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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

AUDLEY BARRINGTON LYON, JR., et al.,  
Plaintiffs,  
v.  
UNITED STATES IMMIGRATION AND  
CUSTOMS ENFORCEMENT, et al.,  
Defendants.

Case No. 3:13-cv-05878-EMC

**STIPULATION AND [PROPOSED]  
ORDER REGARDING DECEMBER 5,  
2019 MEDIATION**

CLASS ACTION

1           **WHEREAS**, on December 5, 2019, Plaintiffs Audley Barrington Lyon, Jr., et al.  
2 (“Plaintiffs”) and Defendants United States Immigration and Customs Enforcement, et al.  
3 (“Defendants”) (Plaintiffs and Defendants are collectively the “Parties”), by and through their  
4 respective counsel of record engaged in mediation with Magistrate Judge Donna Ryu (“Judge  
5 Ryu”) in an effort to resolve disputes concerning the *Lyon* Settlement Agreement (“*Lyon*  
6 Agreement”) at Yuba County Jail (“YCJ”);

7           **WHEREAS**, Defendants represent that the backlog in granting detainees’ requests for  
8 legal calls has been eliminated entirely at YCJ as of the date of the mediation, December 5, 2019,  
9 through a series of new measures described below as well as through the temporary measure of  
10 transporting detainees to the San Francisco Field Office to make legal calls from December 2 – 4,  
11 2019;

12           **WHEREAS**, Defendants represent that new measures in compliance with the *Lyon*  
13 Agreement have been implemented to reduce any backlog, including but not limited to returning  
14 incomplete detainee call request forms, not scheduling detainee calls based on incomplete forms,  
15 and on-the-spot vetting of detainee-requested legal calls by YCJ’s two facilitators; and

16           **WHEREAS**, the Parties agreed to increased information sharing to facilitate an  
17 assessment of ongoing compliance with the *Lyon* Agreement in light of Defendants’ new  
18 measures;

19           **THEREFORE**, the Parties by and through their counsel of record, hereby stipulate and  
20 agree as follows:

- 21           1. Defendants shall revise the Legal Call Request Form for YCJ detainees to include,  
22           among other things, the date and time a request is received;
- 23           2. Defendants shall revise the Legal Call Request Form to include written  
24           notifications on the reverse side of the Legal Call Request Form that detainees  
25           must complete and submit a separate request for each phone number a detainee  
26           intends to call, that non-indigent detainees must first attempt to make legal calls to  
27           non-attorneys from Housing Unit phones prior to requesting use of the private  
28           phone room for non-attorney legal calls, that detainees must complete all fields in

1 the Legal Call Request Form or the form will be returned for completion, and that  
2 detainees should submit separate requests for use of the old-side Phone Booth  
3 requiring only their name and A number, which will be accommodated separately  
4 from Legal Call Requests to use the private phone room;

- 5 3. Defendants shall provide Plaintiffs a copy of the draft revised Legal Call Request  
6 Form, including the written notifications to be printed on the reverse side of the  
7 form, prior to finalizing and implementing the revised Legal Call Request Form;
- 8 4. Plaintiffs shall have three (3) business days after receipt to propose revisions to the  
9 draft Legal Call Request Form prior to the Legal Call Request Form being  
10 finalized and implemented;
- 11 5. Defendants and Plaintiffs shall negotiate in good-faith to reach an agreement  
12 regarding the language to be included in the revised Legal Call Request Form;
- 13 6. Defendants shall translate the agreed-upon revised Legal Call Request Form into  
14 Spanish and include the Spanish translation in the final form, such that the one  
15 form provided to detainees is in both English and Spanish;
- 16 7. Defendants shall undertake best efforts to implement the revised Legal Call  
17 Request Form at YCJ by January 2, 2020;
- 18 8. Defendants shall produce to Plaintiffs the following materials on a biweekly basis  
19 for the period beginning January 2, 2020 and ending March 2, 2020 (the “Review  
20 Period”):
  - 21 a. The legal call log for YCJ ICE detainee legal calls from the private phone  
22 room;
  - 23 b. Excel spreadsheet(s) or similar document(s) tracking all YCJ detainee  
24 requests for legal calls that are not granted, which shall include the reason  
25 for not granting the request;
  - 26 c. Copies of all Legal Call Request Forms for completed detainee legal calls;
  - 27 d. Copies of all Legal Call Request Forms for all calls that are not granted on  
28 one day of each week during the Review Period, to be designated by

1 Plaintiffs, who will notify Defendants three (3) days in advance of each  
2 such day; and

3 e. Updates regarding the installation of the New ICE Phone Lines at the YCJ  
4 facility;

5 9. Defendants' first production of the materials detailed in paragraph 8 shall be on  
6 Thursday, January 23, 2020 and shall include relevant materials from the first two  
7 weeks of the Review Period (January 2 through January 16, 2020);

8 10. Defendants' productions shall continue biweekly on Thursdays with a final  
9 production of Review Period material no later than March 9, 2020;

10 11. Defendants shall request from appropriate Yuba County personnel at least one day  
11 per week of Global Tel-Link Corporation ("GTL") telephonic records detailing all  
12 detainee legal calls from the private phone room made or attempted on the selected  
13 day;

14 12. Defendants shall produce to Plaintiffs' counsel any GTL phone records it receives  
15 from Yuba County during the Review Period;

16 13. Defendants shall facilitate a class counsel visit to YCJ in early 2020 using the  
17 same process as other class counsel visits, such visit will be in addition to the  
18 annual visit to which Plaintiffs' counsel is entitled under Section V.F of the Lyon  
19 Agreement; and

20 14. The Parties shall meet-and-confer at a mutually agreeable time on or shortly after  
21 March 2, 2020, though the Parties may also meet-and-confer at an earlier time if  
22 either Plaintiffs or Defendants request such an opportunity to discuss ongoing  
23 implementation of the Agreement.

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Dated: December 13, 2019

ORRICK, HERRINGTON & SUTCLIFFE LLP,  
AMERICAN CIVIL LIBERTIES UNION

By: /s/ Derek E. Wetmore

*Attorneys for Plaintiffs*

AUDLEY BARRINGTON LYON, JR., et al.

Dated: December 13, 2019

U.S. DEPARTMENT OF JUSTICE  
OFFICE OF IMMIGRATION LITIGATION  
DISTRICT COURT SECTION

By: /s/ Lauren Bingham

*Attorneys for Defendants*

UNITED STATES IMMIGRATION AND  
CUSTOMS ENFORCEMENT

**[PROPOSED] ORDER**

PURSUANT TO STIPUATION, IT IS SO ORDERED.

Dated: December \_\_\_\_, 2019

By: \_\_\_\_\_

Hon. Donna M. Ryu  
United States Magistrate Judge