1	BENJAMIN C. MIZER		
2	Principal Deputy Assistant Attorney General WILLIAM C. PEACHEY		
3	Director, District Court Section COLIN A. KISOR		
5	Deputy Director, District Court Section		
4	ELIZABETH J. STEVENS Assistant Director, District Court Section		
5	BRIAN C. WARD		
6	KATHERINE J. SHINNERS JENNIFER A. BOWEN		
	VICTOR M. MERCADO-SANTANA		
7	LAUREN C. BINGHAM Trial Attorneys, Office of Immigration Litigation	n	
8	U.S. Department of Justice – Civil Division		
9	P.O. Box 868, Ben Franklin Station Washington, D.C. 20044		
	Telephone: (202) 616-4458		
10	Facsimile: (202) 305-7000 Email: Lauren.C.Bingham@usdoj.gov		
11			
12	Attorneys for Defendants		
	UNITED STATES	DISTRICT COURT	
13	NORTHERN DISTRICT OF CALIFORNIA		
14	SAN FRANCISCO DIVISION		
15	S/HVI K/HVCIK	Jeo Division	
16	AUDLEY BARRINGTON LYON, JR., et. al.,	Case No.: 13-cv-05878 EMC	
	Plaintiffs,	STIPULATED MOTION TO CONTINUE	
17		NOTICE AND OBJECTIONS PERIOD AND	
18	V.	FINAL APPROVAL HEARING;	
19	UNITED STATES IMMIGRATION AND	<del>[PROPOSED] </del> ORDER	
	CUSTOMS ENFORCEMENT, et. al.,	CLASS ACTION	
20	Defendants.	Indeed Hon Edward M Chan	
21		Judge: Hon. Edward M. Chen Fairness	
22		Hearing Date: September 29, 2016 Time: 1:30 p.m.	
		Location: Courtroom C, 15 <sup>th</sup> Fl.	
23			
24			
25	STIPULATION		
26	Under Local Rules 6-1(b) and 7-12, the parties submit this stipulation and proposed ord		
27	requesting an extension of the notice and objecti	ons period so that Defendants may fully comply	
28			

-1-

Case No.: 13-cv-05878 EMC

STIPULATED MOTION TO CONTINUE NOTICE AND OBJECTIONS PERIOD AND FINAL APPROVAL HEARING

with all aspects of the notice obligations in the Court's order directing notice to the class. *See* ECF No. 267.

On July 1, 2016, the Court granted Plaintiffs' unopposed motion for preliminary approval of the settlement agreement in this case. ECF No. 267. In that Order, the Court imposed certain notice requirements upon both parties. Specifically, the Court ordered Defendants to: (i) post the Notice and Agreement on the ICE public website; (ii) post the Notice in all housing units in the Facilities where class members are housed, in an area prominently visible to immigration detainees; and (iii) provide individual copies of the Notice to Class members who are housed in segregation, medical, holding, or other units with restricted access to common areas during facility waking hours. *Id.* at 4.

Although the notices were timely posted at each facility in common areas of the facilities where class members are housed, and the notices, settlement agreement, and exhibits were posted on the ICE public website, individual copies of the notices were not handed out at any facility prior to September 12, 2016. At Contra Costa West County Detention Facility, all housing units are general population units; there are no detainees housed in segregation or other specialized housing units where they would have restricted access to the posted notices, so there was no need to distribute individual copies at Contra Costa. *See* Exhibit A, Declaration of Thomas A. Lee, Jr. However, specialized units such as segregation, medical, and holding units do exist at Yuba County Jail, Mesa Verde Detention Facility, and Rio Cosumnes Correctional Center ("RCCC"). *See* Exhibit B, Declaration of Dana Fishburn; Exhibit C, Declaration of Robert J. Munoz; Exhibit D, Declaration of Antone Drinkard.

Detainees in segregation at each of these facilities ordinarily have access for one hour a day to common areas in the facilities where notices are posted. *See* Exhibit B, Declaration of

Dana Fishburn; Exhibit C, Declaration of Robert J. Munoz; Exhibit D, Declaration of Antone Drinkard. Additionally, detainees in medical and holding units ordinarily have access to common areas in these facilities. *See* Exhibit B, Declaration of Dana Fishburn; Exhibit C, Declaration of Robert J. Munoz; Exhibit D, Declaration of Antone Drinkard.

As a result, although notice was not provided in the specific manner set out in the Court's order, Defendants contend that all detainees received notice. Defendants consider their actions to be consistent with the spirit of the Settlement Agreement, and both parties agree that the failure to follow the specific terms of the Court's order was not intentional or in bad faith.

Additionally, as of September 13, 2016, each facility with class members who are housed in medical, holding, segregation, or another unit with restricted access to common areas during facility waking hours, has also begun providing individual copies of the notice to those class members. Thus, extending the notice and objections period will cure any lack of notice that may have occurred.

Accordingly, for Defendants to fulfill the specific notice obligations ordered by this Court, the parties respectfully request that the Court extend the notice and objections period for an additional 45 days to October 24, 2016, extend the time for Plaintiffs to file their Motion for Final Approval of the Settlement Agreement by 45 days to October 31, 2016, and continue the fairness hearing 45 days to November 14, 2016. The parties also request that the hearing on Plaintiffs' motion for approval of attorneys' fees be continued until November 14, 2016, as well.

Dated: September 15, 2016 OFFICE OF IMMIGRATION LITIGATION, CIVIL DIVISION

U.S. DEPARTMENT OF JUSTICE

BENJAMIN C. MIZER Principal Deputy Assistant Attorney General

WILLIAM C. PEACHEY

## Case 3:13-cv-05878-EMC Document 276 Filed 09/16/16 Page 4 of 6

By: \( \lambda \) \( \lambda	COLIN A. KISOR Deputy Director, District Court Section  ELIZABETH J. STEVENS Assistant Director, District Court Section  By: /s/ Lauren C. Bingham LAUREN C. BINGHAM KATHERINE J. SHINNERS JENNIFER A. BOWEN BRIAN C. WARD VICTOR M. MERCADO-SANTANA Trial Attorneys, District Court Section P.O Box 868, Ben Franklin Station Washington, D.C. 20044 Telephone: (202) 616-4458 Email: Lauren.C.Bingham@usdoj.gov  Attorneys for Defendants  ptember 15, 2016  AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF NORTHERN CALIFORNIA By: /s/ Angélica Salceda JULIA HARUMI MASS (SBN 189649) ANGÉLICA SALCEDA (SBN 296152) CHRISTINE P. SUN (SBN 218701) MICHAEL T. RISHER (SBN 191627) 39 Drumm Street San Francisco, CA 94111 Telephone: (415) 621-2493 Facsimile: (415) 255-8437 Email: jmass@aclunc.org  ptember 15, 2016  AMERICAN CIVIL LIBERTIES UNION NATIONAL PRISON PROJECT By: /s/ Carl Takei CARL TAKEI (SBN 256229) 915 15th Street, N.W., 7h Floor Washington, DC 20005 Telephone: (202) 393-4930 Facsimile: (202) 393-4930 Facsimile: (202) 393-4931 Email: ctakei@aclu.org	COLIN A. KISOR   Deputy Director, District Court Section			
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By: \( \lambda \) \( \lambda	By: /s/ Lauren C. Bingham LAUREN C. BINGHAM KATHERINE J. SHINNERS JENNIFER A. BOWEN BRIAN C. WARD VICTOR M. MERCADO-SANTANA Trial Attorneys, District Court Section P.O Box 868, Ben Franklin Station Washington, D.C. 20044 Telephone: (202) 616-4458 Email: Lauren.C.Bingham@usdoj.gov  Attorneys for Defendants  ptember 15, 2016  AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF NORTHERN CALIFORNIA By: /s/ Angélica Salceda JULIA HARUMI MASS (SBN 189649) ANGÉLICA SALCEDA (SBN 296152) CHRISTINE P. SUN (SBN 218701) MICHAEL T. RISHER (SBN 191627) 39 Drumm Street San Francisco, CA 94111 Telephone: (415) 621-2493 Facsimile: (415) 255-8437 Email: jmass@aclunc.org  ptember 15, 2016  AMERICAN CIVIL LIBERTIES UNION NATIONAL PRISON PROJECT By: /s/ Carl Takei CARL TAKEI (SBN 256229) 915 15th Street, N.W., 7h Floor Washington, DC 20005 Telephone: (202) 393-4930 Facsimile: (202) 393-4931 Email: ctakei@aclu.org	By: \( \lambda \) LAUREN C. Bingham LAUREN C. BINGHAM KATHERINE J. SHINNERS JENNIFER A. BOWEN BRIAN C. WARD VICTOR M. MERCADO-SANTANA Trial Attorneys, District Court Section P.O Box 868, Ben Franklin Station Washington, D.C. 20044 Telephone: (202) 616-4458 Email: Lauren.C.Bingham@usdoj.gov    Attorneys for Defendants	4		
By: /s/ Lauren C. Bingham LAUREN C. BINGHAM KATHERINE J. SHINNERS JENNIFER A. BOWEN BRIAN C. WARD VICTOR M. MERCADO-SANTANA Trial Attorneys, District Court Section P.O Box 868, Ben Franklin Station Washington, D.C. 20044 Telephone: (202) 616-4458 Email: Lauren.C.Bingham@usdoj.gov  Attorneys for Defendants  Dated: September 15, 2016  AMERICAN CIVIL LIBERTIES UNIC FOUNDATION OF NORTHERN CAL By: /s/ Angélica Salceda JULIA HARUMI MASS (SBN 189649) ANGÉLICA SALCEDA (SBN 296152) CHRISTINE P. SUN (SBN 218701) MICHAEL T. RISHER (SBN 191627) 39 Drumm Street San Francisco, CA 94111 Telephone: (415) 621-2493 Facsimile: (415) 255-8437 Email: jmass@aclunc.org  Dated: September 15, 2016  AMERICAN CIVIL LIBERTIES UNIC NATIONAL PRISON PROJECT By: /s/ Carl Takei CARL TAKEI (SBN 256229) 915 15th Street, N.W., 7th Floor	LAUREN C. BINGHAM KATHERINE J. SHINNERS JENNIFER A. BOWEN BRIAN C. WARD VICTOR M. MERCADO-SANTANA Trial Attorneys, District Court Section P.O Box 868, Ben Franklin Station Washington, D.C. 20044 Telephone: (202) 616-4458 Email: Lauren.C.Bingham@usdoj.gov  Attorneys for Defendants  ptember 15, 2016  AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF NORTHERN CALIFORNIA By: /s/ Angélica Salceda JULIA HARUMI MASS (SBN 189649) ANGÉLICA SALCEDA (SBN 296152) CHRISTINE P. SUN (SBN 218701) MICHAEL T. RISHER (SBN 191627) 39 Drumm Street San Francisco, CA 94111 Telephone: (415) 621-2493 Facsimile: (415) 255-8437 Email: jmass@aclunc.org  ptember 15, 2016  AMERICAN CIVIL LIBERTIES UNION NATIONAL PRISON PROJECT By: /s/ Carl Takei CARL TAKEI (SBN 256229) 915 15th Street, N.W., 7th Floor Washington, DC 20005 Telephone: (202) 393-4930 Facsimile: (202) 393-4931 Email: ctakei@aclu.org	By: ⟨ <u>M Lauren C. Bingham</u> LAUREN C. BINGHAM KATHERINE J. SHINNERS JENNIFER A. BOWEN BRIAN C. WARD VICTOR M. MERCADO-SANTANA Trial Attorneys, District Court Section P.O Box 868, Ben Franklin Station Washington, D.C. 20044 Telephone: (202) 616-4458 Email: Lauren.C.Bingham@usdoj.gov  Attorneys for Defendants  Dated: September 15, 2016  AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF NORTHERN CALIFORNIA By: ⟨ <u>M Angélica Salceda</u> JULIA HARUMI MASS (SBN 189649) ANGÉLICA SALCEDA (SBN 296152) CHRISTINE P. SUN (SBN 218701) MICHAEL T. RISHER (SBN 191627) 39 Drumm Street San Francisco, CA 94111 Telephone: (415) 621-2493 Facsimile: (415) 255-8437 Email: jmass@aclunc.org  Dated: September 15, 2016  AMERICAN CIVIL LIBERTIES UNION NATIONAL PRISON PROJECT By: ⟨ <u>M Carl Takei</u> CARL TAKEI (SBN 256229) 915 15th Street, N.W., 7a Floor Washington, DC 20005 Telephone: (202) 393-4930 Facsimile: (1202) 393-4931 Email: ctakei@aclu.org  Attorneys for Plaintiffs	5		Assistant Director, District Court Section
LAUREN C. BINGHAM KATHERINE J. SHINNERS JENNIFER A. BOWEN BRIAN C. WARD VICTOR M. MERCADO-SANTANA Trial Attorneys, District Court Section P.O Box 868, Ben Franklin Station Washington, D.C. 20044 Telephone: (202) 616-4458 Email: Lauren.C.Bingham@usdoj.gov  Attorneys for Defendants  Dated: September 15, 2016  AMERICAN CIVIL LIBERTIES UNIO FOUNDATION OF NORTHERN CAL By: /s/ Angélica Salceda JULIA HARUMI MASS (SBN 189649) ANGÉLICA SALCEDA (SBN 296152) CHRISTINE P. SUN (SBN 218701) MICHAEL T. RISHER (SBN 191627) 39 Drumm Street San Francisco, CA 94111 Telephone: (415) 621-2493 Facsimile: (415) 255-8437 Email: jmass@aclunc.org  Dated: September 15, 2016  AMERICAN CIVIL LIBERTIES UNIO NATIONAL PRISON PROJECT By: /s/ Carl Takei CARL TAKEI (SBN 256229) 915 15th Street, N.W., 7th Floor	LAUREN C. BINGHAM KATHERINE J. SHINNERS JENNIFER A. BOWEN BRIAN C. WARD VICTOR M. MERCADO-SANTANA Trial Attorneys, District Court Section P.O Box 868, Ben Franklin Station Washington, D.C. 20044 Telephone: (202) 616-4458 Email: Lauren.C.Bingham@usdoj.gov  Attorneys for Defendants  ptember 15, 2016  AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF NORTHERN CALIFORNIA By: /s/ Angélica Salceda JULIA HARUMI MASS (SBN 189649) ANGÉLICA SALCEDA (SBN 296152) CHRISTINE P. SUN (SBN 218701) MICHAEL T. RISHER (SBN 191627) 39 Drumm Street San Francisco, CA 94111 Telephone: (415) 621-2493 Facsimile: (415) 255-8437 Email: jmass@aclunc.org  ptember 15, 2016  AMERICAN CIVIL LIBERTIES UNION NATIONAL PRISON PROJECT By: /s/ Carl Takei CARL TAKEI (SBN 256229) 915 15th Street, N.W., 7th Floor Washington, DC 20005 Telephone: (202) 393-4930 Facsimile: (202) 393-4931 Email: ctakei@aclu.org	LAUREN C. BINGHAM KATHERINE J. SHINNERS JENNIFER A. BOWEN BRIAN C. WARD VICTOR M. MERCADO-SANTANA Trial Attorneys, District Court Section P.O Box 868, Ben Franklin Station Washington, D.C. 20044 Telephone: (202) 616-4458 Email: Lauren.C.Bingham@usdoj.gov			By: /s/ Lauren C. Bingham
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By: \( \frac{s}{Angélica Salceda} \)	By: /s/ Angélica Salceda JULIA HARUMI MASS (SBN 189649) ANGÉLICA SALCEDA (SBN 296152) CHRISTINE P. SUN (SBN 218701) MICHAEL T. RISHER (SBN 191627) 39 Drumm Street San Francisco, CA 94111 Telephone: (415) 621-2493 Facsimile: (415) 255-8437 Email: jmass@aclunc.org  AMERICAN CIVIL LIBERTIES UNION NATIONAL PRISON PROJECT By: /s/ Carl Takei CARL TAKEI (SBN 256229) 915 15th Street, N.W., 7th Floor Washington, DC 20005 Telephone: (202) 393-4930 Facsimile: (202) 393-4931 Email: ctakei@aclu.org	By: \( \frac{\street}{s\text{ Angélica Salceda}}{\text{ JULIA HARUMI MASS (SBN 189649)}}{\text{ ANGÉLICA SALCEDA (SBN 296152)}}{\text{ CHRISTINE P. SUN (SBN 218701)}}{\text{ MICHAEL T. RISHER (SBN 191627)}}{\text{ 39 Drumm Street}}{\text{ San Francisco, CA 94111}}{\text{ Telephone: (415) 621-2493}}{\text{ Facsimile: (415) 255-8437}}{\text{ Email: jmass@aclunc.org}}{\text{ Dated: September 15, 2016}}{\text{ AMERICAN CIVIL LIBERTIES UNION NATIONAL PRISON PROJECT}}{\text{ By: \( \frac{\street}{s\text{ Carl Takei}}}{\text{ CARL TAKEI (SBN 256229)}}{\text{ 915 15th Street, N.W., 7th Floor Washington, DC 20005}}{\text{ Telephone: (202) 393-4930}}{\text{ Facsimile: (202) 393-4931}}{\text{ Email: ctakei@aclu.org}}{\text{ Attorneys for Plaintiffs}}{\text{ Attorneys for Plaintiffs}}{\t	1.4	Dated: September 15, 2016	AMERICAN CIVIL LIBERTIES UNION
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20 Email: jmass@aclunc.org  21 Dated: September 15, 2016 AMERICAN CIVIL LIBERTIES UNIONAL PRISON PROJECT By: /s/ Carl Takei CARL TAKEI (SBN 256229) 915 15th Street, N.W., 7th Floor	Email: jmass@aclunc.org  AMERICAN CIVIL LIBERTIES UNION NATIONAL PRISON PROJECT By: /s/ Carl Takei CARL TAKEI (SBN 256229) 915 15th Street, N.W., 7th Floor Washington, DC 20005 Telephone: (202) 393-4930 Facsimile: (202) 393-4931 Email: ctakei@aclu.org	Email: jmass@aclunc.org  Dated: September 15, 2016  AMERICAN CIVIL LIBERTIES UNION NATIONAL PRISON PROJECT By: /s/ Carl Takei CARL TAKEI (SBN 256229) 915 15th Street, N.W., 7th Floor Washington, DC 20005 Telephone: (202) 393-4930 Facsimile: (202) 393-4931 Email: ctakei@aclu.org  Attorneys for Plaintiffs	19		± ' '
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STIPULATED MOTION TO CONTINUE NOTICE AND OBJECTIONS PERIOD AND FINAL APPROVAL HEARING

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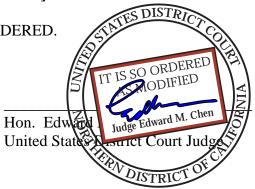
I, Lauren C. Bingham, am the ECF user whose user ID and password are being used to file this Stipulation. In accordance with Local Rule 5-1(i)(3), I hereby attest that the other signatories listed here have concurred in the filing of this document. Dated: September 15, 2016 By: /s/ Lauren C. Bingham LAUREN C. BINGHAM 

STIPULATED MOTION TO CONTINUE NOTICE AND OBJECTIONS PERIOD AND FINAL APPROVAL HEARING

[PROPOSED] ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Dated: September 16, 2016



The Court extends the notice period to October 24, 2016; extends the time for Plaintiffs to file their Motion for Final Approval of the Settlement Agreement to October 31, 2016; and continues the fairness hearing to 1:30 p.m., November 17, 2016.

The Court additionally orders, per the parties' agreement, that individual copies of the notice extend the time for class members to object to October 27, 2016 (21 days prior to the fairness hearing date); and that individual copies of the notice contain specific language notifying class members that the objection deadline has been moved from September 8, 2016, to October 27, 2016.