

# **EXHIBIT 2**

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16 *Attorneys for Plaintiffs*

17 **UNITED STATES DISTRICT COURT**  
18 **DISTRICT OF ARIZONA**

19 Samuel Luckey and Aaron Dromiack,  
20 on behalf of themselves and those  
21 similarly situated, and

22 Arizona Attorneys for Criminal  
23 Justice,

24 **Plaintiffs,**

25 v.

26 Alister Adel, in her official capacity as  
27 County Attorney for Maricopa  
28 County,

**Defendant.**

No. CV21-01168-PHX-GMS (ESW)

**DECLARATION OF SOMIL TRIVEDI  
IN SUPPORT OF MOTION FOR  
CLASS CERTIFICATION**

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I, Somil Trivedi, hereby declare under penalty of perjury:

1. I submit this declaration in support of Plaintiffs’ request to appoint myself as class counsel in this matter. I will be joined by attorneys at the American Civil Liberties Union of Arizona. *See* Declaration of Victoria Lopez.
2. I have been licensed since 2010 and worked as an attorney continuously since then. I began my career at WilmerHale LLP focusing on government investigations and complex commercial litigation, including class action litigation. At WilmerHale I also joined numerous pro bono projects regarding criminal law reform, including multiple Supreme Court amicus briefs on law enforcement misconduct.
3. In 2016, I joined the U.S. Department of Justice as a Trial Attorney in the Criminal Division and then a Special United States Attorney in the District of Columbia, taking several cases to trial.
4. I joined the ACLU in 2017 and have focused on litigation involving prosecutorial misconduct and discretion, police misconduct, and jail and prison conditions. I have developed considerable expertise in these areas and am currently co-counsel on numerous cases of this nature across the country.
5. Of these, four have been federal class actions. *See Fenty v. Penzone*, No. CV-20-01192-PHX-SPL (D. Ariz.); *Romero-Lorenzo v. Koehn*, CV-20-00901-PHX-DJH (D. Ariz.); *Ahlman v. Barnes*, No. SACV 20-835 JGB (SHKx) (C.D. Cal. 2020); *Livas v. Myers*, 2:20-cv-00422-TAD-KK (W.D. La.).
6. Several of my cases also involve allegations that prosecutors have violated the procedural rights of pretrial criminal defendants, just as Plaintiffs are alleging here. *See, e.g., P.E.O.P.L.E. v. Rackauckas*, 30-2018-00983799-CU-CR-CXC

1 (Ca. Sup. Ct.); *Wilson v. Markle*, MG 2018-cv-147 (Kan. Dist. Ct.); *Graham v.*  
2 *DA of Hampden County*, SJ-2021-0129 (Mass. Sup. Jud. Ct.); *see also Singleton*  
3 *v. Cannizzaro*, 2:17-cv-10721-JTM-JVM (E.D. La.) (alleging constitutional  
4 violations by prosecutors against victims and witnesses). I have also joined  
5 numerous amicus briefs on this topic, including in particular the topic of coercive  
6 plea bargaining. *See, e.g.*, Brief of National Association of Criminal Defense  
7 Lawyers, Cato Institute, American Civil Liberties Union Foundation, American  
8 Civil Liberties Union Foundation of Texas, and Texas Public Policy Foundation  
9 as Amici Curiae in Support of Defendant-Appellant and Reversal, *United States*  
10 *v. Gozes-Wagner*, No. 19-20157 (5th Cir. 2019).

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- 12 7. I also routinely partner with and draw expertise from the hundreds of attorneys  
13 and experts at the ACLU and its state affiliates. The ACLU has decades of  
14 experience litigating both complex federal class actions and issues related to  
15 pretrial justice, prosecutorial misconduct, and due process violations.
- 16
- 17 8. Finally, I have written law review articles and popular articles on the subjects  
18 described above and previously taught a law school course on public interest  
19 litigation, including modules on class actions.
- 20
- 21 9. My colleagues and I at the national and affiliate ACLU offices have spent  
22 significant time and resources investigating and filing this case. This includes  
23 interviewing numerous criminal defendants and defense attorneys; reviewing  
24 court records; reviewing MCAO's policies and practices; and conducting legal  
25 research regarding the policy and conduct at issue.
- 26
- 27 10. The ACLU and ACLU of Arizona are also prepared to contribute significant  
28 resources to represent the class in this case. Plaintiffs' counsels have paid for all  
costs associated with this litigation to date and will continue to do so.

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11. I declare under penalty of perjury of the laws of the State of Arizona and the United States that the foregoing is true and correct.

Executed on September 8, 2021, in Washington, D.C.

/s/ Somil Trivedi  
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