

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

R. L'HEUREUX LEWIS-MCCOY; S.T., a
minor, by and through her next friend,
AMANDA HUGHES; PAUL VANDECARR;
JAMIL DAKWAR; and JOHN HARLAND
GIAMMATTEO; on behalf of themselves and
all similarly situated individuals,

Plaintiffs,

v.

CHAD WOLF, in his official capacity as Acting
Secretary of Homeland Security; UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY; MARK MORGAN, in his official
capacity as Acting Commissioner of United
States Customs and Border Protection; and
UNITED STATES CUSTOMS AND BORDER
PROTECTION,

Defendants.

Case No. 1:20-cv-1142-JMF

~~PROPOSED~~ STIPULATED ORDER CERTIFYING CLASS

Plaintiffs' Unopposed Motion for Class Certification in this action was filed on April 15, 2020. Plaintiffs sought, and Defendants agreed by stipulation to, certification of the Plaintiffs' proposed class, appointment of Plaintiffs' counsel as counsel for the class, and appointment of the named Plaintiffs as class representatives.

Having reviewed the Plaintiffs' Motion for Class Certification, the Memorandum of Law in Support of their Motion for Class Certification, the Declaration of Antony Gemmell, the Declaration of R. L'Heureux Lewis-McCoy, the Declaration of Amanda Hughes, the Declaration of Plaintiff Paul VanDeCarr, the Declaration of Plaintiff Jamil Dakwar, the Declaration of John

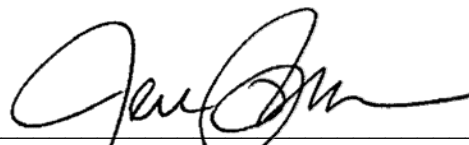
Harland Giammatteo, and the concurrently filed stipulation of the parties, and **GOOD CAUSE APPEARING, THE COURT HEREBY ORDERS THAT:**

1. The Plaintiffs' Motion for Class Certification is **GRANTED**. The Court certifies a Class defined as "All New York State residents whose applications to enroll or re-enroll in Global Entry were pending at the time Acting Secretary of Homeland Security Chad Wolf issued his decision to prohibit the enrollment or re-enrollment of New York residents in U.S. Customs and Border Protection's Trusted Traveler Programs or who otherwise intend to enroll or re-enroll in Global Entry." The Court finds Plaintiffs have satisfied the elements of Federal Rule Civil Procedure Rule 23(a) and Rule 23(b)(2), including establishing numerosity, commonality, typicality, adequacy, and Rule 23(b)(2) status. To the extent ascertainability is required for Rule 23(b)(2) class actions, the Court also finds the class is ascertainable.
2. The Plaintiffs' request that the New York Civil Liberties Union Foundation (the "NYCLU") be appointed Class Counsel is **GRANTED**. The Court finds the NYCLU satisfies the requirements of Federal Rule of Civil Procedure 23(g)(1)(A).
3. The Plaintiffs' request that the named Plaintiffs be appointed Class representatives is **GRANTED**. The Court finds that named Plaintiffs R. L'Heureux Lewis-McCoy, S.T., by and through her next friend, Amanda Hughes, Paul VanDeCarr, Jamil Dakwar, and John Harland Giammatteo will fairly and adequately represent the interests of the Class.

IT IS SO ORDERED.

Dated: April 17, 2020
New York, New York

The Clerk of Court is directed to terminate ECF No. 34.



Honorable Jesse M. Furman
United States District Judge