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12 **UNITED STATES DISTRICT COURT**
13 **SOUTHERN DISTRICT OF CALIFORNIA**

14 Adrian RODRIGUEZ ALCANTARA, et. al.,

15 Plaintiffs-Petitioners,

16 v.

17 GREGORY J. ARCHAMBEAULT, San
18 Diego Field Office Director, Immigration
19 and Customs Enforcement, et. al.,

20 Defendant-Respondents.

Case No. **'20CV0756 GPC AHG**

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

Date: TBD
Time: TBD
Courtroom: TBD
Judge: TBD

21 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

22 PLEASE TAKE NOTICE that as soon as the matter may be heard before the
23 judge assigned to this case at a date and time to be designated by the assigned
24 judge, of which Plaintiff-Petitioners will serve notice, Plaintiff-Petitioners will and
25 hereby do move this Court for an order granting class certification of two proposed
26 classes, and a proposed subclass within each proposed class, defined as follows:

27 **Otay Mesa Class:** All civil immigration detainees incarcerated at the Otay
28 Mesa Detention Center;

1 ***Otay Mesa Medically Vulnerable Subclass:*** All civil immigration detainees
 2 incarcerated at the Otay Mesa Detention Center who are age 45 years or older
 3 or who have medical conditions that place them at heightened risk of severe
 illness or death from COVID-19;

4 **Imperial Class:** All civil immigration detainees incarcerated at the Imperial
 5 Regional Detention Facility;

6 ***Imperial Medically Vulnerable Subclass:*** All civil immigration detainees
 7 incarcerated at the Imperial Regional Detention Facility who are age 45 years
 8 or older or who have medical conditions that place them at heightened risk of
 severe illness or death from COVID-19.¹

9
 10 Plaintiff-Petitioners also request this Court provisionally certify the Otay
 11 Mesa class and Otay Mesa Medically Vulnerable subclass for purposes of ordering
 12 the classwide temporary restraining order and writ of habeas corpus they seek by
 13 concurrently filed motion.

14 Plaintiff-Petitioner's Motion for Class Certification is based on: this Notice
 15 of Motion and Motion for Class Certification; the concurrently-filed Memorandum
 16 and Points of Authorities in Support of Plaintiff-Petitioners' Motion for Class
 17 Certification; the Declaration of Bardis Vakili in Support of Plaintiff-Petitioners'
 18 Motion for Class Certification and exhibits attached thereto; all papers, pleadings,
 19 records, and files in this case; all matters of which judicial notice may be taken; and
 20 such other argument and/or evidence as may be presented to this Court at a hearing
 21 on this Motion.

22
 23 ¹ Qualifying medical conditions for the medically vulnerable subclasses will be
 24 informed by standards set by the CDC. *See, e.g., People Who Are at Higher Risk*
 25 *for Severe Illness*, Ctrs. Disease Control and Prevention,
 26 [https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/people-at-higher-](https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/people-at-higher-risk.html)
 27 [risk.html](https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/people-at-higher-risk.html) (last visited Apr. 20, 2020). Pregnancy should also qualify a detainee for
 28 subclass membership because the CDC acknowledges that “[p]regnant people have
 had a higher risk of severe illness when infected with viruses from the same family
 as COVID-19.” *See Pregnancy and Breastfeeding*, Ctrs. Disease Control and
 Prevention, [https://www.cdc.gov/coronavirus/2019-ncov/need-extra-](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/pregnancy-breastfeeding.html)
[precautions/pregnancy-breastfeeding.html](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/pregnancy-breastfeeding.html) (last visited Apr. 20, 2020).

1 Plaintiff-Petitioners respectfully request a hearing on this Motion.
2

3 Dated: April 21, 2020

Respectfully submitted,

4 s/Bardis Vakili

5 Bardis Vakili

6 ACLU FOUNDATION OF SAN
7 DIEGO & IMPERIAL COUNTIES

Attorneys for Plaintiffs-Petitioners
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