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Attorneys for Plaintiffs

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19

20 JOHN ARMSTRONG, et al.,

21 Plaintiffs,

22 v.

23 GAVIN NEWSOM, et al.,

24 Defendants.
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Case No. C94 2307 CW

**DECLARATION OF TANIA
AMARILLAS DIAZ IN SUPPORT OF
PLAINTIFFS’ MOTION TO
PROTECT *ARMSTRONG* CLASS
MEMBERS DURING COVID-19
PANDEMIC**

Judge: Claudia Wilken

1 I, Tania Amarillas Diaz, declare:

2 1. I am an investigator at the Prison Law Office, counsel of record for the
3 Plaintiff class in *Armstrong v. Newsom*. I have personal knowledge of the facts set forth
4 herein, and if called as a witness, I could competently so testify. I make this declaration in
5 support of Plaintiffs’ Motion to Protect *Armstrong* Class Members During the COVID-19
6 Pandemic.

7 2. I reviewed the quarantine and isolation bed plans produced by Defendants on
8 June 19, 2020. *See* Declaration of Penny Godbold in Support of Plaintiffs’ Motion to
9 Protect *Armstrong* Class Members During the COVID-19 Pandemic, filed herewith, ¶ 27
10 & Ex. O. In reviewing the bed plans for various prisons, I cross-referenced the July 1, 2020
11 DPP roster. This report is produced to Plaintiffs at the beginning of every month with a
12 coversheet entitled, “Disability Inmate Counts.” I used the DPP roster to determine how
13 many impacting-placement class members currently are living in the housing units for
14 which Defendants assigned quarantine and isolation placements. I also used the DPP roster
15 to determine if cells identified for use as quarantine or isolation housing currently are
16 occupied, and if they are occupied by class members. I used the “Wheelchair Bed
17 Inventory” report (dated June 17, 2020), produced by Defendants, to determine if the beds
18 identified for use as quarantine or isolation are designed as DPW beds.

19 3. I designed a diagram of Joshua Hall at the California Institution for Men
20 (“CIM”), illustrating where people were housed in that dorm as of July 1, 2020, whether
21 they were an *Armstrong* class member, and their COVID-19 status, based on information
22 available to me. The steps I took are outlined below. A true and correct copy of my
23 diagram, with key, is attached hereto as **Exhibit A**.

24 4. I started from a drawing of Joshua Hall that an *Armstrong* class member
25 drafted and sent to my office in July 2018 (“Class Member’s July 2018 Diagram”). The
26 diagram shows the layout of the beds, restroom, staff office, and dayroom in Joshua Hall
27 as of July 2018. For more information about how the class member created the drawing,
28 and the changes in building layout since that time, please see his declaration, which is

1 attached as Exhibit EE to the Declaration of Patrick Booth in Support of Plaintiffs' Motion
2 to Protect *Armstrong* Class Members During the COVID-19 Pandemic ("Booth Decl."),
3 filed herewith.

4 5. On July 7, 2020, Defendants produced an Excel spreadsheet showing the
5 current bed layout in Joshua Hall ("Defendants' July 2020 Diagram"). *See* Declaration of
6 Rita Lomio in Support of Plaintiffs' Motion to Protect *Armstrong* Class Members During
7 the COVID-19 Pandemic, filed herewith, Ex. M. Defendants' diagram shows that beds
8 103, 106, 108, 113, 116, 118, 123, 126, 128, 133, 136, 138, 143, 146, 149, 153, 155, 158,
9 162, 165, 168, 173, 176, and 179 have been marked "Not in Service," which I understand
10 to mean that these beds are not currently in use. *Id.* at 4.

11 6. I renumbered the beds on the Class Members' July 2018 Diagram to match
12 the bed layout of Defendants' July 2020 Diagram. It appeared that some of the beds in the
13 Class Member's July 2018 Diagram were cut off when the document was scanned by my
14 office. I added these beds back to the diagram: 108, 118, 128, 138, 144, 154, 164, and 175.
15 Several beds in the Class Members' July 2018 Diagram did not appear in Defendants'
16 diagram. I shaded these beds with a gray crosshatch pattern. I shaded beds marked "Not in
17 Service" in Defendants' July 2020 Diagram with a plain gray box.

18 7. Based on the declaration of the class member who originally drafted the
19 diagram (Booth Decl., Ex. EE ¶ 9), I added to the diagram an indication of where I
20 understand new phones to be located, along the wall between the living quarters and
21 dayroom. The location of these phones is marked with a pink box.

22 8. Based on the table that Mr. Booth created showing where people were
23 housed in Joshua Hall as of July 1, 2020, including their COVID-19 status and DPP code
24 (*see* Booth Decl., Ex. Y), I added colored squares to my diagram to represent which bunk
25 beds people in Joshua Hall were assigned to and their COVID-19 status (negative,
26 positive, or resolved), as follows:

- 27 (a) I marked squares with an "A" where the person was an *Armstrong*
28 class member.

- 1 (b) I marked squares with an “N” where the person was not an *Armstrong*
- 2 class member.
- 3 (c) If two people were listed as residing on the same bunk bed, the top
- 4 square corresponds to the person assigned to the upper bunk, and the
- 5 bottom square corresponds to the person assigned to the lower bunk.
- 6 (d) A blue square represents a person who tested negative for COVID-19
- 7 after tests administered on June 23, 2020, *and* July 8, 2020. I only
- 8 have information for people in this category who are *Armstrong* class
- 9 members.
- 10 (e) A green square represents a person whose case was resolved as of
- 11 June 23, 2020.
- 12 (f) A red square represents a person who tested positive for COVID-19
- 13 after a test administered on June 23, 2020.
- 14 (g) An orange square represents a person who tested positive for COVID-
- 15 19 after a test administered on July 6, 2020, *and* who had previously
- 16 tested negative after a test administered on June 23, 2020.


17 9. I also tallied the number of class members inappropriately housed at CIM on
18 July 1, 2020. Using a DPP Roster from July 1, 2020 (Booth Decl., Ex. M), and a February
19 2020 housing matrix (*id.*, Ex. O) showing the designation of the housing units at CIM, I
20 counted thirteen class members who were inappropriately housed on July 1, 2020. On this
21 date, there were seven class members on Facility A, five class members on

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1 Facility C, and one class member on Facility D who were inappropriately housed. Ten of
2 the thirteen class members are designated DPM, two are designated DPO, and one is
3 designated DKD.

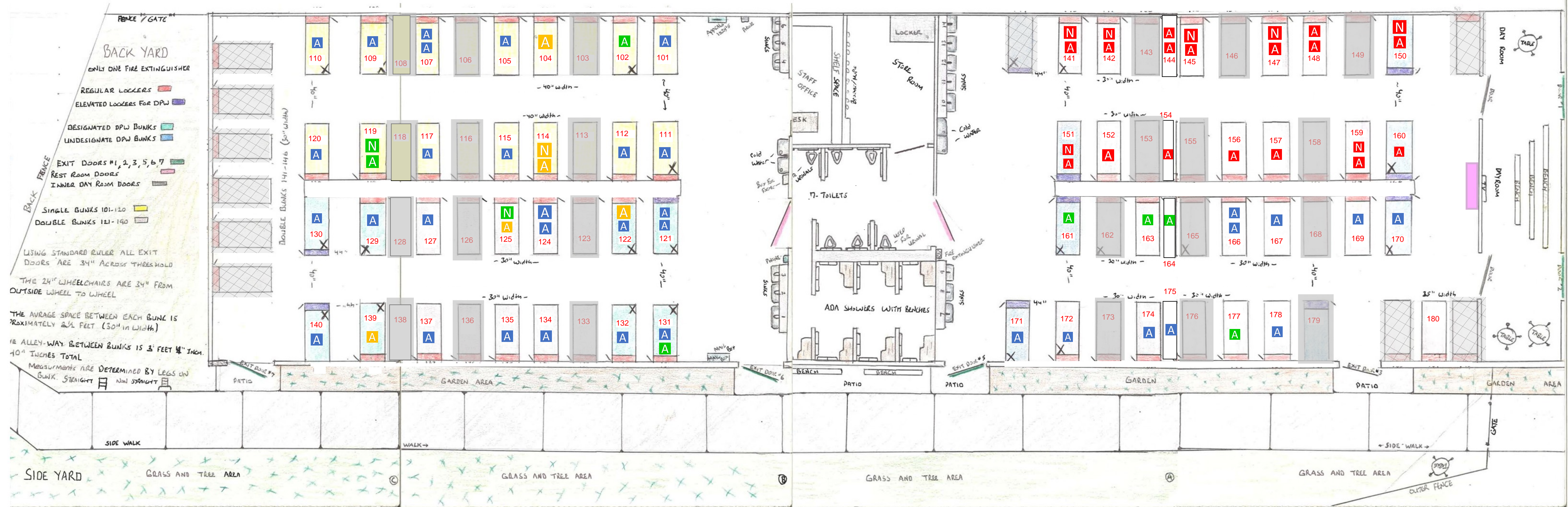
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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration is executed at San Rafael, California, this 14th day of July, 2020.



Tania Amarillas Diaz

Exhibit A



Joshua Hall Diagram Key



Beds shaded gray indicate beds marked “Not in Service” by Defendants.



Beds shaded with a gray crosshatch indicate beds that do not appear in Defendants’ diagram produced on 7/7/20.



Location of the new phones installed along the wall between the living quarters and dayroom



Armstrong class members with negative results after tests on 6/23 and 7/6/20



Person with resolved case as of 6/23/20
 (“A” denotes *Armstrong* class member; “N” denotes non-class member)



Person with positive result after test on 6/23/20
 (“A” denotes *Armstrong* class member; “N” denotes non-class member)



Person with negative test result after test on 6/23/20, and positive test result after test on 7/6/20
 (“A” denotes *Armstrong* class member; “N” denotes non-class member)



Whenever beds with two occupants are indicated, the top symbol represents the person living on the top bunk, and the bottom symbol represents the person living on the bottom bunk.

