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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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13 JOHN DOE, et al.
on behalf of themselves and others similarly
14 situated

15
16 UNITED STATES DISTRICT COURT
17 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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19 JOHN DOE, et al., on behalf of themselves and)
20 others similarly situated,)

21 Plaintiffs,)

22 vs.)

23 KAMALA D. HARRIS, et al.,)

24 Defendants.)
25)
26)
27)
28)

Civil Case No. 12 5713

DECLARATION OF LINDA LYE IN
SUPPORT OF PLAINTIFFS' MOTION
FOR CLASS CERTIFICATION

DECLARATION OF LINDA LYE IN SUPPORT OF
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Case No.: _____

1 I, Linda Lye, declare as follows:

2 1. I am a Staff Attorney with the American Civil Liberties Union Foundation of
3 Northern California and counsel for Plaintiffs in this action. I am admitted to the bar of the United
4 States District Court for the Northern District of California. I submit this declaration in support of
5 Plaintiffs' Motion for Class Certification. The following facts are based on my own personal
6 knowledge and, if called as a witness, I could and would testify competently thereto.

7 2. I regularly litigate civil rights cases on behalf of plaintiffs, including cases
8 venued in the Northern District of California. I specialize in First Amendment issues and have
9 litigated numerous cases involving these areas of constitutional law.

10 3. The ACLU Foundation of Northern California, my colleague Michael T. Risher,
11 who is also a staff attorney with the ACLU Foundation of Northern California, and I all have
12 experience representing plaintiffs in class action litigation. I have represented certified plaintiff
13 classes in *Darensburg v. Metropolitan Transportation Commission*, 636 F.3d 511 (9th Cir. 2011)
14 (certified class action challenging discriminatory allocation of transportation funds), and *Martin v.*
15 *New United Motors Manufacturing, Inc.*, N.D. Cal. Case No. 4:07-cv-03887-PJH (\$4.6 million
16 settlement in class and collective action in wage and hour case). My colleague Mr. Risher has
17 represented certified plaintiff classes in *Kincaid v. City of Fresno*, 244 F.R.D. 597 (E.D. Cal. 2007)
18 (certifying class of homeless persons in challenge to policy of seizing and destroying their
19 property), and *Haskell v. Brown*, 677 F.Supp.2d 1187 (N.D. Ca. 2009) (challenge by class of
20 arrestees to California statute requiring mandatory DNA testing of felony arrestees), now on review
21 *sub nom.*, *Haskell v. Harris*, No. 10-15152, before an en banc panel of the Ninth Circuit. The
22 ACLU of Northern California also has extensive experience bringing civil rights class action
23 lawsuits. *See, e.g., De Abadia-Peixoto v. United States Dept. of Homeland Security*, N.D. Cal.
24 Case No. 3:11-cv-04001-RS (Doc. No. 52) (certifying class of immigration detainees challenging
25 policy and practice of shackling detainees in immigration court); *Williams v. City of Antioch*, N.D.
26 Cal. Case No. 4:08-cv-02301-SBA (Doc. 231-234) (orders granting final approval of class action
27

1 settlement in challenge by African American residents of Antioch participating in Section 8
2 housing voucher program against police policies and practices).

3 4. Prior to his present work with the ACLU of Northern California, Mr. Risher was a
4 deputy public defender in Alameda County, California for over six years, where he conducted over
5 20 jury trials and litigated numerous motions and evidentiary hearings. He received his
6 undergraduate degree from Harvard with honors in 1989. He graduated from Stanford Law School
7 with distinction and Order of the Coif. After law school, he clerked for Judge Karen Nelson Moore
8 of the United States Court of Appeals for the Sixth Circuit. Prior to my present work with the
9 ACLU of Northern California, I was an associate and partner at the firm of Altshuler Berzon LLP
10 in San Francisco, where I represented clients, primarily labor unions and environmental
11 organizations. I litigated cases at all levels of the federal courts, including a successful case in the
12 United States Supreme Court obtaining a 9-0 opinion in my clients' favor, and argued multiple
13 cases before the Ninth Circuit. I also represented clients in state court, administrative proceedings,
14 and arbitrations. I graduated from Yale College in 1993, *summa cum laude*, Phi Beta Kappa and
15 with a distinction in Literature, and my J.D. in 1999 from Boalt Hall at the University of California
16 at Berkeley, where I graduated Order of the Coif. I clerked for Judge Guido Calabresi of the
17 United States Court of Appeals for the Second Circuit, and Justice Ruth Bader Ginsburg of the
18 United States Supreme Court.

19 5. The American Civil Liberties Union Foundation of Northern California is a public
20 interest organization dedicated to defending the civil rights and liberties in the state and federal
21 constitutions. It is committed to expending the resources necessary to fully represent the class in
22 this important case involving the free speech rights of a disfavored group.

23 I declare under penalty of perjury under the laws of the United States and the State of California
24 that the foregoing is true and correct.

25 Executed this 6th day of November, 2012 in San Francisco, California.

26 
27 _____
28 Linda Lye