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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Unknown Parties, et al.,
Plaintiffs,
v.
Jeh Johnson, et al.,
Defendants.

No. CV-15-00250-TUC-DCB
ORDER

On January 11, 2016, the Court certified Plaintiffs’ class as follows:

All individuals who are now or in the future will be detained for one or more nights at a CBP facility within the Border Patrol’s Tucson Sector.

The Court also ordered Plaintiffs to “file an amended class definition more exactly describing what ‘one or more nights’ means in the context of the operative class definition.” (Order (Doc. 117) at 23:4-6) (emphasis added).

Pursuant to the Court’s Order, Plaintiffs submitted an amended class definition as follows:

All individuals who are now or in the future will be detained in a Tucson Sector Border Patrol facility except those released from Customs and Border Protection custody within eight hours and on the same calendar day of admission into the facility.

Plaintiffs submit this amended class definition addresses the Court’s concerns as to the ambiguity of the term “one or more nights” because “it 1) eliminates the need to determine when, exactly, a night begins and ends, 2) sets precisely the number of hours an individual would have to be held to become a member of the class entitled to relief,

1 and 3) reasonably ties the temporal parameters of confinement to the various forms of
2 relief sought, including the provision of beds, bedding and various hygiene supplies.”
3 (Ps’ Amended Class Definition (Doc. 122) at 3.)

4 The Court did not intend to amend the class definition it approved on January 11,
5 2016, but only to define the term “one or more nights” as used in the class definition it
6 was approving. Defendants filed an Objection, which among other arguments, includes
7 an objection to this reworking of the class definition. The Court agrees and reaffirms its
8 previously approved class definition. The Court understands Plaintiffs’ proposed
9 amendment to define “one or more nights” as being more than 8 hours within the same
10 calendar day. With this clarification, the Court will afford Defendants an opportunity to
11 withdraw its Objection and refile it or, alternatively, rely on it. The Plaintiffs shall file a
12 Reply.

13 **Accordingly,**

14 **IT IS ORDERED** that the Plaintiffs’ proposed definition of “one or more nights”
15 is understood to mean “more than 8 hours within the same calendar day.”

16 **IT IS FURTHER ORDERED** that given this clarification of the class definition
17 being considered by the Court, the Defendants may withdraw the Objection (Doc. 125)
18 and refile an Objection, or alternatively rely on the already filed Objection (Doc. 125).

19 **IT IS FURTHER ORDERED** that within 7 days of the filing date of this Order,
20 the Defendants shall either withdraw and refile their Objection or not, and following

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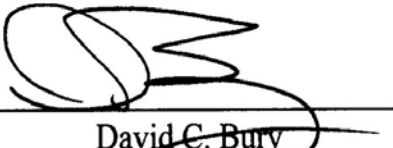
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1 Defendants' action or inaction regarding their Objection, Plaintiffs shall have 7 days to
2 file a Reply.

3 Dated this 4th day of February, 2016.

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David C. Bury
United States District Judge