

1 DAVID J. BERGER, State Bar No. 147645
 2 CATHERINE E. MORENO, State Bar No. 264517
 3 THOMAS J. MARTIN, State Bar No. 150039
 4 WILSON SONSINI GOODRICH & ROSATI
 5 Professional Corporation
 6 650 Page Mill Road
 7 Palo Alto, CA 94304-1050
 8 Telephone: (650) 493-9300
 9 Facsimile: (650) 565-5100
 10 Email: tmartin@wsgr.com

11 PAUL CHAVEZ, State Bar No. 241576
 12 ROBIN GOLDFADEN, State Bar No. 208055
 13 LAWYERS' COMMITTEE FOR CIVIL RIGHTS
 14 OF THE SAN FRANCISCO BAY AREA
 15 131 Steuart Street, Suite 400
 16 San Francisco, CA 94105
 17 Telephone: (415) 543-9444
 18 Facsimile: (415) 543-0296
 19 Email: pchavez@lccr.com

20 JULIA HARUMI MASS, State Bar No. 189649
 21 JINGNI (JENNY) ZHAO, State Bar No. 284684
 22 ALAN L. SCHLOSSER, State Bar No. 49957
 23 AMERICAN CIVIL LIBERTIES UNION FOUNDATION
 24 OF NORTHERN CALIFORNIA, INC.
 25 39 Drumm Street
 26 San Francisco, CA 94111
 27 Telephone: (415) 621-2493
 28 Facsimile: (415) 255-8437
 Email: jmass@aclunc.org

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UELIAN DE ABADIA-PEIXOTO, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, *et al.*,

Defendants.

Case No.: 3:11-cv-4001 RS

CLASS ACTION

**[PROPOSED] FINAL ORDER AND
STIPULATED DISMISSAL**

1 Pursuant to Federal Rule of Civil Procedure 23(e), and in accordance with the settlement
2 agreement (“Agreement”) entered into by all parties on December 18, 2013, it is hereby
3 ORDERED, ADJUDGED, and DECREED as follows:

- 4 1. This Final Order and Dismissal adopts and incorporates by reference the terms and
5 definitions of the Agreement submitted as Exhibit 1 to the Declaration of Catherine E.
6 Moreno, filed with Plaintiffs’ Unopposed Motion for Preliminary Approval of Class
7 Action Settlement (Dkt. 203).
- 8 2. The Court has jurisdiction over the subject matter of this action under 28 U.S.C. § 1331
9 (federal question), 28 U.S.C. §§ 2201 and 2202 (declaratory relief), and 5 U.S.C. § 706
10 (waiver of sovereign immunity). The Court has personal jurisdiction over the Plaintiff
11 Class (as defined in the Court’s order granting Plaintiffs’ Motion for Class Certification
12 (Dkt. 52)), the Settlement Class (as defined in paragraph 5 herein), and Defendants.
- 13 3. The Notice of Proposed Settlement (the “Notice,” in the form attached as Exhibit C to the
14 Agreement, was directed to members of the Settlement Class in accordance with the
15 Preliminary Approval Order (Dkt. 208), dated January 23, 2014, and (a) constituted the
16 best notice practicable under the circumstances and (b) was reasonably calculated, under
17 the circumstances, to apprise Class members of the pendency of the Settlement and the
18 release of rights contained in the Agreement. Pursuant to, and in accordance with,
19 Rule 23 of the Federal Rules of Civil Procedure, the Court hereby finds that the Notice
20 provided members of the Class due and adequate notice of the Settlement, the
21 Agreement, these proceedings, and the rights of members of the Settlement Class to
22 object to the Settlement.
- 23 4. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, this Court hereby approves
24 the Settlement as set forth in the Agreement and finds that the Settlement is in all respects
25 fair, reasonable, and adequate to the Settlement Class members. Accordingly, the
26 Settlement shall be consummated in accordance with the terms and provisions of the
27 Agreement, which are incorporated by reference into this Final Order and Stipulated
28 Dismissal.

- 1 5. By its Preliminary Approval Order, dated January 23, 2014, the Court preliminarily
- 2 certified the following Settlement Class: All current and future adult immigration
- 3 detainees who have or will have proceedings in immigration court in San Francisco
- 4 during the term of the Agreement.
- 5 6. The Court finds that this Settlement Class satisfies the requirements of Rule 23 of the
- 6 Federal Rules of Civil Procedure, including the requirements of numerosity,
- 7 commonality, typicality, and adequacy pursuant to Rule 23(a) and at least one of the
- 8 requirements of Rule 23(b). The Court hereby certifies the Settlement Class as described
- 9 in Paragraph 5 of this Final Order and Dismissal.
- 10 7. The Court approves Uelian De Abadia-Peixoto, Esmar Cifuentes, Mi Lian Wei, and
- 11 Pedro Nolasco Jose as Class Representatives for the Settlement Class.
- 12 8. The Court finds that Class Counsel, Wilson Sonsini Goodrich & Rosati PC, Lawyers’
- 13 Committee for Civil Rights of the San Francisco Bay Area, and the American Civil
- 14 Liberties Union Foundation of Northern California, Inc. have fairly and adequately
- 15 represented the interests of the Class and satisfied all the requirements of Rule 23(g) of
- 16 the Federal Rules of Civil Procedure.
- 17 9. Upon the Settlement becoming final in accordance with Section IX of the Agreement, the
- 18 parties agree that this action will be DISMISSED.
- 19 10. Without in any way affecting the finality of this Final Order and Stipulated Dismissal,
- 20 this Court has continuing jurisdiction as to all matters relating to the interpretation,
- 21 administration, and enforcement of the Agreement.
- 22 11. The Court finds that this Final Order and Stipulated Dismissal adjudicates all of the
- 23 claims, rights, and liabilities of the Parties to the Settlement, and is intended to be final.

24 IT IS SO ORDERED.

25
26 Dated: 4/10/14


United States District Court Judge

28

1 Dated: March 6, 2014

Respectfully submitted,

2 By: /s/ Catherine E. Moreno
3 Catherine E. Moreno
4 WILSON SONSINI GOODRICH & ROSATI
5 *Additional Counsel on Caption Page*
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28