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12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

15 AUDLEY BARRINGTON LYON, JR., et. al.,  
16 Plaintiffs,  
17  
18 v.  
19 UNITED STATES IMMIGRATION AND  
CUSTOMS ENFORCEMENT, et. al.,  
20 Defendants.

Case No.: 13-cv-05878 EMC

STIPULATED MOTION TO CONTINUE  
NOTICE AND OBJECTIONS PERIOD AND  
FINAL APPROVAL HEARING;  
~~PROPOSED~~ ORDER

CLASS ACTION

Judge: Hon. Edward M. Chen  
Fairness  
Hearing Date: September 29, 2016  
Time: 1:30 p.m.  
Location: Courtroom C, 15<sup>th</sup> Fl.

24 **STIPULATION**

25 Under Local Rules 6-1(b) and 7-12, the parties submit this stipulation and proposed order  
26 requesting an extension of the notice and objections period so that Defendants may fully comply  
27

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

Case No.: 13-cv-05878 EMC

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

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

11  
12           Although the notices were timely posted at each facility in common areas of the facilities  
13 where class members are housed, and the notices, settlement agreement, and exhibits were  
14 posted on the ICE public website, individual copies of the notices were not handed out at any  
15 facility prior to September 12, 2016. At Contra Costa West County Detention Facility, all  
16 housing units are general population units; there are no detainees housed in segregation or other  
17 specialized housing units where they would have restricted access to the posted notices, so there  
18 was no need to distribute individual copies at Contra Costa. *See* Exhibit A, Declaration of  
19 Thomas A. Lee, Jr. However, specialized units such as segregation, medical, and holding units  
20 do exist at Yuba County Jail, Mesa Verde Detention Facility, and Rio Cosumnes Correctional  
21 Center (“RCCC”). *See* Exhibit B, Declaration of Dana Fishburn; Exhibit C, Declaration of  
22 Robert J. Munoz; Exhibit D, Declaration of Antone Drinkard.

23  
24           Detainees in segregation at each of these facilities ordinarily have access for one hour a  
25 day to common areas in the facilities where notices are posted. *See* Exhibit B, Declaration of  
26  
27  
28

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

5  
6 As a result, although notice was not provided in the specific manner set out in the Court's  
7 order, Defendants contend that all detainees received notice. Defendants consider their actions  
8 to be consistent with the spirit of the Settlement Agreement, and both parties agree that the  
9 failure to follow the specific terms of the Court's order was not intentional or in bad faith.  
10 Additionally, as of September 13, 2016, each facility with class members who are housed in  
11 medical, holding, segregation, or another unit with restricted access to common areas during  
12 facility waking hours, has also begun providing individual copies of the notice to those class  
13 members. Thus, extending the notice and objections period will cure any lack of notice that may  
14 have occurred.  
15

16 Accordingly, for Defendants to fulfill the specific notice obligations ordered by this  
17 Court, the parties respectfully request that the Court extend the notice and objections period for  
18 an additional 45 days to October 24, 2016, extend the time for Plaintiffs to file their Motion for  
19 Final Approval of the Settlement Agreement by 45 days to October 31, 2016, and continue the  
20 fairness hearing 45 days to November 14, 2016. The parties also request that the hearing on  
21 Plaintiffs' motion for approval of attorneys' fees be continued until November 14, 2016, as well.  
22

23 Dated: September 15, 2016

OFFICE OF IMMIGRATION LITIGATION,  
CIVIL DIVISION  
U.S. DEPARTMENT OF JUSTICE

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Dated: September 15, 2016

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Dated: September 15, 2016

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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

~~PROPOSED~~ ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Dated: September 16, 2016

Hon. Edward M. Chen  
United States District Court Judge



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.

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