

1 CHRIS CRUZ (SBN 228802)  
 2 DEREK WETMORE (SBN 291600)  
 3 JAZMIN HOLMES (SBN 295312)  
 4 YEKATERINA L. REYZIS (317763)  
 5 ARIEL WINAWER (SBN 317821)  
 6 ORRICK, HERRINGTON & SUTCLIFFE LLP  
 7 405 Howard Street  
 8 San Francisco, CA 94105  
 9 Telephone: (415) 773-5700  
 10 Facsimile: (415) 773-5759  
 11 Email: ccruz@orrick.com  
 12 dwetmore@orrick.com

13 SEAN RIORDAN (SBN 255752)  
 14 ANGÉLICA H. SALCEDA (SBN 296152)  
 15 AMERICAN CIVIL LIBERTIES UNION FOUNDATION  
 16 OF NORTHERN CALIFORNIA  
 17 39 Drumm Street  
 18 San Francisco, CA 94111  
 19 Telephone: (415) 621-2493  
 20 Facsimile: (415) 255-8437  
 21 Email: sriordan@aclunc.org  
 22 asalceda@aclunc.org

23 *Attorneys for Plaintiffs*

24 *Attorneys for Defendants listed on following page*

25 UNITED STATES DISTRICT COURT  
 26 NORTHERN DISTRICT OF CALIFORNIA  
 27 SAN FRANCISCO DIVISION

28 AUDLEY BARRINGTON LYON, JR., ET AL.,  
 ON BEHALF OF THEMSELVES AND ALL  
 OTHERS SIMILARLY SITUATED,  
 PLAINTIFFS,

V.

UNITED STATES IMMIGRATION AND  
 CUSTOMS ENFORCEMENT, ET AL.,  
 DEFENDANTS.

Case No.: 13-cv-05878-EMC

**JOINT STIPULATION AND  
~~PROPOSED~~ ORDER EXTENDING  
 SETTLEMENT AGREEMENT**

Judge: Hon. Edward M. Chen

1 JOSEPH H. HUNT  
Assistant Attorney General, Civil Division  
2 WILLIAM C. PEACHEY  
Director, District Court Section  
3 GISELA A. WESTWATER  
Assistant Director, District Court Section  
4 BRIAN C. WARD  
Senior Litigation Counsel  
5 LAUREN C. BINGHAM  
Trial Attorney  
6 KATHERINE J. SHINNERS  
Senior Litigation Counsel  
7 Office of Immigration Litigation  
8 Civil Division  
9 U.S. Department of Justice  
P.O. Box 868, Ben Franklin Station  
10 Washington, D.C. 20044  
11 Telephone: (202) 598-8259  
Email: Katherine.J.Shinners@usdoj.gov

12 *Attorneys for Defendants*  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2 Plaintiffs Audley Barrington Lyon, Jr., José Elizandro Astorga-Cervantes, and Nancy Neria-  
3 Garcia, on behalf of themselves and all class members (collectively, “Plaintiff Class”), and Defendants  
4 U.S. Immigration and Customs Enforcement (“ICE”), Ronald D. Vitiello in his official capacity as  
5 Acting Director of ICE, the U.S. Department of Homeland Security, Kevin McAleenan in his official  
6 capacity as Acting Secretary of Homeland Security, and Erik Bonnar in his official capacity as Acting  
7 Field Office Director for ICE’s San Francisco Field Office (collectively, “Defendants”),<sup>1</sup> by and through  
8 their counsel of record, respectfully submit this joint stipulation and proposed order concerning the  
9 extension of the executed Settlement Agreement and Release (“Settlement Agreement”), which was  
10 approved by this Court on November 18, 2016 (ECF No. 286).

11 In approving the Settlement Agreement, the Court retained jurisdiction to supervise the  
12 implementation of the Settlement Agreement and to enforce its terms. Settlement Agreement § VI.A.

13 Pursuant to Sections VIII and IX of the Settlement Agreement, Defendants’ obligations under the  
14 Settlement Agreement are in effect from November 18, 2016 to November 18, 2021.

15 Since February 21, 2018, the Parties have engaged in a series of letters, emails, telephonic  
16 discussions, and meet and confers, as part of the dispute resolution procedure under Section VI.B.1-3 of  
17 the Settlement Agreement, to discuss the Plaintiff Class’s concerns regarding the status of Defendants’  
18 full implementation of certain obligations under the Settlement Agreement.

19 Pursuant to the Parties’ discussions and meet and confer process, the Parties jointly stipulate  
20 under Section XII.C of the Settlement Agreement that Section IX of the Settlement Agreement is  
21 amended as follows: Defendants’ obligations only with respect to Yuba County Jail in Yuba County,  
22 California (“Yuba”), and the Plaintiff Class’s rights under the Settlement Agreement only with respect  
23 to Yuba, will terminate on November 18, 2022. All other obligations under the Settlement Agreement  
24 will terminate on November 18, 2021.

25 Counsel for Plaintiff Class certifies that the content of this document is acceptable to counsel for  
26 Defendants and said counsel has provided authority to affix her electronic signature.

27  
28 <sup>1</sup>Pursuant to Federal Rule of Civil Procedure 25(d), Ronald D. Vitiello, Acting Director of ICE, Kevin

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Respectfully submitted,

By: /s/ Angélica Salceda  
Angélica Salceda  
Attorney for Plaintiffs

By: /s/ Katherine J. Shinnors  
Katherine J. Shinnors  
Attorney for Defendants

**ORDER**

Pursuant to stipulation, it is so ordered.

Date: April 23, 2019



Hon. Edward M. Chen  
United States District Judge

\_\_\_\_\_  
McAleenan, Acting Secretary of DHS, and Erik Bonnar, Acting Field Office Director for ICE's, are automatically substituted for their predecessors to those offices as official-capacity Defendants.