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10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 WESTERN DIVISION
13

14
15 Jenny Lisette Flores., *et al.*,
16 Plaintiffs,
17 v.
18 William Barr, Attorney General of the
19 United States, *et al.*,
20 Defendants.
21

Case No. CV 85-4544-DMG-AGRx
**Ex Parte Application for Temporary
Restraining Order and Order to
Show Cause re: Preliminary
Injunction.**

Hearing: None set
Judge: Hon. Dolly M. Gee

1 *Counsel for Plaintiffs, continued*

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1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P. 65 and Local Rule
3 7- 19, Plaintiffs in the above-captioned matter, hereby apply *ex parte* to this Court
4 for a temporary restraining order (“TRO”) and for issuance of an order to show
5 cause why a preliminary injunction should not issue. This *ex parte* application is
6 based upon this Application, the accompanying Memorandum of Points and
7 Authorities, the concurrently-filed Declaration of Class Counsel Peter Schey and all
8 exhibits thereto, all papers on file in this action, and any oral argument of counsel
9 the Court may hear. The Memorandum of Points and Authorities in support of this
10 Application is filed herewith.

11 The Plaintiffs bring this application on an *ex parte* basis because, as
12 described in the memorandum filed herewith, by continuing to detain Class
13 Members in congregate detention facilities in the face of the COVID-19 pandemic
14 and public health national emergency, including in unlicensed facilities, and failing
15 to make and record continuous efforts aimed at their release to available custodians,
16 or unreasonably delaying such efforts, and failing to provide reasons why class
17 members who are neither flight risks nor a danger are not being released,
18 Defendants violate the Flores Agreement (“Agreement”) approved by this court on
19 January 28, 1997. As a result, Class Members (and the public) face grave risk to
20 their health and lives that is in need of immediate attention in order to avoid further
21 loss of life.

22 Plaintiffs respectfully submit that *ex parte* relief is appropriate given that the
23 facts set forth in the attached memorandum and its supporting papers evidence that
24 immediate and irreparable injury will result to Plaintiffs before opposition can be
25 heard.

26 **Statement of Compliance with Rule with Civil Local Rule 7-19**

27 Counsel for Defendants are:

28 JOSEPH H. HUNT
Assistant Attorney General

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2 WILLIAM C. PEACHEY
3 Director, District Court Section
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18 Pursuant to Civil Local Rule 7-19.1 and Fed. R. Civ. P. 65, counsel for the
19 Plaintiffs informed counsel for Defendants of the substance and date of this *ex parte*
20 application. Declaration Of Peter Schey In Support Of *Ex Parte* Application For
21 Temporary Restraining Order and Order To Show Cause Re: Preliminary
22 Injunction ¶¶ 6-7. On March 22, 2020, Plaintiff sent a letter to counsel for
23 Defendants outlining the grave risk posed to Class Members by continuing to house
24 them in congregate care as well as the relief Plaintiff intended to request through an
25 application for a TRO. *Id.* On March 23 and 24, 2020, the parties met and conferred
26 telephonically. *Id.* Counsel for Defendants informed Plaintiffs that Defendants
27 would oppose the application for a TRO. *Id.* To date, Defendants have not taken
28 any action to expedite resolution of this dispute which is endangering the health and
lives of children at ORR facilities. *Id.*

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Dated: March 26, 2020

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LEGAL ADVOCATES FOR CHILDREN
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Katherine H. Manning
Annette Kirkham

Of counsel:

ALDEA - THE PEOPLE'S JUSTICE CENTER
Bridget Cambria

 /s/ Peter Schey
Peter A. Schey
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

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I, Peter Schey, declare and say as follows:

I am over the age of eighteen years of age and am not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 256 S. Occidental Blvd., Los Angeles, CA 90057, in said county and state.

On March 26, 2020, I electronically filed the following document(s):
Ex Parte Application for Temporary Restraining Order and Order to Show Cause re: Preliminary Injunction.
with the United States District Court, Central District of California by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

*/s/Peter Schey
Attorney for Plaintiffs*