

SHAWN MEERKAMPER (SBN 296964)  
shawn@transgenderlawcenter.org  
**TRANSGENDER LAW CENTER**  
P.O. Box 70976  
Oakland, California 94612  
Telephone: (510) 587-9696

AMANDA C. GOAD (SBN 297131)  
agoad@aclusocal.org  
**ACLU FOUNDATION OF SOUTHERN CALIFORNIA**  
1313 W. 8<sup>th</sup> Street, Suite 200  
Los Angeles, California 90017  
Telephone: (213) 977-9500

CHRISTINA S. PAEK (SBN 341994)  
cpaek@lambdalegal.org  
**LAMBDA LEGAL**  
4221 Wilshire Boulevard, Suite 280  
Los Angeles, California 90010  
Telephone: (213) 382-7600

NORA HUPPERT (SBN 330552)  
nhuppert@lambdalegal.org  
**LAMBDA LEGAL**  
65 E. Wacker Place, Suite 2000  
Chicago, Illinois 60601  
Telephone: (312) 663-4413

RICHARD SAENZ (*pro hac vice*  
forthcoming)  
rsaenz@lambdalegal.org  
**LAMBDA LEGAL**  
120 Wall Street, 19th Floor  
New York, New York 10005  
Telephone: (212) 809-8585

DIMITRI D. PORTNOI (SBN 282871)  
dportnoi@omm.com  
MICHAEL J. SIMEONE (SBN 326844)  
msimeone@omm.com  
ELIZABETH A. ARIAS (SBN 318283)  
earias@omm.com  
SHIVANI I. MORRISON (SBN 342874)  
smorrison@omm.com  
**O'MELVENY & MYERS LLP**  
400 South Hope Street, 18<sup>th</sup> Floor  
Los Angeles, California 90071  
Telephone: (213) 430-6000

SHILPI AGARWAL (SBN 270749)  
sagarwal@aclunc.org  
**ACLU FOUNDATION OF NORTHERN CALIFORNIA**  
39 Drumm Street  
San Francisco, California 94111  
Telephone: (415) 621-2493

*Attorneys for Proposed Intervenors*

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA (FRESNO DIVISION)**

JANINE CHANDLER, et al.,

Plaintiffs,

v.

CALIFORNIA DEP'T OF CORRECTIONS  
AND REHABILITATION, et al.,

Defendants.

Case No. 1:21-cv-01657-JLT-HBK

**DECLARATION OF SHAWN  
THOMAS MEERKAMPER**

1 I, Shawn Thomas Meerkamper, do declare:

2 1. I make this declaration based on my own personal knowledge, and if  
3 called to testify I could and would do so as follows:

4 2. I am the Senior Staff Attorney at Transgender Law Center, and I am  
5 one of Proposed Intervenor's counsel in this matter.

6 3. I am submitting this declaration to detail pre-filing meet and confer  
7 efforts by Proposed Intervenor's counsel regarding Proposed Intervenor's Motion  
8 to Intervene in the above-captioned case.

9  
10 ***Plaintiffs Do Not Oppose the Motion to Intervene***

11 4. On April 12, 2022, another of Proposed Intervenor's counsel,  
12 Elizabeth Arias of O'Melveny & Myers LLP, contacted Plaintiffs' counsel via a  
13 letter attached to an email, to request to meet and confer regarding the Motion to  
14 Intervene. A true and correct copy of that letter is attached hereto as EXHIBIT A.

15 5. On April 15, 2022, Proposed Intervenor's counsel, Ms. Arias and  
16 myself, met and conferred by phone with Plaintiffs' counsel, Lauren Adams and  
17 Candice Jackson.

18 6. Plaintiffs' counsel informed us that they do not oppose Proposed  
19 Intervenor's Motion to Intervene and that they believe they do not have grounds to  
20 oppose the Motion to Intervene.

21  
22 ***Defendants Decline to Share Position on Motion to Intervene***

23 7. On April 12, 2022, I contacted Defendants' Counsel, via a letter  
24 attached to an email, to request to meet and confer regarding the Motion to  
25 Intervene. A true and correct copy of that letter is attached hereto as EXHIBIT B.

26 8. On April 29, Proposed Intervenor's counsel, Ms. Arias and myself,  
27 met and conferred with Defendants' counsel, Preeti Bajwa, Anthony Corso, Misha  
28 Igra, and Colin Shaff.

1           9.     Ms. Bajwa requested that Proposed Intervenor file an *amicus* brief  
2 rather than move to intervene.

3           10.    I explained that intervention, rather than *amicus* participation, is the  
4 appropriate mechanism for Proposed Intervenor to protect their interests in this  
5 litigation because Proposed Intervenor have different interests in this litigation  
6 than Defendants; because Proposed Intervenor variously sponsored SB 132 and  
7 are its intended beneficiaries; because Proposed Intervenor have an interest in  
8 more aggressive implementation and interpretation of SB 132 than Defendants do;  
9 and because Proposed Intervenor deserve to have their voices heard in this case in  
10 a more central way than as *amici*.

11           11.    Ms. Igra then asked whether part of Proposed Intervenor's aim was to  
12 "coerce" CDCR to implement SB 132 differently. I took issue with the word  
13 "coerce," and Ms. Igra offered the word "urge" instead. I agree that this is part of  
14 what Proposed Intervenor have to say. Ms. Igra responded that this was "very  
15 helpful" information.

16           12.    I understood this exchange to indicate that Defendants would not  
17 welcome Proposed Intervenor's views as to the implementation and interpretation  
18 of SB 132; that Defendants have a conflicting view; and that Defendants do not  
19 plan to convey Proposed Intervenor's views to the Court, or advocate for Proposed  
20 Intervenor's interests in prompt and thorough implementation of SB 132, in this  
21 litigation.

22           13.    Ms. Arias invited Defendants' counsel to share what concerns they  
23 have about the Motion to Intervene. Ms. Igra declined and claimed that their  
24 concerns about the Motion to Intervene are attorney work product.

25           14.    Ms. Arias asked Defendants' counsel to clarify that they will oppose  
26 the Motion to Intervene. Ms. Igra stated that Defendants will not take a position on  
27 the Motion to Intervene until after reviewing the motion. Although Proposed  
28 Intervenor never asked Defendants to stipulate to intervention, Ms. Igra stated that

Defendants do not stipulate to intervention.

I declare under penalty of perjury of the laws of the State of North Carolina and the United States that the foregoing is true and correct.

Executed this 6th day of May 2022 at Durham, North Carolina.

A handwritten signature in black ink, appearing to read "Shawn Thomas Meerkamper", written over a horizontal line.

Shawn Thomas Meerkamper

# **EXHIBIT A**

O'Melveny & Myers LLP  
400 South Hope Street  
18<sup>th</sup> Floor  
Los Angeles, CA 90071-2899

T: +1 213 430 6000  
F: +1 213 430 6407  
omm.com

April 12, 2022

**Elizabeth Arias**  
D: +1 213 430 7423  
earias@omm.com

Candice Jackson  
Freeman, Mathis & Gary, LLP  
1010 B Street, Suite 300  
San Rafael, California 94901  
cjackson@fmglaw.com

Lauren Adams  
Women's Liberation Front  
1802 Vernon St. NW, #2036  
Washington, DC 20009  
legal@womensliberationfront.org

**VIA ELECTRONIC MAIL**

**Re: Chandler, et al. v. Cal. Dep't of Corrs. & Rehab., et al., Case No. 1:21-cv-01657-JLT-HBK**

Counsel:

I write to request a meet and confer in the above-listed case as required by Judge Thurston's Standing Order. See Dkt. No. 12. I am part of a legal team planning to file a motion to intervene, pursuant to Federal Rule of Civil Procedure 24, on behalf of the Transgender Gender-Variant & Intersex Justice Project ("TGIJP") and as many as four incarcerated transgender individuals.

TGIJP is a not-for-profit 501(c)(3) organization based in San Francisco, California. TGIJP's membership includes transgender, gender-variant, and intersex ("TGI") people living inside and out of California prisons. TGIJP works with and advocates for its members on issues like prison safety and appropriate housing. As part of its policy work, TGIJP sponsored SB 132.

Because TGIJP advocates for incarcerated TGI people and sponsored SB 132, it has a significant interest in the implementation of SB 132. The incarcerated transgender individuals we represent have a similarly significant interest in SB 132 because they are the law's intended beneficiaries. These interests will be seriously impaired if your clients are successful in enjoining SB 132. And because our clients' interests are sufficiently distinct from the existing defendants, they are not adequately represented by the current parties.

The motion to dismiss filed yesterday by Defendants confirms that our clients' interests are not adequately represented: Defendants argue that they have wide discretion to slow down and stop implementation of SB 132—a point that our clients dispute. See Dkt. 15-1 at 13, 16–17.

Please let us know some dates and times you are available in the next week to discuss whether you will oppose the motion to intervene and whether you will agree to adjust the current motion to dismiss briefing schedule so that our clients can participate in the briefing. If you do not oppose the motion and would be amenable to adjusting the briefing schedule, email confirmation of that is sufficient.

Sincerely,



Elizabeth Arias  
for O'Melveny & Myers LLP

# **EXHIBIT B**





PO Box 70976  
Oakland, CA 94612  
510.587.9696  
www.transgenderlawcenter.org

April 12, 2022

Preeti Bajwa & Anthony Corso  
Office of the Attorney General  
455 Golden Gate Ave. Suite 11000  
San Francisco, CA 94102  
preeti.bajwa@doj.ca.gov  
anthony.corso@doj.ca.gov

**VIA ELECTRONIC MAIL**

**Re: Chandler, et al. v. Cal. Dep't of Corrs. & Rehab., et al. , Case No. 1:21-cv-01657-JLT-HBK**

Counsel:

I write to request a meet and confer as required by Judge Thurston's Standing Order in the above-listed matter. See Dkt. No. 12. I am part of a legal team planning to file a motion to intervene pursuant to Federal Rule of Civil Procedure 24 on behalf of the Transgender Gender-Variant & Intersex Justice Project ("TGIJP") and as many as four incarcerated transgender individuals. I first informed you of this intended intervention via email on March 2, 2022.

TGIJP is a not-for-profit 501(c)(3) organization based in San Francisco, California. TGIJP's membership includes transgender, gender-variant, and intersex ("TGI") people living inside and out of California prisons. TGIJP works with and advocates for its members on issues like prison safety and appropriate housing. As part of its policy work, TGIJP sponsored SB 132.

Because TGIJP advocates for incarcerated TGI people and sponsored SB 132, it has a significant interest in the implementation of SB 132. The incarcerated transgender individuals we represent have a similarly significant interest in SB 132 because they are the law's intended beneficiaries. These interests will be seriously impaired if Plaintiffs in this matter are successful in enjoining SB 132. And because our clients' interests are sufficiently distinct from the existing defendants, they are not adequately represented by the current parties.

The motion to dismiss Defendants filed yesterday confirms that our clients' interests are not adequately represented: Defendants argue that they have wide discretion to slow down and stop implementation of SB 132—a point that our clients dispute. See Dkt. 15-1 at 13, 16–17.

Please let us know some dates and times you are available in the next week to discuss whether you will oppose the motion to intervene and whether you will agree to structure the current

motion to dismiss briefing schedule so that our clients can participate in the briefing. If you do not oppose the motion and would be amenable to adjusting the briefing schedule, email confirmation of that is sufficient.

Sincerely,

A handwritten signature in black ink, appearing to read 'S-T-M', with a stylized, cursive script.

Shawn Thomas Meerkamper  
Senior Staff Attorney  
Transgender Law Center