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7 **UNITED STATES DISTRICT COURT**
 8 **SOUTHERN DISTRICT OF CALIFORNIA**

9 Cristian Doe, Diana Doe,
 10
 11 Plaintiff-Petitioners,

12 v.

13 KEVIN K. McALEENAN, Acting Secretary
 of Homeland Security; KENNETH T.
 14 CUCCINELLI, Acting Director of U.S.
 Citizenship and Immigration Services;
 15 MARK A. MORGAN, Acting
 Commissioner of U.S. Customs and Border
 Protection; DOUGLAS HARRISON, Chief
 16 Patrol Agent, U.S. Border Patrol San Diego
 Sector; RYAN SCUDDER, Acting Chief
 17 Patrol Agent, U.S. Border Patrol El Centro
 Sector; ROBERT HOOD, U.S. Customs and
 18 Border Protection Officer in Charge, San
 Ysidro Port of Entry; SERGIO BELTRAN,
 19 U.S. Customs and Border Protection Officer
 in Charge, Calexico Port of Entry;
 20 WILLIAM BARR, Attorney General of the
 United States,

21
22 Defendants-Respondents.

Case No. '19CV2119 DMS AGS

PLAINTIFF- PETITIONERS'
NOTICE OF MOTION AND
MOTION FOR CLASS
CERTIFICATION

Date: TBD

Time: TBD

Courtroom: TBD

Judge: TBD

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25 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

26 PLEASE TAKE NOTICE that as soon as the matter may be heard before the
 27 judge assigned to this case at a date and time to be designated by the assigned
 28 judge, of which Plaintiff-Petitioners will serve notice, Plaintiff-Petitioners will and

1 hereby do move this Court for an order granting class certification of the proposed
2 class defined as follows:

3 All individuals who are detained in CBP custody in California awaiting or
4 undergoing *non-refoulement* interviews pursuant to what the government
5 calls the “Migrant Protection Protocols” program and who have retained
6 lawyers.

7 Plaintiff-Petitioners’ Motion for Class Certification is based on: this Notice
8 of Motion and Motion for Class Certification; the concurrently-filed Memorandum
9 and Points of Authorities in Support of Plaintiff-Petitioners’ Motion for Class
10 Certification; the Declaration of Bardis Vakili in Support of Plaintiff-Petitioners’
11 Motion for Class Certification and exhibits attached thereto; all papers, pleadings,
12 records, and files in this case; all matters of which judicial notice may be taken; and
13 such other argument and/or evidence as may be presented to this Court at a hearing
14 on this Motion.

15 Plaintiff-Petitioners respectfully request a hearing on this Motion.

16
17 Dated: November 5, 2019

Respectfully submitted,

18 s/Jonathan Markovitz

19 Jonathan Markovitz

20 Monika Y. Langarica

21 Bardis Vakili

22 David Loy

23 ACLU FOUNDATION OF SAN
24 DIEGO & IMPERIAL COUNTIES

25 Attorneys for Plaintiffs-Petitioners
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