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11
12 UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 JENNY LISETTE FLORES; *et al.*, Case No. CV 85-4544-DMG

15 Plaintiffs,

16 Joint Report in Compliance with ¶ 7 of
17 Order Aug. 7, 2020 [Doc. # 914].

18 v.

19 WILLIAM P. BARR, Attorney
20 General of the United States; *et al.*,
21 Defendants.

22 Hearing: Sept. 4, 2020.

23 Time: 11:00 a.m.

24 [HON. DOLLY M. GEE]

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2 *Plaintiffs' counsel continued:*

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1 By order dated August 7, 2020 [Doc. # 914], the Court directed the Parties to
 2 report on the progress of resolving their differences regarding “(1) certain
 3 disclosures, including information regarding existence of COVID-19 infection
 4 among Class Members, that should be provided to minors’ immigration counsel
 5 during the pandemic; and (2) the quality of the data that Defendants maintain and
 6 provide to Class Counsel pursuant to Paragraph 28A of the FSA.” *Id.* at 4.

7 I. Disclosure of information regarding existence of COVID-19 infection to
 8 minors’ immigration counsel.

9 The Parties’ respective positions remain as stated in their joint report of July
 10 31, 2020, Doc. # 898 (“July 31 Report”) at 26-28.

11 II. Data produced pursuant to FSA ¶28A.

12 On August 12, 2020, Defendants produced amended data reports such that
 13 the Parties have resolved their differences over the issues raised in Plaintiffs’
 14 correspondence of July 14, 2020, as described in the July 31, 2020 Report at 12-
 15 13.¹

16 Plaintiffs’ Position:

17 Since Plaintiffs correspondence dated February 11, 2020 [Doc. # 738,
 18 Exhibit Q], and as a result of numerous subsequent communications and the Joint
 19 Status Report filed July 31, 2020 [Doc. # 898 at 17-18], Defendants have known
 20 that in addition to other concerns relating to data collection which as stated above
 21 have now been resolved, under Paragraph 28 of the FSA the Juvenile Coordinator
 22 is required for each detained Class Member to “collect information regarding *the*
 23 *reasons* for every placement of a minor in a detention facility ...” (Emphasis
 24 added). Paragraph 29, in turn, states that Defendants “shall” provide to Class
 25 Counsel “the information collected pursuant to Paragraph 28 ... and each ... policy
 26 or instruction issued to [Defendants’] employees regarding the implementation of

27
 28 Deleted: also

¹ Defendants have yet to produce revised data reports for April, but have agreed to do so.

1 this Agreement.” This concern is not “vague” as Defendants state below. Neither
 2 the FSA’s language nor what Plaintiffs seek is “vague.”²

3 The parties have met and conferred on these issues but have not resolved
 4 their differences. Defendants complain that Plaintiffs have failed to explain
 5 precisely what they believe is missing from Defendants’ reporting obligations “to
 6 allow Defendants an opportunity to resolve their concerns.” Plaintiffs are not at
 7 this time seeking an Order requiring Defendants to provide Class Counsel with the
 8 information identified above. Plaintiffs are simply suggesting that the parties
 9 further meet and confer so Defendants will have “an opportunity to resolve
 10 [Plaintiffs’] concerns,” and the parties can subsequently report to the Court the
 11 results of their discussions on a date selected by the Court.

12 Defendants’ Position:

13 Defendants understand that their recent updated data productions and
 14 changes made to their monthly reporting have resolved the issues raised in Ms.
 15 Holguin’s July 14, 2020 letter.

16 With regard to the remaining complaints raised by Plaintiffs, Defendants
 17 note that since the Court’s August 7, 2020 Order, Plaintiffs made no effort to meet
 18 and confer regarding the issue of data produced under Paragraph 28.A. As detailed
 19 in the July 31 Report, Defendants have repeatedly asked Plaintiffs to detail any
 20 continuing concerns that they have with their monthly data reporting given the
 21 numerous changes Defendants have made to their reporting in an effort to respond
 22 to Plaintiffs’ concern. Despite this, and despite the Court’s August 7, 2020 order
 23 that the parties meet and confer on this issue and provide a report on August 31,
 24 2020, Defendants are first being made aware that Plaintiffs have additional
 25 concerns through an email from Plaintiffs sent 7:00 pm Eastern Time on August
 26

27 ² As clearly explained in the Joint Status Report filed July 31, 2020, at 17-18,
 28 Defendants have simply not provided Class Counsel with the information
 identified above. This is hardly news to Defendants.

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1 21, 2020, adding the above language regarding Plaintiffs' position to the joint
2 report. Defendants cannot tell from the statement what specific concerns remain
3 with regard to this data at this time given the numerous changes Defendants have
4 made to their reporting, nor have Plaintiffs explained precisely what they believe is
5 missing to allow Defendants an opportunity to resolve their concerns. Defendants
6 do not agree that they have not provided Plaintiffs with all information they are
7 required to provide under the Agreement, and Plaintiffs have no clarified what they
8 are seeking. Defendants cannot provide a meaningful response to Plaintiffs'
9 complaints given the vague nature of Plaintiffs' position and the late hour it was
10 sent. Defendants object, once again, to the manner in which Plaintiffs' counsel are
11 pursuing this issue without adhering to agreed-upon deadlines or providing any
12 clarity as to how this issue can finally be resolved. Defendants reiterate their
13 request that the Court order this issue has been resolved, and that Plaintiffs should
14 not be permitted to continue to raise ad hoc challenges to the substance of
15 Defendants' reporting unless they are contending that the reporting contains errors
16 or is otherwise inaccurate.

Deleted: are being raised

17 Respectfully submitted,

18 Dated: August 21, 2020 /s/Peter Schey
19 Peter A. Schey
20 Carlos R. Holguin
21 CENTER FOR HUMAN RIGHTS &
22 CONSTITUTIONAL LAW
23 *Class Counsel for Plaintiffs*

24 /s/ Sarah Fabian (with permission)
25 Sarah B. Fabian
26 Senior Litigation Counsel
27 U.S. DEPARTMENT OF JUSTICE
28 Office of Immigration Litigation
District Court Section
Counsel for Defendants

CERTIFICATE OF SERVICE

3 I hereby certify that on August 21, 2020, I served the foregoing jointstatus
4 report on all counsel of record by means of the District Clerk's CM/ECF electronic
5 filing system.

/s/ Peter Schey
Peter A. Schey
CENTER FOR HUMAN RIGHTS &
CONSTITUTIONAL LAW
Class Counsel for Plaintiffs