

FILED
SUPREME COURT
STATE OF WASHINGTON
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BY SUSAN L. CARLSON
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NOT YET ACCEPTED FOR FILING - MOTION PENDING

No. 98317-8

SUPREME COURT OF THE STATE OF WASHINGTON

SHYANNE COLVIN, SHANELL DUNCAN, TERRY KILL, LEONDIS
BERRY, and THEODORE ROOSEVELT RHONE,

Petitioners,

v.

JAY INSLEE, Governor of the State of Washington, and STEPHEN
SINCLAIR, Secretary of the Washington State Department of Corrections,

Respondents.

**DECLARATION OF NICHOLAS B. ALLEN IN SUPPORT OF
PETITIONERS' MOTION TO SUBMIT ADDITIONAL EVIDENCE
IN SUPPORT OF PETITION FOR WRIT OF MANDAMUS,
MOTION TO EXPEDITE REVIEW, AND MOTION FOR
APPOINTMENT OF ER 706 EXPERT**

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I, Nicholas B. Allen, declare under penalty of perjury under the laws of the State of Washington that the following statements are true and correct to the best of my knowledge:

1. I am one of the attorneys for the Petitioners in this action.

2. I am an attorney with Columbia Legal Services (CLS), WSBA #42990. I am a Deputy Director of Advocacy at CLS and supervise the work of CLS staff working on this case.

3. CLS has one collect telephone line, which allows people from institutions, including people in Department of Corrections (DOC) facilities, to contact CLS and speak with an attorney at no charge. The line is confidential and not monitored by DOC or any other institutions. The collect line can only handle one call at a time.

4. CLS also receives legal mail from people in institutions, including DOC prisons. We receive a high volume of letters. That volume has increased since the beginning of the COVID-19 pandemic and increased even more after Petitioners filed this action. Since the first case at CRCC, CLS has received many letters from individuals at CRCC, describing their concerns about the conditions there and their fears about the spread of COVID-19 through the prison and throughout DOC at large.

5. CLS is receiving numerous calls, voicemail messages, and emails from friends and family of people at CRCC, and other prisons, who

are very concerned about their loved ones' health and safety in light of transmission of COVID-19 and the conditions at CRCC.

6. CLS has been using its best efforts to return calls from people who are incarcerated and to otherwise respond to the high volume of inquiries regarding COVID-19 at CRCC. However, the restrictions CRCC has placed on the incarcerated population has also significantly affected CLS staff's ability to hold legal calls with residents of CRCC. During the 30 minutes that individuals on lockdown are out of their cells, they must decide whether to use that time using the bathroom, showering, using the microwave to prepare food and other tasks to fulfill their basic needs, as well as call their loved ones, attorneys, and CLS staff.

7. In the normal course, individuals would call the collect line, and briefly speak with a legal assistant or paralegal to schedule a call with an attorney or speak immediately to an attorney if one is available. For individuals on lockdown, in IMU, or otherwise not able to regularly access a phone, CLS staff usually must schedule calls by contacting the individual's counselor.

8. Counsel for Petitioners were able to submit 3 declarations with this Motion from people incarcerated at CRCC, who are represented by attorney Neil Fox, WSBA #15277. Mr. Fox completed the declarations

during legal calls with his clients and received consent from his clients to sign on their behalf.

9. Due to these severe, additional phone restrictions, CLS attorneys, including myself, were unable to complete declarations with other people at the facility who similarly spoke of awful conditions at CRCC.

DATED this 23rd day of June, 2020 at Seattle, Washington.

A handwritten signature in black ink, appearing to read "Nicholas B. Allen". The signature is fluid and cursive, with a prominent initial "N" and a long, sweeping underline.

Nicholas B. Allen, WSBA #42990

COLUMBIA LEGAL SERVICES, INSTITUTIONS PROJECT

June 23, 2020 - 6:10 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 98317-8
Appellate Court Case Title: Shyanne Colvin et al. v. Jay Inslee et al.

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The Original File Name was 20 0623 Allen Decl. in supp. of mot. additional evidence.FINAL.pdf
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Motion 1 - Other
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