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21 UNITED STATES DISTRICT COURT  
22 CENTRAL DISTRICT OF CALIFORNIA  
23 WESTERN DIVISION

24 LUIS JAVIER PEREZ-OLANO, ET  
25 AL.,  
26 Plaintiffs,  
27 v.

28 JEFFERSON BEAUREGARD  
SESSIONS, III, et al.  
Defendants.

Case No. 2:05-cv-03604-DDP(RZ)

Honorable Dean D. Pregerson

NOTICE OF SUPPLEMENTAL  
AUTHORITY IN SUPPORT OF MOTION  
FOR ENFORCEMENT OF SETTLEMENT  
AGREEMENT

Crtrm.: 9C  
Hearing: July 10, 2017  
Time: 08:30 a.m.  
Loc.: First Street Fed. Courthouse  
350 W. First Street  
Los Angeles, CA 90012-4565

1 Plaintiffs submit this Notice of Supplemental Authority in Support of  
2 Plaintiffs’ Motion for Enforcement of Settlement Agreement [Dkt. No. 190].  
3 Attached as Exhibit A is a copy of the opinion from the United States District Court  
4 for the Central District of California in *Jenny L. Flores, et al. v. Jefferson B.*  
5 *Sessions, III, et al.*, Case No. CV 85-4544 DMG, Dkt. No. 363, 20-27 (C.D. Cal.  
6 June 27, 2017). This new and relevant authority, finding that the *Flores* Settlement  
7 Agreement regarding detention of immigrant minors extends to minors in expedited  
8 removal proceedings, supports Plaintiffs’ Motion to compel the Government to  
9 uphold its obligations under the *Perez-Olano* Settlement Agreement.

10 In *Flores*, at issue before the court was a motion by plaintiff class  
11 members—accompanied and unaccompanied immigrant minors—to enforce a  
12 settlement agreement with the Government<sup>1</sup> regarding detention practices (the  
13 “*Flores* Agreement”). Exhibit A at 1. The plaintiffs identified several issues,  
14 including the Government’s failure to make and record continuous efforts to release  
15 certain class members as required by the *Flores* Agreement, namely, accompanied  
16 minors in expedited removal proceedings. Exhibit A at 20.

17 As here, the Government argued that minors subject to expedited removal  
18 were excluded from the detention limitations in the *Flores* Agreement. Exhibit A at  
19 20. The specific issue Judge Dolly Gee analyzed was “whether the statutes and  
20 accompanying regulations for detainees in expedited removal create an exception to  
21 the *Flores* Agreement’s requirement that Defendants make and record prompt and  
22 continuous efforts toward the release of class members. The Court finds that they  
23 do not.” Exhibit A at 23.

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26 <sup>1</sup> The Government Defendants were Jefferson B. Sessions III and the U.S,  
27 Department of Homeland Security and its subordinate entities, U.S. Immigration  
28 and Customs Enforcement (“ICE”) and U.S. Customs and Border Protection  
 (“CBP”). Exhibit A at 1.

1 The Court rejected the Government’s arguments that children in expedited  
2 removal proceedings were not protected by the *Flores* Agreement’s limits on  
3 detention for minors. Exhibit A at 24. Instead, the Court found that “Defendants  
4 are not absolved of their contractual obligation [under the Settlement Agreement]  
5 by virtue of the expedited removal statute.” Exhibit A at 27.

6 Such is the case here. Nothing in the Settlement Agreement at issue in the  
7 present case suggests that members of the class who are subject to expedited  
8 removal are to be treated any differently than members of the class who are subject  
9 to regular removal proceedings. And nothing in the federal law or regulations  
10 permits the Government to exclude children in expedited removal proceedings from  
11 the protections of the *Perez-Olano* Settlement Agreement.

12  
13 Dated: July 13, 2017

Respectfully submitted,

14  
15 By: /s/ Pamela S. Palmer  
16 Pamela S. Palmer  
17 Anthony C. Vale  
18 Jessica A. Rickabaugh  
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