

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 DANIEL J. POCHODA IN SUPPORT
OF DEFENDANTS' MOTION TO DISMISS FOR LACK OF
PERSONAL JURISDICTION AND IMPROPER VENUE**

Daniel J. Pochoda declares under penalty of perjury as follows:

1. I am a defendant in this action, and an attorney employed by the American Civil Liberties Union Foundation of Arizona, where I have worked for nearly nine years. I am based in Phoenix, Arizona, and all my litigation is located in the state and federal courts in Arizona, except for occasional appeals in the Ninth Circuit Court of Appeals.
2. Since filing the Amended Complaint on September 5, 2008, 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, or "MCSO") has violated the Fourth and Fourteenth Amendment rights of the plaintiff class. No part of that litigation has entailed work in, travel to, or communications with to Florida. All my work on it has been in Arizona.
3. Dennis Montgomery, who is the plaintiff in the present case against ACLUF and various present or former employees, is not a party in *Melendres*, and I had not heard of him until more than six years after it was initiated, when his name arose in connection with a motion for

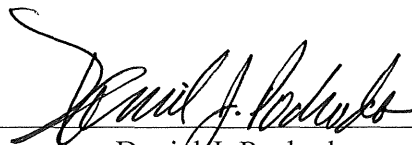
contempt against Sheriff Arpaio, alleging the Sheriff's failure to comply with the terms of a preliminary injunction entered by the Court. Since I heard of him, I have understood him to reside in Washington State.

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 am surprised by his attempt to assert jurisdiction against the defendants and venue in Florida, because everything I have heard indicates that Mr. Montgomery lives in Washington State, and has done so since at least September 2013, when the MCSO hired him. Judge Snow's most recent decision in *Melendres* found that "in approximately September 2013 MCSO apparently hired Dennis Montgomery, a computer consultant based out of Seattle, Washington." Docket 1164, slip op. at 8; *see also id* at 7 (asking Sheriff Arpaio to address the allegation that "MCSO was paying a confidential informant from Seattle, Washington named Dennis Montgomery to investigate possible collusion between this Court and the Department of Justice").

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. I have been to Miami or elsewhere in the Southern District of Florida only twice in more than forty years, each time for a few days, and have never been there on any matter involving Dennis Montgomery.

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

July 31, 2015.


Daniel J. Pochoda