

The Honorable Robert J. Bryan

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHAO CHEN, individually and on behalf of
all those similarly situated,

Plaintiff,

v.

THE GEO GROUP, INC., a Florida
corporation,

Defendant.

No. 3:17-cv-05769-RJB

DECLARATION OF DEVIN
THERIOT-ORR IN SUPPORT OF
PLAINTIFF’S MOTION FOR
CLASS CERTIFICATION

I, Devin Theriot-Orr, declare as follows:

1. I am an attorney at law, admitted in the State of Washington. I am the principal attorney of Sunbird Law, PLLC. I am co-counsel for Plaintiff in this matter.

2. I graduated with high honors from the University of Washington School of Law in 2003 and passed the Washington State Bar Exam later that year. While in law school, I represented non-citizens in removal proceedings in the immigration clinic, and briefed and argued a successful prisoner appeal in a § 1983 claim before the Ninth Circuit in the appellate advocacy clinic. *See Woods v. Noelle*, 67 Fed. Appx. 436 (9th Cir. 2003) (unpublished). I am admitted to practice in Washington state, the Western and Eastern



1 Districts of Washington, the Second, Fifth, Seventh, Eighth and Ninth Circuit Courts of
2 Appeal, and the Supreme Court of the United States.

3 3. Following graduation in 2003, I joined the law firm of Edwards Sieh Smith
4 & Goodfriend in Seattle, now known as Smith & Goodfriend, where I practiced complex
5 appellate litigation before the Ninth Circuit, the Washington Court of Appeals and the
6 Washington State Supreme Court. My practice also included litigation in the U.S. District
7 Court and the Washington State Superior Courts. Additionally, I maintained an
8 immigration practice, representing clients before U.S.C.I.S., the immigration court, the
9 Board of Immigration Appeals, and the Ninth Circuit, where I served on the *pro bono*
10 panel.
11

12 4. I joined Gibbs Houston Pauw as an associate in September 2008. My
13 practice at Gibbs Houston Pauw focuses on complex immigration litigation. Many of our
14 cases raise novel issues or have complex procedural histories. In addition to immigration
15 benefit applications before U.S.C.I.S., my specialty is federal court litigation under the
16 Administrative Procedure Act, the Immigration and Nationality Act, and the United States
17 Constitution. *See, e.g., Palamaryuk v. Duke*, No. 17-441-MJP-JPD (W.D. Wash. 2018);
18 *Geragosian v. Tillerson*, No. 17-1695-TSZ (W.D. Wash 2018); *Abdur-Rahman v.*
19 *Napolitano*, 814 F. Supp. 2d. 1098 (W.D. Wash. 2011); *Hong v. Napolitano*, 2010 WL
20 2426000 (W.D. Wash. June 11, 2010); *United States v. Egner*, 2011 WL 62133 (W.D.
21 Wash. Jan. 7, 2011); *Chaudhry v. Napolitano*, 749 F. Supp. 2d 1184 (E.D. Wash. Oct. 26,
22 2010); *Afato v. Clinton*, 2010 WL 3855264 (E.D. Cal. Sep. 29, 2010); *Garcia v. Holder*,
23 2009 WL 1587926 (W.D. Wash. 2009).
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26 5. I also have a substantial appellate caseload before the Board of Immigration

1 Appeals and the United States Circuit Courts. *See, e.g., Medina-Lara v. Holder*, 771 F.3d
2 1106 (9th Cir. 2014); *Baca v. Holder*, 2011 WL 6093405 (9th Cir. Dec. 8, 2011); *Nunez-*
3 *Marquez v. Holder*, 2011 WL 2783784 (9th Cir. July 18, 2011); *Hong v. Holder*, 2010 WL
4 2802267 (9th Cir. July 15, 2010); *Cejour v. Mukasey*, 2008 WL 4832980 (9th Cir. Nov. 3,
5 2008).

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7 6. I am an Adjunct Professor of Law at Seattle University School of Law
8 where I teach immigration law. I have also given numerous presentations regarding
9 immigration litigation at regional and national conferences. For the past seven years, I have
10 presented at both the AILA NW Regional CLE and the AILA National Conference, and I
11 am presenting at both conferences again this year.

12 7. I am an active member of the American Immigration Lawyers Association,
13 and am the former chair of the Washington chapter's Professional Responsibility and
14 Consumer Protection Committee. I have also been a member of the AILA National Amicus
15 Committee for the past three years and have written numerous amicus briefs. I wrote the
16 amicus brief for the Washington Defender's Association Immigration Project urging the
17 Washington Supreme Court to affirm in *State v. Breitung*, 267 P.3d 1012 (Wash. 2011),
18 *aff'g in part* 230 P.3d 614 (Wash. Ct. App. 2010) (affirming on issue argued by amicus). I
19 also wrote the amicus brief on behalf of AILA urging *en banc* review in *Mondaca-Vega v.*
20 *Holder*, No. 03-71369 (9th Cir.).
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23 8. I have been on the litigation team for several class action matters, including
24 *Rosario v. USCIS*, No. 15-813-JLR (W.D. Wash.) (class action challenging agency
25 compliance with mandatory regulatory deadline); *Khoury v. Asher*, 3 F. Supp. 3d 877
26 (W.D. Wash. 2014) (class action challenging mandatory immigration detention), *aff'd* 667

1 Fed.Appx. 966, *cert. granted* 2018 WL 1369139 (Mar. 18, 2018); *B-H- v. USCIS*, No. 11-
2 2108RAJ (W.D. Wash.) (nationwide challenge to asylum work authorization procedures);
3 *Lee v. Ashcroft*, No. 04-449RSL (W.D. Wash.) (district-wide challenge to naturalization
4 denials). Classes were certified in all cases and I appeared as class counsel.

5 I declare under penalty of perjury under the laws of the United States that the
6 foregoing is true and correct and based on my personal knowledge.
7

8 Executed in Seattle, Washington, on March 23, 2018.

9
10 /s/ Devin T. Theriot-Orr
Devin T. Theriot-Orr, WSBA #33995



CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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DATED at Seattle, Washington this 23rd day of March, 2018.

s/ Sheila Cronan

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