

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 15-cv-22452-KMM

DENNIS MONTGOMERY,

Plaintiff,

vs.

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION, et al.,

Defendants.

**DECLARATION OF JOSHUA BENDOR IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS FOR LACK OF
PERSONAL JURISDICTION AND IMPROPER VENUE**

Joshua Bendor declares under penalty of perjury as follows:

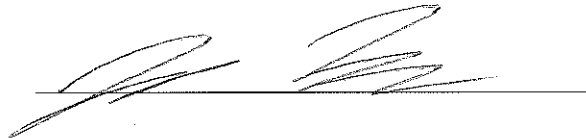
1. I am an attorney employed by the American Civil Liberties Union Foundation of Arizona, where I have worked for 1 year, and a defendant in this action. I work in Phoenix, Arizona, and nearly all my litigation is located in the state and federal courts in Arizona.
2. Since I became a member of the Arizona Bar in February 2015, I have been one of the counsel for the plaintiffs in *Melendres v. Arpaio*, cv-07-2513, a civil rights suit asserting claims that Sheriff Arpaio and the department that he runs (the Maricopa County Sheriff's Office) has violated the Fourth and Fourteenth Amendment rights of the plaintiff class. No part of that litigation has entailed work in Florida, or travel to Florida, or communications to Florida. All my work on it has been in Arizona, except for appellate proceedings in San Francisco, where the Ninth Circuit sits.
3. Dennis Montgomery, who is the plaintiff in the present case, is not a party in *Melendres*, and I had not heard of him until about 7 years after it was initiated, when his name arose in

connection with a motion for contempt against Sheriff Arpaio filed on January 8, 2015, alleging the Sheriff's failure to comply with the terms of a preliminary injunction entered by the Court.

4. I understand that Mr. Montgomery has laid venue in this case in the Southern District of Florida, apparently on the theory that he is being injured in Florida and that the defendants knew that he was living there when they took the actions complained of. I have understood and believed Mr. Montgomery to live in Seattle, Washington, or its environs, and have never believed him to reside in Florida.

5. None of the allegations about me, in the complaint in this action, allege that I have taken any action in or aimed at Florida in connection with Mr. Montgomery, and I have not done so. Nor have I sought, in connection with Mr. Montgomery or any of the allegations lodged in the Complaint in this action, to avail myself of any privileges of doing business with or in Florida. In fact, to the best of my recollection, I have never been to Florida.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 14, 2015.

A handwritten signature in black ink, appearing to read 'Joshua Bendor', is written over a horizontal line.

Joshua Bendor