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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KARLENA DAWSON, et al.,

Plaintiff,

v.

NATHALIE ASHER, et al.,

Defendants.

CASE NO. C20-0409-JLR-MAT

SUPPLEMENTAL DECLARATION
OF DR. SHERI MALAKHOVA, M.D.

I, Sheri Malakhova, M.D., declare as follows:

1. I am an Internal Medicine Doctor and serve as the Clinical Director for ICE Health Services Corps (“IHSC”) at the Northwest ICE Processing Center (“NWIPC”) in Tacoma, Washington. I have been employed at this facility since September 30, 2015, and my duties include providing and overseeing the medical care of detainees housed at this facility.

2. I am aware of the Court’s April 1, 2020 Order to File Additional Evidence in this case and provide the following declaration in response as a supplement to Dr. Rivera’s Declaration dated March 26, 2020. (Rivera Decl., Dkt. No. 65)

3. This declaration is based upon my personal and professional knowledge and information obtained from various records and systems maintained by DHS in the regular course of business. I provide this declaration based on the best of my knowledge, information, belief, and reasonable inquiry for the above captioned case.

1 4. On April 3, 2020, Petitioners have filed the declaration of Flavio Lopez Gonzalez, who is
2 not a named Petitioner in this case. *See* Lopez Gonzalez Decl., Docket No. 80. Declarant
3 Lopez Gonzalez claims that while he was in cohorting, he was unable to receive medical
4 attention despite feeling feverish, fatigued and having congestion. *Id.* at par. 15. In
5 response, ICE requested IHSC review the declarant’s medical records to determine the
6 accuracy of his statement.
7

8 5. According to IHSC records, Detainee Lopez Gonzalez was admitted to the NWIPC on
9 March 7, 2020. Upon admission, he was screened for COVID-19 symptoms or concerns,
10 which included asking about having a fever, or respiratory symptoms and if he had any
11 exposure to a known COVID 19 patient. This screening was negative. He was screened
12 again for COVID-19 symptoms by the IHSC medical staff on March 13, 2020 due to
13 placement in cohorting while another detainee was being tested for COVID-19 (i.e. the
14 “index patient”). Symptoms monitoring included a daily questionnaire and a vitals check
15 for fever. On March 15, 2020, Lopez Gonzalez complained of nasal congestion. He was
16 evaluated by IHSC and was prescribed acetaminophen and nasal saline. It was
17 determined that his clinical symptoms and evaluation did not warrant testing for COVID-
18 19. He had a follow up appointment with a nurse on March 18, 2020 where his vital
19 signs were again normal and with a medical provider on March 19, 2020 where he was
20 diagnosed with an upper respiratory infection. At both evaluations, he did not present
21 with the clinical symptoms for COVID-19, so he did not warrant testing. Contrary to his
22 declaration, Detainee Lopez Gonzalez never presented with a fever during any of these
23 evaluations. He was released from cohorting on March 19 as the index patient tested
24 negative for COVID-19. He had a further follow up appointment with a nurse on March
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1 21, 2020 where he reported feeling better and a final follow up with a doctor on March
2 23, 2020 where he was noted to have a normal chest x-ray, normal oxygen level, and a
3 normal chest exam. The doctor concluded again that he showed no clinical signs or
4 symptoms of COVID-19.
5

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8 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is
9 true and correct to the best of my knowledge and belief.
10

11 Executed this 6th day of April, 2020,

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14 Sheri W. Malakhova, M.D.
15 Board Certified Internal Medicine
16 Clinical Director
17 Northwest ICE Processing Center
18 Tacoma, Washington
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