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10 UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

13	AUDLEY BARRINGTON LYON, JR., <i>et</i>)	
14	<i>al.</i> ,)	No. 3:13-cv-05878-EMC
)	
15	Plaintiffs,)	
)	STIPULATION AND [PROPOSED] ORDER
16	vs.)	RE NOTICE AND ACCESS TO CLASS
)	
17	U.S. IMMIGRATION & CUSTOMS)	
18	ENFORCEMENT, <i>et al.</i> , ¹)	
)	
19	Defendants.)	

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 25
 26 ¹ Thomas S. Winkowski, Principal Deputy Assistant Director, ICE, is substituted under
 27 Fed. R. Civ. P. 25(d) for former Acting Director, John Sandweg, who was named as a defendant
 28 in this action in his official capacity but resigned from this position effective February 21, 2014.

STIPULATION RE NOTICE AND ACCESS TO CLASS

1
2 In accordance with the Court’s Order Granting Plaintiffs’ Motion for Class Certification
3 dated April 16, 2014 (Dkt. # 31) (“Class Certification Order”), the Parties have met and
4 conferred regarding the terms and method of providing notice to class members of this litigation
5 and access to information about detained class members to facilitate Class Counsel’s
6 communications with and representation of the class. Pursuant to Federal Rule of Civil
7 Procedure 23(c)(2) and (d) and the Class Certification Order and without prejudice to Plaintiffs’
8 right to seek additional measures to facilitate access to and communication with class members,
9 the Parties hereby stipulate as follows:
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11
12 1. Defendants will take steps necessary to post, in English and Spanish, the written
13 notice attached as Exhibit A in all housing units of the West County Detention Facility, the Rio
14 Cosumnes Correctional Center, and the Yuba County Jail (collectively “facilities”) that hold
15 class members. In the unlikely event a facility will not agree to post notice, ICE will make
16 alternative arrangements to provide notice such as providing notice to the alien prior to the alien
17 being booked into the facility or by providing notice during routine visits by ICE agents.
18

19 2. Because class members’ identifying information is within Defendants’
20 possession, Defendants will provide “class lists” to Plaintiffs’ counsel on the first business day of
21 each month. The class lists will include the following information about each class member:
22 name, alien number, country of citizenship, detention facility, and date booked into facility.
23

24 3. Because class members are in Defendants’ custody, Defendants will facilitate
25 Class Counsel’s communication with class members by continuing to include the ACLU of
26 Northern California in Defendants’ “free call platform” from the West County Detention
27
28

1 Dated: June 3, 2014

DISTRICT COURT SECTION
OFFICE OF IMMIGRATION LITIGATION
CIVIL DIVISION
U.S. DEPARTMENT OF JUSTICE

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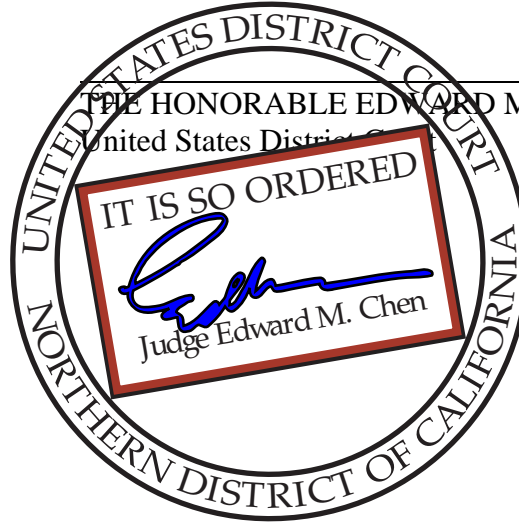
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Attorneys for Defendants

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: June 4, 2014



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CERTIFICATION OF CONCURRENCE FROM OTHER PARTIES

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2 I, Robert P. Varian, am the ECF user whose ID and password are being used to file this
3 Stipulation and Proposed Order Regarding Notice and Access to Class. In compliance with
4 General Order 45, X.B., I hereby certify that each of the other signatories has concurred in the
5 filing of this document and has authorized the use of his/her electronic signature.
6

7
8 Dated: June 3, 2014

/s/ Robert P. Varian
ROBERT P. VARIAN
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San Francisco, California 94105-2669

EXHIBIT A

Please read this notice.

If you are detained by U.S. Immigration and Customs Enforcement, you may have important rights related to the use of the telephones to work on your immigration case.

A federal court has approved a “class action,” which is a lawsuit brought on behalf of a group of people instead of a single person. If you are an immigration detainee in this detention facility, you are part of a class action called *Lyon v. Immigration and Customs Enforcement*. The lawsuit argues that problems with telephone access harm your ability to fight deportation and violate your rights. The lawsuit seeks to improve telephone access in immigration detention. It does not seek a money judgment.

If you are a member of this class, you do not need to sign up to be part of the lawsuit. You also cannot choose to be left out of the lawsuit. The rights of the class will be determined through the lawsuit.

If you are an immigration detainee and would like to know more about the lawsuit, please contact Julia Harumi Mass by telephone (dial **9160#** on the free telephone line) or by mail (label your envelope “Legal Mail” and send it to: ACLU of Northern California, 39 Drumm Street, San Francisco, CA 94111). Please provide the following information:

- Your full name
- Your A# (an 8 or 9 digit number written on your immigration documents)
- Your country of origin
- Your detention facility
- The date of your next court hearing
- Any difficulties you have experienced with telephone use and any harm to your immigration case that resulted
- Any other information you believe is important