

1 CLAUDIA CENTER (SBN 158255)
 2 *ccenter@dredf.org*
 3 MALHAR SHAH (SBN 318588)
 4 *mshah@dredf.org*
 5 **DISABILITY RIGHTS EDUCATION**
 6 **AND DEFENSE FUND, INC.**
 Ed Roberts Campus
 3075 Adeline Street, Suite 210
 Berkeley, CA 94703
 Tel: +1.510.644.2555
 Fax: +1.510.841.8645

7 [ADDITIONAL COUNSEL AND PARTIES LISTED ON NEXT PAGE]

8 *Attorneys for Plaintiffs*

9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA**

11 STUDENT A, by and through PARENT A, her
 12 guardian; STUDENT B, by and through
 13 PARENT B, his guardian; STUDENT C, by
 14 and through PARENT C, his guardian; and
 STUDENT D, by and through PARENT D, her
 guardian, each one individually and on behalf
 of all other similarly situated children,

15 Plaintiffs,

16 v.

17 THE BERKELEY UNIFIED SCHOOL
 18 DISTRICT and THE BOARD OF
 EDUCATION OF THE BERKELEY UNIFIED
 SCHOOL DISTRICT,

19 Defendants.

Case No. 4:17-cv-02510-JST

**DECLARATION OF CLAUDIA
 CENTER IN SUPPORT OF
 PLAINTIFFS' UNOPPOSED MOTION
 FOR PRELIMINARY APPROVAL OF
 CLASS SETTLEMENT AND
 PROVISIONAL CLASS
 CERTIFICATION ORDER**

Current Hearing:

Date: January 20, 2021
 Time: 2:00 p.m.
 Courtroom: 6, 2nd Floor
 Judge: Hon. Jon S. Tigar

Action Filed: May 2, 2017

1 DEBORAH JACOBSON (SBN 278104)
2 *djacobson@jacobsoneducationlaw.com*
3 **JACOBSON EDUCATION LAW, INC.**
4 1919 Addison Street, Suite 105
5 Berkeley, CA 94704
6 Tel: +1.510.647.8125
7 Fax: +1.510.280.9340

8 BRENDAN E. RADKE (SBN 275284)
9 *bradke@goodwinlaw.com*
10 **GOODWIN PROCTER LLP**
11 Three Embarcadero Center
12 San Francisco, CA 94111
13 Tel: +1.415.733.6000
14 Fax: +1.415.677.9041

15 SHANE BRUN (SBN 179079)
16 *sbrun@kslaw.com*
17 **KING & SPALDING LLP**
18 601 S. California Ave.
19 Suite 100
20 Palo Alto, CA 94304
21 Telephone: (415) 318-1245
22 Fax: (415) 318-1200

23 *Attorneys for Plaintiffs*
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1 I, Claudia Center, declare and state as follows:

2 1. I am the Legal Director of Disability Rights Education and Defense Fund (DREDF),
3 and I am counsel for Plaintiffs Student A, by and through Parent A, her guardian; Student B, by and
4 through Parent B, his guardian; Student C, by and through Parent C, his guardian; and Student D,
5 by and through Parent D, her guardian, each one individually and on behalf of themselves
6 (collectively, “Plaintiffs”) in the above referenced action.

7 2. I make this declaration in support of Plaintiffs’ Unopposed Motion for Preliminary
8 Approval of Class Action Settlement and Provisional Class Certification Order (“Motion”). This
9 declaration is made based upon my personal knowledge, and I am familiar with its contents. If
10 called to testify, I could and would testify under oath to the facts set forth herein.

11 3. I am among the counsel of record for the Plaintiffs and the putative class in this
12 matter. I am a member of the California bar. I graduated from Berkeley Law in December 1991. I
13 received a B.A. from Wesleyan University in 1987.

14 4. I have been the Legal Director with DREDF since February 2020. Prior to this
15 position, I was a Senior Staff Attorney at the American Civil Liberties Union Foundation (“ACLU”)
16 Disability Rights Program for six years. Prior to joining the ACLU, I worked at the Legal Aid
17 Society – Employment Law Center for 19 years, where I directed the disability rights program.
18 Before that, I worked at the National Abortion and Reproductive Rights Action League for two and
19 a half years.

20 5. I have represented plaintiffs in disability rights cases, including complex class
21 actions, and including class actions in the area of education, for more than 25 years. I have also
22 served as *amicus* counsel in cases of importance to people with disabilities, including in cases about
23 disability rights in education. In 2009, I received the Paul G. Hearne Award for Disability Rights
24 from the American Bar Association Commission on Disability Rights. I have served as an adjunct
25 professor of disability rights at the University of California Hastings College of the Law and at
26 Berkeley Law School. I have written articles and given trainings about disability rights on many
27 occasions. I believe that I am qualified to represent the Settlement Class in this action.

28 6. I supervise Malhar Shah, Staff Attorney with DREDF, in this matter. Mr. Shah is

1 point person for special education at DREDF, where he works on issues of inclusion of students
2 with disabilities in general education, restraints and seclusions, and access to quality educational
3 services and supports. Mr. Shah was previously a family law staff attorney at the National Center
4 for Lesbian Rights, where he worked on appellate cases challenging state laws that prohibited
5 LGBTQ+ parents from accessing parental rights. Prior to that, Mr. Shah was a litigation fellow at
6 Public Counsel where he worked on education equity cases seeking access to quality literacy
7 education for students in California and Detroit, trauma sensitive services for students with
8 disabilities, and safe educational environments for transgender students. Mr. Shah graduated from
9 Harvard Law School in 2017 and from University of California, Riverside in 2014.

10 7. Staff attorneys with DREDF have had extensive involvement in this lawsuit from its
11 inception through the filing of the Complaint, discovery, settlement negotiations, and settlement.
12 Mr. Shah and I have extensive knowledge of the factual and legal issues in this case and the structure
13 and terms of the Settlement Agreement.

14 8. I have reviewed the hourly rate sheet for DREDF's current and prior attorneys, and
15 I am familiar with the research that underlies the DREDF rate sheet. Linda Kilb, Director of
16 DREDF's California Legal Services Trust Fund Support Center Program, conducts the research
17 underlying the rate sheet, and updates the sheet on an annual basis. The updated rate sheet is then
18 reviewed by the DREDF management team for approval. The research and assessments that Ms.
19 Kilb conducts and that underlie the rate sheet include: case law and court orders regarding fees and
20 fee awards in the Bay Area; analyses and research about Bay Area hourly rates compiled by
21 California attorneys' fees expert Richard M. Pearl and filed in declarations supporting petitions for
22 fees; economic benchmarks and forecasts including the Consumer Price Index (Urban) (CPI) for the
23 Bay Area and nationwide, the Federal Reserve interest rates, growth forecast, and inflation
24 projection, and the U.S. Bureau of Economic Analysis personal consumption expenditures price
25 index; and consideration of the entire DREDF ladder in order to keep each DREDF rate in logical
26 relationship to one another and to make other adjustments such as flattening increases at the top end.
27 In early 2020, due to the pandemic, many of these factors were disrupted. DREDF's 2020 rate sheet
28 is therefore based on the pre-pandemic 2019 rate sheet, adjusted by the projected annual Bay Area

