experience in bringing litigation to challenge constitutional violations in criminal justice systems. I served as lead counsel in *Thompson v. DeKalb County, Georgia*, No. 15-cv-00280 (N.D. Ga.), a case that brought constitutional claims against practices concerning the collection of court fines and fees, which resulted in significant systemic reforms. I also served as lead counsel in *Kennedy v. Biloxi*, No. 1:15-cv-348 (S.D. Miss.), a proposed class action lawsuit that brought constitutional claims against municipal court fine collection practices, which also resulted in significant reforms. I am currently lead counsel in *Collins v. City of Milwaukee*, 2:17-cv-234-JPS (E.D. Wis.), a proposed class action lawsuit challenging racial profiling and police stop and frisk practices.

8. Since 2013, I have investigated constitutional violations stemming from the practices of local governments, courts, and private companies for collecting court fines and fees in Georgia, Mississippi, Florida, and South Carolina. I have also advised colleagues at the ACLU and ACLU affiliates in Arkansas, Colorado, Maine, Michigan, New Hampshire, Nebraska, New Jersey, Ohio, Pennsylvania, South Dakota, Washington, and Wisconsin on policy reforms to remedy the unlawful jailing of indigent people for unpaid court fines and fees in violation of their basic constitutional rights.

9. While at the ACLU, I have also litigated several cases related to post-9/11 profiling of racial and religious minorities, government watchlists, FBI misconduct and abuse, and secrecy over intelligence programs, including: *Latif v. Holder*, No. 3:10-cv-00750 (D. Or.), on appeal, No. 11-35407 (9th Cir.); *Meshal v. Higgenbotham*, No. 1:09-cv-02178 (D.D.C.);

American Civil Liberties Union of NJ v. Federal Bureau of Investigation, No. 2:11-cv-02553 (D. N.J.), on appeal, No. 12-4345 (3d Cir.); *American Civil Liberties Union of Michigan v. Federal Bureau of Investigation*, No. 2:11-cv-13154 (N.D. Mich.), on appeal, No. 12-2536 (6th Cir.); and *American Civil Liberties Union v. Federal Bureau of Investigation*, No. 1:11-cv-05963 (S.D.N.Y.). I also litigated *Raza v. City of New York*, No. 1:13-cv-03448 (E.D.N.Y.) and *Jarrar v. Harris*, No. 1:07-cv-03299 (E.D.N.Y.).


10. Linda Moon is an attorney and legal fellow with the ACLU Racial Justice Program. Ms. Moon graduated from Columbia Law School where she was a Harlan Fiske Stone Scholar and received the Parker School Recognition of Achievement in Foreign and Comparative Law. Ms. Moon has been a legal fellow with the ACLU Racial Justice Program since August 2016 and concentrates her practice on complex litigation challenging constitutional violations stemming from the practices of local governments, courts, and private companies for collecting court fines and fees. Ms. Moon's fellowship with the ACLU will end in August 2017. At that point, Carl Snodgrass, a recent graduate of the University of Pennsylvania Law School will replace her to work as a legal fellow on this litigation.

11. In conjunction with Terrell Marshall Law Group and the ACLU Foundation of South Carolina, the ACLU has spent several months investigating this case prior to filing the Complaint and Amended Class Action Complaint. The extent of that investigation is shown in the substantial allegations and facts set forth in the Amended Class Action Complaint. The ACLU has extensive knowledge of the facts and the law applicable to the issues being raised.

12. The ACLU attorneys and staff are prepared to commit the time and resources necessary to fairly and adequately represent the interests of the Class.

13. Plaintiffs Xavier Larry Goodwin and Raymond Wright, Jr. have demonstrated a commitment to prosecuting this action vigorously on behalf of the Class.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed in New York, NY on this 20th day of July, 2017.

By: 
Nusrat J. Choudhury, NYSBA #4538302