

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Linquista White, <i>et al.</i> , <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> Kevin Shwedo, <i>et al.</i> , <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">Civil Action No.</p> <p style="text-align: center;">2:19-cv-03083-RMG</p>
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DECLARATION OF SUSAN DUNN

I, Susan Dunn, declare as follows:

1. I am the Legal Director of the ACLU of South Carolina (“ACLU-SC”) and co-counsel for Plaintiffs in this case. I have personal knowledge of the facts set forth in this Declaration and could testify competently to them if called to do so.

2. Attached hereto as exhibits are true and accurate copies of the following documents:

<u>Document</u>	<u>Exhibit</u>
ACLU-SC’s Freedom of Information Act (“FOIA”) Request to the South Carolina Department of Motor Vehicles (“DMV”) (December 13, 2018).....	A
DMV Spreadsheet Produced in Response to the December 13, 2018 FOIA Request (SR296990) (February 8, 2019).....	B

3. On November 8, 2018, my legal assistant, Patrick Brooks, submitted by email a request to the South Carolina Department of Motor Vehicles (“DMV”) seeking the total number of people whose South Carolina driver’s licenses were suspended for failure to pay a traffic citation or littering summons as of November 2, 2018 (“November 2018 FOIA Request”). He submitted the request on my behalf.

4. On November 30, 2018, I received a spreadsheet from Lauren Phillips, Chief of Strategic Communications and Community Affairs at the DMV, in response to the November 2018 FOIA Request, via email.

5. On December 13, 2018, I submitted by email a request to the DMV seeking records that reflect the racial breakdown of people with South Carolina driver's licenses suspended for failure to pay a traffic citation or littering summons, broken down further by both the county and zip code in which the ticket or summons was received, as of December 13, 2018 ("December 2018 FOIA Request"). The December 2018 FOIA Request also sought the total number of people whose South Carolina driver's licenses remain suspended solely because of a failure to pay the DMV's reinstatement fees, even after resolution of the traffic ticket or littering summons that originally led to suspension for failure to pay, as of December 13, 2018. *See* Ex. A.

6. On February 8, 2019, I received a spreadsheet from Lauren Phillips, in response to the December 2018 FOIA Request. *See* Ex. B. The spreadsheet included three separate worksheets, each of which responded to a different paragraph in the December 2018 FOIA Request. *See id.*

7. Ms. Phillips' response to the December 2018 FOIA Request included data that was current as of January 15, 2019, rather than December 13, 2018.

8. The third worksheet responded to the ACLU-SC's request for the total number of people whose South Carolina driver's licenses were originally suspended for failure to pay a traffic citation or littering summons, but whose licenses remain suspended only for failure to pay DMV reinstatement fees. *See id.* According to the information provided by the DMV on this worksheet, 39,546 people had a South Carolina driver's license that remained suspended for

failure to pay reinstatement fees, even after resolving the traffic tickets that originally led to a suspension for failure to pay a traffic ticket, as of January 15, 2019. *Id.*

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed in Charleston, South Carolina on November 1, 2019.

A handwritten signature in black ink, consisting of a stylized, cursive 'S' followed by a horizontal line extending to the right.

Susan Dunn, Fed. Bar #647

EXHIBIT A

South Carolina Department of Motor Vehicles
PO Box 1498
Blythewood, South Carolina

December 4, 2018

To whom it may concern,

This is a request for copies of records under the South Carolina Freedom of Information Act (South Carolina Code Ann. § 30-4-30). I am requesting an opportunity to inspect or obtain copies of public records showing:

1. The **racial breakdown of all individuals** whose South Carolina drivers' licenses are suspended as of the date of this letter **for failure to pay a traffic citation or littering summons, further broken down by county in which the individual was ticketed/summoned.**
2. The **racial breakdown of all individuals** whose South Carolina drivers' licenses are suspended as of the date of this letter **for failure to pay a traffic citation or littering summons, further broken down by zip code in which the individual was ticketed/summoned.**
3. The total number of individuals whose South Carolina drivers' licenses were **originally suspended for failure to pay a traffic citation or littering summons but whose licenses, as of the date of this letter, remain suspended only as a result of failure to pay DMV reinstatement fees.**

This is not a request for personally identifiable information. I am only requesting records of aggregate statistical information.

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$400. The South Carolina Freedom of Information Act requires a response time within 15 business days. If access to the records I am requesting will take longer than this amount of time, please contact me with the information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

You may contact me with questions at 843-282-7953 or sdunn@aclusc.org. My mailing address is P.O. Box 20998, Charleston, SC 29413-0998.

Thank you for considering my request.

Sincerely,

Susan Dunn

EXHIBIT B

Count of Individuals remain suspended with only "failure to pay reinstatement fees"
39,546