

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **CV 85-4544 DMG (AGRx)** Date January 24, 2017

Title **Jenny L. Flores, et al. v. Loretta E. Lynch, et al.** Page 1 of 4

Present: The Honorable **DOLLY M. GEE, UNITED STATES DISTRICT JUDGE**

KANE TIEN
Deputy Clerk

NOT REPORTED
Court Reporter

Attorneys Present for Plaintiff(s)
None Present

Attorneys Present for Defendant(s)
None Present

**Proceedings: IN CHAMBERS) ORDER RE DEFENDANTS' EVIDENTIARY
OBJECTIONS [217-5]**

On June 3, 2016, Defendants filed objections to evidence Plaintiffs submitted in support of their motion to enforce. [Doc. # 217-5.] Plaintiffs have not responded to these objections. The Court rules on the evidentiary objections as follows:

Evidence	Ruling
Exhibit 1, Declaration of Peter Schey	Sustained—hearsay as to statements regarding what detainees (or non-Defendants) told him. <i>See, e.g.</i> , Schey Decl. ¶ 5 (“mothers and children interviewed during the site inspections uniformly reported . . .”). Otherwise overruled .
Exhibit 2, Declaration excerpts as presented by Plaintiffs’ counsel within brief.	Sustained—hearsay .
Exhibit 3, Declaration of Bridget Cambria	Sustained—hearsay as to statements regarding what detainees (or non-Defendants) told her. Otherwise overruled .
Exhibit 4, Declaration of Carol Anne Donohoe, Esq.	Sustained—hearsay as to statements regarding what detainees (or non-Defendants) told her. <i>See, e.g.</i> , Donohoe Decl. ¶ 5 (“my colleagues in Berks and I were notified by attorneys working at the family detention facility in Karnes City, TX that . . .”). Otherwise overruled .
Exhibit 5, Declaration of Jacquelyn M. Kline, Esq.	Sustained—hearsay as to statements regarding what detainees (or non-Defendants) told her. <i>See, e.g.</i> , Kline Decl. ¶ 6 (“Detainees

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	have informed me . . .”). Otherwise overruled.
Exhibit 5, Attachment Ex. D	Sustained—lacks foundation, hearsay.
Exhibit 5, Attachment Ex. E	Sustained—lacks foundation.
Exhibit 6, Declaration of Jocelyn L. Dyer, Esq.	Sustained—hearsay as to statements regarding what detainees (or non-Defendants) told her. <i>See, e.g.,</i> Dyer Decl. ¶ 11.b. (“The mother reported that . . .”).
Exhibit 7, Declaration of Natalia Ospina, Esq.	Sustained—hearsay as to statements regarding what detainees (or non-Defendants) told her.
Exhibit 8, Declaration of Leanne Purdum	Sustained—hearsay as to statements regarding what detainees (or non-Defendants) told her.
Exhibit 9, Declaration of Theresa B. Wilkes, Esq.	Sustained—hearsay as to statements regarding what detainees (or non-Defendants) told her.
Exhibit 10, Declaration of Amanda W. Doroshow, Esq.	Sustained—hearsay as to statements regarding what detainees (or non-Defendants) told her.
Exhibit 11, Declaration of Edward McCarthy, Esq.	Sustained—hearsay as to statements regarding what detainees (or non-Defendants) told him.
Exhibit 12, Declaration of Robyn Barnard, Esq.	Sustained—hearsay as to statements regarding what detainees (or non-Defendants) told her. Otherwise overruled.
Exhibit 12, Attachment Ex. 1 (Human Rights First report)	Sustained—hearsay to the extent the report’s contents are being offered for the truth of the matter asserted.
Exhibit 12, Attachment Ex. 3 (Human Rights First article)	Sustained—hearsay to the extent the report’s contents are being offered for the truth of the matter asserted.
Exhibit 13, Declaration of Karen S. Lucas, Esq.	Sustained—hearsay as to statements regarding what detainees (or non-Defendants) told her. Otherwise overruled.
Attachments to Exhibit 13	Sustained—hearsay as to statements within the documents regarding what detainees (or

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	non-Defendants) told the document’s declarant or author. The Court overrules the foundation objection without prejudice as to all documents attached to Exhibit 13, provided that a proper foundation is laid at the evidentiary hearing. (e.g., Exhibit C is a purported Spanish-language copy of agreement to accept an ankle shackle). Defendants may renew their objection to a particular document should a proper foundation not be laid during the evidentiary hearing.
Exhibit 14, Declaration of Lindsay M. Harris, Esq. (Flores Violations)	Sustained—hearsay as to statements regarding what detainees (or non-Defendants) told her. <i>See, e.g.</i> , Harris Decl. ¶ 4 (“I write to share the experiences of some of the clients I represented that week”).
Exhibit 15, Declaration of Lindsay M. Harris, Esq. (Medical Conditions), and Exhibits	Sustained—hearsay as to statements within Harris’ declaration regarding what detainees (or non-Defendants) told her. Sustained—hearsay as to statements within detainee declarations regarding what other non-Defendants told them. Otherwise overruled .
Exhibit 16, Declaration of Lindsay M. Harris, Esq. (Due Process)	Overruled .
Exhibit 17, Declaration of Manoj Govindaiah, Esq.	Sustained—hearsay as to statements regarding what detainees (or non-Defendants) told him. <i>See, e.g.</i> , Govindaiah Decl. ¶ 20 (“Children at the Karnes detention center have routinely told us . . .”). Otherwise overruled .
Exhibit 18, Declaration of Robert Doggett, Esq.	Sustained—hearsay as to statements regarding what detainees (or non-Defendants) told him. <i>See, e.g.</i> , Doggett Decl. ¶ 11 (paraphrasing Professor Luis Zayas’s court testimony). Otherwise overruled .
Exhibit 19, Declaration of Alexander Mensing and attachments	Sustained—hearsay as to statements regarding what detainees (or non-Defendants) told him. Sustained—hearsay as to

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	statements within detainee declarations regarding what other non-Defendants told them.
Exhibits 21 through 59	Sustained—hearsay as to statements within detainee declarations regarding what other non-Defendants told them.
Exhibit 61, Declaration of Luis H. Zayas, Ph.D.	Overruled.
Exhibit 62, Declaration of Jessica Gorelick	Sustained—hearsay as to statements regarding what detainees (or non-Defendants) told her. <i>See, e.g.</i> , Gorelick Decl. ¶ 10 (“Many of the mothers also reported that they . . .”). Otherwise overruled .
Exhibit 63, March 28, 2016 Letter	Sustained—hearsay to the extent the letter’s contents are being offered for the truth of the matter asserted.
Exhibit 64, Declaration of Ana Camila Colon-Villafane, CARA Project Attorney	Sustained—hearsay as to statements regarding what detainees (or non-Defendants) told her. <i>See, e.g.</i> , Colon-Villafane Decl. ¶ 3 (“the mothers told us that they . . .”). Otherwise overruled .
Exhibit 65, Declaration of Jodilyn Goodwin, Esq.	Overruled.
Exhibit 66, Declaration of Michelle Garza Pareja, Esq.	Sustained—hearsay as to statements regarding what detainees (or non-Defendants) told her. <i>See, e.g.</i> , Pareja Decl. ¶ 8 (“At Karnes mothers complain they do not feel comfortable . . .”). Otherwise overruled .
Exhibit 67, Declaration of Amy Fischer	Overruled.
Exhibit 68, Declaration of Karen S. Lucas, Esq.	Overruled.
Exhibit 69, Declaration of Kathryn E. Shepherd, Esq.	Overruled.

IT IS SO ORDERED.