

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

D.V.D., *et al.*,

Individually and on behalf of all others
similarly situated,

Plaintiffs,

V.

U.S. Department of Homeland Security, *et al.*,)

Defendants.

No. 1:25-cv-10676-BEM

DEFENDANTS' NOTICE OF ERRATA

Defendants hereby advise the Court of an error in the March 25, 2025, declaration of Brian Ortega. *See* Declaration of Brian Ortega, ECF No 31-1. The declaration represented, based on internal database information, that Immigrations and Customs Enforcement, Enforcement and Removal Operations, (ICE ERO) “verbally asked O.C.G. if he was afraid of being returned to Mexico. At this time O.C.G. stated he was not afraid of returning to Mexico.” *Id.* at ¶¶ 2, 13; Ex. A, Declaration of Brian Ortega at ¶ 5. Defendants have relied on this declaration to make corresponding statements to the Court. *See e.g.*, ECF No. 31 at 19. 21. Upon further investigation, Defendants cannot identify any officer who asked O.C.G. whether he had a fear of return to Mexico. Nor can Defendants identify the officer who O.C.G. states “told [him] that he was being deported to Mexico.” Declaration of O.C.G., ECF No. 8-4 at ¶ 9. Accordingly, Defendants submit the attached declaration correcting Mr. Ortega’s March 25, 2025 declaration. *See id.* However, Defendants maintain that—pursuant to O.C.G.’s own admission—he received notice of his removal to Mexico. ECF No. 8-4 at ¶ 9.

Respectfully submitted,

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/s/Mary L. Larakers
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CERTIFICATE OF SERVICE

I, Mary Larakers, Senior Litigation Counsel, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Mary L. Larakers

Mary L. Larakers

Senior Litigation Counsel

Dated: May 16, 2025