

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 SUSAN HERMAN IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS FOR LACK OF
PERSONAL JURISDICTION AND IMPROPER VENUE**

Susan Herman declares under penalty of perjury as follows:

1. I am presently the President of the American Civil Liberties Union Foundation, which is a defendant in the above-captioned litigation. As President, I have no supervisory authority over any ACLU or ACLUF employee except the Executive Director, and no supervisory authority at all over anyone at ACLU AZ, an autonomous entity. I am a member of the bar of the State of New York, and hold a chair at Brooklyn Law School, where I am the Centennial Professor of Law. Prior to becoming President of the ACLU and ACLUF, I had been on the ACLU's National Board of Directors for twenty years, and its General Counsel for ten years.
2. Prior to seeing a copy of the Complaint in this action, I had never heard of the plaintiff, Dennis Montgomery, and never had any interaction or communication with him whatever. Nor had I ever had any conversation or communication with any others at the ACLU (or the ACLU of Arizona) about Mr. Montgomery. Nor had I ever been to Florida to meet with him, or communicated with him in Florida, or taken any action with respect to him aimed at Florida. I

have on occasion travelled to south Florida in connection with raising funds for the ACLU or ACLUF, or other ACLU matters of internal governance or policy, but none of those trips has ever involved Mr. Montgomery or related to (or arisen from) the allegations he makes in his Complaint.

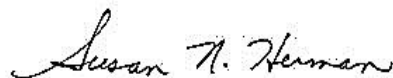
3. Having never heard of Mr. Montgomery, or met him, or discussed him with any colleagues, I had no knowledge whatever about where he lived.

4. I am not counsel in, or otherwise involved in, the litigation in Arizona that is the focus of his claims in the above-captioned lawsuit, *Melendres v. Arpaio*, 2:07-2513 (D. Az.).

5. I did not speak with Daniel J. Pochoda about the statement that it was reported he made to a New York Times reporter which is referenced in paragraphs 35 and 37 of the Complaint in this action, or know that he (or anyone else) would be making that statement. I note that Mr. Pochoda works for the ACLU Foundation of Arizona, which is a different entity than ACLUF or the national ACLU organization, and not subject to its (or my) direction or control.

6. 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.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 3, 2015.



Susan Herman