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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

UNITED FARM WORKERS, et al.,

Plaintiffs,

v.

KRISTI NOEM, IN HER OFFICIAL
CAPACITY AS SECRETARY OF THE
DEPARTMENT OF HOMELAND
SECURITY; et al.,

Defendants.

Case No. 1:25-cv-00246-JLT-BAM

**PLAINTIFFS' NOTICE OF MOTION
AND MOTION FOR PROVISIONAL
CLASS CERTIFICATION**

Date: April 11, 2025
Time: 9:00 a.m.
Dept.: Courtroom 4, 7th Floor
Judge: Hon. Jennifer L. Thurston

Date Filed: February 26, 2025

Trial Date: None set

1 **NOTICE OF MOTION AND MOTION**

2 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

3 **PLEASE TAKE NOTICE** that on April 11, 2025, at 9:00 a.m., or as soon as this matter
4 may be heard, in the Courtroom of the Honorable Jennifer L. Thurston at Robert E. Coyle United
5 States Courthouse, 2500 Tulare Street, Fresno, California 93721, Plaintiffs Oscar Morales
6 Cisneros, Wilder Munguia Esquivel, and Yolanda Aguilera Martinez (collectively, “the
7 Individual Plaintiffs”)¹ hereby move this Court to provisionally certify two proposed classes
8 defined fully herein. Individual Plaintiffs request provisional certification under Federal Rule of
9 Civil Procedure 23(a) and (b)(2) to seek class-wide preliminary injunctive relief. Additionally,
10 Individual Plaintiffs ask the Court to appoint the American Civil Liberties Union Foundation of
11 Northern California, the American Civil Liberties Union Foundation of Southern California, the
12 American Civil Liberties Union Foundation of San Diego and Imperial Counties, and Kecker, Van
13 Nest & Peters LLP as provisional class counsel under Rule 23(g).

14 This motion is based on this Notice of Motion and Motion, the accompanying
15 Memorandum of Points and Authorities, the supporting Declarations of Bree Bernwanger and
16 Ajay S. Krishnan, and the Proposed Order filed herewith, the papers, evidence, and records on
17 file in this action, and any other written or oral evidence or argument as may be presented at or
18 before the time this motion is heard by the Court. This motion is also supported by the Complaint
19 (Dkt. No. 1) as well as the Plaintiffs’ Motion for Preliminary Injunction (“PI Motion”) and the
20 supporting declarations filed contemporaneously.

21 Pursuant to this Court’s Standing Order, counsel for Plaintiffs and Defendants met and
22 conferred on March 6, 2025, in advance of filing this motion. During the meet and confer,
23 Plaintiffs’ counsel informed Defendants’ counsel that they would be moving for a preliminary
24 injunction and to certify a provisional class, and the bases for those motions. Plaintiffs’ counsel
25 offered to answer any questions Defendants had concerning the motion, and after the parties
26 discussed the motions and their bases, they agreed they would be unable to resolve the dispute

27
28 ¹ Plaintiffs United Farm Workers, Juan Vargas Mendez, and Maria Guadalupe Hernandez Espinoza do not seek to represent any class.

1 before the filing of the motion. Plaintiffs thus certify that meet and confer efforts have been
2 exhausted in advance of filing the motion. Plaintiffs respectfully now move for a preliminary
3 injunction and provisional class certification.

4 Respectfully submitted,

5 Dated: March 7, 2025

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FOUNDATION OF NORTHERN
CALIFORNIA

8 By: /s/ Bree Bernwanger
BREE BERNWANGER
MICHELLE (MINJU) Y. CHO
LAUREN DAVIS
SHILPI AGARWAL

13 Dated: March 7, 2025

By: AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF SOUTHERN
CALIFORNIA

15 /s/ Mayra Joachin
MAYRA JOACHIN
EVA BITRAN
OLIVER MA

20 Dated: March 7, 2025

By: AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF SAN DIEGO &
IMPERIAL COUNTIES

22 /s/ Brisa Velazquez Oatis
BRISA VELAZQUEZ OATIS

24 *Attorneys for Plaintiffs*

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Dated: March 7, 2025

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