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Of Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

PRISON LEGAL NEWS, a project of the
HUMAN RIGHTS DEFENSE CENTER,

No. 3:12-cv-0071-SI

Plaintiffs,

v.

DECLARATION OF GREGORY R.
ROBERSON

COLUMBIA COUNTY; COLUMBIA
COUNTY SHERIFF'S OFFICE; JEFF
DICKERSON, individual and in his capacity
as Columbia County Sheriff,

In Support of Defendants' Response to
Plaintiff's Motion for Summary Judgment on
Defendants' Affirmative Defense of
Mitigation

Defendants.

I, Gregory R. Roberson, declare as follows:

1. I am one of the attorneys representing defendants in this matter. The statements in this declaration are based on my personal knowledge.

2. Attached as Exhibit A is a true and accurate copy of Plaintiff's Supplemental Initial Disclosures.

3. Attached as Exhibit B are true and accurate copies of excerpts of the deposition of Paul Wright.

4. Attached as Exhibit C are true and accurate copies of excerpts of the deposition of Zach Phillips.

///

5. Attached as Exhibit D are true and accurate copies of excerpts of the deposition of Dennis Curran.

6. Attached as Exhibit E is a true and accurate copy of the beginning of an article available on plaintiff's website. The document is deposition exhibit 86.

7. Attached as Exhibit F is a true and accurate copy of a document produced by plaintiff. The document is deposition exhibit 83. It is a letter from plaintiff to inmate Jason Quade.

8. Attached as Exhibit G is a true and accurate copy of a letter received by plaintiff from inmate Jason Quade. The document is deposition exhibit 84.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Respectfully submitted this 9th day of October, 2012.

By: /s/ Gregory R. Roberson
Gregory R. Roberson

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katherinec@mhb.com
Jesse A. Wing, *pro hac vice*
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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

PRISON LEGAL NEWS, a project of the
HUMAN RIGHTS DEFENSE CENTER,
Plaintiff,

v.

COLUMBIA COUNTY; COLUMBIA
COUNTY SHERIFF'S OFFICE; JEFF
DICKERSON, individually and in his capacity
as Columbia County Sheriff,
Defendants.

No. 3:12-CV-71-SI

PLAINTIFF'S SUPPLEMENTAL INITIAL
DISCLOSURES

PLAINTIFF'S SUPPLEMENTAL
INITIAL DISCLOSURES (CV 12-71-SI) - 1

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MACDONALD HOAGUE & BAYLESS
705 Second Avenue, Suite 1500
Seattle, Washington 98104
Tel 206.622.1604 Fax 206.343.3961

EXHIBIT

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In accordance with Fed. R. Civ. P. 26(a)(1)(A), Plaintiff discloses the following information to Defendants:

A. Individuals Likely to Have Discoverable Information.

1. Prisoners currently or formerly incarcerated at the Columbia County Jail, including but not limited to:

Steven Adams
Marcus Albert
Arthur Bates Jr.
Robert Beckwith
Bradley Berg
Toni Bertasso
Daniel Butts
Rusty Campo
Robert Clement
Anthony DeHerrera
Cory Dell
Jacob Francoeur
Mark Gift
Kenna Haynes
William Hess
Nicholas Jones
Martin Kay
George Lammi
Scott Lavelle
Troy McCarter
Shane McNutt
Robert Meader
Kanaan Meyers
Jeffery Murray
Lloyd Myers
Billy Nelson
Samuel Oester
Jason Quade
Gary Retherford
Barry Shaft
William Temple
Scott Thomas
Timothy Turner
Alisha Vandolah
Jeffery Vannatta
Robert Westmoreland
Eric Wilcoxson
Shaughnessy Williams

Last known address for individuals listed above:
Columbia County Jail
901 Port Avenue
St. Helens, OR 97051

Nick Bierman
Eastern Oregon Correctional Institution
2500 Westgate
Pendleton, OR 97801-9699
541-276-0700

Ralph Patterson
Snake River Correctional Institution
777 Stanton Blvd
Ontario, Oregon 97914-8335
541-881-5000

Andrew Plumber
Oregon State Correctional Institution
3405 Deer Park Drive Se
Salem, OR 97310-9385
503-373-0100

Cindy Seastone
Coffee Creek Correctional Facility
24499 SW Grahams Ferry Road
Wilsonville, OR 97070
503-570-6412

Ezra St. Helen
Eastern Oregon Correctional Institution
2500 Westgate
Pendleton, OR 97801-9699
541-276-0700

John Weisenberger
Seatac Federal Detention Center
PO Box 13900
Seattle, WA 98198

2. Individuals who have attempted to communicate with Columbia County prisoners
by mail, including but not limited to:

Oana Popa
7546 SW Aloma Way, APT 2, Bldg 35
Portland, OR 97223
503.956.0608

Nataliya Mikhaylova
184 N 17th Ave
Cornelius, OR 97113
503-809-1575

Sharon Berg
1210 SE 51 Ave
Portland, OR 97215
971.570.5508

Lucy Lennox
4128 S Hatch
Spokane, WA 99803
509.499.4703

These individuals are likely to have discoverable information about Plaintiff's claims, including but not limited to the following topics: Defendants' mail policies and practices; Defendants' censorship of mail; Plaintiff's communications or attempts to communicate with prisoners, as well as receipt or non-receipt of materials mailed by Plaintiff; prisoners' attempts to send mail to others outside the jail; family, friends, and other correspondents' attempts to communicate with prisoners by mail; Defendants' failure to provide notice of censorship, reasons for censorship, and opportunities to be heard to challenge censorship decisions; Defendants' communications about censorship decisions, notice, opportunities to be heard, and changes in Defendants' mail policies and practices; and the importance and value of communications with publishers, family, friends, and others outside the Columbia County Jail.

3. Sheriff Jeffery M. Dickerson
Sgt. Bryan Cutright
Sgt. Ralph Lee Rigdon

c/o Steven Kraemer and Greg Roberson
Hart Wagner LLP
1000 S.W. Broadway, 20th Floor
Portland, Oregon 97205

Andrew Moyer, Jonathan Kermutt, Sheryll Westfall, and other individuals
identified on Exhibit G to Dickerson Declaration (Dkt. 32-7)
Columbia County Jail
901 Port Avenue
St. Helens, OR 97051

Jim Carpenter, former Jail Commander
Contact information unknown

These individuals are likely to have discoverable information about Plaintiff's claims and damages, including but not limited to the following topics: Defendants' mail policies, procedures, and practices; the drafting, interpretation, implementation of, and reasons for, the Jail's inmate mail policies and amendments to the mail policies; Defendants' censorship of mail at the Columbia County Jail; Defendants' failure to provide adequate notice of the reasons for their censorship decisions; Defendants' failure to provide an opportunity to be heard to challenge

the censorship decisions; Defendants' communications to jail staff, the public, and prisoners about the mail policies and changes thereto; Defendants' inadequate training and supervision of jail staff; and Defendants' awareness that their policies and practices violate the United States Constitution.

Sheriff Dickerson is also likely to have discoverable information about the statements made by him in his Declaration (Dkt. 32) and Exhibits (Dkt. 32-1 through 32-8).

Sergeant Cutwright is also likely to have discoverable information about the statements made by him in his Declaration (Dkt. 30).

4. Paul Wright
c/o Jesse Wing and Katherine C. Chamberlain
MacDonald Hoague & Bayless
705 2nd Avenue, Suite 1500
Seattle, WA 98104-1745
(206) 622-1604

Mr. Wright is the founder and editor of Prison Legal News ("PLN"), a project of the Human Rights Defense Center (HRDC). He has discoverable information about the factual allegations contained in Plaintiff's Complaint, including but not limited to: the content of Plaintiff's publications and other correspondence sent by mail to prisoners at the Columbia County Jail (subscription forms, informational brochures, book catalogs, the *Prison Legal News* monthly publication, fundraising letters, and renewal letters); the content of books available for purchase through PLN; Plaintiff's methods of sending mail to prisoners at the Columbia County Jail; the mail that Plaintiff sent to prisoners at the Columbia County Jail; the mail that Defendants censored and returned to or did not return to Plaintiff; the reasons for censorship stamped or noted on the mail returned to Plaintiff; and the inadequacy of Defendants' notice to Plaintiff about the reasons for censorship and lack of notice of an opportunity to appeal. Mr. Wright also has discoverable information about Plaintiff's damages, and the information contained in his Declarations (Dkts. 8 and 44 and Exhibits attached thereto).

Plaintiff may supplement these disclosures upon further investigation and discovery.

8/28/12 SUPPLEMENTAL DISCLOSURE:

Other individuals likely to have discoverable information are those individuals identified in discovery pleadings and documents produced by the parties, or in depositions.

B. Documents Supporting Plaintiff's Claims.

Below is a description by category and location of all documents, electronically stored information, and tangible things that Plaintiff has in its possession, custody, or control that Plaintiff may use to support its claims—all of which Plaintiff has served on Defendants via court filings:

1. Mail censored by Columbia County Jail, and related documents. *See* Declaration of Paul Wright in Support of Plaintiff's Motion for Preliminary Injunction (Dkt. 8-0) and Exhibits (Dkts. 8-1 through 8-10); Lennox Declaration (Dkt. 10-0) and Exhibits (Dkt. 10-1 through 10-3); Lennox Second Declaration and Exhibits (Dkt. 34).
2. The Columbia County Sheriff's publicly available Website; news articles and statements by Defendants about their mail policies; the Oregon State DOC mail policy and other information from the DOC's website; and the Federal Bureau of Prisons' mail policy and other information from the BOP's website. *See* Declaration of Katherine C. Chamberlain (Dkt. 9-0) and Exhibits (Dkts. 9-1 through 9-4); Declaration of Jesse Wing (Dkt. 8-1) and Exhibits (Dkt. 45-1).
3. Declarations of prisoners and their family and friends, regarding the Jail's mail policies and practices, and evidence of censorship. *See* McCarter Dec. (Dkt. 11), Campo Dec. (Dkt. 12); Kay Dec. (Dkt. 13); St. Helen Dec. (Dkt. 14); Williams Dec. (Dkt. 35); B. Berg (Dkt. 36); S. Berg Dec (Dkt. 37); Mikhaylova Dec. (Dkt. 38); Weisenberger Dec. (Dkt. 39), Popa Dec. (Dkt. 40), and exhibits attached to each. Plaintiff may also rely on the Second Declaration of Paul Wright (Dkt. 44-0) and Exhibits (Dkt. 44-1).

Plaintiff may supplement these disclosures upon further investigation and discovery, and may rely on documents filed by Defendants, or produced by Defendants as part of their Initial Disclosures or during discovery.

8/28/12 SUPPLEMENTAL DISCLOSURE:

Plaintiff may also use documents, electronically stored information, or tangible things, produced by the parties in discovery.

C. Damages.

Plaintiff claims the following categories of damages:

1. Diversion of Resources Damages: Defendants' unconstitutional mail policy and censorship of incoming and outgoing prisoner mail caused PLN to divert time and resources to investigate the extent and nature of Defendants' mail policy and censorship practices. PLN's diversion of resources damages include the following categories: (a) time spent by PLN staff investigating the mail policies and censorship at Columbia County Jail, and litigating censorship and due process claims; and (b) expenses incurred by PLN in testing the mail policies and censorship practices at Columbia County Jail, including the cost of materials and postage. Investigation and discovery continue. This disclosure may be supplemented.

<u>PLN Staff Person</u>	<u>Hours</u>	<u>Rate</u>	<u>Value</u>
Paul Wright	96	\$ 200.00	\$ 19,200.00
Zach Phillips	13.1	\$ 135.00	\$ 1,768.50
Dennis Curran	3	\$ 100.00	\$ 300.00
Jen Kovacs	10.3	\$ 75.00	\$ 772.50
Materials and Postage			<u>\$ 1,678.56</u>
			\$ 23,719.56

2. Frustration of Mission Damages: Future expenditures will be necessary to counter the adverse effects of Defendants' unconstitutional mail policy and censorship of incoming and outgoing mail prisoner mail, including outreach, education, and testing. PLN's frustration of mission damages include the following categories: (a) the time and expense for

PLN to write, publish, and send letters (or postcards) to all Columbia County prisoners regarding the Jail's mail policy and any declaratory judgment and injunction; (b) the time and expense for PLN to prepare and publish an advertisement in the St. Helens Chronicle and News Advertiser to be published at two different times; (c) the time and expense for PLN to prepare for, travel to, and give a presentation to the local bar and legal services regarding the Jail's mail policy and any declaratory judgment and injunction; (d) the time and expense for PLN to produce a short video for online dissemination to prisoner's families and friends regarding the Jail's mail policy and any declaratory judgment and injunction; and (e) the time and expense for PLN to perform further testing and monitoring of Defendants' mail practices for compliance with the Constitution and order of the Court for three years. Investigation and discovery continue. This disclosure may be supplemented.

Letters to Columbia Co. Jail Prisoners	\$ 1,131.00
Ads in St. Helen's Chronicle and News Advertiser	\$ 826.86
Presentation to local bar, legal services	\$ 3,500.00
Production of short video for families	\$ 2,500.00
Compliance Monitoring	\$ 11,913.00
	<hr/>
	\$ 19,870.86

3. Nominal Damages: Plaintiff seeks nominal damages for each violation by the Defendants against Plaintiff's constitutional rights.

4. Compensatory Damages: Plaintiff seeks compensatory damages for Defendants' censorship and denial of due process. The amount can only be determined by the jury at trial, but for the purpose of setting insurance reserves, other Defendants have paid PLN \$1,000 per violation in prior settlements so that amount would be a reasonable estimate. Plaintiff will also seek the value of lost subscriptions and book purchases, in an amount to be determined.

5. Punitive Damages: Plaintiff seeks punitive damages against the Sheriff Dickerson in his individual capacity in an amount that can only be determined by the jury at trial.

6. Other: Plaintiff seeks a declaration that Defendants' policies, practices, and customs violate the Constitution, a permanent injunction preventing Defendants from violating

the Constitution, costs and reasonable attorney's fees, applicable interest, and other relief that the Court deems just and equitable.

Plaintiff may supplement these disclosures upon further investigation and discovery.

8/28/12 SUPPLEMENTAL DISCLOSURE: The rates and hours for Plaintiff's Diversion of Resources Damages are updated as follows:

Diversion of Resources Damages: Defendants' unconstitutional mail policy and censorship of incoming and outgoing prisoner mail caused PLN to divert time and resources to investigate the extent and nature of Defendants' mail policy and censorship practices. PLN's diversion of resources damages include the following categories: (a) time spent by PLN staff investigating the mail policies and censorship at Columbia County Jail, and litigating censorship and due process claims; and (b) expenses incurred by PLN in testing the mail policies and censorship practices at Columbia County Jail, including the cost of materials and postage.

Investigation and discovery continue. This disclosure may be supplemented.

<u>PLN Staff Person</u>	<u>Hours</u>	<u>Rate</u>	<u>Value</u>
Paul Wright	159.0	\$ 200.00	\$ 31,800.00
Zach Phillips	13.1	\$ 105.00	\$ 1,375.50
Dennis Curran	3	\$ 90.00	\$ 270.00
Jen Kovacs	10.3	\$ 75.00	\$ 772.50
Materials and Postage			<u>\$ 1,678.56</u>
			\$ 35,896.06

DATED this 30th day of August, 2012.

MACDONALD HOAGUE & BAYLESS


KATHERINE C. CHAMBERLAIN

OSB #042580

JESSE A. WING, *pro hac vice*

(206) 622-1604

Of Attorneys for Plaintiff Prison Legal News

CERTIFICATE OF SERVICE

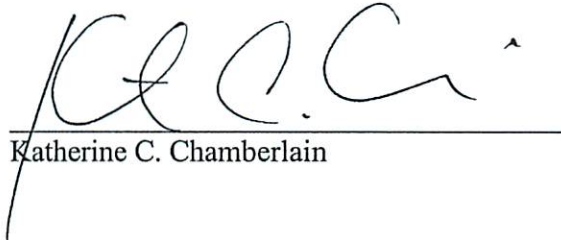
The undersigned certifies under penalty of perjury according to the laws of the United States and the State of Washington that on this date I caused to be served in the manner noted below a copy of this document entitled PLAINTIFF'S SUPPLEMENTAL INITIAL DISCLOSURES on the following individual(s):

Counsel for Defendant(s)

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Email: grr@hartwagner.com;
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- ☐ Via Facsimile
- ☒ Via First Class Mail
- ☒ Via Email
- ☐ Via Messenger
- ☐ Via Overnight Delivery

DATED this 30th day of August, 2012, at Seattle, Washington.


Katherine C. Chamberlain

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

PRISON LEGAL NEWS, a project
of the Human Rights Defense
Center,

No. 3:12-CV-71-SI

Plaintiff,

v.

COLUMBIA COUNTY; COLUMBIA
COUNTY SHERIFF'S OFFICE; JEFF
DICKERSON, individually and
in his capacity as Columbia
County Sheriff,
Defendants.

VIDEOTAPED DEPOSITION OF PAUL ALEXANDER WRIGHT
Taken in behalf of Defendants
June 7, 2012

1 BE IT REMEMBERED THAT, the deposition of
2 PAUL ALEXANDER WRIGHT was reported by Aleshia K.
3 Macom, CSR No. 94-0296, on Thursday, June 7,
4 2012, commencing at the hour of 9:12 a.m., the
5 proceedings being reported at Hart Wagner,
6 1000 SW Broadway, Suite 2000, Portland, Oregon.

7 APPEARANCES

8 MACDONALD HOAGUE & BAYLESS

9 By Jesse A. Wing

10 705 Second Avenue, Suite 1500

11 Seattle, Washington 98104

12 and

13 PRISON LEGAL NEWS, HUMAN RIGHTS DEFENSE CENTER

14 By Lance Weber (Appearing telephonically)

15 1037 Western Avenue, 2nd Floor

16 West Brattleboro, Vermont 05303

17 Appearing for Plaintiff

18
19 HART WAGNER LLP

20 By Steven Kraemer

21 1000 SW Broadway, Suite 2000

22 Portland, Oregon 97204

23 Appearing for Defendants

24
25 Videographer: Jessica Walter

Wright, Paul

June 7, 2012

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1 that you can share this information without
2 relaying your strategies for litigation, you may
3 do so.

4 THE WITNESS: I think it would disclose our
5 litigation strategies.

6 Q. BY MR. KRAEMER: Okay. So I want to make sure,
7 because then I'll move on and then I'll file an
8 appropriate motion with the court. And I don't
9 want to waste everybody's time here.

10 You, as a spokesperson from PLN, you're
11 unable to tell us, without divulging
12 attorney-client privilege or work product,
13 situations in which you attempt to resolve
14 disputes with correctional facilities by means
15 other than litigation. Do I have that accurate?

16 MR. WING: Objection, misstates your
17 question.

18 Q. BY MR. KRAEMER: Well, am I correct in what I
19 just said, please?

20 A. I don't think so.

21 Q. Okay. So how am I incorrect? Thank you for
22 cleaning that up.

23 A. I think that ultimately, ultimately the decision
24 that we make on what course of action to pursue
25 when we're faced with the illegal censorship of

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1 our publication or the books that we distribute,
2 we formulate our course of action with counsel,
3 with counsel's advice pretty much from the
4 beginning. It's, it's a, it's a continuous
5 process. In other words, lawyers are involved
6 from the get-go and not as an afterthought or
7 not at the end of the process.

8 Q. Okay. And that would be the same with Columbia
9 County, with the matter, you had lawyers
10 involved from the beginning?

11 A. Yes.

12 Q. Okay. And, again, I just want, and again, I
13 want to move on. But before I move on, I want
14 to make sure that I'm not missing something,
15 because I am a little slow at times here.

16 A. Uh-huh.

17 Q. You're unable to give me examples of where you
18 have attempted to resolve disputes or
19 disagreements with correctional facilities other
20 than through litigation because it would require
21 you to provide to me work product or
22 attorney-client privileged information; do I
23 understand that correctly?

24 MR. WING: Objection. You didn't ask for
25 examples. You asked for the factors that he

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1 uses.

2 Q. BY MR. KRAEMER: Okay. That's fair enough.
3 You're unable to provide me with the factors
4 that are used to determine whether to proceed
5 with litigation or to try to resolve matters
6 outside of litigation because to give me those
7 factors would require you to divulge work
8 product or attorney-client privilege
9 information; do I understand that correctly?

10 A. I cannot give you information about the factors
11 I use in considering which places to pursue
12 avenues other than litigation and you did not
13 ask me for examples where we have done so prior.

14 Q. Okay. Now I will ask you for examples. Can you
15 give me examples where you have pursued
16 resolution of differences or concerns about
17 constitutional practices you have had with
18 correctional facilities short of litigation?

19 A. Yes, I can.

20 Q. Okay. Would you tell me, give me three or four
21 of them.

22 A. I recently sent a letter to the Michigan
23 Department of Corrections expressing my concerns
24 over their use of tasers inside their prison
25 system. Our attorneys acting on our behalf

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1 recently sent a letter to the Harris County Jail
2 in Texas expressing our concerns about their
3 mail censorship practices there. Within the
4 past year or two, attorneys acting on behalf of
5 the Human Rights Defense Center have sent
6 letters expressing concerns about
7 unconstitutional censorship practices by the
8 Florida Department of Corrections and the
9 New York Department of Correctional Services.
10 And I can go on, but I think that's a, you asked
11 for three or four. That's four.

12 Q. Thank you. And I appreciate that. And these
13 are all situations where no complaint had yet
14 been drafted against the facility?

15 A. Correct.

16 Q. And this was done early on when you identified a
17 potential constitutional violation; correct?

18 A. Correct.

19 Q. And why was not, why was that not done with
20 Columbia County, if you can say so without
21 divulging any attorney-client privilege or work
22 product information?

23 A. I believe it would be futile.

24 Q. Okay. You believed it would be futile.

25 A. Yes.

7 (Pages 22 to 25)

Beovich Walter & Friend

EXHIBIT 3
PAGE 3 OF 9

Wright, Paul

June 7, 2012

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Q. And to your knowledge, when you reviewed these documents in preparation for your deposition, did you see any documents stating or suggesting that stapled cards were being removed from your magazines before they were being provided to the prisoners?

A. Can you repeat the question?

MR. KRAEMER: Would you read the question back.

(Record read as follows:

"Q And to your knowledge, when you reviewed these documents in preparation for your deposition, did you see any documents stating or suggesting that stapled cards were being removed from your magazines before they were being provided to the prisoners?")

THE WITNESS: I believe I did.

Q. BY MR. KRAEMER: Okay. And do you know whether or not after receiving the complaint the Columbia County Jail modified how it was handling the due process appeal of rejected mail? Do you know one way or the other?

A. I believe I received information that they then, that after we filed the lawsuit, they then

Q. Okay. What would be the other part of your answer?

A. I thought it would be futile.

Q. You said that before. Thank you.

A. Yes.

Q. I apologize. Okay. And the same question for the due process, prior to the complaint being drafted and communicated to Columbia County, was there any communication to Columbia County from HRDC, PLN or any of its attorneys about your concerns that the lack of any ability to appeal a rejection of any mail violated the 14th Amendment?

A. No.

Q. I'm sorry. Go ahead.

A. No. I do not believe there was any communication prior to the initiation of the lawsuit.

Q. And am I correct that the reasons for that would be one I would need to divulge work product, and other than work product it's because you thought that Columbia County had a well-entrenched policy of unconstitutional conduct and it wouldn't do any good?

A. Correct.

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instituted a practice or a policy of attempting to notify the sender of the mail in some instances, but it's far from clear to me how that practice is followed, what they actually do in practice and if they actually do it.

Q. So, in other words, you don't know one way or the other how they do it in practice; is that correct? If you say it's far from clear. I'm not trying to be a smart-aleck.

A. No. No. No. From reading the policy, I don't understand it. That why I'm saying is that I've reviewed the policy. Having reviewed the policy, I do not understand what they actually do.

Q. All right. To your knowledge, did PLN or HRDC send any letters or e-mails to the administrative staff at the Columbia County Jail prior to preparing the complaint, letting them know of your concern that not allowing magazines was clearly unconstitutional?

A. No. I do not believe we did.

Q. Okay. And if I were to ask you why you did not, can I assume you would say I would have to divulge work product?

A. Yes. That would be part of my answer.

Q. All right. Without divulging work product, can you tell us why you did not file your lawsuit much sooner?

A. Our investigation into the practices and policies of the Columbia County Jail were underway. Also I think, I guess the other question is sooner, I guess sooner than what?

Q. Well --

A. Sooner than we did or --

Q. Right.

A. I, I think that one of the things is, one of the things is we need to investigate what the practices are at a given jail. I think that's number one. And then the reality is that we're a small organization. We have very limited resources and, you know, we're not the government with its unlimited resources and, you know, copious means of doing things. So we actually have to marshal our resources, find attorneys that can represent us. And then the attorneys need to investigate the facts, ensure that it's, that it's a meritorious lawsuit and we have a basis on which to proceed and then we have to get going.

So, I mean, all of this takes time to do.

10 (Pages 34 to 37)

Beovich Walter & Friend

EXHIBIT 3
PAGE 4 OF 9

Wright, Paul

June 7, 2012

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A. Whatever is needed. I mean, this is the context of we're a small organization and we have very limited resources. And to make effective use of our limited resources, people have to do whatever comes up as needed.

Q. Okay. So what will he do, for example, as needed?

A. If we need assistance, if someone needs assistance packaging materials to go out, he might help with that. If -- Generally he does not do that. But if, this is in the context of, like I say, we're a small organization and everyone has to pitch in to do what's needed on an as-needed basis. We don't have rigid, we have fairly well-defined job duties for what we do, but for hourly office staff, it's, it's, except for Mr. Phillips, as far as Julie and Dennis go, they're more general office staff as far as keeping, processing orders and keeping things going out.

Q. Okay. So why don't we talk about Mr. Phillips then. What is it he usually does?

A. He works as a paralegal under Mr. Weber's supervision.

Q. Okay. Is the majority of his work related to

Q. How many hours a week?

A. Around 30.

Q. And Mr. Friedmann?

A. Full time.

Q. For purposes of -- Let me just ask it differently. Approximately how many subscriptions go out per month of PLN, to your knowledge? Let me reword that before you answer that because I don't like the way I asked that question.

How many issues are sent out to recipients each month?

A. On average?

Q. On average.

A. Around 7,000.

Q. All right. How many of those go out to subscribers?

A. The number varies literally from month to month. So that will be anywhere from, depending on the month, like recently it will be anywhere from, say, 4,900 to 6,000.

Q. Okay.

A. And that's a number that changes monthly.

Q. What is your understanding as to why it changes, fluctuates so much monthly?

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either investigation or the actual litigation process?

A. Yes, it is.

Q. Okay. For example, he would be, would he be the one who helped to gather the information we've requested of HRDC in this lawsuit?

A. I know he helped gather some of the information requested. I don't know what information was gathered by him and what information was gathered by Mr. Weber and Ms. Hull.

Q. Okay. And Alex Friedmann, what is his role?

A. He is the assistant editor of Prison Legal News.

Q. Does he have any involvement in the investigation?

A. In this case?

Q. Of any of the cases.

A. In some cases he does.

Q. Okay. But that's not his primary role?

A. Correct.

Q. Ms. Etter, full time or part time?

A. She is full time.

Q. Dennis Curran, full time or part time?

A. Full time.

Q. Mr. Phillips?

A. Part time.

A. Because it literally depends, as a monthly magazine we're constantly adding subscribers and we're also constantly losing subscribers. So, and the other thing is you can have really wide fluctuations. Like if we do a big promotional mailing, say we do a big promotional mailing this month, two or three months from now we'll see a surge in new subscriptions but that also means that a year or two from now when those subscriptions start to expire, all things being equal, we're going to lose more subscribers than we normally would because we added more subscribers than we normally would. So that's kind of, these are kind of the, the cycles of the publishing industry.

Q. Well, I guess you can educate me on this because I don't know much about publishing. Why would you lose more subscribers than normal as an effect of gaining more subscribers?

A. Because all things being equal, I'll just use an example. If you add 100 subscribers, and I think this, everyone's ever subscribed to a magazine I think understands this, is people subscribe to a publication. Say you have 100 people subscribe to a publication. A certain

20 (Pages 74 to 77)

EXHIBIT BPAGE 5 OF 9

Wright, Paul

June 7, 2012

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discovery material and I've consulted with attorneys about the potential unconstitutionality of the, of the jail's policies and practices and I participated in bringing litigation to challenge, to challenge those unconstitutional policies.

Q. Okay. So are you treating, I guess here's what I'm trying to get at without trying to define, get too far -- I'm not trying to cut your answer too finely here, but what I'm trying to find out, when you select \$200 an hour, are you basically considering yourself an expert for this case? I'm not asking what your attorneys think. I'm asking whether or not you are considering yourself as an expert in this case.

A. I would say no.

Q. Okay. If you were not working on this lawsuit right now, you would be working on the matters for which you receive \$60,000 after a year's worth of labor; correct?

A. That is correct.

Q. And if you work 1,800 hours a year, I think that comes out to about \$34 an hour.

A. Your question is?

Q. My question is if this is a case about your

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diversion of resources and basically you're saying I can't work at 33 or 34 or \$35 an hour because I have to work on this lawsuit, isn't that what your diversion of resources claim is?

A. Yes. Correct.

Q. How do you justify going from that lower rate to \$200 an hour?

A. Because I think it's a lost opportunity, it's the matter of lost opportunity in the sense that the time I'm spending having to devote our scarce resources to bringing the Columbia County Jail into compliance with the Constitution is time that I'm not spending on other matters that are equally or more pressing, which include advocacy on behalf of detained. It also includes for the organization for HRDC, for example, the time I'm spending right here in this deposition is time I'm not spending fundraising for our organization and doing other things that we need. So there's only, as you note, there's only so many hours in the workweek or the work year.

Q. Okay.

A. And we're taking those limited resources and we're spending them on this instead of what we

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should be doing, which is publishing a magazine, fundraising and things of that nature.

Q. And I appreciate that answer. I thank you for it.

So tell me why, if you were doing everything that you just told me you were doing and you didn't have to be stuck in this room listening to me, your rate would be at whatever hourly rate that would get you to \$60,000 a year?

A. No, it wouldn't be. There's a difference between, between actual rate and market rate.

Q. Well, let me ask it differently. If you were doing the other things that you just identified, your salary, would, you would be paid that \$60,000-a-year salary to be conducting those other activities; correct?

A. Yes. But I would be bringing in more money for the organization and I would be doing other things that are directly related with our core focus. I mean, what I think that, when we talk about market rates, for example, is when I'm hired by someone and they pay me \$200 an hour, the, I think that's the market speaking, saying at least someone thinks I'm worth \$200 an hour.

Q. Okay. Would you go ahead and identify every

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month where PLN's magazine did not get published on time because the staff was diverting their resources to deal with this lawsuit?

A. This lawsuit has not affected our --

Q. Okay. I just want you to identify the month. There should be names of months. Can you identify one month where the magazine did not get out on time because your staff was diverting resources to this lawsuit, sir?

A. Well, what I was going to say is that this lawsuit has not affected, nothing, nothing has affected our publication schedule --

Q. Okay.

A. -- in the past number of years --

Q. Okay.

A. -- beyond things having to do more with our printer schedule.

Q. Okay. And I don't remember the -- We'll probably come to this later if I decide to go back, but you're actually, the rate you want for Zach Phillips for diversion of resources is higher than he actually gets paid by PLN; correct?

A. Correct.

Q. And is that the same reason, because he can't be

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EXHIBIT

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Wright, Paul

June 7, 2012

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1 doing these other things that he should be doing
2 for the company?

3 **A. That is correct.**

4 Q. What is it that he is not doing for the company
5 that has, well, let me just say, what is it he's
6 not doing for PLN because his time and resources
7 have been diverted to this lawsuit?

8 **A. Because by having to divert his resources and**
9 **his time to work on this lawsuit, he's not doing**
10 **other work for the organization.**

11 Q. Okay. What other work isn't he doing?

12 **A. He could be working on other cases.**

13 Q. Other litigation cases?

14 **A. Yes.**

15 Q. Okay. That's why he was hired; right? Isn't he
16 the paralegal?

17 **A. Yes, he is.**

18 Q. All right. Okay. So if I, I don't mean to be a
19 smart-aleck here, but I'm trying to put on my
20 inadequate business hat. You're paying Zach,
21 how much money a year was it?

22 **A. I don't know what his yearly salary is.**

23 Q. Okay. And it's written down so it doesn't, it
24 doesn't matter. But if instead he were to work
25 that 1800 hours a year or whatever the number is

1 In other words, you're not, you're not putting a
2 higher rate on Columbia County because of
3 whatever reason, are you?

4 **A. No. Actually we're giving Columbia County a**
5 **lower rate.**

6 Q. Okay. So if it were a larger county, if it was
7 Sacramento, sorry, Spokane higher, was it a
8 higher rate?

9 **A. No. I think this goes by what the market rate**
10 **is in the geographic region. It has nothing to**
11 **do with the facility, the size. So, for**
12 **example, San Francisco or Los Angeles would**
13 **probably be a higher market rate. Nebraska**
14 **would probably be a lower rate.**

15 Q. Okay. So go ahead and name two or three of the
16 lawsuits where the rates have been higher that
17 you're seeking for your diversion of resources
18 claim.

19 **A. I don't know off the top of my head.**

20 Q. But you would have that information back at the
21 office; correct?

22 **A. Or my attorneys would. Yes.**

23 Q. Okay. If you provided this, please accept my
24 apology. There's been so much material
25 exchanged here. Do your employees keep time

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Page 169

1 that he would work for you full time, only on
2 matters where you recovered all the money you
3 want, the income from him would be substantially
4 more than what you pay him; correct?

5 **A. I don't know about substantial, but yes, it**
6 **would be more.**

7 Q. Okay. Because you don't pay him anywhere near
8 the hourly rate you want to get for him in this
9 lawsuit. Is that a fair statement? Is that an
10 accurate statement?

11 **A. Can you reask the question?**

12 Q. Sure. Sure. The amount of money you pay him
13 per hour working for HRDC is substantially less
14 than the amount of money you want on an hourly
15 basis for his time in this lawsuit; correct?

16 **A. There is a difference. Yes.**

17 Q. And that would be the same for each of the other
18 lawsuits that he works on as well; correct?

19 **A. Yes. This is a difference.**

20 Q. If I were to look at interrogatories or
21 discovery requests from other lawsuits that HRDC
22 has going right now or within the past year, and
23 if the same question was asked about how much
24 you expect per hour for each of your employees
25 who are working on litigation, is it the same?

1 records specific to each litigation matter they
2 are working on?

3 **A. Yes, they do.**

4 Q. So if I want to know as to each day how many
5 hours Dennis Curran worked on this lawsuit, I
6 can get that document that will tell me
7 three hours on April 4th?

8 **A. Yes.**

9 Q. From what you recall, have you provided that
10 information to your attorney?

11 MR. WING: You've got it, Steve.

12 MR. KRAEMER: Do we have those broken down
13 by days? Okay. I didn't realize that. Thank
14 you.

15 MR. WING: Yeah.

16 Q. BY MR. KRAEMER: Okay. You have a claim for
17 frustration of mission damages.

18 **A. Uh-huh.**

19 Q. Can you identify any cases where PLN has taken
20 out advertisements in newspapers?

21 **A. No. We have not done that yet.**

22 Q. Okay. Has PLN or of course HRDC prepared the
23 letters that you reference in response to
24 interrogatory number 17 to send to prisoners?

25 **A. No, because we haven't won the case yet. This**

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Beovich Walter & Friend

EXHIBIT

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Wright, Paul

June 7, 2012

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1 for whatever reason he's asked us to stop or
2 it's been returned to us as undeliverable and we
3 don't know where he is.

4 (Exhibit 83 marked for identification.)

5 Q. BY MR. KRAEMER: Exhibit 83, would you take a
6 look at that for a moment, please. Do you, do
7 you know why something was redacted under "Dear
8 Jason"?

9 A. I do not know.

10 Q. To your knowledge, has Lance Weber ever
11 represented Jason Quade?

12 A. What do you mean by "represent"?

13 Q. Well, to your knowledge has Mr. Quade ever been
14 represented by Mr. Weber? I'm not sure how else
15 to ask that?

16 A. Well, when you say "represent," like do you mean
17 has he signed a retainer agreement with
18 Mr. Weber?

19 Q. No, not necessarily.

20 A. Okay. Well, I'm not sure what you mean by the
21 word "represent."

22 Q. Has Mr. Quade, to your knowledge, ever utilized
23 Mr. Weber as his lawyer, to your knowledge?

24 A. And again, what do you mean by as "his lawyer"?

25 Q. As opposed to what? I mean, as his attorney, to

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1 letter.

2 A. Correct.

3 Q. Okay. And do you recall receiving copies of the
4 inmate manual?

5 A. I know I've seen copies of the inmate manual for
6 Columbia County Jail and my attorneys have shown
7 them to me. And what their source is for them,
8 I do not know.

9 Q. Okay. The inmate manual stated that magazines
10 were not accepted; correct?

11 A. I believe so.

12 Q. Okay. So as of December 12, give or take a few
13 days, but as of sometime in December 2010, you
14 now had the website stating magazines were not
15 permitted and you now have a letter from Jason
16 Quade stating that he had included pages out of
17 the inmate manual about the mail; correct?

18 A. Uh-huh.

19 Q. Is that correct?

20 A. Yes. Based on the letter to Mr. Weber, yes.

21 Q. Okay. And assuming Mr. Quade did, in fact,
22 include pages out of the manual about the mail,
23 as he represented he did, you would now have two
24 sources of information that the county's mail
25 policy at least as it relates to magazines was

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1 provide legal advice.

2 A. I do not know that.

3 (Exhibit 84 marked for identification.)

4 Q. BY MR. KRAEMER: Okay. Do you, do you recall
5 Mr. Quade ever calling HRDC?

6 A. I don't recall, top of my head. But based on
7 Exhibit 83 where Mr. Weber writes to Mr. Quade
8 and refer, and the letter says, re our
9 conversation today, I would say it sounds like
10 Mr. Quade contacted HRDC and spoke with
11 Mr. Weber, based on the letter.

12 Q. The, let me show you Exhibit 84. This appears
13 to be a letter that was sent by Mr. Quade to
14 HRDC, attention Lance Weber.

15 A. Uh-huh.

16 Q. Two-page document. And the second page, the
17 bottom appears to be a letter from Jason Quade,
18 but I can't tell for sure. I'm sorry. The
19 second page appears to be a letter from Jason
20 Quade to Lance Weber. Do you agree with that?

21 A. Yes, I agree with that.

22 Q. And it's dated 12-12-10; correct?

23 A. Correct.

24 Q. And it appears to reference pages out of the
25 inmate manual that are being sent with the

Page 201

1 unconstitutional, correct, one being the website
2 itself and the second being the information from
3 Mr. Quade?

4 A. Correct.

5 Q. And that would be as of December 2010; correct?

6 A. Correct.

7 Q. Okay.

8 (Exhibit 85 marked for identification.)

9 Q. BY MR. KRAEMER: Mr. Wright, I'd like you to
10 kindly just identify Exhibit 85. I believe they
11 are your initial disclosures. Would you go to
12 number two on page 3, kindly.

13 A. Yes.

14 Q. These four individuals you have listed as people
15 who have attempted to communicate with Columbia
16 County prisoners by mail, did PLN, HRDC or any
17 of its agents contact these people initially or
18 did you receive contact from these people as the
19 first communication with each one of them?

20 A. I believe that for the first three people they
21 contacted us and for Ms. Lennox, we contacted
22 her.

23 Q. Okay. Do you know, without divulging any work
24 product, why the first three people, let me
25 reword that, how they came to contact you? Put

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Beovich Walter & Friend

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Wright, Paul

June 7, 2012

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C E R T I F I C A T E

I, Aleshia K. Macom, CSR No. 94-0296, do hereby certify that PAUL ALEXANDER WRIGHT personally appeared before me at the time and place mentioned in the caption herein; that the witness was by me first duly sworn on oath, and examined upon oral interrogatories propounded by counsel; that said examination, together with the testimony of said witness, was taken down by me in stenotype and thereafter reduced to typewriting; and that the foregoing transcript, Pages 1 to 214, both inclusive, constitutes a full, true and accurate record of said examination of and testimony given by said witness, and of all other proceedings had during the taking of said deposition, and of the whole thereof, to the best of my ability.

Witness my hand at Portland, Oregon, this 18th day of June, 2012.



Aleshia K. Macom

CSR No. 94-0296

Beovich Walter & Friend

EXHIBIT B
PAGE 9 OF 9

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

PRISON LEGAL NEWS, a project
of the Human Rights Defense
Center,

No. 3:12-CV-71-SI

Plaintiff,

v.

COLUMBIA COUNTY; COLUMBIA
COUNTY SHERIFF'S OFFICE; JEFF
DICKERSON, individually and
in his capacity as Columbia
County Sheriff,

Defendants.

TELEPHONIC DEPOSITION OF ZACH PHILLIPS
Taken in behalf of Defendants
August 27, 2012

1 BE IT REMEMBERED THAT, the deposition of
2 ZACH PHILLIPS was reported by Aleshia K. Macom,
3 CSR No. 94-0296, on Monday, August 27, 2012,
4 commencing at the hour of 7:06 a.m., the
5 proceedings being reported at Hart Wagner,
6 1000 SW Broadway, Suite 2000, Portland, Oregon.

8 APPEARANCES

9 MACDONALD HOAGUE & BAYLESS

10 By Jesse A. Wing

11 705 Second Avenue, Suite 1500

12 Seattle, Washington 98104

13 and

14 PRISON LEGAL NEWS, HUMAN RIGHTS DEFENSE CENTER

15 By Lance Weber and Alissa Hull (Appearing
16 telephonically)

17 1037 Western Avenue, 2nd Floor

18 West Brattleboro, Vermont 05303

19 Appearing for Plaintiff

20 HART WAGNER LLP

21 By Steven Kraemer

22 1000 SW Broadway, Suite 2000

23 Portland, Oregon 97205

24 Appearing for Defendants

25 ALSO PRESENT: Paul Wright (Telephonically)

Phillips, Zach

August 27, 2012

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1 track of your time?

2 **A. A time record every day, yeah.**

3 Q. And was that an actual piece of paper or did you

4 enter it into a computer?

5 **A. It was an actual piece of paper.**

6 Q. Is it a piece of paper that was formatted that

7 said something like HRDC time record or daily

8 activity sheet? What did it say?

9 **A. I'm not, I'm not certain what it says. It has**

10 **boxes for filling in dates and times.**

11 Q. Okay. Now, on the time record do you, you

12 simply put the number of hours you worked a day

13 or do you put the time you showed up at work and

14 the time you left?

15 **A. Time I showed up and left.**

16 Q. And do you put what you did on the record?

17 **A. No.**

18 Q. Okay. So if I were to look at one of those

19 pieces of paper, for example, for March 13th, it

20 wouldn't tell, it would not tell me what you did

21 that day, just how many hours you worked;

22 correct?

23 **A. That's correct.**

24 Q. Okay. What is your rate of pay right now by

25 the -- Let me back up.

Page 23

1 Are you still paid hourly?

2 **A. Yes.**

3 Q. And how much are you being paid an hour now?

4 **A. \$12 an hour.**

5 Q. And when did it, when did it increase?

6 **A. I think the last increase was about, was around**

7 **the beginning of 2012.**

8 Q. All right. And what were you making before the

9 increase?

10 **A. 11.**

11 Q. Do you get benefits?

12 **A. No.**

13 Q. At this time are you planning on leaving HRDC?

14 **A. No.**

15 Q. Where did you go to college?

16 **A. Hampshire College.**

17 Q. Hampshire as in the state?

18 **A. There's a state called New Hampshire.**

19 Q. Yeah. I mean, Hampshire as in the state;

20 correct? I just want to make sure I'm

21 understanding what you said correctly. It's

22 Hampshire?

23 **A. Yes.**

24 Q. Okay. And what is your degree in?

25 **A. I got a bachelor of arts and I studied prelaw**

Page 24

1 **and cultural anthropology.**

2 Q. Okay. Are you planning on going to law school

3 at this time?

4 **A. Eventually.**

5 Q. How did you start volunteering at HRDC? Did you

6 apply or did somebody suggest you go there? How

7 did that come about?

8 **A. I heard about the magazine. And I started**

9 **reading the magazine and I liked it. And I**

10 **contacted Paul Wright and, yeah.**

11 Q. Okay. Did you fill out a job application?

12 **A. No. I don't think so.**

13 Q. How did you come to be in possession of a

14 magazine that you started to read?

15 **A. I think it was my cousin who told me about**

16 **Prison Legal News.**

17 Q. All right. What did he tell you?

18 **A. Said, hey, you know, there's this magazine you**

19 **might be interested in, because I was studying,**

20 **you know, prison-related issues in school.**

21 Q. Okay. Was your cousin in jail or prison at the

22 time?

23 **A. No.**

24 Q. Had he, did he tell you how he came to be

25 familiar with the magazine?

Page 25

1 **A. Yeah. I think he, I think he did some work for**

2 **Paul. I'm not sure if it was for the magazine.**

3 Q. Okay. What's his name?

4 **A. His name is Sam Phillips.**

5 Q. What kind of studying were you doing in college

6 related to prison issues?

7 **A. Well, I took several courses specifically about,**

8 **you know, prison-related law and including one**

9 **that was, you know, like a split class with half**

10 **of the class being prisoners at the local jail.**

11 **And I tutored in the local jail, GED stuff. And**

12 **I'm trying to think if there was anything else.**

13 **Class on the history, the history of prisons.**

14 Q. So you tutor them to take their GED tests; is

15 that what you're saying?

16 **A. Yeah. I didn't do that very much.**

17 Q. Okay. Who is your contact at the local jail?

18 **A. I really don't remember.**

19 Q. You don't remember?

20 **A. I don't remember her name, no.**

21 Q. But it was a lady?

22 **A. Yep.**

23 Q. All right. Which jail are you referring to?

24 **A. The Hampshire, Hampshire County but -- Oh, what**

25 **do they call the Massachusetts -- It's been a**

7 (Pages 22 to 25)

Beovich Walter & Friend

EXHIBIT C
PAGE 3 OF 4

Phillips, Zach

August 27, 2012

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C E R T I F I C A T E

I, Aleshia K. Macom, CSR No. 94-0296, do hereby certify that ZACH PHILLIPS via telephone appeared before me at the time and place mentioned in the caption herein; that the witness was by me first duly sworn on oath, and examined upon oral interrogatories propounded by counsel; that said examination, together with the testimony of said witness, was taken down by me in stenotype and thereafter reduced to typewriting; and that the foregoing transcript, Pages 1 to 50, both inclusive, constitutes a full, true and accurate record of said examination of and testimony given by said witness, and of all other proceedings had during the taking of said deposition, and of the whole thereof, to the best of my ability.

Witness my hand at Portland, Oregon, this 4th day of September, 2012.




Aleshia K. Macom
CSR No. 94-0296

Beovich Walter & Friend

EXHIBIT
PAGE

C

4 OF 4

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

PRISON LEGAL NEWS, a project
of the Human Rights Defense
Center,

No. 3:12-CV-71-SI

Plaintiff,

v.

COLUMBIA COUNTY; COLUMBIA
COUNTY SHERIFF'S OFFICE; JEFF
DICKERSON, individually and
in his capacity as Columbia
County Sheriff,

Defendants.

TELEPHONIC DEPOSITION OF DENNIS JOHN CURRAN
Taken in behalf of Defendants
August 27, 2012

1 BE IT REMEMBERED THAT, the deposition of
2 DENNIS JOHN CURRAN was reported by Aleshia K.
3 Macom, CSR No. 94-0296, on Monday, August 27,
4 2012, commencing at the hour of 8:54 a.m., the
5 proceedings being reported at Hart Wagner,
6 1000 SW Broadway, Suite 2000, Portland, Oregon.
7

8 APPEARANCES

9 MACDONALD HOAGUE & BAYLESS

10 By Jesse A. Wing

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13 and

14 PRISON LEGAL NEWS, Human Rights Defense Center

15 By Lance Weber and Alissa Hull (Appearing
16 telephonically)

17 1037 Western Avenue, 2nd Floor

18 West Brattleboro, Vermont 05303

19 Appearing for Plaintiff

20 HART WAGNER LLP

21 By Steven Kraemer

22 1000 SW Broadway, Suite 2000

23 Portland, Oregon 97205

24 Appearing for Defendants

25 ALSO PRESENT: Paul Wright (Telephonically)

Curran, Dennis

August 27, 2012

Page 14

1 **A. No.**
 2 Q. And do you know why not?
 3 **A. No.**
 4 Q. Have you tried to do that?
 5 **A. No.**
 6 Q. Do you know if it can be done one way or the
 7 other?
 8 **A. I don't know.**
 9 Q. Do you have -- Do you know how many paid
 10 subscribers there are to the PLN magazine?
 11 **A. No, I don't.**
 12 Q. Have you ever seen that information?
 13 **A. No, I haven't.**
 14 Q. Do you have any role in advertising?
 15 **A. I don't.**
 16 Q. Do you know whether HRDC receives any income
 17 from advertisers whatsoever?
 18 **A. I don't know.**
 19 Q. Do you know who handles advertising, who
 20 processes the advertising, deals with
 21 advertisers at HRDC?
 22 **A. Yes.**
 23 Q. Who's that?
 24 **A. Susan Schwartzkopf.**
 25 Q. Do you know what the various sources of income

Page 15

1 are for HRDC? Let me reword that. Do you know
 2 what the various sources of revenue are for
 3 HRDC?
 4 **A. No, I don't.**
 5 Q. Other than subscriptions or orders that you are
 6 processing, are you aware of any other source of
 7 revenue for HRDC?
 8 **A. No, just the orders.**
 9 Q. So do I understand what you just said is you are
 10 unfamiliar with any source of revenue for HRDC
 11 other than the orders that are processed; is
 12 that what you said?
 13 **A. Yes. That's correct.**
 14 Q. Okay. Have you, have you ever worked with any
 15 computer consultants while with HRDC, any
 16 outside computer consultants?
 17 **A. Myself personally? No.**
 18 Q. Are you aware of anybody from or anybody at HRDC
 19 working with any outside computer consultants?
 20 **A. Yes.**
 21 Q. Who? Who -- Let me reword that. Who at HRDC
 22 has worked with outside computer consultants?
 23 **A. No one, like, personal.**
 24 Q. Okay. I'm not sure I follow that answer. Who
 25 at HRDC has been the contact person for outside

Page 16

1 computer consultants, to your knowledge?
 2 **A. Paul Wright.**
 3 Q. Anybody else?
 4 **A. No, not that I know of.**
 5 Q. Do you know the name of any of the computer
 6 consultants Mr. Wright has worked with?
 7 **A. Just first name.**
 8 Q. What's the first name?
 9 **A. Aaron.**
 10 Q. Aaron?
 11 **A. Yes.**
 12 Q. Is Aaron a man or a woman or do you know?
 13 **A. Man.**
 14 Q. And do you have an understanding as to why
 15 Mr. Wright was working with Aaron?
 16 **A. He is our general computer specialist.**
 17 Q. Okay. How long has he been the general computer
 18 specialist?
 19 **A. I do not know.**
 20 Q. More than a year, to your knowledge?
 21 **A. Yes.**
 22 Q. So if the system crashes or something like that,
 23 is he the person that generally comes in to
 24 start looking at the problem?
 25 **A. Yes.**

Page 17

1 Q. Okay. Are you familiar with the name Lloyd
 2 Weber?
 3 **A. No, I'm not.**
 4 Q. Are you familiar with the name Charlie Detar?
 5 **A. No.**
 6 Q. Do you know the name of the company Aaron works
 7 for?
 8 **A. Not off the top of my head, no.**
 9 Q. Do you know where his, where that company is
 10 located?
 11 **A. Yes.**
 12 Q. Where is that?
 13 **A. Brattleboro, Vermont.**
 14 Q. Would you spell that. Bradboro?
 15 **A. Yes. It's B R A T T L E B O R O.**
 16 Q. Okay. How much are you paid an hour?
 17 **A. I am paid \$12.50 an hour.**
 18 **Q. Has that changed at all over the past year?**
 19 **A. Yes, it has.**
 20 **Q. When was it -- When did you get a raise?**
 21 **A. I don't recall.**
 22 **Q. Was it in 2012 or 2011?**
 23 **A. 2012.**
 24 **Q. And before you received the raise how much were**
 25 **you paid?**

5 (Pages 14 to 17)

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EXHIBIT D
PAGE 3 OF 5

Curran, Dennis

August 27, 2012

Page 18

1 **A. \$12 an hour.**
 2 **Q. Any benefits?**
 3 **A. No.**
 4 **Q. Are you full or part time?**
 5 **A. Full time.**
 6 **Q. And when did you start?**
 7 **A. I started in September of 2010.**
 8 **Q. Did you start full time or part time?**
 9 **A. I started part time.**
 10 **Q. When did you go full time?**
 11 **A. I don't recall the exact date.**
 12 **Q. What's the approximate date?**
 13 **A. End of 2010.**
 14 **Q. How do you keep track of the hours you work?**
 15 **MR. WING: Objection. Assumes facts not in**
 16 **evidence.**
 17 **Q. BY MR. KRAEMER: How do you keep track of the**
 18 **hours you work?**
 19 **MR. WING: Same objection.**
 20 **Q. BY MR. KRAEMER: You can answer.**
 21 **A. Sorry. I couldn't hear.**
 22 **Q. Okay. Do you keep track of the hours you work**
 23 **so you can get paid?**
 24 **A. Yes.**
 25 **Q. Okay. How do you keep track of the hours you**

Page 19

1 work?
 2 **A. I keep track of them on a time sheet.**
 3 **Q. Is it a software program or is it a hard copy**
 4 **piece of paper?**
 5 **A. It's a hard copy piece of paper.**
 6 **Q. And then do you turn that in?**
 7 **A. Yes.**
 8 **Q. How often?**
 9 **A. Turn it in every two weeks.**
 10 **Q. To who?**
 11 **A. To Susan Schwartzkopf.**
 12 **Q. Does the time sheet identify what tasks you**
 13 **perform on any given day?**
 14 **A. No, it doesn't.**
 15 **Q. Are you involved in trying to market or actively**
 16 **sell any PLN product?**
 17 **A. No, I'm not.**
 18 **Q. Do you know if there's anybody in the office**
 19 **where you work that is what we would commonly**
 20 **refer to as a salesperson for PLN?**
 21 **A. I don't know.**
 22 **Q. Okay. So let me ask it differently, do you know**
 23 **of any salespeople for PLN?**
 24 **A. No, I don't.**
 25 **Q. Do you know how PLN does its marketing, if at**

Page 20

1 all?
 2 **A. No, I don't.**
 3 **Q. And you understand when I say PLN, I also mean**
 4 **HRDC?**
 5 **A. Yes.**
 6 **Q. Of the magazine subscriptions you process, about**
 7 **how many do you process in a given week?**
 8 **A. A given week can vary.**
 9 **Q. What's the variance?**
 10 **A. I'm sorry. Can you say that again?**
 11 **Q. Yeah. How much does it vary by? What would be**
 12 **the low end in an average week and what would be**
 13 **the high end?**
 14 **A. About 20 or so in a low and a high I couldn't**
 15 **really say. I don't keep track.**
 16 **Q. Okay. And the subscriptions that you're**
 17 **processing, that includes both paid and unpaid;**
 18 **is that correct or not correct?**
 19 **A. I only know of paid subscriptions.**
 20 **Q. Okay. So you're not involved, for example, if**
 21 **an inmate asks for a three-month trial**
 22 **subscription, that's not something you're**
 23 **involved with; is that correct?**
 24 **A. Correct.**
 25 **MR. KRAEMER: That's all I have. Thank you.**

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1 (Recess at 9:23.)
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6 (Pages 18 to 21)

Beovich Walter & Friend

EXHIBIT D
PAGE 4 OF 5

Curran, Dennis

August 27, 2012

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C E R T I F I C A T E

I, Aleshia K. Macom, CSR No. 94-0296, do hereby certify that DENNIS JOHN CURRAN via telephone appeared before me at the time and place mentioned in the caption herein; that the witness was by me first duly sworn on oath, and examined upon oral interrogatories propounded by counsel; that said examination, together with the testimony of said witness, was taken down by me in stenotype and thereafter reduced to typewriting; and that the foregoing transcript, Pages 1 to 21, both inclusive, constitutes a full, true and accurate record of said examination of and testimony given by said witness, and of all other proceedings had during the taking of said deposition, and of the whole thereof, to the best of my ability.

Witness my hand at Portland, Oregon, this 4th day of September, 2012.



A handwritten signature in cursive script, reading "Aleshia K. Macom", written over a horizontal line.

Aleshia K. Macom

CSR No. 94-0296

Beovich Walter & Friend

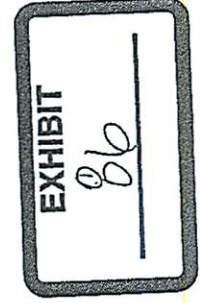
EXHIBIT

PAGE

D
5 OF 5

Twenty Years of PLN in Court

Since PLN was founded in 1990 we have been censored in prisons and jails around the country. We have always tried to resolve censorship issues administratively, but in cases where the goal of prison officials was to ban PLN or our books, that obviously wasn't possible. PLN has aggressively challenged censorship across the nation and we have won the vast majority of our court battles. We have also litigated a number of public records cases involving prisons an ...





Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

CONFIDENTIAL LEGAL MAIL: ATTORNEY CORRESPONDENCE

December 9, 2010

Jason C Quade
Columbia Co Jail
901 Port Ave
St Helens, OR 97051

RE: Our Conversation Today

Dear Jason,

REDACTED

I didn't realize it when I was talking with you, but we have already signed you up for a free trial subscription to *Prison Legal News* back on November 19. We mailed you a copy of the magazine on that date. Additionally, we sent you a book in a cardboard box and a regular sized envelope containing three brochures. Did you receive any of those things? We would like to make sure that inmates there and everywhere else around the country are able to receive books, magazines and other literature just like the law says that they are supposed to be able to do.

We look forward to hearing more from you about the facts concerning delivery of our mail. Also, we are interested in obtaining an affidavit from you about what you have seen with respect to mail being thrown away. I have enclosed an example affidavit for you to use as a reference. Would you mind sending us an affidavit about things you have witnessed with respect to mail delivery? Don't hesitate to let me know if you have any questions and hang in there.

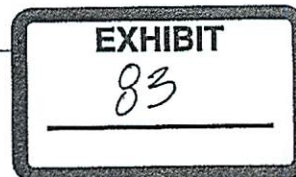
Very
HUMAN

Truly Yours,
RIGHTS DEFENSE CENTER

By: Lance T. Weber
General Counsel

cc: Paul Wright

PO Box 2420 West Brattleboro, VT 05303
Phone: 802-579-1309 Fax: 866-735-7136
Email: lweber@humanrightsdefensecenter.org



PLNCL-00876

EXHIBIT

PAGE 1 OF 2



Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

CONFIDENTIAL LEGAL MAIL: ATTORNEY WORK PRODUCT

February 23, 2011

Ezra St Helen 2010000397
Columbia County Jail
901 Port Ave
St Helens, Oregon 97051

RE: Correspondence concerning legal publications

Dear Mr. St Helen,

I am an attorney for the Human Rights Defense Center (HRDC). Thank you for your interest in *Prison Legal News* (PLN). Monthly publication of PLN is one of HRDC's projects.

We have enrolled you for a free trial subscription. You should already be in receipt of your first sample issue, which was sent via first-class mail. We are also sending you a packet of informational brochures under separate cover. Additionally, PLN mailed a book to you, *Protecting Your Health and Safety*. I am writing to ask for confirmation of your receipt of these three (3) items which have all been mailed separately. Additionally, please confirm that you wish to receive materials from Prison Legal News, including our magazine, books, pamphlets and other materials.

At HRDC we take censorship very seriously and we rely on our readers to determine which prisons and jails are interfering with our publication rights. If you have not received all three of the items mentioned above within the next few weeks, please write to us and let us know. If you receive a notice that any of our publications have been censored by staff, please consider filing a grievance and exhausting all available administrative remedies available to you. If possible, please provide copies of those grievances and any other related documentation to our office.

Finally, if you know of other prisoners there who might be interested in our publications and who will be incarcerated for at least three (3) months, please share PLN's address with them and encourage them to write us to request a free trial subscription. We thank you in advance for your kind attention to this letter.

Very Truly Yours,
HUMAN RIGHTS DEFENSE CENTER

By: Lance T. Weber
General Counsel

cc: Paul Wright

PO Box 2420 West Brattleboro, VT 05303
Phone: 802-579-1309 Fax: 866-735-7136
Email: lweber@humanrightsdefensecenter.org

PLNCOL-00877

EXHIBIT F
PAGE 2 OF 2

Columbia County Jail
Jailhouse 20100165
901 port Ave.
St Helens Or 97051

PORTLAND OR 970

25 DEC 2010 PM 3 L

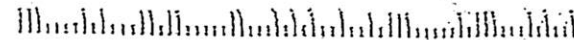
LEGAL/OFFICIAL



Human Rights Defense Center
att: Lance T Weber
PO Box 2420
West Brattleboro VT 05303

POSTAGE DUE

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PLNCO-00866

EXHIBIT

6

PAGE 1 OF 2

12/12/10

Dear Lance

Thanks for the letter, enclosed you will find a
affidavit in regards to the mail problem. I did
receive your book a couple of weeks ago. And it
has been a huge help. However I didn't receive
the requir. envelope,

REDACTED

I have included the pages out of the create manual
about the mail

1) Jason Quade/Djuna Irina Quade
5845 NE Hoyt Apt #210
Portland OR 97213

Thank you
Jason Quade

2) REDACTED

PLNOL-00867

EXHIBIT 9

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