

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

J.L., et al.,

Plaintiffs,

v.

KENNETH T. CUCCINELLI, et al.,

Defendants.

Case No. 18-cv-04914-NC

**ORDER TO SHOW CAUSE
WHY DEFENDANTS SHOULD
NOT BE HELD IN CIVIL
CONTEMPT**

Re: Dkt. No. 223

On December 13, 2019, the parties filed a joint statement notifying the Court that three Class Members had been removed from the United States in an apparent violation of the Court's October 24, 2018, preliminary injunction. *See* Dkt. No. 223. According to Defendants, the three Class Members at issue are: N.P.G., who was removed on June 26, 2019; E.A., who was removed on August 22, 2019; and R.M.N., who was removed on September 4, 2019. *See id.* at 5–6. Plaintiffs' counsel, however, were not notified of N.P.G.'s removal until November 14, 2019, and were not notified of E.A. or R.M.N.'s removal until December 12, 2019. *Id.* at 2, 4–5.

In the preliminary injunction, the Court ordered Defendants to “provide no less than 14 days notice to Plaintiffs' counsel before Defendants take any adverse adjudicatory or enforcement action against any . . . members of the Proposed Class.” Dkt. No. 49 at 28. Far more than 14 days have passed since N.P.G., E.A., and R.M.N.'s removal. The Court

1 is deeply concerned with Defendants' failure to timely notify Plaintiffs' counsel of the
2 three Class Members' removal.

3 Accordingly, Defendants are ORDERED to show cause why they should not be
4 found in violation of the preliminary injunction and held in civil contempt. By **December**
5 **18, 2019, at 12:00 p.m.**, Defendants must file a response under penalty of perjury
6 explaining: (1) why their actions were not a violation of the preliminary injunction; (2)
7 who is responsible for the removals; (3) when Defendants discovered the removals; and (4)
8 what they are now doing to remedy the violations. This matter is set for hearing at
9 **December 18, 2019, at 1:00 p.m.**

10 Regardless whether final approval of the proposed settlement is granted (*see* Dkt.
11 Nos. 218, 222), the Court will retain jurisdiction to enforce the preliminary injunction.

12 **IT IS SO ORDERED.**

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14 Dated: December 16, 2019

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17 NATHANAEL M. COUSINS
18 United States Magistrate Judge
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