

EXHIBIT C

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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 AUDLEY BARRINGTON LYON, JR., et al.,
on behalf of themselves and all others similarly
18 situated,

19 Plaintiffs,

20 v.

21 UNITED STATES IMMIGRATION AND
22 CUSTOMS ENFORCEMENT, et al.,

23 Defendants.

Case No.: 13-cv-05878-EMC

**FINAL ORDER APPROVING
SETTLEMENT AND DISMISSING
CASE**

Hon. Edward M. Chen

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1 WHEREAS Plaintiffs Audley Barrington Lyon, Jr., José Elizandro Astorga-Cervantes,
2 and Nancy Neria-Garcia, on behalf of themselves and all class members (collectively, “Plaintiff
3 Class”), by and through their counsel of record, have asserted claims for declaratory and
4 injunctive relief against Defendants U.S. Immigration and Customs Enforcement (“ICE”); Sarah
5 Saldaña in her official capacity as Director of ICE; the U.S. Department of Homeland Security;
6 Jeh Johnson in his official capacity as Secretary of Homeland Security, and Adrian Macias in his
7 official capacity as Acting Field Office Director for ICE’s San Francisco Field Office
8 (collectively “Defendants”), alleging violations of the Immigration and Nationality Act, 8 U.S.C.
9 § 1101 *et seq.* and the First and Fifth Amendments to the U.S. Constitution; and

10 WHEREAS on April 16, 2014, the Court certified a class of “[a]ll current and future
11 immigration detainees who are or will be held by ICE in in Contra Costa, Sacramento, and Yuba
12 Counties” (ECF No. 31);

13 WHEREAS on July 27, 2015, the Court granted Plaintiffs’ motion to modify the certified
14 class to include “[a]ll current and future adult immigration detainees who are or will be held by
15 ICE in Contra Costa County, Kern County, Sacramento County, or Yuba County” (“Plaintiff
16 Class”) (ECF No. 98);

17 WHEREAS on March 18, 2016, the Court granted in part and denied in part Defendants’
18 motion for summary judgment and denied Plaintiffs’ motion for summary judgment (ECF No.
19 167);

20 WHEREAS the Court found that Plaintiffs’ Counsel are adequate to represent the Plaintiff
21 Class under Federal Rule of Civil Procedure 23(g)(1) and (4), and appointed Plaintiffs’ Counsel
22 as Class Counsel under Rule 23(g) in an Order dated _____, 2016; and

23 WHEREAS the Plaintiff Class and Defendants entered into a settlement of the above-
24 captioned matter (“Settlement”) and executed a Settlement Agreement and Release (“Settlement
25 Agreement”), which has been filed with the Court; and

26 WHEREAS the Court preliminarily approved the Settlement in an Order dated
27 _____, 2016; and
28

1 WHEREAS the Court held a hearing on _____, 2016, where the Court found the
2 Settlement reasonable and fair; and

3 WHEREAS it appears notice of the Settlement has been adequately provided to the Class
4 as provided for by the Court's Order Granting Preliminary Approval; and

5 WHEREAS the Plaintiff Class has filed with the Court a Motion for Final Approval of the
6 Settlement, together with supporting documents; and

7 WHEREAS the Court held a hearing on _____, 2016 to
8 consider the final approval of the Settlement, and any objections to the foregoing filed before or at
9 the time of the hearing;

10 WHEREAS the Court has considered the Settlement between the Plaintiff Class and the
11 Defendants, and the pleadings and documents submitted in connection with the parties' request
12 for final approval of the Settlement, and good cause appearing therefore,

13 **WHEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:**

14 1. The Court has jurisdiction over the subject matter of this action. The Court has
15 personal jurisdiction over the Plaintiff Class (as defined in the Court's orders granting Plaintiffs'
16 motions for class certification and for modification of the class certification order, ECF Nos. 31
17 and 98) and Defendants.

18 2. Under Federal Rule of Civil Procedure 23(e), the Settlement as set forth in the
19 Settlement Agreement is approved as fair, reasonable, adequate, and in the best interests of the
20 Plaintiff Class. The Court finds that the Settlement appears to have resulted from arm's length
21 negotiations by and among counsel for the parties who were reasonably skilled and prepared and
22 who represented the best interests of their respective clients in negotiating the Settlement. The
23 settlement negotiations that led to the Settlement took place in mediations sessions supervised by
24 Magistrate Judge Donna Ryu, with assistance from Magistrate Judge Laurel Beeler. This provides
25 the Court with further assurance that the negotiations leading to the Settlement were good faith,
26 arm's length negotiations, based on a sufficiently developed record, and which appropriately
27 considered the risks of trial, the potential resolution, and all other relevant factors leading to
28 Settlement.

1 3. The Court further finds that the settlement of attorneys' fees and costs in Section
2 XI of the Settlement Agreement was the result of arm's length and good faith negotiations
3 supervised by Magistrate Judges Ryu and Beeler. The attorney's fees and costs provision appears
4 to have taken into consideration the right of Plaintiffs to seek an award of fees that would be
5 substantially higher than the amount agreed to, the risks of trial, and all other relevant factors. The
6 Court therefore approves the award of the Attorneys' Fee Settlement Amount contained in the
7 Settlement Agreement and orders that that the Attorneys' Fee Settlement Amount be paid in
8 accordance with the Settlement Agreement.

9 4. The Court further finds the Notice to the Class was reasonably calculated to
10 apprise the Class of the pendency of this action and all material elements of the proposed
11 settlement, constituted the best notice practicable under the circumstances, and constituted due and
12 sufficient notice.

13 5. This Final Order adopts and incorporates herein by reference in its entirety the
14 Settlement Agreement submitted as Exhibit 1 to the Declaration of Julia Harumi Mass, filed with
15 Plaintiffs' Unopposed Motion for Preliminary Approval of the Class Action Settlement (ECF No.
16 ____). The parties are directed to implement the Settlement Agreement in accordance with its terms
17 and provisions.

18 6. In accordance with Section XII.A of the Settlement Agreement, this action is
19 hereby dismissed with prejudice. Without in any way affecting the finality of this Final Order, this
20 Court retains jurisdiction for the purpose of enforcing the Settlement Agreement and as to all
21 matters relating to the interpretation and enforcement of the Settlement Agreement.

22 7. The Court finds this Final Order adjudicates all of the claims, rights, and liabilities
23 of the Parties to the Settlement, and is intended to be a final judgment within the meaning of Rule
24 54 of the Federal Rules of Civil Procedure.

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IT IS SO ORDERED.

Dated _____

Hon. Edward M. Chen
U.S. District Court Judge