

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

<p>DOUGLAS WINSTON, as administrator of the Estate of TAMIR RICE, <i>et al.</i>,</p> <p>Plaintiffs,</p> <p>vs.</p> <p>THE CITY OF CLEVELAND, <i>et al.</i>,</p> <p>Defendants.</p>	<p>CASE NO. 1:14-cv-2670</p> <p>JUDGE SOLOMON OLIVER</p>
<p>DECLARATION OF SAMARIA RICE</p>	

Samaria Rice declares under penalty of perjury, under 28 U.S.C. § 1746, that the following is true and correct:

1. I am the mother of Tamir Rice. I am a plaintiff in the above-captioned case in my individual capacity and as the next friend and parent of my minor daughter, T.R., who is also a plaintiff in this case. I am also the heir of the Estate of Tamir Rice.

2. I make this declaration in support of my motion for leave to substitute counsel, under Local Rule 83.9, replacing the current lawyers, Walter T. Madison and Parks & Crump with Emery Celli Brinckerhoff & Abady LLP, The Chandra Law Firm LLC, and FirmEquity.

My Son Is Killed, I am Traumatized, and This Case is Filed

3. On November 22, 2014, my twelve-year old son, Tamir Rice, was shot and fatally wounded by Cleveland police officers while he was playing in the park.

4. He died on November 23, 2014.

5. I cannot begin to describe the shock, sadness, and desperation I was feeling that day. I raised Tamir as a single mother and we were very close. Losing him in this way has been the most horrible experience of my life. I do not have words to describe the depth of this loss. I am still grieving and will never be the same.

6. It is also clear to me now that the job of obtaining the right lawyers to pursue a case on Tamir's behalf in the immediate aftermath of his death was an almost impossible task for me. I was just too emotionally distraught to really know what to do. Only now, with the passage of time, and with the aid of people close to me, have I come to a place where I think I can make thoughtful decisions that are right for Tamir, our family, and me.

7. The evening that Tamir died, a lawyer I had known previously, Timothy Kucharski, met with me and had me sign some paperwork. I was so shocked, I barely knew what I was doing or what I was signing. I didn't even really know what the lawyers were saying.

8. The next day, Mr. Kucharski introduced me to another lawyer named David Malik and told me that he would be working on the case too.

9. Later, I was informed that on November 25, 2014, someone named Elizabeth Goodwin filed an application to administer the estate of my son Tamir in Cuyahoga County Probate Court. This was just two days after Tamir died.

10. I was later informed that on December 3, 2014, Ms. Goodwin was appointed the administrator of my son's estate.

11. I had never met Ms. Goodwin and did not know that she had become the administrator of my son's estate.

12. On December 5, 2014—less than two weeks after my son was shot and killed—Mr. Malik filed the complaint that began this case.

Walter Madison and Benjamin Crump Take Over the Case

13. Things were happening very quickly during this period of time. I was upset and confused and I did not understand what was going on in this case. I wanted a lawyer who would communicate with me, explain to me what was happening, and work together with me to get justice for my son.

14. I was introduced to a lawyer named Walter Madison. At the initial meeting with Mr. Madison, Benjamin Crump appeared as well and they told me they would be working on the case together.

15. Later, Mr. Madison and Mr. Crump introduced me to another lawyer named Douglas Winston. Mr. Madison told me Mr. Winston was a probate lawyer.

16. The agreements I signed with Mr. Winston, Mr. Madison, and Mr. Crump confused me and no one explained them to me in a way that I could understand. That didn't make me feel comfortable, but I felt like I had to trust them.

17. On December 8, 2014, at Mr. Crump's suggestion, I appeared on ABC's "Good Morning America."

18. On December 17, 2014, Mr. Kucharski and Mr. Malik made a motion to withdraw as counsel in this case.

19. On December 19, 2014, it is my understanding that Ms. Goodwin made an application to the Probate Court to resign as administrator. On the same day, as I later came to know, Mr. Winston made an application to become the successor administrator.

20. This all happened less than a month after my son's death.

21. I was hopeful that Mr. Madison and Mr. Crump coming into the case would mean that I had lawyers who took the time to explain everything to me and to consult with me about the case and to give me their undivided attention.

22. Unfortunately, that is not what has happened. Instead, I feel more and more powerless and confused about what is going on. My attorneys did not discuss many major strategic decisions with me about the civil and criminal matters involving my son. This upset me greatly.

23. Recently, after I have repeatedly expressed my concerns to Mr. Crump and Mr. Madison, Tamir's biological father, Leonard Warner, has begun to appear at press events with Mr. Crump and Mr. Madison. I was neither informed nor consulted about this and it was very upsetting to me, because, as Mr. Crump and Mr. Madison would know, Leonard was not involved in raising Tamir.

24. I have spoken confidentially with Mr. Madison and Mr. Crump about sensitive and personal details of my life and I am concerned about whether they will maintain the confidentiality of, and attorney-client privilege, regarding those details.

25. Because of all of this, I have decided that I need new lawyers to replace Mr. Madison and Mr. Crump.

I Research and Find My Current Lawyers

26. Several weeks ago, I began to work with family and friends to research new possible lawyers. An advisor that I trust suggested I call attorney William J. Mills of FirmEquity, who practices law in Chicago, Illinois. I worked with Mr. Mills for several weeks to research the best possible representation for my son, my daughter, and me. I did not want to rush to make another decision about representation. After reviewing many law firms, Mr. Mills

suggested that I meet with Earl Ward and Jonathan Abady, who are partners at Emery Celli Brinckerhoff & Abady LLP. I decided to retain Emery Celli Brinckerhoff & Abady LLP.

27. Because they are based out of New York, they recommended that we work with local counsel. We have chosen to work with Subodh Chandra of The Chandra Law Firm LLC. In addition, Professor Charles J. Ogletree, Jr. of Harvard Law School works with Emery Celli Brinckerhoff & Abady LLP and will be involved in my case if this substitution of counsel is approved.

28. Tamir was my son, and I raised him. Making sure this case is done in the best way possible will probably now be the most important thing I do in my life. It is critical that I have lawyers that I trust and can work with. After some difficulty, I have found them.

29. I have retained Emery Celli Brinckerhoff & Abady LLP, The Chandra Law Firm LLC, and FirmEquity, and would like to have them replace Parks and Crump, LLC and Mr. Madison in this case.

30. I can provide the Court with additional details about each reason I have for wanting to change attorneys, if the Court requires more specific justification for my decision, and to grant the leave I am requesting to substitute counsel. It is very important to me that the Court do so because my relationship with prior counsel is non-existent at this point.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 24, 2015
Cleveland, OH



SAMARIA RICE