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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 AL OTRO LADO, INC., *et al.*,
12 **Plaintiffs,**
13 **v.**
14 ALEJANDRO MAYORKAS, *et al.*,¹
15 **Defendants.**
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Case No. 17-cv-02366-BAS-KSC

ORDER:

**(1) DENYING WITHOUT
PREJUDICE MOTION FOR
COURT OVERSIGHT (ECF No.
736); AND**

**(2) DIRECTING PARTIES TO
SUBMIT JOINT STATUS
REPORT**

21 Now pending before this Court is Plaintiffs' Motion for Court Oversight of
22 Preliminary Injunction Compliance ("Motion for Oversight"). (ECF No. 736.) That
23 Motion identifies the areas of disagreement between Plaintiffs and Defendants regarding
24 the Government's obligation to comply with this Court's directives set forth in its
25 Preliminary Injunction ("PI") Order and Clarification Order (ECF Nos. 336, 605). (Mem.
26 in Support of Mot. for Oversight 5–12, ECF No. 736-1.) Moreover, that Motion requests
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28 ¹ Because all Defendants are sued in their official capacities, the successors for these public offices
are automatically substituted as Defendants per Fed. R. Civ. P. 25(d).

1 “a referral of PI compliance issues to Magistrate Judge [Karen S. Crawford], with
 2 instructions that she hold regular status conferences with the parties regarding PI
 3 compliance issues, seek to mediate areas of disagreement, and either decide, or make
 4 recommendations to this Court regarding, disputes that the parties cannot resolve through
 5 mediation.” (Mot.)

6 At the same time, this Court is in the process of determining (1) what remedies are
 7 appropriate to rectify Defendants’ Administrative Procedure Act (“APA”) violations and
 8 (2) how the U.S. Department of Health and Human Services Centers for Disease Control
 9 and Prevention’s regulatory order under 42 U.S.C. § 265 affects the implementation of a
 10 remedy in this case, *see* 85 Fed. Reg. 42,829 (Aug. 5, 2021). (Summary Judgment Order
 11 44–45, ECF No. 742.)

12 The issues of oversight and remedy are inextricably intertwined. Indeed, one of the
 13 remedies Plaintiffs seek is an order directing oversight by Magistrate Judge Karen S.
 14 Crawford for purposes of monitoring Defendants’ compliance with any injunctive relief
 15 this Court orders. (Pls.’ Remedies Br. 2, ECF No. 768.) This Court finds that the interests
 16 of efficiency and consistency are best served if those issues are addressed
 17 contemporaneously. Therefore, the Court will resolve the question whether oversight of
 18 Defendants’ compliance with the PI Order *and* with permanent injunctive relief, if any, is
 19 warranted in its Order on the appropriate remedy for Defendants’ APA violations.

20 Accordingly, Plaintiffs’ Motion for Oversight is **DENIED WITHOUT**
 21 **PREJUDICE**. The parties are invited to update the Court as to any developments that
 22 affect either the Motion for Oversight or the issue of remedies in a joint report by **no later**
 23 **than April 1, 2022.**² That report **shall be no longer than five (5) pages.**

24 **IT IS SO ORDERED.**

25 **DATED: March 16, 2022**


Hon. Cynthia Bashant
United States District Judge

27 ² Of particular interest to this Court is whether there are any changes to the parties’ disputes
 28 concerning the measures Defendants have adopted, or intend to adopt, to identify and reopen or reconsider
 the Preliminary Injunction Class members’ cases in accordance with the PI Order and Clarification Order.