

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

<p>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;</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>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,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">Case No. 3:17-cv-01426-MBS-SVH</p>
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**DECLARATION OF TOBY J. MARSHALL IN SUPPORT OF
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

I, Toby J. Marshall, declare as follows:

1. I am a member of the law firm of Terrell Marshall Law Group PLLC (“Terrell Marshall”) and co-counsel for Plaintiffs in this case. I am a member in good standing of the bar

of the State of Washington, and have been admitted to this Court pro hac vice. I respectfully submit this declaration in support of Plaintiff's Motion for Class Certification. Except as otherwise noted, I have personal knowledge of the facts set forth in this declaration and could testify competently to them if called to do so.

2. Terrell Marshall is a law firm in Seattle, Washington that focuses on complex civil and commercial litigation with an emphasis on consumer protection, product defect, employment, wage and hour, real estate, personal injury, and civil rights matters. The attorneys of Terrell Marshall have extensive experience in class actions, collective actions, and other complex matters. They have been appointed lead or co-lead class counsel in numerous cases at both the state and federal level. They have prosecuted a variety of multi-million-dollar consumer fraud, wage and hour, securities fraud, and product defect class actions. The defendants in these cases have included companies such as Wal-Mart, Microsoft, Best Buy, Toyota, Honda, Sallie Mae, Comcast, ABM Industries, AT&T, T-Mobile USA, Weyerhaeuser, Behr Products, American Cemwood, Bank of America, Discover, Chase, Capital One, and HSBC.

3. I am the lead attorney from Terrell Marshall in the instant litigation. As a founding member of Terrell Marshall and the firm's current managing member, I concentrate my practice in complex civil litigation, including the prosecution of consumer, wage and hour, and civil rights class actions. I have been actively involved in every aspect of dozens of class actions brought on behalf of consumers, employees, and others and have recovered millions of dollars and obtained substantial injunctive relief for the represented groups.

4. I received a B.A., cum laude, from California State University, Sacramento in 1996. In 2002, I received my J.D. from the University of Washington School of Law, where I served on the Moot Court Honor Board and was selected to the Order of Barristers.

5. I have tried and won cases in state and federal courts and have also successfully briefed and argued cases before the Washington Supreme Court, the Washington State Court of Appeals, and the Ninth Circuit Court of Appeals. In *Wilbur v. Mount Vernon* (W.D. Wash.), I was appointed co-lead class counsel for a certified class of indigent defendants in Mount Vernon and Burlington, Washington. After three years of litigation and a nine-day bench trial, my co-counsel and I prevailed and obtained substantial injunctive relief on behalf of the class. In *McGinnity v. AutoNation, Inc.* (Arbitration; Spokane County Superior Court, Washington), I was appointed co-lead class counsel for a certified class of more than 500 AutoNation employees. After two years of litigation, my co-counsel and I prevailed at a four-day arbitration hearing and obtained an award, later reduced to judgment, in excess of \$2.6 million. That judgment was affirmed by the Washington Court of Appeals. In *Ramirez v. Precision Drywall, Inc.* (King County Superior Court, Washington), my firm was appointed lead class counsel for a certified class of 325 Washington employees. After a five-week jury trial, we obtained a judgment of \$4.1 million. That judgment was affirmed by the Washington Court of Appeals.

6. I have also successfully litigated and settled many other class actions. In *Fuentes v. Benton County* (Yakima County Superior Court, Washington), for example, I served as co-lead class counsel for two certified classes of indigent people in a case, similar to this one, in which a county was incarcerating indigent persons for non-payment of court-imposed fines, fees, and court costs. After one year of litigation, my co-counsel and I secured a court-approved settlement that obtained substantial injunctive relief on behalf of thousands of indigent people. In *Barnett v. Wal-Mart Stores, Inc.* (King County Superior Court, Washington), my firm was appointed co-lead class counsel for a certified class of more than 88,000 current and former Wal-Mart employees in Washington who alleged wage and hour violations. After more than seven

years of litigation, we obtained a \$35,000,000 settlement on behalf of the class. The settlement was approved in July 2009.

7. I am actively involved in several professional organizations and activities. For example, I currently serve on the amicus and legislative committees of the Washington Employment Lawyers Association and the board of the Washington Appellate Project. I am also a member of the American Association for Justice, the Washington State Association of Justice, the Public Justice Foundation, and the National Association of Consumer Advocates. Previously, in 2013, I served as the Chair of the Washington State Bar Association Labor & Employment Law Section Executive Committee, and I acted as the Section's Treasurer in 2011 and 2012.

8. I have been named several times to the annual Washington "Super Lawyers" and "Rising Star" lists by Washington Law & Politics Magazine.

9. Eric R. Nusser is an associate attorney with Terrell Marshall. Mr. Nusser graduated cum laude from Seattle University School of Law, where he served as the president of the Labor and Employment Law Association and was a three-time recipient of the Presidential Law Scholarship. While a student at Seattle University, Mr. Nusser served as a law clerk for Terrell Marshall, an extern for the Honorable Lisa R. Worswick at the Washington Court of Appeals, Div. II, and as a summer associate for the Unemployment Law Project. Mr. Nusser has been an associate with Terrell Marshall since 2016 and concentrates his practice on complex litigation including worker rights, consumer protection, and civil rights class actions.

10. In conjunction with the ACLU and the ACLU Foundation of South Carolina, Terrell Marshall spent several months investigating this case prior to filing the complaint. The extent of that investigation is shown in the substantial allegations and facts set forth in the complaint. Terrell Marshall has extensive knowledge of the facts and the law applicable to the

issues being raised. The firm and its attorneys and staff members are prepared to commit the time and resources necessary to fairly and adequately represent the interests of the Class.

11. Terrell Marshall will zealously represent Plaintiff Goodwin and the proposed Class members.

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 Seattle, Washington on this 20th day of July, 2017.

By: 
Toby J. Marshall, WSBA #32726