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11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA  
13 WESTERN DIVISION

14 JENNY LISETTE FLORES., *et al.*,

15 Plaintiffs,

16 v.

17 MERRICK B. GARLAND, Attorney  
18 General of the United States, *et al.*,

19 Defendants.

Case No. CV 85-4544-DMG-AGR<sub>x</sub>

JOINT MOTION FOR  
PRELIMINARY APPROVAL OF  
SETTLEMENT AND APPROVAL  
OF CLASS NOTICE OF  
SETTLEMENT

Hearing: To be set by the Court

HON. DOLLY M. GEE

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12 *Attorneys for Plaintiffs*

1 On August 9, 2021, Plaintiffs filed a Motion to Enforce Settlement re  
2 Emergency Intake Sites (“Motion to Enforce”). [Doc. # 1161].

3 Plaintiffs’ Motion to Enforce primarily sought injunctive relief requiring that  
4 Defendants release class members detained at Emergency Intake Sites (EISs) to  
5 qualified custodians without unnecessary delay, place all minors in a licensed  
6 program as expeditiously as possible, transfer particularly vulnerable children out of  
7 the Fort Bliss EIS and the Pecos EIS, adopt mandatory standards to ensure that EISs  
8 comply with the Office of Refugee Resettlement’s standards for influx care facilities,  
9 and provide class members with continuous case management. *See Proposed Order*  
10 *Enforcing Settlement* [Doc. # 1161-3]; Plaintiffs’ Motion to Enforce [Doc. # 1161].

11 On August 20, 2021, this Court entered a stipulation between the parties to  
12 continue the hearing on Plaintiffs’ Motion to Enforce so that the parties could engage  
13 in settlement negotiations. [Doc. # 1168].

14 Thereafter, the parties engaged in numerous meetings attended by the Special  
15 Master/Independent Monitor and Dr. Paul Wise, counsel representing Plaintiffs and  
16 Defendants, and operational and legal staff from the U. S. Department of Health and  
17 Human Services, Office of Refugee Resettlement.

18 The parties have now reached a settlement agreement (“Agreement”) to  
19 resolve Plaintiffs’ Motion to Enforce. *See Exhibit 1* filed herewith. The parties are  
20 submitting this joint motion for preliminary approval of the Agreement, along with  
21 a proposed class notice to inform *Flores* class members of the proposed Agreement.  
22 *See Exhibit 2* filed herewith. This motion is submitted without a hearing date so the  
23 Court may, in its discretion, decide whether it wishes to conduct a hearing to address  
24 preliminary approval of the Agreement.

25 As detailed in the Agreement, the parties have agreed on standards Defendants  
26 will meet while operating Emergency Intake Sites. For example, the Agreement  
27 requires, in part, that Emergency Intake Sites provide suitable living  
28 accommodations, access to daily outdoor activity, private phone calls at least twice

1 a week for at least ten minutes in length, family reunification services, appropriate  
2 mental health interventions, educational services, legal services information, and  
3 structured leisure time activities. The Agreement generally prohibits the placement  
4 of particularly vulnerable children in Emergency Intake Sites, absent extraordinary  
5 circumstances. Additionally, the Agreement requires specific case management  
6 services such as an initial assessment by a case manager within 24 hours of a minor's  
7 admission to the facility and weekly meetings with case managers.

8 Consistent with Federal Rule of Civil Procedure 23(e), the parties submit the  
9 following joint proposal for providing notice of the Agreement to *Flores* class  
10 members:

11 The proposed Class Notice is attached as Exhibit 2. Within five (5) days of an  
12 Order from this Court approving the attached Notice, Plaintiffs shall provide to  
13 Defendants a copy of the approved Notice in English and Spanish. Within twenty  
14 (20) days of the date of the Order, Defendants shall post copies of the approved  
15 Notice in English and Spanish on ORR's web site. Defendants shall notify Plaintiffs'  
16 counsel in writing when the Notices have been posted and will provide a link to the  
17 posted Notice. Plaintiffs may also post the Notice in English and Spanish on Class  
18 Counsel's public web site. The notice period shall be thirty (30) days in duration.<sup>1</sup>

19 Fifty (50) days after the date of the Order, Plaintiffs' counsel shall file and  
20 serve any objections received, redacted as appropriate, or notify the Court that no  
21 objections have been received.

22 Sixty (60) days after the date of the Order, Plaintiffs and Defendants shall file  
23 a joint report regarding any objections received from class members during the  
24 period for the submission of objections. The parties' joint submission will include a  
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26 <sup>1</sup> If ORR opens an EIS facility during the 30-day Notice period then Defendants  
27 will post the Notice at that facility in a place where class members can view the  
28 Notice, and will promptly notify Plaintiffs of such posting including the location of  
the posting within the facility.

1 proposed schedule for final approval of the Agreement as well as a proposed order  
2 approving the Agreement and dismissing with prejudice Plaintiffs' Motion to  
3 Enforce [Doc. # 1161].

4 A proposed order is being filed herewith.

5  
6 Dated June 22, 2022:

Respectfully submitted,

7  
8 /s/ Mishan Wroe

9 Carlos R. Holguín  
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20 Senior Litigation Counsel

21 U.S. Department of Justice

22 Office of Immigration Litigation

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