

1 ETHAN P. DAVIS  
2 Acting Assistant Attorney General  
3 Civil Division

4 AUGUST E. FLENTJE  
5 Special Counsel

6 WILLIAM C. PEACHEY  
7 Director, District Court Section  
8 Office of Immigration Litigation

9 WILLIAM C. SILVIS  
10 Assistant Director, District Court Section  
11 Office of Immigration Litigation

12 SARAH B. FABIAN

13 NICOLE N. MURLEY

14 Senior Litigation Counsel

15 Tel: (202) 532-4824

16 Fax: (202) 305-7000

17 Email: Sarah.B.Fabian@usdoj.gov

18 Attorneys for Defendants

19 **UNITED STATES DISTRICT COURT**  
20 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

21 JENNY LISETTE FLORES; *et al.*,

22 Plaintiffs,

23 v.

24 WILLIAM P. BARR, Attorney  
25 General of the United States; *et al.*,

26 Defendants.

Case No. CV 85-4544-DMG

**STIPULATION TO EXTEND  
DEADLINE TO COMPLETE  
COMPLIANCE WITH  
PARAGRAPH 1 OF THE  
COURT’S JUNE 26, 2020 ORDER**

Hearing: None set

[HON. DOLLY M. GEE]

1 The parties, by and through undersigned counsel, hereby stipulate to extend  
2 by ten days, until July 27, 2020, the deadline for Defendants to complete compliance  
3 with Paragraph 1 of the Court’s June 2, 2020 Order, ECF No. 833 (“Order”). That  
4 Paragraph sets a deadline by which U.S. Immigration and Customs Enforcement  
5 (“ICE”) must:  
6

7  
8 transfer Class Members who have resided at the FRCs for more than 20  
9 days to non-congregate settings through one of two means: (1) releasing  
10 minors to available suitable sponsors or other available COVID-free  
11 non-congregate settings with the consent of their adult  
12 guardians/parents; or (2) releasing the minors with their  
13 guardians/parents if ICE exercises its discretion to release the adults or  
14 another Court finds that the conditions at these facilities warrant the  
15 transfer of the adults to non-congregate settings.

16 Order, ¶ 1.

17 Paragraph 6 of the Order requires that the parties meet and confer regarding  
18 the adoption and implementation of proper written advisals and other protocols to  
19 inform detained guardians/parents about minors’ rights under the FSA and obtain  
20 information regarding, and procedures for placement with, available and suitable  
21 sponsors.<sup>1</sup>  
22

---

23 <sup>1</sup> Footnote 5 of Paragraph 6 further states: “To provide further guidance to the  
24 parties, the Court clarifies that any ‘waiver’ should be only as narrow as the issue  
25 being waived. For example, a parent/guardian may waive a Class Member’s *Flores*  
26 right to release ‘without unnecessary delay’ to an available suitable custodian in the  
order of preference listed in Paragraph 14, if that parent/guardian does not prefer for  
the Class Member to be released to that custodian, without waiving any of the Class  
Member’s other *Flores* rights. *See* FSA at ¶ 14 [Doc. # 101]. On the other hand, the

1 The parties are diligently engaging in discussions to comply with Paragraph  
2 6 of the Order.<sup>2</sup> The parties currently aim to provide documents for the Court’s  
3 review and approval and, if necessary, resolution of any issues, no later than July 20,  
4 2020. Accordingly, the parties jointly request that the Court extend the deadline for  
5 Defendants to complete compliance with Paragraph 1 of the Order to and including  
6 July 27, 2020.  
7  
8

9 Respectfully submitted,

10 Dated: June 15, 2020

/s/Peter Schey (with permission)  
11 Peter A. Schey  
12 CENTER FOR HUMAN RIGHTS &  
13 CONSTITUTIONAL LAW

14 *Class Counsel for Plaintiffs*

/s/ Sarah Fabian  
15 Sarah B. Fabian  
16 Senior Litigation Counsel  
17 U.S. DEPARTMENT OF JUSTICE  
18 Office of Immigration Litigation  
19 District Court Section

20 *Counsel for Defendants*  
21  
22  
23

24 \_\_\_\_\_  
25 guardian/parent of a Class Member who simply has no available suitable custodian  
26 need not sign any waiver at all.”

<sup>2</sup> Defendants do not concede that these processes are required by the *Flores* Settlement Agreement, nor do Defendants waive any right to appeal the Order by making this request.

CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2020, I served the foregoing pleading on all counsel of record by means of the District Clerk's CM/ECF electronic filing system.

/s/ Sarah B. Fabian  
SARAH B. FABIAN  
U.S. Department of Justice  
District Court Section  
Office of Immigration Litigation  
  
Attorney for Defendants

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