

# **EXHIBIT 2**

1 Somil Trivedi (*pro hac vice application forthcoming*)  
2 American Civil Liberties Union Foundation  
3 Criminal Law Reform Project  
4 915 15<sup>th</sup> St., NW  
5 Washington, DC 20005  
6 Telephone: (202) 715-0802  
7 strivedi@aclu.org

8 Jared G. Keenan (027068)  
9 Victoria Lopez (330042)  
10 American Civil Liberties Union Foundation of Arizona  
11 3707 North 7th Street, Suite 235  
12 Phoenix, Arizona 85014  
13 Telephone: (602) 650-1854  
14 jkeenana@acluaz.org  
15 vlopez@acluaz.org

16 *Attorneys for Plaintiffs*

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

19 Samuel Luckey and Michael Calhoun,  
20 on behalf of themselves and those  
21 similarly situated, and

22 Arizona Attorneys for Criminal Justice,  
23 Plaintiffs,

24 v.

25 Allister Adel, in her official capacity as  
26 County Attorney for Maricopa County,

27 Defendant.

Case No. \_\_\_\_\_

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

**DECLARATION OF SOMIL TRIVEDI**

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

1. I submit this declaration in support of Plaintiffs' request to appoint myself as class

1 counsel in this matter. I will be joined by attorneys at the American Civil Liberties  
2 Union of Arizona. *See* Declaration of Victoria Lopez.

- 3 2. I have been licensed since 2010 and worked as an attorney continuously since then.  
4 I began my career at WilmerHale LLP focusing on government investigations and  
5 complex commercial litigation, including class action litigation. At WilmerHale I  
6 also joined numerous pro bono projects regarding criminal law reform, including  
7 multiple Supreme Court amicus briefs on law enforcement misconduct.  
8
- 9 3. In 2016, I joined the U.S. Department of Justice as a Trial Attorney in the Criminal  
10 Division and then as a Special United States Attorney in the District of Columbia,  
11 taking several misdemeanor cases to trial.
- 12 4. I joined the ACLU in 2017 and have focused on litigation involving prosecutorial  
13 misconduct and discretion, police misconduct, and jail and prison conditions. I  
14 have developed considerable expertise in these areas and am currently co-counsel  
15 on numerous cases of this nature across the country.
- 16 5. Of these, four have been federal class actions. *See Fenty v. Penzone*, No. CV-20-  
17 01192-PHX-SPL (D. Ariz.); *Romero-Lorenzo v. Koehn*, CV-20-00901-PHX-DJH  
18 (D. Ariz.); *Ahlman v. Barnes*, No. SACV 20-835 JGB (SHKx) (C.D. Cal. 2020);  
19 *Livas v. Myers*, 2:20-cv-00422-TAD-KK (W.D. La.).
- 20 6. Several of my cases also involve allegations that prosecutors have violated the  
21 procedural rights of pretrial criminal defendants, just as Plaintiffs are alleging here.  
22 *See, e.g., P.E.O.P.L.E. v. Rackauckas*, 30-2018-00983799-CU-CR-CXC (Ca. Sup.  
23 Ct.); *Wilson v. Markle*, MG 2018-cv-147 (Kan. Dist. Ct.); *Graham v. DA of*  
24 *Hampden County*, SJ-2021-0129 (Mass. Sup. Jud. Ct.); *see also Singleton v.*  
25 *Cannizzaro*, 2:17-cv-10721-JTM-JVM (E.D. La.) (alleging constitutional  
26 violations by prosecutors against victims and witnesses). I have also joined  
27  
28

1 numerous amicus briefs on this topic, including in particular the topic of coercive  
2 plea bargaining. *See, e.g.*, Brief of National Association of Criminal Defense  
3 Lawyers, Cato Institute, American Civil Liberties Union Foundation, American  
4 Civil Liberties Union Foundation of Texas, and Texas Public Policy Foundation as  
5 *Amici Curiae* in Support of Defendant-Appellant and Reversal, *United States v.*  
6 *Gozes-Wagner*, No. 19-20157 (5th Cir. 2019).

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

26 Executed on July 6th, 2021, in Washington, D.C.

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Respectfully submitted,

*Somil Trivedi*

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Somil Trivedi (*pro hac vice*)  
Senior Staff Attorney  
American Civil Liberties Union  
Foundation  
915 15<sup>th</sup> St., NW  
Washington, DC 20005  
Tel: 202-715-0804