

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 20-21553-Civ-COOKE/GOODMAN

PATRICK GAYLE, *et al.*,

Petitioners-Plaintiffs, on behalf of
themselves and those similarly situated,

v.

MICHAEL W. MEADE, *et al.*,

Respondents-Defendants.

_____/

REPLY IN SUPPORT OF MOTION FOR CLASS CERTIFICATION

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I. Other Cases Support Certification Here.

The Supplemental Order [ECF 87] directed the parties to address other relevant class certification orders in litigation raising issues under COVID-19, as well as *Swain v. Junior*, No. 20-11622-C, 2020 WL 2161317 (11th Cir. May 5, 2020). As set forth below, the relevant class certification orders confirm that class certification is proper here. Indeed, if this Court were not to certify a class, it would be a marked outlier. Moreover, the analysis in *Swain* confirms that this type of case involves the sort of common questions amenable to class treatment.

A. *Fraihat*

ICE acknowledges one class certification order, *Fraihat v. ICE*, No. EDCV 19-1546 JGB (SHKx), 2020 WL 1932570 (C.D. Cal. Apr. 20, 2020). But ICE does not address the *Fraihat* court's certification analysis. Instead, ICE asserts that its procedures "comply with the Fraihat decision as respondents are evaluating all of its current population to determine if any detainee is eligible for the Alternative to Detention program or other form of release." [ECF 92 at 15.] That does not help the Court decide whether the proposed Class should be certified. In fact, *Fraihat* confirms that class treatment is appropriate here.

The plaintiffs in *Fraihat* are "immigration detainees with a range of serious health conditions" claiming that ICE has failed to "ensure minimum lawful conditions of confinement at immigration detention facilities across the country" due to the risk that they would contract COVID-19. *Fraihat*, 2020 WL 1932570, at *1. As in this case, the plaintiffs sought class certification under Rule 23. *Id.* at *15. The *Fraihat* plaintiffs sought certification of two subclasses. *See id.* at *16. The court certified the proposed subclasses, finding Rule 23 met. **First**, the class was sufficiently numerous and defined. *Id.* at *17. In finding this requirement met, the court rejected ICE's objection to class on the grounds that some detained individuals had been released, explaining this was irrelevant to Rule 23 and, "[i]f anything it tends to show the turmoil, expense, and difficulty caused by a piecemeal approach." *Id.*

Second, the common factual and legal questions were "more than adequate to support a finding of commonality" as required by Rule 23. "[T]he common question driving this case is whether Defendants' **system-wide response**—or the lack of one—to COVID-19 violates Plaintiffs' rights." *Id.* at *18 (emphasis added). **Third**, the class representatives' claims satisfied the typicality requirement "because they ha[d] the same claims and face[d] the same or similar harms arising from the same course of conduct." *Id.* at *19. **Fourth**, the proposed

class representatives could adequately represent the class. *Id.* **Finally**, the requirements of Rule 23(b) were met because ICE’s “actions and inactions apply to the class generally” as “[t]he putative class seeks declaratory and injunctive relief based on the asserted inadequacies of Defendants’ COVID-19 protocols and response.” *Id.* at *20.

Accordingly, the *Fraihat* court certified a **nationwide class** under Rule 23. *Fraihat* not only confirms that the issues raised here are common and amenable to class treatment, but also shows that the Class Petitioners-Plaintiffs seek to certify here (which focuses on three facilities in South Florida) is exceedingly modest by comparison.

B. *Savino*

Similarly confirming that class treatment is appropriate is an April 8 Order provisionally certifying a “general class” of people in ICE detention at the Bristol County House of Corrections. *See* Mem. & Order, *Savino v. Souza*, No. :20-cv-10617-WGY, 2020 WL 1703844, at*4 (D. Mass. Apr. 8, 2020). The *Savino* court had initially declined to certify a general class, but “[u]pon reflection,” the court “determine[d] that the admittedly significant variation among the Detainees [would] not defeat commonality or typicality.” *Id.* at *7. The court explained that, “[a]t bottom, a common question of law and fact in this case is whether the government must modify the conditions of confinement—or, failing that, release a critical mass of Detainees—such that social distancing will be possible and all those held in the facility will not face a constitutionally violative ‘substantial risk of serious harm.’” *Id.*

The court emphasized that differences in the class members’ health statuses did not defeat certification. Rather, what was “[c]rucial” was “the troubling fact that even perfectly healthy detainees are seriously threatened by COVID-19.” *Id.* And “[t]he case law supports a finding of commonality for class claims against dangerous detention conditions, even when some detainees are more at risk than others.” *Id.* at *8.

Savino’s cogent analysis applies here. While ICE struggles to find differences among the class members such as “age, gender, state of their general health,” [ECF 92 at 8], the *Savino* court explained that these distinctions are immaterial, 2020 WL 1703844, at*7. While health factors can be used to predict which Class Members are **more likely** to suffer **more severely** if infected with COVID-19, the Class here (as in *Savino*) is tied together by a common injury stemming from the **risk** of infection based on their detention in unsanitary conditions. *See id.* at *7-*8. In this way, the *Savino* decision answers ICE’s assertion that Petitioners-

Plaintiffs have not “establish[ed] any ... harm” as a result of ICE’s deliberate indifference. [See ECF 92 at 13.] As in *Savino*, the common **exposure** to the **risk** of COVID-19 infection works a common injury that ties the Class together. Thus, like *Frailhat*, *Savino* (which ICE neglects to mention) further confirms that certification is warranted here.

C. *Zepeda*

Yet another court, granted a motion to provisionally certify a class of all detained individuals at an ICE detention facility and a county jail. See Order Granting Mot. for Provisional Class Certification, Granting Mot. for a Temporary Restraining Order, And Denying Mot. for a Stay, *Zepeda v. Jennings*, No. 20-cv-02731-VC, 2020 WL 2059848 (N.D. Cal. Apr. 29, 2020). As in *Frailhat* and *Savino*, the court rejected ICE’s arguments regarding commonality, typicality, adequacy, and Rule 23(b). See *id.* at *1. The court thus ordered emergency injunctive relief, including provisional certification of the class.

D. *Gomes*

Just last week, a further district court provisionally certified yet another class of individuals detained by ICE asserting claims related to their risk of contracting COVID-19. See *Gomes v. Acting Sec’y, U.S. Dep’t of Homeland Sec.*, No. 20-cv-453-LM, 2020 WL 21136442 (D.N.H. May 4, 2020). In *Gomes*, the plaintiffs sought certification for the purpose of holding expedited bail hearings for the class members. *Id.* at *1. But the court’s analysis under Rule 23 is relevant here: citing *Frailhat*, the court held that the proposed class satisfied the commonality requirement because the allegation of deliberate indifference involved “at least two common questions: whether each respondent had actual knowledge of the impending harm or risk posed to the putative class by COVID-19; and whether each respondent failed to take steps that would have easily prevented the harm to detainees.” *Id.* at *3. Likewise, the class satisfied the typicality requirement because their claims arose “from the same course of conduct: respondents’ facility-wide actions or inactions that have allegedly failed to make living conditions at SCDOC safe during the COVID-19 pandemic.” *Id.*

E. *Swain*

Because the pending motion is for class certification, Petitioner-Plaintiffs address *Swain*’s impact on that question first and then briefly turn to the merits.

Class Certification. The *Swain* panel’s analysis further shows that class treatment is proper here. Although (as explained below) the merits hurdles the *Swain* court identified are

not present here, the *Swain* panel's focus on common circumstances in addressing the merits of the claims there shows that the types of claims raised here are subject to class adjudication.

When reviewing a motion for class certification, “the trial court can and should consider the merits of the case **to the degree necessary** to determine whether the requirements of Rule 23 will be satisfied.” *Valley Drug Co. v. Geneva Pharmaceuticals, Inc.*, 350 F.3d 1181, 1188 n.15 (11th Cir. 2003) (citing *Gen. Tel. Co. v. Falcon*, 457 U.S. 147, 160 (1982)) (emphasis added). The Supreme Court long ago emphasized that “[t]here is nothing in either the language or history of Rule 23 that gives a court any authority to conduct a preliminary inquiry into the merits of a suit in order to determine whether it may be maintained as a class action.” *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156, 177, 185 (1974). Rather, the point of looking to the merits at this stage is only to gain a practical understanding of the fulcrums of the litigation to determine whether they are common or individualized. *See Amgen Inc. v. Connecticut Ret. Plans & Tr. Funds*, 568 U.S. 455, 466 (2013) (“Rule 23 grants courts no license to engage in free-ranging merits inquiries at the certification stage. Merits questions may be considered ... but only to the extent ... that they are relevant to determining whether the Rule 23 prerequisites for class certification are satisfied.”).

Swain's common **methodology** of approaching the merits confirms that the claims here are appropriate for class treatment. The *Swain* panel did not discuss **any** circumstances specific to any of the plaintiffs in that case. Rather, the only facts the panel discussed are the type amenable to common adjudication: (1) the **general** conditions at the Metro West Detention Center, and (2) the defendants' mental state with regard to those general conditions. *See* 2020 WL 2161317, at *1. And the panel had no trouble reaching core merits questions based solely on those common facts. *See id.* at *4-*5. *Swain* thus confirms that the major points of dispute in a case like this are common—which is precisely why class treatment is appropriate.

Merits. On the other hand, *Swain*'s merits discussion does not impact the merits here. *Swain* was brought by people in **state** custody who argued that the conditions at Metro West were so unsafe they violated the Eighth and Fourteenth Amendments under 42 U.S.C. § 1983. 2020 WL 2161317 at *1-2. Although the *Swain* panel stayed a preliminary injunction pending appeal based on its view of the merits, *see id.* at *11-12, the Petitioners-Plaintiffs here are substantially better situated than the *Swain* plaintiffs. **First**, the *Swain* panel granted the stay in part because the district court in that case failed to address whether plaintiffs had

established municipal liability or the Prison Litigation Reform Act's ("PLRA's") exhaustion requirement. *Id.* at *15-16. But the PLRA does not apply here, and ICE is not a municipality. **Second**, and related, Petitioners-Plaintiffs here have raised an *Accardi* claim related to ICE's failure to follow CDC Guidelines that was not raised in *Swain* and that is not available in a suit against state actors like *Swain*. [See ECF 76 at 7.] See also *Bd. of Curators of Univ. of Missouri v. Horowitz*, 435 U.S. 78, 92 n.8 (1978).

Third, the Eleventh Circuit determined that the *Swain* defendants' appeal would likely succeed because the district court improperly "collapsed the subjective and objective components" of the Eighth Amendment's deliberate indifference inquiry. *Swain*, 2020 WL 2161317, at *10. The district court's critical mistake was to "treat[] the increase in COVID-19 infections as proof that the defendants deliberately disregarded an intolerable risk," which "likely violated the admonition that resultant harm does not establish a liable state of mind." *Id.* But here, the Court's Order entering a preliminary injunction did not make that error. It focused on the "record evidence" of severely unsanitary conditions and the lack of any attempt by ICE to implement social distancing opportunities and ruled that the evidence showed ICE's objective and subjective deliberate indifference. [ECF 76, at 6.]

II. Class Certification Is Proper Here, and ICE's Arguments Only Confirm This.

A. There Is a Readily Identifiable Class.

ICE first raises a strained argument that there is no adequately defined class, which centers on ICE's objection to defining the Class to include Class Members after ICE transfers them. The force of ICE's argument seems to be the troubling proposition that ICE has the unilateral power to exclude people from the Class by transferring Class Members to other facilities. [ECF 92 at 5.] That argument fails as a matter of both law and logic.

Indeed, this is one of the more identifiable classes imaginable: ICE has records (including the information compiled for the Court-ordered reports in this case) of precisely who has been detained at the relevant facilities and can easily identify every Class Member.

Nor is ICE correct that transferring a Class Member away from these facilities moots that Class Member's claims. ICE cites a single case for that principle, *McKinnon v. Talladega Cty.*, 745 F. 2d 1360, 1363 (11th Cir. 1984). But *McKinnon* is nothing like this case. The plaintiff in *McKinnon* complained of various conditions, such as overcrowding and plumbing,

at the **specific facility** where he was imprisoned. Thus, once the plaintiff was no longer at **that specific facility**, he was no longer subject to the complained-of conditions.

But the risk of COVID-19 infection is not peculiar to the three facilities at issue here; the virus has threatened our entire society. And the Class is held together by ICE's uniform failure to take adequate measures to protect the Class Members from COVID-19 infection. The risk the Class Members face as a result of ICE's inadequate response will not vanish simply because ICE chooses to exercise its "authority to determine the location of detention" and therefore "to transfer aliens from one detention center to another." [ECF 92 at 4-5 (quotation marks omitted).] Rather than **resolving** the Class's claims, ICE deciding to transfer Class Members from the facilities at issue here raises important questions such as whether the transfers actually protected the Class Members from the risk of COVID-19, or whether ICE is merely attempting to make the conditions at Krome, Glades, and BTC appear better on paper by sending Class Members to live in squalor elsewhere.

The Eleventh Circuit's decision in *Smith v. Allen* is instructive. *See* 502 F.3d 1255 (11th Cir. 2007), *abrogated on other grounds by Sossamon v. Texas*, 563 U.S. 277 (2011). In *Smith*, the plaintiff-prisoner was released and then re-incarcerated. The court held that claims for equitable relief seeking religious accommodation were not moot because the plaintiff faced the risk of deprivation and the court had "the ability to effectuate a remedy." *Id.* at 1268.¹

ICE's mootness argument here is even weaker. As long as Class Members remain under ICE's control, they risk ICE exposing them to COVID-19. When ICE decides to transfer a Class Member, the Court retains authority to ensure that (1) ICE conducts the previously ordered pre-transfer evaluation for release, (2) ICE is not simply achieving population reduction at the three facilities here by transferring the plaintiffs to other facilities with as-bad or worse conditions, (3) ICE is following CDC Guidelines as it moves Class Members around the country, and (4) ICE is not needlessly exposing them to COVID-19 at their new confines.

¹ *Accord SunAmerica Corp. v. Sun Life Assurance Co. of Canada*, 77 F.3d 1325, 1333 (11th Cir. 1996) ("The ability of the appellate court to effectuate a partial remedy is sufficient to prevent mootness" (quotations and citations omitted)).

Indeed, what ICE is demanding is the right to prevent **any** Court from overseeing the Class Members' claims. Under ICE's view, it could shuttle Class Members around the country to unsanitary conditions. Those Class Members would have to file new suits each time. Then, as soon as ICE obtained an adverse ruling, it could halt that lawsuit with more discretionary transfers. The law does not give ICE the right to use its control over the Class Members' bodies to engage in this macabre brand of forum shopping.

Rather, once the Court acquires jurisdiction over a Class Member's claims, ICE would bear a heavy burden in seeking to show that its unilateral decision to transfer that person renders the claims moot. Even if ICE temporarily **released** Class Members or put them in perfect conditions, ICE's voluntary cessation of the challenged practice would not moot the case. *See City of Mesquite v. Aladdin's Castle, Inc.*, 455 U.S. 283, 289 (1982). Ameliorative actions would not deprive the Court of jurisdiction unless ICE could show (1) there was no reasonable expectation that the alleged violations will recur, **and** (2) interim events had "**completely and irrevocably** eradicated the effects of the alleged violation." *LaMarca v. Turner*, 662 F. Supp. 647, 715 (S.D. Fla. 1987) (emphasis added). And unless ICE established both prongs, the Court would retain jurisdiction over a transferred Class Member's claims—which is why the Class definition should include them.

And the concern that ICE will transfer Class Members from the three facilities at issue here—only to languish in similarly unsanitary conditions elsewhere—is far from hypothetical. ICE appears to have begun feverishly transferring Class Members out of the three facilities at issue here, sending them to facilities as far away as New Mexico. And early reports leave substantial reason to be skeptical of ICE's view that the transfers are some sort of panacea. The attached declarations (collected in Ex. A) from Class Members show that before, during and after the transfers, ICE is continuing to place these people in conditions that violate CDC Guidelines (ECF 1-4 at 70):

- "There is no hygiene here." Guiber Avila Decl. Individuals are not provided consistent and adequate supply of soap or hand sanitizer. Maharaj Decl. at 2; Marroquin Perez Decl.; Ruiz Garcia Decl.; Guiber Avila Decl.; Perez-Borroto Decl. at 2.
- Individuals exhibiting cough and other symptoms of COVID-19 are kept in the same space as others rather than being appropriately quarantined. Maharaj Decl. at 2.
- ICE packs approximately 20 detained men into a single holding cell at a time. Maharaj Decl. at 1. In one reported incident, the men were so overcrowded that at least five

people were forced to sleep on the floor. *Id.*

- Social distancing is not possible during basic activities like eating and seeking medical care. Perez Valladares Decl. at 2; Ruiz Garcia Decl. at 2; Dino Dean Declaration at 3; Kyle Maharaj Decl. at 2-3. “When we are eating, it’s impossible to socially distance with each other since the chairs are close together, with tables of four chairs, one on each side. It is also impossible to socially distance when we go to medical.” *Id.* at 2. “[S]ocial distancing does not exist here. It is impossible.” Guiber Avila Decl. at 1.
- For detained individuals sleeping in actual bunk beds—as opposed to plastic bins or pallets on the floor—the beds remain less than 6 feet apart. In fact, the beds have not been moved and are in fact nailed into place. Dino Dean Decl. at 1-2.
- Masks are not consistently provided. Perez Valladares Decl. at 2.
- Staff are not consistently wearing masks. Perez Valladares Decl. at 2; Marroquin Perez Decl. at 1.

ICE may dispute these accounts. But that dispute should occur in this Court. Having touted to this Court “the decrease in detainee population at” these facilities, [ECF 92 at 7], ICE can hardly object to the Court exercising jurisdiction to ensure that ICE is not simply moving Class Members away from this Court, only to deposit them elsewhere in the same sort of filthy conditions that the Court outlined in its April 30 Order. [ECF 76.]

B. Rule 23(a) Is Satisfied.

ICE has not shown (and cannot show) that the proposed Class fails to meet Rule 23(a)’s four requirements for class certification. ICE’s argues that Rule 23(a) is not met because purported differences among the Class Members such as age, health, gender, and place of confinement are so material that they defeat even the low threshold for commonality in Rule 23(a)(2). As in *Fraihat*, *Savino*, *Zepeda*, and *Gomes*, ICE’s argument lacks merit.

ICE incorrectly asserts that Rule 23(a) demands perfect uniformity. But “[c]ommonality is met where, notwithstanding some factual differences in the putative class members’ claims, the controlling questions of law and fact are common to the entire class.” *Ibrahim v. Acosta*, 326 F.R.D. 696, 700 (S.D. Fla. 2018); *see also Vega v. T-Mobile USA, Inc.*, 564 F.3d 1256, 1268 (11th Cir. 2009) (describing commonality as a “relatively light burden” in comparison to Rule 23(b)(3)’s predominance requirement). And “[t]he typicality requirement may be satisfied despite substantial factual differences ... when there is a strong similarity of legal theories.” *Williams v. Mohawk Indus., Inc.*, 568 F.3d 1350, 1357 (11th Cir. 2009).

ICE acknowledges “for purposes of Rule 23(a)(2) even a **single** common question [of fact or law] will do,” [ECF 92 at 6 (emphasis added) (citing *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 359 (2011))], but asserts that this is not satisfied here simply because the Class includes individuals with diverse backgrounds who are or will be detained at three separate facilities. But these distinctions are immaterial.

First, several common questions persist, including (1) the (in)sufficiency of ICE’s policies and practices governing their conditions; and (2) whether ICE has been deliberately indifferent to the risk that Class Members will contract COVID-19. **Second**, that class members may suffer varying degrees of injury, does not defeat commonality.²

At most, ICE has identified circumstances that might justify tailoring the ultimate remedy. But the Class Members face a common risk of infection, and a ruling that ICE’s conduct is unconstitutional and illegal will “resolve an issue that is central to the validity” of each Class Member’s claim. *Dukes*, 564 U.S. at 350. Typicality and adequacy of representation are satisfied for the same reasons.

C. Rule 23(b)(2) Is Satisfied.

Likewise, Rule 23(b)(2) is readily met. ICE is uniformly failing to follow the CDC Guidelines in each detention facility at issue here, and class treatment allows this Court to order injunctive relief that addresses everyone ICE has detained at these facilities. *See Savino*, 2020 WL 1703844, at *8 (“a uniform remedy would be possible in this case, whether in the form of declaratory relief or [] an injunction ordering the government to reduce crowding of Detainees”). ICE seeks to manufacture diversity among the Class by highlighting the various ways it is failing to protect those in its custody. [*See, e.g.*, ECF 92 at 10.] But this argument misunderstands both the analysis the Court must perform and the nature of the claims. ICE may have found various ways to violate the CDC Guidelines and to needlessly expose the Class Members to COVID-19, but the Guidelines are common, and the Court can order ICE to uniformly comply with them.

² *See, e.g., In re Deepwater Horizon*, 739 F.3d 790, 810-11 (5th Cir. 2014) (“[T]he legal requirement that class members have all ‘suffered the same injury’ can be satisfied by an instance of the defendant’s injurious conduct, even when the resulting injurious effects—the damages—are diverse.”).

By its terms, Rule 23(b)(2) looks to whether the defendant’s conduct applies “generally to the class.” Fed. R. Civ. P. 23(b)(2). Rule 23(b)(2) does not require “common issues,” but rather “requires common behavior by the defendant towards the class,” *In re Rodriguez*, 695 F.3d 360, 365 (5th Cir. 2012), such that “class members ... have been harmed in essentially the same way,” *M.D. ex rel. Stukenberg v. Perry*, 675 F.3d 832, 845 (5th Cir. 2012). “These requirements are unquestionably satisfied when members of a putative class seek uniform injunctive or declaratory relief from policies or practices that are generally applicable to the class as a whole.” *Parsons v. Ryan*, 754 F.3d 657, 688 (9th Cir. 2014). “In sum, Rule 23(b)(2)’s act requirement properly focuses on the single question of whether the defendant maintains a policy that affects a group of persons similar to those proposed to constitute the class in the present case.” 2 Newberg on Class Actions § 4:28 (5th ed. Dec. 2019).

Indeed, “[f]ollowing Rule 23(b)(2)’s text and purpose, courts have repeatedly invoked it to certify classes of inmates seeking declaratory and injunctive relief for alleged widespread constitutional and statutory violations in prison systems.” *Hernandez v. County of Monterey*, 305 F.R.D. 132, 163 (N.D. Cal. 2015); *see also Yates v. Collier*, 868 F.3d 354, 367–68 (5th Cir. 2017) (Rule 23(b)(2) class of incarcerated people proper where “[a]ll inmates, regardless of age or health, are subject to the same policy on climate control ...” and were “harmed in essentially the same way—*i.e.*, by ... exposure to excessive heat.”).

As in *Frailhat*, *Savino*, *Zepeda*, and *Gomes*, certification is appropriate here. All Class Members have suffered the common injury of being exposed to the common risk of COVID-19 infection by virtue of ICE’s common conduct in failing to adequately protect them or follow the CDC Guidelines at the three facilities at issue. Because ICE has “acted or refused to act on grounds that apply generally to the class,” certification under Rule 23(b)(2) is appropriate.

CONCLUSION

The Court should certify Petitioners-Plaintiffs’ proposed class.

Date: May 12, 2020

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of May, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

/s/ Scott M. Edson

Scott M. Edson, Esq.

Florida Bar No. 17258

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sedson@kslaw.com

Attorney for Petitioners-Plaintiffs

Ex. A

DECLARATION OF D'ANGELO DINO DEAN

I, D'Angelo Dino Dean, hereby declare under the penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I am detained at Krome Service Processing Center ("Krome"). I am in Pod 2.

3. I entered ICE custody on April 3, 2020.

4. I am thirty years old. I am a citizen of the Bahamas.

5. In 2015 I was in a serious car accident. From that accident, my left elbow was broken. I now have steel in that elbow. I also hit my head and bruised my kidney. Since my accident, I suffer from chronic seizures. Sometimes, I have them as often as three times a month. I require medication two times a day for my seizures.

6. I also have high blood pressure, which requires daily medication. I have been taking blood pressure medication since 2015.

7. Since I have been at Krome, I have not been receiving my seizure medication in a consistent manner. When I first arrived, I went about three to four days without my seizure medication.

8. About two weeks after my arrival at Krome, I had a seizure. It took the medical staff about thirty minutes to get me from the pod. When they finally transferred me to the medical unit, I told them I did not feel safe inside the medical unit room by myself. I asked to be transferred back to my pod because I was scared if something were to happen to me, no one would find me in time.

9. At this moment, there are almost sixty people in my pod.

10. There are about thirty bunk beds in my pod. I am in a bottom bunk. There are still people sleeping in the beds next to me and above me. There is about four to four

and a half feet of distance between each bunk bed. There is no specific way that we have to sleep.

11.The beds have not moved around since I have been at Krome. The beds cannot be moved, they are steel beds that are drilled into the floor.

12.In the pod, there are twelve tables that seat four people each. There are not enough tables for the amount of people the unit holds. During mealtimes, the tables are full and the area where the tables are gets very crowded.

13.On Monday, May 4, 2020, about thirty people were taken out of my pod.

14.Between Tuesday, May 5, 2020, and Friday, May 8, 2020, there have been new people brought into my pod. There are at least forty new people now. I heard some came from finishing their time in jail.

15.From my pod, we can see Pod 1 through a window. Yesterday, May 7, 2020, I saw that all of Pod 1 was emptied out. Today, May 8, 2020, it looks almost full again with new arrivals. I know they are new arrivals because I heard a guard comment about how frustrated he was that ICE continues to move people around and bring people into the facility. The guard said the transfers are just a “band aid on a wound.”

16.In the month of April, my pod was on two quarantines, fourteen days each, back to back. I missed about three court dates because of the quarantines. We just came off of a quarantine about three to four days ago. A guard told us it was because at least one person in the pod, who is no longer in the pod, tested positive for coronavirus.

17.I have authorized Sawyeh Esmaili to sign on my behalf given the difficulty of arranging visitation and travel in light of the current COVID-19 pandemic. If required to do so, I will provide a signature when I am able to do so.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 8, 2020 at Miami, Florida.

A handwritten signature in black ink, appearing to read 'Sawyeh Esmaili', is written over a horizontal line.

Sawyeh Esmaili, on behalf of D'Angelo Dino Dean

ATTORNEY DECLARATION

I, Sawyeh Esmaili, declare the following under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. My name is Sawyeh Esmaili. I am a licensed attorney in good standing in the state of Florida.
2. Out of necessity in light of the COVID-19 pandemic, I signed D'Angelo Dino Dean's declaration on his behalf and with his express consent.
3. ICE is now requiring legal visitors to provide and wear personal protective equipment, including disposably vinyl gloves, surgical masks, and eye protection while visiting any detention facility. These supplies are not easily accessible, given the increase in demand. Any available supplies are prioritized for hospitals and other medical facilities that are experiencing dangerous shortages.
4. There are documented cases of COVID-19 in all fifty U.S. states and most inhabited U.S. territories. The Centers for Disease Control and Protection

(CDC) has issued statements warning that individuals are at a higher risk of infection when traveling. In addition, I am a resident of Miami Dade County, Florida and unable to travel to visit the Krome Service Processing Center under a state 'Stay at home' order issued by the Governor of Florida Ron DeSantis on April 1st, 2020.

5. In light of the above, to protect public health, I am not able to travel to the Krome Service Processing Center.
6. I spoke with D'Angelo Dino Dean on the phone, read the declaration to him, and confirmed the accuracy of the information therein. D'Angelo Dino Dean has confirmed the accuracy of the information therein.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 8, 2020 at Miami, Florida.

A handwritten signature in black ink, appearing to be 'Sawyeh Esmaili', written over a horizontal line.

Sawyeh Esmaili, on behalf of D'Angelo Dino Dean

DECLARATION OF REINIER GUIBER AVILA

I, Reinier Guiber Avila, hereby declare under the penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I have been in ICE custody since April 12, 2019.

3. On September 5, 2019, an immigration judge ordered me removed to Cuba.

4. I have been detained at Krome since April 17, 2020. I was previously detained in Broward Transitional Center for about two months before my transfer to Krome.

5. At Krome, I am in Pod 14A.

6. There is no hygiene here. We are charged with cleaning are own pod. However, there are not enough cleaning supplies. We are just given a small amount of water for a very large space. We are only given two rags to clean the entire pod. I am not sure what exact cleaning products we are provided.


7. We do not have disinfecting wipes to use regularly. I was only given one on the day I arrived to clean my bed but have not been provided any additional wipes since my first day.

8. I try to keep my distance from others, but social distancing does not exist here. It is impossible.

9. I have authorized Sawyeh Esmaili to sign on my behalf given the difficulty of arranging visitation and travel in light of the current COVID-19 pandemic. If required to do so, I will provide a signature when I am able to do so.

I declare under penalty of perjury that the things described above are true and correct.

Executed on May 6, 2020.



Sawyeh Esmaili, on behalf Reinier Guiber Avila

CERTIFICATION

I, Sawyeh Esmaili, declare that I am proficient in the English and Spanish languages.

On May 6, 2020, I read the foregoing declaration to Reinier Guiber Avila and orally translated it faithfully and accurately into Spanish in the presence of the declarant. After I completed translating the declaration, the declarant verified that the contents of the foregoing declaration are true and accurate.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 6, 2020.



Sawyeh Esmaili

ATTORNEY DECLARATION

I, Sawyeh Esmaili, declare the following under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. My name is Sawyeh Esmaili. I am a licensed attorney in good standing in the state of Florida.

2. Out of necessity in light of the COVID-19 pandemic, I signed Reinier Guiber Avila's declaration on his behalf and with his express consent.
3. ICE is now requiring legal visitors to provide and wear personal protective equipment, including disposably vinyl gloves, surgical masks, and eye protection while visiting any detention facility. These supplies are not easily accessible, given the increase in demand. Any available supplies are prioritized for hospitals and other medical facilities that are experiencing dangerous shortages.
4. There are documented cases of COVID-19 in all fifty U.S. states and most inhabited U.S. territories. The Centers for Disease Control and Protection (CDC) has issued statements warning that individuals are at a higher risk of infection when traveling. In addition, I am a resident of Miami Dade County, Florida and unable to travel to visit Reinier Guiber Avila under a state 'Stay at home' order issued by the Governor of Florida Ron DeSantis on April 1st, 2020.
5. In light of the above, to protect public health, I am not able to travel to the Krome Service Processing Center to obtain Mr. Avila's signature.
6. I spoke with Reinier Guiber Avila on the phone, read the declaration to him, and confirmed the accuracy of the information therein. Reinier Guiber Avila has confirmed the accuracy of the information therein.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 6, 2020 at Miami, Florida.

A handwritten signature in black ink, appearing to be 'SE', is written above a horizontal line.

Sawyeh Esmaili, on behalf of Reinier Guiber Avila

DECLARATION OF KYLE MAHARAJ

I, Kyle Maharaj, hereby declare under the penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I am 21 years old and am a citizen of Trinidad and Tobago.

3. I am currently detained at Torrance County Detention Facility in Estancia, New Mexico. I was previously detained at Glades County Detention Center in Moore Haven, Florida. On May 4, I was transferred from Glades to Krome. On May, 5, 2020, I was transferred from Krome to Torrance.

4. I put in a request for humanitarian release about two weeks ago but have not received a response. I was never told that they made a determination about whether to release me because of the virus.

5. I should have been considered for release because I have had asthma all my life, and I use an inhaler regularly. I did not have access to the inhaler when I was on the plane from Miami to New Mexico, and I had a very hard time breathing because of my anxiety. There were other people transferred with me who were asthmatic, and other people who traveled with me who were diabetic, and I am not sure if they received their insulin.

6. During the entire trip, I was put very close to different groups of people. I was unable to practice social distancing.

7. I was taken from Glades to Krome, along with nearly 40 other people from Glades. From Glades to Krome, I was in a van with three rows of seats. I was on the second row seated between two other people. When we were in the van from Glades to Krome, we sat right next to each other, so our arms, shoulders, and legs were touching each other.

8. At Krome, I stayed in a holding cell for about 12 hours. The cell was cold and we were not given any food. I slept on the floor. There were about 20 people packed into the cell together. We were within less than an arm length from each other.

9. There were two toilets on the holding cell and people were sitting on the toilet and leaning on the sink to sleep. There were at least 5 people sleeping on the floor because of the lack of space, and some people couldn't even sleep because it was so cold.

10. I was then transferred via bus with about 30 other people to an airplane, and

four vans of about 9 people were also transferred to the plane. I was one of about 70 people (everyone who had come from Glades, plus 30 more) transferred from Krome to the New Mexico facility in an airplane. We didn't eat from about 4 p.m. until the next day at 9 am when we were on the plane. From the moment we left Krome to the booking in New Mexico, we were in shackles, in total about 5 ½ or 6 hours in shackles.

11. When we were in the plane, we were also all right next to each other. The plane was in very bad condition so people were nervous. At one point a flight attendant tried to look for her seatbelt and when she pulled on it part of the seat came off. The lights were flashing the whole time in the plane.

12. There were some people during the transfer who were coughing, and it is unclear whether they had COVID-19. ICE took our temperatures before we left Glades, but then we did not receive masks until we were leaving Krome, after we had all slept close together in the holding cell. ICE then made us wear masks, and they were all wearing masks. They were not often wearing gloves. The only time we received hand sanitizer was right before we boarded the entrance of the plane.

13. None of us were told why we were being transferred. No one knew we were getting transferred until I went up to talk an officer about my commissary account, because they had not cashed me out for my whole commissary account, and they had mixed up my account with that of another detainee.

14. During the transfer, I saw one contractor worker for ICE who was yelling at detainees, pushing at them, and yelling at one that he would take him outside and "f" him up. They also put extra restraints on one detainee when they had him on the bus

15. At Torrance, I share my sleeping room, which is less than ten steps wide and twenty-five steps long, with one bunkmate who sleeps below me. It is impossible for us to remain 6 feet apart because the room is so small. The toilet and sink are inside of the cell so when he uses the bathroom I have to be on the other side of the cell. When we are eating, it is impossible to socially distance with each other since the chairs are close together, with tables of four chairs, one on each side. It is also impossible to socially distance when we go to medical. The guards are using masks but not gloves.

16. Twenty-five of us share the common area, which is 60-80 steps long and about the same wide. When we are all in the common area together it is impossible to

socially distance. We also eat our meals in that room.

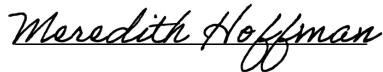
17. Because I am asthmatic, the nurse who did my initial screening said I needed to see a doctor since I am asthmatic, but I have still not been able to see a doctor.

18. I have not had any contact with the deportation officer at the new facility. I have been trying to contact my deportation officer for over a week now but have received no response.

19. I have authorized Meredith Hoffman, a law student, to sign on my behalf given the difficulty of arranging visitation and travel in light of the current COVID-19 pandemic. If required to do so, I will provide a signature when I am able to do so.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 9, 2020 at Miami, Florida.



Meredith Hoffman

on behalf of Kyle Maharaj

LAW STUDENT DECLARATION

I, Meredith Hoffman, declare the following under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. My name is Meredith Hoffman. I am a law student at the University of Miami School of Law, working as a Research Assistant for my Professor Rebecca Sharpless, Director of the Immigration Clinic.
2. Out of necessity in light of the COVID-19 pandemic, I signed Mr. Maharaj's declaration on his behalf and with his express consent.
3. On May 4-5, ICE transferred Mr. Maharaj to Krome Detention Center in Miami, Florida, and then Torrance County Detention Center in New Mexico.
4. ICE now requires legal visitors to provide and wear personal protective equipment, including disposable latex gloves, surgical masks, and eye protection while visiting any detention facility. These supplies are not easily accessible, given the increase in demand. Any available supplies are prioritized for hospitals and other medical facilities that are experiencing dangerous shortages.
5. There are documented cases of COVID-19 in all fifty U.S. states and most inhabited U.S. territories. The Centers for Disease Control and Protection (CDC) has issued statements warning that individuals are at a higher risk of infection when traveling. In addition, I am a resident of Miami-Dade County and unable to travel to visit my client under a state "Stay at Home" order issued by the Governor of Florida Ron DeSantis on April 1, 2020.
6. In light of the above, to protect public health, I am not able to travel to the Torrence County Detention Center in New Mexico to obtain Mr. Maharaj's signature.
7. I spoke with Mr. Maharaj via phone call, read the declaration to him and confirmed the accuracy of the information therein. Mr. Maharaj has confirmed the accuracy of the information therein.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 8, 2020 at Miami, Florida.

Meredith Hoffman

Meredith Hoffman

DECLARATION OF MIGUEL ANGEL MARROQUIN PEREZ

I, Miguel Angel Marroquin Perez, hereby declare under the penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.
2. I am currently detained at Broward Transitional Center (BTC) in Pompano Beach, FL I have been detained here since August 12, 2019. I am appealing Immigration Judge Barry Chait's denial of my asylum application.
3. At BTC, we are given a mask every three days. It is not mandatory to use them. Guards don't tell us anything when the masks are handed out. The masks are usually thrown on our beds or on top of the table, so most people do not want to wear them because they are contaminated. I would say maybe eight (8) or (9) detainees wear their masks.
4. Most employees at BTC do not wear masks. It is not mandatory for them and two (2) or (3) employees wear their masks.
5. I saw one person leaving BTC in an ambulance last week.
6. As of this week, I know there are at least 90 people in cohort because I saw the cart with their food trays being taken to their rooms with a piece of paper that said "90" on top of it.

7. I can see the cohorted people from my room when they go out to the yard.

Although they wear masks, they touch the phones in the yard space and the yard equipment. The phones are yard equipment is often not wiped down after the cohorted people leave the yard.

8. Sometimes there is hand sanitizer available outside the cafeteria, but sometimes there is not. I have not seen any hand sanitizer next to the phones.

9. There are over sixty people eating at once in the cafeteria. We all stand in line together. It is impossible to practice social distancing when we eat together with only one empty space between us and all of us standing in line together.

10. All men go out to the yard at the same time, and there are hundreds of us. It is impossible to be more than six feet away from each other.

11. I work cleaning the common areas at BTC, typically polishing the floors.

There is a man who tested positive for COVID-19 at BTC and I saw him in the yard this morning on May 8, 2020 while I was working. I know it was this man because he had written a sign saying he tested positive. He was using the phone in the yard space. He was wearing a mask and gloves and had a BTC guard near him. Those of us who were working tried going around him so we would not get too close.

12.I have not received any education regarding hygiene and preventing the infection of COVID-19. I have not seen any posters in the Spanish language about COVID-19 in BTC.

13.When people create too much of a fuss about the detention conditions to the BTC guards, they are transferred to Krome.

14. This detention center was not built to keep us safe. We are six people in a room very close together. People cough and no one wears a mask because guards have not said it's mandatory. I am not safe here.

15.I have authorized my attorney to sign on my behalf given the difficulty of arranging visitation and travel in light of the current COVID-19 pandemic. If required to do so, I will provide a signature when I am able to do so.

I declare under penalty of perjury that the things described above are true and correct.

Executed on May 8, 2020.

Maya Weissman Fabra

Maya Weissman Fabra, on behalf Miguel Angel Marroquin Perez

CERTIFICATION

I, Maya Weissman Fabra, declare that I am proficient in the English and Spanish languages.

On May 8, 2020, I read the foregoing declaration to Miguel Angel Marroquin Perez and orally translated it faithfully and accurately into Spanish in the presence of the declarant. After I completed translating the declaration, the declarant verified that the contents of the foregoing declaration are true and accurate.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 8, 2020.

Maya Weissman Fabra

Maya Weissman Fabra

ATTORNEY DECLARATION

I, Maya Weissman Fabra, declare the following under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. My name is Maya Weissman Fabra. I am a licensed attorney in good standing in the District of Columbia.
2. I represent the declarant, Miguel Angel Marroquin Perez, in his immigration case in Krome/BTC immigration court in Miami, Florida. Out of necessity in light of the COVID-19 pandemic, I signed Miguel Angel Marroquin Perez's declaration on his behalf and with his express consent.
3. ICE is now requiring legal visitors to provide and wear personal protective equipment, including disposably vinyl gloves, surgical masks, and eye protection while visiting any detention facility. These supplies are not easily accessible, given the increase in demand. Any available supplies are prioritized for hospitals and other medical facilities that are experiencing dangerous shortages.
4. There are documented cases of COVID-19 in all fifty U.S. states and most inhabited U.S. territories. The Centers for Disease Control and Protection (CDC) has issued statements warning that individuals are at a higher risk of infection when traveling. In addition, I am a resident of Miami Dade County,

Florida and unable to travel to visit my client under a state 'Stay at home' order issued by the Governor of Florida Ron DeSantis on April 1st, 2020.

5. In light of the above, to protect public health, I am not able to travel to the Broward Transitional Center Detention Center in Pompano Beach, Florida, to obtain my client's signature.
6. I spoke with Miguel Angel Marroquin Perez via Skype video call, read the declaration to him, and confirmed the accuracy of the information therein. Miguel Angel Marroquin Perez has confirmed the accuracy of the information therein.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 8, 2020 at Miami, Florida.

Maya Weissman Fabra

Maya Weissman Fabra, on behalf of Miguel Angel Marroquin Perez

DECLARATION OF IRAN PICHARDO PEREZ-BORROTO

I, Iran Pichardo Perez-Borroto, hereby declare under the penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.
2. I am currently detained at Krome Service Processing Center (“Krome”) in Miami, Florida. I have been detained here since April 16, 2020. I have been in ICE custody since about August 7, 2019. I was transferred to Krome from El Paso Processing Center.
3. I am fifty-five years old. I have asthma. ICE is in charge of my well-being and my life. I beg that they help or release me.
4. On December 18, 2019, I was ordered removed by an immigration judge in El Paso. I am now awaiting my deportation to Cuba.
5. I spoke with a Deportation Officer the week before last week. He did not have information on my pending deportation. The Deportation Officer said that at this moment, there are no flights going out to Cuba. He merely told me that I am in a process and I have to wait, but he did not tell me how long the wait would be.
6. At Krome, I am in Pod 14A.

7. We are currently under quarantine. We were told that the quarantine will be lifted tomorrow, May 12, 2020. The pod has been under quarantine on and off for about two months.
8. We, in Pod 14A, are only receiving soap and shampoo once or twice a week. The amount we are receiving is not sufficient for what we need. If we need more shampoo or soap, we request it, but we do not always receive it. It is up to the guards whether we actually receive the additional soap or shampoo.
9. In the pod, there are currently about fifty detained people.
10. The beds are still positioned next to each other. I am in the lower bunk because of my age. I have someone sleeping on each side of me. They both sleep in the same direction I do, not head to feet. Social distancing requirements are not met.
11. The man who slept on the bunk above me was taken out of the pod the week before last because he was exhibiting symptoms consistent with COVID-19.
12. We are in charge of cleaning our own pod. No one else helps us with cleaning the pod. To clean, we are given gloves, some rags, and a spray to wipe counters. We are not told what the spray is. We are not given any disinfecting wipes. Sometimes, to clean the tables, we also use toilet paper. We use toilet paper because there are no paper towels in the bathroom.

13. When we request medical attention, we are often not called back. For example, on May 5, 2020, I submitted a medical request because I was feeling short of breath. Two days after, a nurse came to speak with me. I told her I was feeling short of breath and headaches. She said that she would let the doctor and the doctor would follow up with me. I still have not heard from the doctor.

14. I am asthmatic. I have been given an inhaler, but still feel difficulty breathing. Despite having an inhaler, I still feel like I am not receiving adequate treatment for my asthma.

15. I have authorized Sawyeh Esmaili to sign on my behalf given the difficulty of arranging visitation and travel in light of the current COVID-19 pandemic. If required to do so, I will provide a signature when I am able to do so.

I declare under penalty of perjury that the things described above are true and correct.

Executed on May 11, 2020.



Sawyeh Esmaili, on behalf Iran Pichardo Perez-Borroto

CERTIFICATION

I, Sawyeh Esmaili, declare that I am proficient in the English and Spanish languages.

On May 11, 2020, I read the foregoing declaration to Iran Pichardo Perez-Borroto and orally translated it faithfully and accurately into Spanish in the presence of the declarant. After I completed translating the declaration, the declarant verified that the contents of the foregoing declaration are true and accurate.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 11, 2020.



Sawyeh Esmaili

ATTORNEY DECLARATION

I, Sawyeh Esmaili, declare the following under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. My name is Sawyeh Esmaili. I am a licensed attorney in good standing in the state of Florida.
2. Out of necessity in light of the COVID-19 pandemic, I signed Iran Pichardo Perez-Borroto's declaration on his behalf and with his express consent.
3. ICE is now requiring legal visitors to provide and wear personal protective equipment, including disposably vinyl gloves, surgical masks, and eye

protection while visiting any detention facility. These supplies are not easily accessible, given the increase in demand. Any available supplies are prioritized for hospitals and other medical facilities that are experiencing dangerous shortages.

4. There are documented cases of COVID-19 in all fifty U.S. states and most inhabited U.S. territories. The Centers for Disease Control and Protection (CDC) has issued statements warning that individuals are at a higher risk of infection when traveling. In addition, I am a resident of Miami Dade County, Florida and unable to travel to visit Mr. Pichardo under a state 'Stay at home' order issued by the Governor of Florida Ron DeSantis on April 1st, 2020.
5. In light of the above, to protect public health, I am not able to travel to the Krome Service Processing Center to obtain Mr. Pichardo's signature.
6. I spoke with Iran Pichardo Perez-Borroto on the phone, read the declaration to him, and confirmed the accuracy of the information therein. Iran Pichardo Perez-Borroto has confirmed the accuracy of the information therein.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 11, 2020 at Miami, Florida.

A handwritten signature in black ink, appearing to be 'Sawyeh Esmaili', written over a horizontal line.

Sawyeh Esmaili, on behalf of Iran Pichardo Perez-Borroto

DECLARATION OF DEIVYS PEREZ VALLADARES

I, Deivys Perez Valladares, hereby declare under the penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I am 34 years old and I am a citizen of Cuba.

3. I am currently detained at Krome Service Processing Center ("Krome") in Miami, Florida. I was previously detained at Broward Transitional Center ("BTC") in Pompano Beach, Florida from March 20, 2020 to May 6, 2020. On May 6th, I was transferred from BTC to Krome.

4. I should have been considered for release because I have type-1 diabetes and hypertension. I am medically dependent on insulin to manage my diabetes. My diabetes has worsened since being detained. My sugar levels are very high. I typically required 15 units of insulin, and right now I am requiring 28 units of insulin. While I was detained in Georgia, I suffered from a heart condition that required me to be hospitalized for four days. I am now taking heart medication daily, but I was never told what my heart condition is. I have also developed cholesterol since being detained and I am now taking a pill every day to control my cholesterol.

5. My diabetes type-1 requires daily insulin to manage. I have informed the staff at Krome about my need but have not received my medication as of May 7, 2020. I fear for my life.

6. At BTC, I shared a room with five other people. No one in my room, including myself, had symptoms of the coronavirus (COVID-19). On May 6, 2020 at approximately 9:00 pm an official at BTC asked me and three other detained persons in the same room if we feared contracting COVID-19 given the confirmed case at the facility. The four of us affirmed we were afraid, and the official told us we were going to be transferred. I never received a decision or explanation of why I was transferred instead of released. Guards were verbally aggressive when I asked about the reason for transfer. They rejected giving us any information about our place of relocation. Staff at BTC did not complete a medical examination or confirmed we were in good state of health before transferring us.

We had shackles restraining our hands and feet during transfer. We were not given any masks or gloves. Guards were not wearing masks or gloves when interacting with us. They did not make accommodations for us to sit separately from each other during transfer. We waited for approximately an hour and a half in the dark inside a van before we left BTC. There were two surveillance cameras inside the van.

7. We arrived at Krome at approximately 1:00 am on May 7, 2020. Guards threw away the snacks and drinks I brought from BTC without explanation. Staff took our temperature and weight when we arrived at Krome. They did not do a complete medical examination on us or provide information about COVID-19. No masks or gloves were provided when we arrived. Only guards are using masks at Krome.

8. I was placed in general population with approximately 60 other people. The beds are very close to each other which makes it impossible to create social distancing in the pod. There is a man staying in the lower part of my bunk who has been showing symptoms. The toilets, showers, and beds are filthy. The bathroom has five toilets next to each other without division or privacy.

9. I have not had any contact with the deportation officer at Krome as of May 7, 2020.

10. I have authorized Andrea Ruiz-Sorrentini, a paralegal, to sign on my behalf given the difficulty of arranging visitation and travel in light of the current COVID-19 pandemic. If required to do so, I will provide a signature when I am able to do so.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 7, 2020 at Miami, Florida.

A handwritten signature in black ink, appearing to read "Andrea C. Ruiz-Sorrentini". The signature is fluid and cursive, with a long, sweeping line extending from the end.

Andrea C. Ruiz-Sorrentini, on behalf of Deivys Perez Valladares

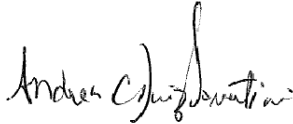
CERTIFICATION OF TRANSLATION

I, Andrea C. Ruiz-Sorrentini, declare that I am proficient in the English and Spanish languages.

On May 7, 2020, I read the foregoing declaration to Deivys Perez Valladares and orally translated it faithfully and accurately into Spanish in the presence of the declarant. After I completed translating the declaration, the declarant verified that the contents of the foregoing declaration are true and accurate.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 7, 2020 at Miami, Florida.

A handwritten signature in black ink, appearing to read "Andrea C. Ruiz-Sorrentini". The signature is fluid and cursive, with the first name "Andrea" and last name "Ruiz-Sorrentini" clearly distinguishable.

Andrea C. Ruiz-Sorrentini

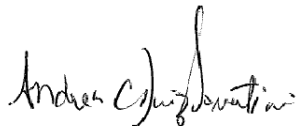
PARALEGAL DECLARATION

I, Andrea Cristina Ruiz-Sorrentini, declare the following under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. My name is Andrea Cristina Ruiz-Sorrentini. I am an outreach paralegal working with Southern Poverty Law Center at Miami, Florida.
2. I am a paralegal working with the legal team that represents the declarant in *Gayle v Meade et al.* Out of necessity in light of the COVID-19 pandemic, I signed Deivys Perez Valladares' declaration on his behalf and with his express consent.
3. On May 6, 2020 ICE transferred my client to Krome in a van at approximately 9:00 pm.
4. ICE now requires legal visitors to provide and wear personal protective equipment, including disposable latex gloves, surgical masks, and eye protection while visiting any detention facility. These supplies are not easily accessible, given the increase in demand. Any available supplies are prioritized for hospitals and other medical facilities that are experiencing dangerous shortages.
5. There are documented cases of COVID-19 in all fifty U.S. states and most inhabited U.S. territories. The Centers for Disease Control and Protection (CDC) has issued statements warning that individuals are at a higher risk of infection when traveling. In addition, I am a resident of Miami-Dade County, Florida and unable to travel to visit my client under a state "Stay at Home" order issued by the Governor of Florida Ron DeSantis on April 1, 2020.
6. In light of the above, to protect public health, I am not able to travel to the Krome Service Processing Center in Miami, Florida, to obtain my client's signature.
7. I spoke with Deivys Perez Valladares via phone call, read the declaration to him and confirmed the accuracy of the information therein. Deivys Perez Valladares has confirmed the accuracy of the information therein.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 7, 2020 at Miami, Florida.

A handwritten signature in black ink, appearing to read "Andrea Cristina Ruiz-Sorrentini". The signature is fluid and cursive, with the first name "Andrea" and last name "Ruiz-Sorrentini" clearly distinguishable.

Andrea Cristina Ruiz-Sorrentini
andrea.ruiz-sorrentini@splcenter.org
786-582-0386

DECLARATION OF DANNY RUIZ GARCIA

I, Danny Ruiz Garcia, hereby declare under the penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I am currently detained at Broward Transitional Center (BTC). I have been detained here since March 26, 2020. I was previously detained in Pine Prairie ICE Processing Center in Louisiana.

3. I suffer from permanent lung damage on my right lung from pneumonia and a surgery when I was a child.

4. At BTC we get masks every three days, but virtually no one wears them. Most BTC staff members also do not wear masks.

5. There is a hand sanitizer pump by the court, cafeteria, and medical area. There is no hand sanitizer pump near the phones. The hand sanitizer in the cafeteria is often empty. When it is empty, we are only given hand sanitizer by a guard during lunch time.

6. Whether you get additional shower gel depends on which BTC staff member you ask. We are all given shower gel once a week. On May 5, 2020 at around 8:30 p.m., I asked a BTC staff member for additional shower gel and was denied. My roommate asked another BTC staff member and was given additional shower gel.

7. I have not received any education regarding hygiene or how to prevent the spread of COVID-19 at BTC. There are no posters in the facility with any information. What I know about COVID-19 is all from watching the news.

8. The general areas of the detention center are cleaned maybe twice a day, but not every four hours. On May 5, 2020 I did not observe the common areas being cleaned twice.

9. There are over 13 rooms in cohort. I believe most of those cohorted are transfers from Baker County Detention Center.

10. There are 90 people cohorted in one section of the detention center. Those rooms are for people that were transferred in. There are seven additional rooms cohorted for people we know are sick. Those rooms with sick people have three to four people per room. Room 125 is one of the rooms where there is someone sick. I know he is cohorted there alone.

11. I know there are seven rooms with people who are sick because we line up to receive cleaning supplies and other things right next to those seven rooms.

12. On the night of May 5, 2020, I observed a nurse give medication to the man in room 125 from a distance while she was in full protective gear. Typically, the medical staff at BTC go into the cohorted rooms to give medicine or take someone's temperature, but the nurse behaved differently when she approached room 125. The nurse did not even open the door of the room, just slipped in the medicine.

13. During yard recreational time, those cohorted because they were transferred and those cohorted because they are sick can mix together since they go out at the same time.

14. We are five people sleeping in my room. There are three bunk beds. It is impossible to stay six feet away from my roommates.

15. When we eat in the cafeteria at BTC, we are more than fifty people eating at once. We all stand in line together. When we sit down to eat, there is an

empty stool between each one of us, but we are still not six feet apart from each other as we eat.

16. When we go to the yard, there are hundreds of us at once. All men who are not cohorted go to the yard at the same time. It is impossible to practice social distancing at any point throughout the day.

17. I have authorized my attorney to sign on my behalf given the difficulty of arranging visitation and travel in light of the current COVID-19 pandemic. If required to do so, I will provide a signature when I am able to do so.

I declare under penalty of perjury that the things described above are true and correct.

Executed on May 8, 2020.

Maya Weissman Fabra

Maya Weissman Fabra, on behalf of Danny Ruiz Garcia

CERTIFICATION

I, Maya Weissman Fabra, declare that I am proficient in the English and Spanish languages.

On May 8, 2020, I read the foregoing declaration to Danny Ruiz Garcia and orally translated it faithfully and accurately into Spanish in the presence of the

declarant. After I completed translating the declaration, the declarant verified that the contents of the foregoing declaration are true and accurate.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 8, 2020.

Maya Weissman Fabra

Maya Weissman Fabra

ATTORNEY DECLARATION

I, Maya Weissman Fabra, declare the following under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. My name is Maya Weissman Fabra. I am a licensed attorney in good standing in the District of Columbia
2. Out of necessity in light of the COVID-19 pandemic, I signed Danny Ruiz Garcia's declaration on his behalf and with his express consent.
3. ICE is now requiring legal visitors to provide and wear personal protective equipment, including disposably vinyl gloves, surgical masks, and eye protection while visiting any detention facility. These supplies are not easily accessible, given the increase in demand. Any available supplies are prioritized for hospitals and other medical facilities that are experiencing dangerous shortages.
4. There are documented cases of COVID-19 in all fifty U.S. states and most inhabited U.S. territories. The Centers for Disease Control and Protection (CDC) has issued statements warning that individuals are at a higher risk of infection when traveling. In addition, I am a resident of Miami Dade County, Florida and unable to travel to visit my client under a state 'Stay at home' order issued by the Governor of Florida Ron DeSantis on April 1st, 2020.

5. In light of the above, to protect public health, I am not able to travel to the Broward Transitional Center in Pompano Beach, Florida, to obtain Danny Ruiz Garcia's signature.

6. I spoke with Danny Ruiz Garcia via Skype video call, read the declaration to him, and confirmed the accuracy of the information therein. Danny Ruiz Garcia has confirmed the accuracy of the information therein.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 8, 2020 at Miami, Florida.

Maya Weissman Fabra

Maya Weissman Fabra, on behalf of Danny Ruiz Garcia