

**DECLARATION OF INGRID CONNALLY**

I, Ingrid Connally, being first duly sworn, under penalty of perjury under the laws of the United States declares and states:

1. I have personal knowledge of the matters asserted herein and am competent to testify thereto, save for those matters asserted on information and belief, and for those matters, I am informed and believe them to be true.

2. I am informed and believe Plaintiffs John Witherow and Donald York Evans have named me as a Defendant in a lawsuit in the United States District Court, District of Nevada entitled *Evans v. Inmate Calling Solutions, et. al.*, case number 3:08-cv-00353-GMN-VPC.

3. From 2005 to the present I have been employed by the Nevada Department of Corrections ("NDOC") as a Correctional Officer at Nevada State Prison ("NSP") located in Carson City, Nevada.

4. Beginning around the end of January 2008, I was assigned on a regular basis to Unit 13 at NSP which was an segregation unit.

5. While in Unit 13, the three other officers and I would rotate between running the control room for the unit, also know as "the bubble", and working the floor which meant actually walking the Unit 13 floor.

6. When I was the officer running the control room, I was required to monitor the inmates' out-going telephone calls. These calls would be placed from one of two portable phones in Unit 13, one phone was designated for the approximately 30 inmates in A-Wing and the other was designated for the approximately 30 inmates in B-Wing. Monitoring was accomplished by using two speaker boxes that were directly wired into the phone lines for each of the portable phones.

7. Personal calls could be monitored, but legal calls could only be monitored up and until the point in which the answering party identified themselves as an attorney or law office. There was no way to distinguish between out-going personal or legal calls as there was no caller identification and no way to tell if the call was being recorded.

1 8. When out-going calls were being placed, the only information available to me  
2 would have been the inmate's written request to use the phone. This request was supposed  
3 to identify the number and whether it was a legal or personal call. However, there was no  
4 way to verify the information the inmate provided in his request unless the out-going call was  
5 initially screened.

6 9. In the event that the inmate had requested to make a legal call and the party  
7 would not identify themselves, I would only stay on the line only long enough to verify that it  
8 was a legal call and as soon as I heard anything of a legal nature I would discontinue any  
9 monitoring by flipping a switch on the speaker box in the control room.

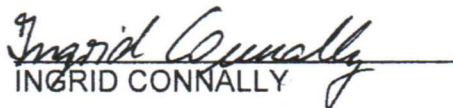
10 10. At no time was I ever told or instructed to monitor Plaintiff Witherow's legal calls  
11 and relay any information that I overheard to the Nevada Attorney General's Office or any  
12 other third party. As I never heard any of Plaintiff Witherow's alleged attorney-client  
13 information, at no time did I ever relay any information I overheard from Plaintiff Witherow's  
14 legal calls to third parties.

15 11. Except for this lawsuit, I am unaware of any instance in which Plaintiff filed a  
16 grievance or complained that I was listening to his legal calls beyond the point of initial  
17 screening to verify that it was an out-going legal call.

18 12. Attached as Exhibit J is a true and correct copy of the Post Orders for Unit 13  
19 which I used as a reference in performing my duties. Although this Post Order claims that it is  
20 for Unit 12, these Orders also applied to Unit 13 as both Units 12 and 13 were segregation  
21 units.

22 13. I still work at NSP and believe that Unit 13 has not housed any inmates since  
23 2010.

24 Pursuant to 28 U.S.C. § 1746, Declarant herein certifies, under penalty of perjury  
25 under the laws of the United States, on March 18, 2011 that the foregoing is true and  
26 correct.

27   
28 INGRID CONNALLY