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8 *Desiree Licci, Joseph Hefner, Joshua Polson, and*  
*Charlotte Wells, on behalf of themselves and all others*  
*similarly situated*

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15  
16 UNITED STATES DISTRICT COURT  
17 DISTRICT OF ARIZONA

18 Victor Parsons; Shawn Jensen; Stephen Swartz;  
Dustin Brislan; Sonia Rodriguez; Christina  
19 Verduzco; Jackie Thomas; Jeremy Smith; Robert  
Gamez; Maryanne Chisholm; Desiree Licci; Joseph  
20 Hefner; Joshua Polson; and Charlotte Wells, on  
behalf of themselves and all others similarly  
21 situated; and Arizona Center for Disability Law,  
Plaintiffs,

22 v.

23 David Shinn, Director, Arizona Department of  
Corrections; and Richard Pratt, Division Director,  
24 Division of Health Services Contract Monitoring  
Bureau, Arizona Department of Corrections, in their  
25 official capacities,

26 Defendants.

No. CV 12-00601-PHX-ROS

**DECLARATION OF TANIA  
AMARILLAS DIAZ**

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1 I, Tania Amarillas Diaz, declare:

2 1. I am an investigator at the Prison Law Office (“PLO”) assigned to work on  
3 the *Parsons* case. I am over the age of 18 and if called as a witness, I could and would  
4 testify competently to the facts stated below, all of which are within my personal  
5 knowledge.

6 2. On March 11-12, 2020, I participated in a monitoring tour of Arizona State  
7 Prison Complex (“ASPC”)-Florence, along with other attorneys employed by the PLO,  
8 the Arizona Center for Disability Law, the ACLU of Arizona, and the ACLU National  
9 Prison Project.

10 3. In preparation for the tour, Plaintiffs’ counsel requested a list of all requests  
11 for specialty referral submitted to Utilization Management for patients at ASPC-Florence  
12 from November 1, 2019, to February 15, 2020, including (a) name and ADC number of  
13 patient; (b) specialty type; (c) request status (routine, urgent, or emergent); (d) status of  
14 request as of the date the report is run. Attached hereto as **Exhibit 1**, and filed under seal,  
15 is a true and correct copy of the request (redacted).

16 4. In response to our request, Defendants produced a 21-page report listing the  
17 1,001 specialty consult requests submitted between November 1, 2019, and February 15,  
18 2020. The report contained 618 specialty consult requests submitted as “Routine,” 381  
19 specialty consult requests submitted as “Urgent,” and two specialty consult requests  
20 submitted as “Emergent.” The specialty consult requests span many specialties, including  
21 neurosurgery, hem/oncology, cardiology, ENT, and gastroenterology. Attached hereto as  
22 **Exhibit 2**, and filed under seal, is a true and correct copy of the list (redacted), as  
23 produced and Bates-stamped ADCM1602422-ADCM1602442 by Counsel for  
24 Defendants.

25 5. On March 9 and 10, 2020, I reviewed the status of 283 specialty consult  
26 requests listed in the report produced by Defendants, focusing primarily on requests  
27 whose status was listed as “Authorization Obtained.” I did this by checking the electronic  
28 medical record for the relevant class member and consult request.

1           6.       The report contained 276 specialty consult requests listed as “Authorization  
2 Obtained.” I understand this to mean that the requests have been authorized but not yet  
3 scheduled or completed. I reviewed the underlying medical records for 188 of those 276  
4 requests. (I selected those 188 by scanning the specialty consult requests report for entries  
5 listed as “Authorization Obtained” and prioritizing requests submitted on an urgent basis.)  
6 I found that 85 out of those 188 requests (or 45%) were already out of compliance with  
7 Performance Measures 50 and 51. That is, if they were submitted on a routine basis, it  
8 already had been over 60 days since the consult request was submitted, meaning they  
9 were out of compliance with Performance Measure 51 (“Routine specialty consultations  
10 will be scheduled and completed within 60 calendar days of the consultation being  
11 requested by the provider.”). Or, if they were submitted on an urgent basis, it already had  
12 been over 30 days since the consult request was submitted, meaning they were out of  
13 compliance with Performance Measure 50 (“Urgent specialty consultations and urgent  
14 specialty diagnostic services will be scheduled and completed within 30 calendar days of  
15 the consultation being requested by the provider.”).

16           7.       For example, I reviewed the following specialty consult requests for five  
17 separate class members. The list produced by Defendants listed the status of each of the  
18 below requests as “Authorization Obtained.”

- 19           a) A routine request for a neurology consult was submitted on November 18,  
20 2019, for “NEUROLOGY CONSULT PARKINSONS TREMORS WORSE  
21 EVEN WITH INCREASES TO MEDICATIONS MORE TREMORS  
22 INCREASED SEE MEDICATION DOSING INMATE NEUROLOGY  
23 PLEASE.” According to Performance Measure 51, that consult should have  
24 been completed by January 17, 2020. According to the electronic medical  
25 record, the request was authorized on December 12, 2019; March 11, 2020;  
26 and twice on March 18, 2020. Also according to the electronic medical  
27 record, this class member has not been seen for this request as of March 19,  
28 2020.

- 1           b) A routine request for ENT was submitted on December 2, 2019, for  
2           “increased R ear pain for the last 2-3 months. His ear rings and throbs with  
3           pain at night.” According to Performance Measure 51, that consult should  
4           have been completed by January 31, 2020. According to the electronic  
5           medical record, the request was authorized on December 12, 2019.  
6           According to the electronic medical record, this class member has not been  
7           seen for this request as of March 19, 2020.
- 8           c) An urgent request for hem/oncology was submitted on December 10, 2019,  
9           for a follow-up with Dr. Arslan, hematologist/oncologist, who requested that  
10          the class member return on November 8, 2019. According to Performance  
11          Measure 50, that consult should have been completed by January 9, 2020.  
12          According to the electronic medical record, the request was authorized on  
13          December 20, 2019, and February 20, 2020. According to the electronic  
14          medical record, this class member has not been seen for this request as of  
15          March 19, 2020.
- 16          d) A routine request for cardiology was submitted on December 16, 2019, for  
17          “abnormal 12/3/2019 EKG-sinus bradycardia, left posterior fascicular  
18          block.” According to Performance Measure 51, that consult should have  
19          been completed by February 14, 2020. According to the electronic medical  
20          record, the request was authorized on January 8, 2020, and March 5, 2020.  
21          According to the electronic medical record, this class member has not been  
22          seen for this request as of March 19, 2020.
- 23          e) A routine request for gastroenterology was submitted on January 5, 2020, for  
24          a HIDA scan. According to Performance Measure 51, that consult should  
25          have been completed by March 5, 2020. According to the electronic medical  
26          record, the request was authorized on January 21, 2020. According to the  
27          electronic medical record, this class member has not been seen for this  
28          request as of March 19, 2020. Attached as **Exhibit 3**, and filed under seal, is

1 a redacted version of a letter sent by Plaintiffs' counsel Rita Lomio and  
2 myself to Defendants' counsel Timothy Bojanowski on March 17, 2020,  
3 regarding delays in specialty care for this class member.

4 8. Attached as **Exhibit 4**, and filed under seal, is a redacted version of a letter  
5 sent by Plaintiffs' counsel Rita Lomio and Amber Norris to Defendants' counsel Timothy  
6 Bojanowski on March 18, 2020, regarding delays in specialty care for another class  
7 member at ASPC-Florence.

8 9. Attached as **Exhibit 5**, and filed under seal, is a redacted version of a letter  
9 sent by Plaintiffs' counsel Rita Lomio to Defendants' counsel Timothy Bojanowski on  
10 March 19, 2020, regarding delays in specialty care for another class member at ASPC-  
11 Florence.

12 I declare under penalty of perjury that the foregoing is true and correct.

13 This declaration was executed on March 20, 2020, in San Rafael, California.

14  
15 Dated: March 20, 2020

/s/ Tania Amarillas Diaz

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Tania Amarillas Diaz

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Respectfully submitted,

Dated: March 20, 2020

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 20, 2020, I electronically transmitted the above document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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