

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION**

JENNEL BLACK, et al.

Plaintiffs,

v.

THOMAS WEBSTER IV, et al.

Defendants.

Civil Action No. 1:20-cv-03644-CCB

* * * * *

Declaration of Deborah A. Jeon Pursuant to Fed. R. Civ. P. 56(d)

1. My name is Deborah Jeon. I am an attorney with the American Civil Liberties Union Foundation of Maryland ("ACLU"). The ACLU represents the Coalition for Justice for Anton Black, in collaboration with counsel for all Plaintiffs in this action. I have been admitted to the Federal Bar in Maryland for over 30 years. I am over the age of 18 and competent to testify to the matters that are the subject of this declaration.

2. I submit this declaration pursuant to Rule 56(d) of the Federal Rules of Civil Procedure in support of Plaintiffs' Response in Opposition to Defendants' Motion for Summary Judgment. This declaration is based on personal knowledge and my review of documents and filings relevant to this action.

3. Defendants' Motion for Summary Judgment seeks, in part, summary judgment, on the basis of qualified immunity of Defendants. In support of this argument, Defendants seek to have this Court review new allegations of fact, and exhibits that are not encompassed in Plaintiffs' First Amended Complaint.

4. Plaintiffs have not had any opportunity to review, inquire about, or challenge any of the factual allegations or exhibits Defendants seek this Court to review in connection with Defendants' Motion for Summary Judgment, nor have Plaintiffs had any opportunity to depose witnesses regarding any of that material. Numerous genuine material issues of fact relevant to the legal issues raised in Defendants' Motion for Summary Judgment remain, precluding any award of summary judgment.

5. As set forth in Plaintiffs' Response in Opposition to Defendants' Motion for Summary Judgment, Plaintiffs assert and strongly believe the law requires that the Court deny Defendants' Motion for Summary Judgment under Rule 56(a). However, if the Court does not deny Defendants' Motion for Summary Judgment under Rule 56(a) and finds that no genuine disputes of material facts currently exist, Plaintiffs request that the Court deny Defendants' Motion for Summary Judgment pursuant to Rule 56(d), to allow Plaintiffs the opportunity to develop the facts necessary to justify their opposition to Defendants' Motion. Particularly, Plaintiffs need to undertake discovery into the averments Defendants have made regarding the seizure, application of force and subsequent death of Anton Black ("Anton"). These facts are uniquely in Defendants' control. Plaintiffs therefore require testimonial and documentary discovery to present additional facts essential to their opposition to Defendants' Motion.

Plaintiffs need discovery of numerous topics, including, without limitation:

- a. Defendants' assumption that Anton was abducting an individual;
- b. The recruitment by Defendant Webster of a civilian motorcyclist to assist in the pursuit of Anton;
- c. The actions of Anton and his reactions to the conduct of the Defendant Officers;
- d. The use of a baton to smash the window of a car when Anton was contained within the car and not an imminent threat to anyone, including the Defendant Police Officers;
- e. The reasons for Webster's deployment of a Taser against Anton even though Anton had entered and secured himself inside a disabled motor vehicle;

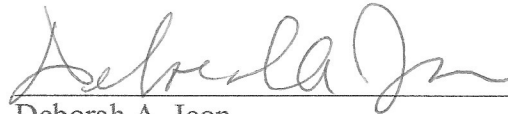
- f. The amount of time that Anton was in the prone position, the exact position of his body in the prone position, the exact location of each officer when Anton was in the prone position, the restraints employed onto the body of Anton, the amount of force applied by each officer while Anton was in the prone position when the Defendants knew that Anton was not armed and clearly not an imminent threat to anyone;
- g. Whether the chase of Anton, the recruitment of a civilian motorcyclist to assist in the pursuit of Anton, the use of a baton to smash a car window, the use of a Taser, the takedown of Anton, the use of restraints on Anton while he was in the prone position, the handcuffing of Anton, and the use of the body weight of Defendants on the prone, handcuffed body of Anton were, at each step, a proper escalation of force under the use of force continuum;
- h. The reason(s) why a crisis intervention unit was not contacted or consulted;
- i. The basis for the medical conclusions reached by the Medical Examiners, Drs. Alexander and Fowler;
- j. Why each Defendant failed to intervene to prevent the other officers from violating Anton's Constitutional Rights;
- k. Why each Defendant failed to render timely medical care to Anton;
- l. Why each Defendant failed to de-escalate the situation as a reasonable officer would have done;
- m. Whether Defendants Officers were provided, reviewed and were familiar with their respective police department handbooks;
- n. Whether Defendant Officers were trained consistent with their respective police department handbooks;
- o. Any use of force training Defendant Officers received from their respective police departments;
- p. Any training Defendant Officers received from their respective police departments regarding positional asphyxiation; and
- q. Any training Defendant Officers received from their respective police departments regarding the use of Tasers.

6. All of the above information that Plaintiffs seek to discover is essential to opposing Defendants' Motion for Summary Judgment, and Plaintiffs cannot learn this information, or obtain evidence about them in admissible form, without discovery. Moreover, Plaintiffs expected discovery likely will result in knowledge of other facts that will require additional inquiry as Plaintiffs cannot be deemed to know that which they do not know.

I affirm under the penalties of perjury that the foregoing is true, correct and based upon my personal knowledge.

Date:

April 5, 2021


Deborah A. Jeon