

Attorneys Fees, Costs and Incentive Payments. The facts set forth herein are true of my own personal knowledge and I am competent to testify thereto.

2. I have been licensed in the State of New Mexico since 1976. I am licensed in federal court in the district of New Mexico, the district of Arizona and in the Tenth Circuit Court of Appeals. I am a New Mexico Board of Legal Specialization recognized specialist in criminal law. I have been listed in the Best Lawyers in America since 1989. I have a Martindale Hubbell AV rating. I am a partner at Rothstein, Donatelli, Hughes, Dahlstrom, Schoenburg & Bienvenu, LLP.

3. My admission dates to federal courts are: District of New Mexico May 23, 1983, Tenth Circuit Court of Appeals September 21, 1990 and District of Arizona July 8, 1991.

4. Since 1983, I have served as counsel for the Plaintiff Class in the New Mexico prison conditions lawsuit, Duran v. Johnson. In addition, I have been counsel of record in dozens of civil rights actions against private corrections companies, the State of New Mexico, counties and municipalities involving prisons and jails.

5. In addition to this case, I am counsel of record for the plaintiffs in the following class action lawsuits: *Lira, et al. v. Dona Ana County Board of Commissioners, et al.*, No. CIV 06-0179 WPJ/WPL (co-lead counsel) and *Rodriguez v. Dona Ana County Board of Commissioners, et al.*, No. CIV 06-0416 JH/RHS (co-lead counsel).

6. The pertinent facts regarding this litigation are set forth in the Affidavit of John C. Bienvenu and are incorporated herein by reference. My current billing rates vary depending on the type of doing; i.e., whether I am representing privately retained criminal defense clients, or court-appointed clients, or representing plaintiffs or defendants in civil litigation matters. For


complex civil litigation matters on behalf of a private client, my current billing rate is \$300 per hour. To my knowledge, this rate is consistent with what other similarly experienced attorneys charge in this locality. In this case, fee agreements were entered into with each of the named Plaintiffs, providing we would be entitled to 33 1/3% of any recovery (plus gross receipts tax), but would receive no compensation in the event no recovery was obtained.

8. This case was hard-fought, difficult, and time-consuming, and we devoted substantial resources to this litigation without any assurance that there would be any recovery at all. The settlement that we were able to obtain with the Defendants represents one of the best settlements that has ever been attained in similar litigation. It is especially significant to me that as a direct result of our efforts, the unconstitutional strip search policies in place at the Santa Fe County Detention Facility were abolished, and have since been completely revised.

9. It is my considered opinion that the settlement fund established here is a very meaningful benefit to the members of the class, that the change in policies effected by this lawsuit is an extremely significant benefit to the community, and that the average class member's chances of obtaining better results by continuing the litigation or by pursuing separate claims would be uncertain at best.

10. I am familiar with the dedication and effort put into this case by the Class Representatives. They worked tirelessly and selflessly on behalf of the absent class members. They always put the interests of the class ahead of their own interests. They fully deserve the incentive payments that were agreed to by the Defendants.

FURTHER AFFLIANT SAYETH NAUGHT.


MARK H. DONATELLI

SUBSCRIBED AND SWORN TO before me this 4th day of December, 2006, at Santa Fe, New Mexico.


Notary Public

My commission expires:

11/15/09