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27 UNITED STATES DISTRICT COURT
28 NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

21 AUDLEY BARRINGTON LYON, JR., et al.,

22 Plaintiffs,

23 v.

24 UNITED STATES IMMIGRATION AND
25 CUSTOMS ENFORCEMENT, et al.,

26 Defendants.

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

**STIPULATION AND [PROPOSED]
ORDER REGARDING MARCH 24,
2020 MEDIATION**

CLASS ACTION

1 **WHEREAS**, on March 24, 2020, 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 proceedings with Magistrate Judge Donna Ryu
5 (“Judge Ryu”) in an effort to resolve the ongoing disputes between the parties regarding the *Lyon*
6 Settlement Agreement (“*Lyon Agreement*”) at Yuba County Jail (“YJC”);

7 **WHEREAS**, Defendants represent that one of the new phones in the phone room is
8 connected to the new ICE lines and is functioning. Therefore, the facilitator is now individually
9 dialing numbers on the phone request form for detainees using that particular phone.

10 **WHEREAS**, Defendants represent that an additional part is required to finalize the
11 second of the new phone lines and anticipates the part to arrive sometime between March 19 and
12 March 27, 2020. Once the part arrives, ICE will schedule the technician to complete the project
13 and finalize the second of the new phone lines.

14 **WHEREAS**, Defendants represent that the two new phone lines will assist in reducing
15 any backlog or delays for detainees to access legal calls.

16 **WHEREAS**, the Parties agreed to continued increased information sharing to facilitate an
17 assessment of ongoing compliance with the *Lyon Agreement* in light of Defendants’ installation
18 and completion of its new phone lines;

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

- 21 1. Defendants shall produce to Plaintiffs the following materials on a biweekly basis for
22 the period beginning April 2, 2020 and ending June 2, 2020 (the “Review Period”):
 - 23 a. The legal call log for YJC detainee legal calls from the private phone room;
 - 24 b. Excel spreadsheet(s) or similar document(s) tracking all YJC detainee
25 requests for legal calls that are not granted, which shall include the reason
26 for not granting the request;
 - 27 c. Copies of all Legal Call Request Forms for completed detainee legal calls;

- 1 d. Copies of all Legal Call Request Forms for all calls that are not granted on
2 one day of each week during the Review Period, to be designated by
3 Plaintiffs who will notify Defendants (3) days in advance of each such day;
4 and
- 5 e. Updates regarding the installation of the new ICE Phone Lines at the YCJ
6 facility as they become available;
- 7 2. Defendants’ first production of the materials detailed in paragraph 1 shall be on
8 Thursday, April 23, 2020 and shall include relevant materials from the first two weeks
9 of the Review Period (April 2 through April 16, 2020);
- 10 3. Defendants’ production shall continue biweekly on Thursdays with a final production
11 no later than June 4, 2020.
- 12 4. Until the second new line is installed, Defendants shall request from appropriate Yuba
13 County personnel at least once per week Global Tel-Link Corporation (“GTL”) telephonic records detailing all detainee legal calls from the private phone room made
14 or attempted;
- 15 5. Until the second new line is installed, Defendants shall produce to Plaintiffs’ counsel
16 any GTL phone records it receives from Yuba County during the Review Period;
- 17 6. Defendants shall produce to Plaintiffs’ counsel all phone records for the new phone
18 lines for the Review Period within seven days of those phone records becoming
19 available and continue producing the phone records through the Review Period.
- 20 7. The Parties shall meet-and-confer at a mutually agreeable time to identify and agree to
21 a date and time for Defendants to facilitate a class counsel tour and visit to YCJ in late
22 May or early June 2020, subject to the resolution of coronavirus concerns. Should a
23 class counsel tour and visit to YCJ be rendered impracticable in late May or early June
24 2020 due to the coronavirus pandemic, the Parties shall mutually agree to a date and
25 time for such tour and visit later in the year. Such visit will be in addition to the
26 annual visit to which Plaintiffs’ counsel is entitled under Section V.F. of the Lyon
27 Agreement; and
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8. After Defendants’ last document production, the Parties shall meet-and-confer at a mutually agreeable time on or before after June 15, 2020.

Dated: April 1, 2020

ORRICK, HERRINGTON & SUTCLIFFE LLP,
AMERICAN CIVIL LIBERTIES UNION

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Attorneys for Plaintiffs

AUDLEY BARRINGTON LYON, JR., et al.

By: s/ Dhruvan Y. Sampat

Attorneys for Defendants

UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT

[PROPOSED] ORDER

PURSUANT TO STIPUATION, IT IS SO ORDERED.

Dated: April ____, 2020

By: _____

Hon. Donna M. Ryu
United States Magistrate Judge