

**NOTICE OF PROPOSED SETTLEMENT**  
***Hernandez Roman v. Mayorkas*, Case No. 20-00768 (U.S. Dist. Ct. C.D. Cal.)**

You have been identified as a Class Member who would benefit from the proposed settlement in a class action lawsuit named *Hernandez Roman v. Mayorkas*, which concerns the rights of people who have been detained by Immigration and Customs Enforcement (“ICE”) at the Adelanto Immigration and Customs Enforcement Processing Center (“Adelanto”) in California on or after March 23, 2020. The parties have reached an agreement to settle the case, and the federal court must decide whether to approve the settlement.

If you are being provided this Notice, it is because you:

- (1) Are currently detained in civil immigration detention at Adelanto;
- (2) Were detained in civil immigration detention at Adelanto at any time between March 23, 2020, and May 11, 2023 but have been transferred by U.S. Immigration and Customs Enforcement to another immigration detention facility; or
- (3) Were detained in civil immigration detention at the Adelanto at any time between March 23, 2020, and May 11, 2023 but have been released pursuant to a temporary restraining order, a preliminary injunction, or other temporary release order issued by the Court.

This Notice tells you about your rights under this proposed settlement. You are not being sued, and this is not an advertisement. If you think this settlement relates to you, please read this Notice.

**What is this lawsuit about?**

*Hernandez Roman v. Mayorkas* is a federal court case brought on behalf of a class of people were held in ICE custody at Adelanto on or after March 23, 2020. You have been identified as a “Class Member” because you meet the criteria set out above. Several Plaintiffs detained at Adelanto brought this action against the Defendants, which are: the U.S. Secretary of the Department of Homeland Security; the Director of U.S. Immigration and Customs Enforcement; the Director of ICE’s Los Angeles Field Office, Enforcement and Removal Operations; and Adelanto’s warden. A case like this is brought on behalf of a whole group of people (known as the “Class”) alleging similar legal claims. The lawyers who represent the Class (known as “Class Counsel”) are listed on page 5. The United States District Court for the Central District of California is hearing this case, with the Honorable Terry J. Hatter, Jr. presiding (the “Court”).

The lawsuit began in April 2020 and alleges that conditions at Adelanto put Class Members at a dangerous risk of contracting COVID-19 in violation of the U.S. Constitution. In June 2020, the Court issued an order allowing certain Class Members then detained at Adelanto to be released from detention on bail. Meanwhile, other class members were released from Adelanto by ICE itself or by Immigration Judges through their individual immigration cases. In September 2020, the Court decided that this case could move ahead as a class action on behalf of civil immigration detainees at Adelanto. Later than month, the Court issued an order requiring Defendants to take certain measures to protect Class Members against the risk of contracting COVID-19. In October 2020, the Court issued an order requiring Defendants to reduce the population at Adelanto and prohibiting it from accepting new detainees.

Plaintiffs and the Defendants have now agreed to a settlement that, if approved by the Court, would provide the following protections for a period of one year:

- (1) Require Adelanto to maintain certain COVID-19 mitigation, vaccination, and treatment efforts at Adelanto, subject to changes in applicable federal guidelines;
- (2) Provide Class Counsel with certain information from Adelanto to be able to monitor its compliance with those requirements; and
- (3) Prevent ICE from re-detaining Class Members who the Court ordered released from Adelanto, unless certain circumstances apply. These circumstances include material violations of conditions of release, failure to appear in Immigration Court, new arrests for certain types of criminal offenses, and ICE's decision to re-detain the Class Member to execute a final order of removal (deportation).

The Defendants do not admit any wrongdoing but are settling in order to avoid expending more resources to keep fighting the case. Plaintiffs and Class Counsel believe that the settlement provides important rights and benefits for the Class, and that it is in the best interest of the Class to settle the case, while avoiding the expense, delay, and uncertainty of continuing to litigate the case.

### **How do I know if I am a Class Member?**

You are a Class Member if either:

- (1) You are currently being detained by ICE at Adelanto; or
- (2) You were detained by ICE at Adelanto between March 23, 2020 and May 11, 2023, but you were transferred by ICE to another immigration detention facility or ordered released by the Court.

If you are not sure whether you qualify as a Class Member, or believe that you may have received this Notice by mistake, please contact Class Counsel using the contact information on page 5.

### **What does the settlement do?**

*This is only a summary of the settlement. If you want to know more, you should read the settlement agreement or talk to a lawyer to learn more about it.*

### **Measures to protect detained Class Members from COVID-19**

The settlement requires Adelanto to follow specific procedures to limit the introduction and spread of COVID-19 at the facility and ensure continued access to appropriate vaccines and treatment. Among other things, the settlement agreement requires that Adelanto will use best efforts to:

- Implement applicable CDC Guidance and ICE Guidelines concerning COVID-19, including with respect to vaccination, testing, physical distancing, and mask use;

- Screen all newly admitted ICE detainees to determine their eligibility for doses of COVID-19 vaccination, including booster doses, within 14 days of arrival, and offer vaccination to those eligible;
- Provide vaccine information and a clear process for requesting vaccines, with regular in-person presentations in English and Spanish;
- Offer COVID-19 testing to symptomatic Class Members or those with close contact to positive cases, and provide test results within 48 hours;
- Provide antiviral medication to eligible detainees diagnosed with COVID-19, following clinical criteria and guidance;
- Prohibit staff with positive tests or active symptoms from entering Adelanto until isolation is complete or they meet CDC non-infectious criteria;
- Provide free access to cleaning supplies, including soap and non-alcohol-based hand sanitizer, to Class Members; and
- Thoroughly clean and disinfect cells or sleeping areas used by COVID-19 positive individuals or for intake quarantine before reoccupation.

### **Measures to limit re-detention of non-detained Class Members**

The settlement also includes certain protections for Class Members who been released pursuant to the Court's Population Reduction Order, a bail order in this case, or a Temporary Restraining Order issued in this case or in a separately and previously filed individual habeas case. Under the settlement, ICE will only be able to re-detain these Class Members if the person:

- Is determined by ICE to be a threat to national security or public safety warranting continued detention;
- Violated a material condition of their release in a way that makes it seem like they are a danger to persons or property, or flight risk;
- Failed to appear for an Immigration Court hearing and as a result was ordered removed (deported) by an Immigration Judge;
- Has been arrested for new criminal conduct that makes them an enforcement priority under the Guidelines for the Enforcement of Civil Immigration law;
- Violated terms of probation or parole; or
- Is subject to a final order of removal (deportation).

These protections do not apply to Class Members ordered re-detained by the district court or Class Members who have departed or been removed from the United States since their release from Adelanto and have subsequently re-entered the United States.

## **Other provisions**

The settlement also includes measures designed to ensure that Class Counsel will be able to monitor Adelanto's compliance with the protections designed above. Among other things, the settlement agreement requires that Adelanto:

- Report on a weekly basis the results of COVID-19 testing of Class Members, the vaccination rates of detained Class Members, the Class Member population per housing unit, and the numbers of new intakes and releases at Adelanto;
- Report within 24 hours of learning of the hospitalization or death of any Class member for COVID-19-related reasons; and
- Notify Class Counsel of any Class Member's re-detention as soon as possible, no later than three business days after re-detention.

The terms of this settlement would expire one year from when the Court enters an order making the settlement effective. This settlement does not seek any money from Defendants on behalf of the Settlement Class, except for ICE to reimburse Plaintiffs' attorneys for some of their fees and costs expended during this lawsuit (in the amount of \$2,200,000).

If the settlement agreement is approved, the claims brought by Plaintiffs will be considered settled for all Class Members. If the settlement agreement is approved, you will not be able to sue any of the Defendants, including ICE, separately for injunctive relief about the same legal claims in this lawsuit. However, this settlement does not prevent Class Members from bringing individual lawsuits seeking money from Defendants for harms suffered while in their custody, or bringing other legal challenges to the basis of a Class Member's detention unrelated to COVID-19. All of the terms of the proposed settlement are subject to Court approval at a "Final Approval Hearing," which is explained below. A copy of the proposed settlement is available from Adelanto staff or is enclosed if this Notice was mailed.

### **Can Class Members object to the settlement?**

If you are satisfied with the settlement's terms, you don't have to do anything.

If you are not satisfied with the settlement, you do not have the right to opt out of it, because of the nature of the relief requested in this case. But you do have the right to ask the Court to deny approval for the settlement by filing an objection. The Court can only approve or deny the settlement; it cannot change the terms of the settlement. If the Court denies approval, Plaintiffs and Defendants may attempt to renegotiate the settlement. If no further settlement can be reached, the lawsuit will continue in court. If that is what you want to happen, you must object.

You may object to the proposed settlement in writing. If you object in writing, you may also appear at the Final Approval Hearing, either in person or through your own attorney. The requirement that you first submit a written objection before you can appear in court may be excused upon a showing of good cause. If you appear through your own attorney, you are responsible for hiring and paying that attorney.

All written objections and supporting papers must:

- Clearly identify the following case name and number:  
*Hernandez Roman v. Mayorkas*, Case No. 20-00768 (C.D. Cal.)
- Include the Class Member's full name;
- Include an explanation of why the Class Member objects to the settlement, including why they are not satisfied, any supporting documents, and the reasons, if any, for wishing to appear and be heard at the Final Approval Hearing;
- Be submitted to the Court either by mail or in person at the following address:  
Office of the Clerk  
U.S. District Court for the Central District of California  
350 W 1st Street, Suite 4311  
Los Angeles, CA 90012-4565
- Be filed within 21 days of the date this Notice was posted at Adelanto or postmarked (if received the Notice by mail).

The Court will require only substantial compliance with these requirements.

**When and where will the Court decide whether to approve the settlement?**

A Final Approval Hearing will be held on March 17, 2025, at 10:00 a.m. Pacific Time at the U.S. District Court at 350 W 1st Street, Los Angeles, California. The hearing may also be available via Zoom, and if so, you will be able to find more information at <https://www.cacd.uscourts.gov/clerk-services/courtroom-technology/zoom-courtroom-proceedings>. The date may change without further notice to the class. You can check if there has been a change in the by checking the Court's Public Access to Court Electronic Records system <https://ecf.cacd.uscourts.gov/cgi-bin/ShowIndex.pl>, or by visiting the Clerk's Office for the U.S. District Court for the Central District of California (address above), between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

**Where can I get more information?**

This notice only summarizes the proposed settlement. For the full terms of the settlement, please see the settlement agreement itself. If you have a lawyer, feel free to talk to them about the settlement.

You can also contact Class Counsel by phone at **909-291-4735** or at these mail or email addresses:

Eva Bitran  
ebitran@aclusocal.org  
ACLU Foundation of Southern California  
1313 W 8th St  
Los Angeles, CA 90017

If you call us at 909-291-4735, please leave a voice message and we will set up a time to talk to you after receiving your voice message.

*Please DO NOT call the Court or its Clerk's Office, or call or contact any of the Defendants or their counsel, about this settlement.*

**Who represents the Class?**

The lawyers representing the Class, also referred to as Class Counsel, are:

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