

**U.S. District Court [LIVE]
Western District of Texas (San Antonio)
CIVIL DOCKET FOR CASE #: 5:15-cv-00326-XR**

Pineda Cruz et al v. Thompson et al
Assigned to: Judge Xavier Rodriguez
Cause: 42:1983 Civil Rights Act

Date Filed: 04/23/2015
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

Delmy Pineda Cruz
*on behalf of herself and all others
similarly situated*

represented by **Allison N. Boyle**
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Plaintiff

Polyane Soares de Oliveira dos Santos
*on behalf of herself and all others
similarly situated*

represented by **Allison N. Boyle**
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Ranjana Natarajan

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Trisha Trigilio
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ATTORNEY TO BE NOTICED

Plaintiff

Lilian Castillo Rosado
on behalf of herself and all others
similarly situated

represented by **Allison N. Boyle**
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Ranjana Natarajan
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LEAD ATTORNEY
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Trisha Trigilio
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ATTORNEY TO BE NOTICED

V.

Defendant

Rose Thompson
Warden, Karnes County Residential
Center, in her official capacity

represented by **Charles A. Deacon**
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Defendant

Juanita Hester
ICE Field Office Assistant Director, San Antonio District, in her official capacity

represented by **Elianis N. Perez**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Enrique Lucero
ICE Field Office Director, San Antonio District, in his official capacity

represented by **Elianis N. Perez**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gary L. Anderson
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sarah B. Fabian
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sarah Lake Vuong
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Sarah Saldana
Acting Director of ICE, in her official capacity

represented by **Elianis N. Perez**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gary L. Anderson
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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Sarah B. Fabian
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 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Sarah Lake Vuong
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 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Defendant

Jeh Johnson
 Secretary, U.S. Department of Homeland
 Security, in his official capacity

represented by **Elianis N. Perez**
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 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Gary L. Anderson
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 LEAD ATTORNEY
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Sarah B. Fabian
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 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Sarah Lake Vuong
 (See above for address)
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Defendant

The GEO Group, Inc.

represented by **Charles A. Deacon**
 (See above for address)
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Gary L. Anderson
 (See above for address)
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Mark Emery
 (See above for address)
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|--|
| 04/23/2015 | <u>1</u> | COMPLAINT (Filing fee \$ 400 receipt number 0542-7391696), filed by Lilian Castillo Rosado, Polyane Soares de Oliveira dos Santos, Delmy Pineda Cruz. (Attachments: # <u>1</u> Civil Cover Sheet)(Trigilio, Trisha) (Entered: 04/23/2015) |
| 04/23/2015 | | Case Assigned to Judge Xavier Rodriguez. CM WILL NOW REFLECT THE JUDGE INITIALS AS PART OF THE CASE NUMBER. PLEASE APPEND THESE JUDGE INITIALS TO THE CASE NUMBER ON EACH DOCUMENT THAT YOU FILE IN THIS CASE. (rf) (Entered: 04/23/2015) |
| 04/23/2015 | | If ordered by the court, all referrals will be assigned to Magistrate Judge Primomo (rf) (Entered: 04/23/2015) |

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| 04/23/2015 | <u>2</u> | REQUEST FOR ISSUANCE OF SUMMONS by Lilian Castillo Rosado, Delmy Pineda Cruz, Polyane Soares de Oliveira dos Santos. <i>Request for issuance of summons as to Defendants Rose Thompson, Juanita Hester, Enrique Lucero, Sarah Saldana, Jeh Johnson, and The GEO Group, Inc.</i> (Trigilio, Trisha) (Entered: 04/23/2015) |
| 04/27/2015 | <u>3</u> | Summons Issued as to Juanita Hester, Jeh Johnson, Enrique Lucero, Sarah Saldana, The GEO Group, Inc., Rose Thompson. (wg) (Entered: 04/27/2015) |
| 04/29/2015 | <u>4</u> | MOTION for Leave to Exceed Page Limitation by Lilian Castillo Rosado, Delmy Pineda Cruz, Polyane Soares de Oliveira dos Santos. (Attachments: # <u>1</u> Motion for Temporary Restraining Order and Preliminary Injunction, # <u>2</u> Ex. A to Motion for Temporary Restraining Order and Preliminary Injunction, # <u>3</u> Ex. B, # <u>4</u> Ex. C, # <u>5</u> Ex. D, # <u>6</u> Ex. E, # <u>7</u> Ex. F, # <u>8</u> Ex. G, # <u>9</u> Ex. H, # <u>10</u> Ex. I, # <u>11</u> Ex. J, # <u>12</u> Ex. K, # <u>13</u> Ex. L, # <u>14</u> Ex. M, # <u>15</u> Ex. N, # <u>16</u> Ex. O, # <u>17</u> Ex. P, # <u>18</u> Ex. Q, # <u>19</u> Ex. R, # <u>20</u> Ex. S, # <u>21</u> Ex. T, # <u>22</u> Ex. U)(Trigilio, Trisha) (Entered: 04/29/2015) |
| 04/29/2015 | | Text Order GRANTING <u>4</u> Motion for Leave to File Excess Pages entered by Judge Xavier Rodriguez. (This is a text-only entry generated by the court. There is no document associated with this entry.) (1el) (Entered: 04/29/2015) |
| 04/29/2015 | <u>5</u> | PLAINTIFF'S MOTION for Temporary Restraining Order, MOTION for Preliminary Injunction by Lilian Castillo Rosado, Delmy Pineda Cruz, Polyane Soares de Oliveira dos Santos. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O, # <u>16</u> Exhibit P, # <u>17</u> Exhibit Q, # <u>18</u> Exhibit R, # <u>19</u> Exhibit S, # <u>20</u> Exhibit T, # <u>21</u> Exhibit U)(wg) (Entered: 04/29/2015) |
| 04/29/2015 | <u>6</u> | ORDER re <u>5</u> MOTION for Temporary Restraining Order MOTION for Preliminary Injunction filed by Delmy Pineda Cruz, Lilian Castillo Rosado, Polyane Soares de Oliveira dos Santos, (Motion Hearing set for 5/7/2015 10:30 AM before Judge Xavier Rodriguez,). Signed by Judge Xavier Rodriguez. (wg) (Entered: 04/29/2015) |
| 04/29/2015 | <u>7</u> | Opposed MOTION to Certify Class by Lilian Castillo Rosado, Delmy Pineda Cruz, Polyane Soares de Oliveira dos Santos. (Attachments: # <u>1</u> Brief In Support of Opposed Motion for Class Certification, # <u>2</u> Exhibit A-H)(Maldonado, Javier) (Entered: 04/29/2015) |
| 04/29/2015 | <u>8</u> | REQUEST FOR ISSUANCE OF SUMMONS by Lilian Castillo Rosado, Delmy Pineda Cruz, Polyane Soares de Oliveira dos Santos. (Maldonado, Javier) (Entered: 04/29/2015) |
| 04/30/2015 | <u>9</u> | Summons Issued as to Juanita Hester, Jeh Johnson, Enrique Lucero, U.S. Attorney and U.S. Attorney General &AUSA Richard Durbin) (wg) (Entered: 04/30/2015) |
| 04/30/2015 | <u>10</u> | SUMMONS Returned Executed by Lilian Castillo Rosado, Polyane Soares de Oliveira dos Santos, Delmy Pineda Cruz. Juanita Hester served on 4/30/2015, answer due 6/30/2015; Jeh Johnson served on 4/30/2015, answer due 6/30/2015; Enrique Lucero served on 4/30/2015, answer due 6/30/2015; Sarah Saldana served on 4/30/2015, answer due 6/30/2015. (Maldonado, Javier) Modified due date on 4/30/2015 (wg). (Entered: 04/30/2015) |
| 04/30/2015 | | Reset Deadlines: Juanita Hester answer due 6/30/2015; Jeh Johnson answer due 6/30/2015; Enrique Lucero answer due 6/30/2015; Sarah Saldana answer due 6/30/2015. (Entered: 04/30/2015) |
| 04/30/2015 | | Notice of Correction: Summons Issued on USA, Answer Due date is (60) Days for Govt. Agencies. re <u>10</u> Summons Returned Executed,. (wg) (Entered: 04/30/2015) |
| 04/30/2015 | <u>11</u> | NOTICE of Attorney Appearance by Sarah B. Fabian on behalf of Juanita Hester, Jeh Johnson, Enrique Lucero, Sarah Saldana. Attorney Sarah B. Fabian added to party Juanita Hester(pty:dft), Attorney Sarah B. Fabian added to party Jeh Johnson(pty:dft), Attorney Sarah B. Fabian added to party Enrique Lucero(pty:dft), Attorney Sarah B. Fabian added to party Sarah Saldana(pty:dft) (Fabian, Sarah) (Entered: 04/30/2015) |

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| 05/01/2015 | <u>12</u> | NOTICE of Attorney Appearance by Sarah Lake Vuong on behalf of Juanita Hester, Jeh Johnson, Enrique Lucero, Sarah Saldana. Attorney Sarah Lake Vuong added to party Juanita Hester(pty:dft), Attorney Sarah Lake Vuong added to party Jeh Johnson(pty:dft), Attorney Sarah Lake Vuong added to party Enrique Lucero(pty:dft), Attorney Sarah Lake Vuong added to party Sarah Saldana(pty:dft) (Vuong, Sarah) (Entered: 05/01/2015) |
| 05/01/2015 | <u>13</u> | SUMMONS Returned Executed by Lilian Castillo Rosado, Polyane Soares de Oliveira dos Santos, Delmy Pineda Cruz. The GEO Group, Inc. served on 5/1/2015, answer due 5/22/2015. (Maldonado, Javier) (Entered: 05/01/2015) |
| 05/01/2015 | <u>14</u> | ORDER re <u>5</u> MOTION for Temporary Restraining Order MOTION for Preliminary Injunction filed by Delmy Pineda Cruz, Lilian Castillo Rosado, Polyane Soares de Oliveira dos Santos, (Motion Hearing Re-set for 5/7/2015 02:00 PM before Judge Xavier Rodriguez,). Signed by Judge Xavier Rodriguez. (wg) (Entered: 05/01/2015) |
| 05/04/2015 | <u>15</u> | SUMMONS Returned Executed by Lilian Castillo Rosado, Polyane Soares de Oliveira dos Santos, Delmy Pineda Cruz. Rose Thompson served on 5/1/2015, answer due 5/22/2015. (Maldonado, Javier) (Entered: 05/04/2015) |
| 05/04/2015 | <u>16</u> | MOTION for Writ of Habeas Corpus ad testificandum for Delmy Pineda Cruz, Polyane Soares de Oliveira dos Santos, and Lilian Castillo Rosado to testify <i>at the May 7, 2015 hearing on their application for a temporary restraining order</i> , by Lilian Castillo Rosado, Delmy Pineda Cruz, Polyane Soares de Oliveira dos Santos. (Attachments: # <u>1</u> Ex. A Proposed Writ)(Trigilio, Trisha) (Entered: 05/04/2015) |
| 05/05/2015 | <u>17</u> | ORDER WRIT of Testificandum issued, Motions terminated: <u>16</u> MOTION for Writ of Habeas Corpus ad testificandum for Delmy Pineda Cruz, Polyane Soares de Oliveira dos Santos, and Lilian Castillo Rosado to testify <i>at the May 7, 2015 hearing on their application for a temporary restraining order</i> , filed by Delmy Pineda Cruz, Lilian Castillo Rosado, Polyane Soares de Oliveira dos Santos.. Signed by Judge John W. Primomo. (wg) (Entered: 05/05/2015) |
| 05/05/2015 | <u>18</u> | Writ of Habeas Corpus ad Testificandum Issued as to Delmy Pineda Cruz for May 7, 2015. (kh2) (Entered: 05/05/2015) |
| 05/05/2015 | <u>19</u> | Writ of Habeas Corpus ad Testificandum Issued as to Polyane Soares De Oliveira Dos Santos for May 7, 2015. (kh2) (Entered: 05/05/2015) |
| 05/05/2015 | <u>20</u> | Writ of Habeas Corpus ad Testificandum Issued as to Lilian Castillo Rosado for May 7, 2015. (kh2) (Entered: 05/05/2015) |
| 05/06/2015 | <u>21</u> | NOTICE of Attorney Appearance by Gary L. Anderson on behalf of Juanita Hester, Jeh Johnson, Enrique Lucero, Sarah Saldana, The GEO Group, Inc., Rose Thompson. Attorney Gary L. Anderson added to party Juanita Hester(pty:dft), Attorney Gary L. Anderson added to party Jeh Johnson(pty:dft), Attorney Gary L. Anderson added to party Enrique Lucero(pty:dft), Attorney Gary L. Anderson added to party Sarah Saldana(pty:dft), Attorney Gary L. Anderson added to party The GEO Group, Inc.(pty:dft), Attorney Gary L. Anderson added to party Rose Thompson(pty:dft) (Anderson, Gary) (Entered: 05/06/2015) |
| 05/07/2015 | <u>22</u> | Response in Opposition to Motion, filed by Juanita Hester, Jeh Johnson, Enrique Lucero, Sarah Saldana, re <u>5</u> MOTION for Temporary Restraining Order MOTION for Preliminary Injunction filed by Plaintiff Delmy Pineda Cruz, Plaintiff Lilian Castillo Rosado, Plaintiff Polyane Soares de Oliveira dos Santos (Attachments: # <u>1</u> Exhibit A-E, # <u>2</u> Exhibit F-L, # <u>3</u> Exhibit M - Antkowiak Declaration, # <u>4</u> Exhibit N-O - Family Residential Standards, # <u>5</u> Exhibit P-R)(Fabian, Sarah) (Entered: 05/07/2015) |
| 05/07/2015 | <u>23</u> | Minute Entry for proceedings held before Judge Xavier Rodriguez: Motion Hearing held on 5/7/2015 re <u>5</u> MOTION for Temporary Restraining Order MOTION for Preliminary Injunction filed by Delmy Pineda Cruz, Lilian Castillo Rosado, Polyane Soares de Oliveira dos Santos (Minute entry documents are not available electronically.). (Court Reporter Karl Myers.)(wg) (Entered: 05/08/2015) |

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| 05/07/2015 | <u>24</u> | Plaintiff's Witness List by Lilian Castillo Rosado, Delmy Pineda Cruz, Polyane Soares de Oliveira dos Santos. (wg) (Entered: 05/08/2015) |
| 05/07/2015 | <u>25</u> | Defendant's Witness List by Juanita Hester, Jeh Johnson, Enrique Lucero, Sarah Saldana, The GEO Group, Inc., Rose Thompson. (wg) (Entered: 05/08/2015) |
| 05/08/2015 | <u>26</u> | ORDER DENYING <u>5</u> Motion for TRO; DENYING <u>5</u> Motion for Preliminary Injunction; Parties shall confer and submit a proposed scheduling order to the Court on or before May 29, 2015. Signed by Judge Xavier Rodriguez. (wg) (Entered: 05/08/2015) |
| 05/14/2015 | <u>27</u> | ***DOCUMENT DEFICIENT, WRONG CASE STYLE & NUMBER ON PLEADING *** NOTICE of Attorney Appearance by Elianis N. Perez on behalf of Juanita Hester, Jeh Johnson, Enrique Lucero, Sarah Saldana. Attorney Elianis N. Perez added to party Juanita Hester(pty:dft), Attorney Elianis N. Perez added to party Jeh Johnson(pty:dft), Attorney Elianis N. Perez added to party Enrique Lucero(pty:dft), Attorney Elianis N. Perez added to party Sarah Saldana(pty:dft) (Perez, Elianis) Modified on 5/14/2015 (wg). (Entered: 05/14/2015) |
| 05/14/2015 | <u>28</u> | ***NOTIFIED COUNSEL, INCORRECT CASE STYLE & CASE NUMBER ON DOCUMENT ***DEFICIENCY NOTICE: re <u>27</u> Notice of Appearance, (wg) (Entered: 05/14/2015) |
| 05/14/2015 | <u>29</u> | NOTICE of Attorney Appearance by Elianis N. Perez on behalf of Juanita Hester, Jeh Johnson, Enrique Lucero, Sarah Saldana (Perez, Elianis) (Entered: 05/14/2015) |
| 05/15/2015 | <u>30</u> | NOTICE of Attorney Appearance by Charles A. Deacon on behalf of The GEO Group, Inc., Rose Thompson. Attorney Charles A. Deacon added to party The GEO Group, Inc.(pty:dft), Attorney Charles A. Deacon added to party Rose Thompson(pty:dft) (Deacon, Charles) (Entered: 05/15/2015) |
| 05/15/2015 | <u>31</u> | NOTICE of Attorney Appearance by Mark Emery on behalf of The GEO Group, Inc., Rose Thompson. Attorney Mark Emery added to party The GEO Group, Inc.(pty:dft), Attorney Mark Emery added to party Rose Thompson(pty:dft) (Emery, Mark) (Entered: 05/15/2015) |
| 05/29/2015 | <u>32</u> | Proposed Scheduling Order <i>JOINT PROPOSED SCHEDULING AND DOCKET CONTROL ORDER</i> by Juanita Hester, Jeh Johnson, Enrique Lucero, Sarah Saldana. (Perez, Elianis) (Entered: 05/29/2015) |
| 05/29/2015 | <u>33</u> | Transcript filed of Proceedings held on May 7, 2015, Proceedings Transcribed: Hearing on Motion for TRO and Preliminary Injunction. Court Reporter/Transcriber: Karl H. Myers, Telephone number: 210-244-5037. Parties are notified of their duty to review the transcript to ensure compliance with the FRCP 5.2(a)/FRCrP 49.1(a). A copy may be purchased from the court reporter or viewed at the clerk's office public terminal. If redaction is necessary, a Notice of Redaction Request must be filed within 21 days. If no such Notice is filed, the transcript will be made available via PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed Redaction Request due 6/19/2015, Redacted Transcript Deadline set for 6/29/2015, Release of Transcript Restriction set for 8/27/2015, (Myers, Karl) (Entered: 05/29/2015) |
| 06/01/2015 | <u>34</u> | SCHEDULING ORDER: Bench Trial set for 6/6/2016 09:30 AM before Judge Xavier Rodriguez, Pretrial Conference set for 5/25/2016 09:30 AM before Judge Xavier Rodriguez, ADR Report Deadline due by 8/3/2015, Amended Pleadings due by 8/31/2015, Discovery due by 12/22/2015, Joinder of Parties due by 9/15/2015, Dispositive Motions due by 2/8/2016,. Signed by Judge Xavier Rodriguez. (wg) (Entered: 06/01/2015) |