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17 UNITED STATES DISTRICT COURT  
18 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

19 JENNY LISETTE FLORES, *et al.*, ) Case No. CV 85-4544 DMG (AGR<sub>x</sub>)  
20 Plaintiffs, )  
21 - vs - ) PLAINTIFFS' APPLICATION FOR  
22 ) EXTENSION OF TIME TO FILE  
23 ) RESPONSE TO DEFENDANTS' EX  
24 JEFFERSON B. SESSIONS, ATTORNEY ) PARTE APPLICATION FOR  
25 GENERAL OF THE UNITED STATES, *et al.*, ) LIMITED RELIEF FROM  
26 ) SETTLEMENT AGREEMENT  
27 Defendants. )  
28 ) [HON. DOLLY M. GEE]

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2 Pursuant to Section 6 of this Court’s Procedures (the “Procedures”), for the  
3 reasons set forth below, Plaintiffs respectfully request that the Court either (1) schedule  
4 a hearing on Defendants’ Ex Parte Application to modify the 1997 *Flores* Agreement  
5 (“Exparte Application”) [Dkt. 435-1] with a reasonable briefing schedule, or (2) grant  
6 Plaintiffs an extension of ten (10) days to respond to Defendants’ ex parte application  
7 to modify the Agreement.  
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10 Initially, Plaintiffs note that Defendants failed to comply with the Procedures  
11 and to “serve the ex parte application on the opposing party by fax, email, or hand  
12 delivery and ... notify the opposing party that any opposition must be filed not later  
13 than 24 hours after the service of the application. The moving party shall advise the  
14 Court in its application whether opposing counsel will be filing opposition.” The  
15 declaration of August E. Flentje complies only with certain but not the relevant  
16 portions of the Procedures set forth above.  
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19 The Procedures also require the moving party to advise the Court of, “what  
20 efforts, if any, have been made to confer with opposing counsel regarding the  
21 substance of the application and any potential resolution prior to the filing of the  
22 application.” Procedures Section 6. While the Department of Justice informed the  
23 undersigned counsel by telephone the evening of Wednesday June 20, 2018, that  
24 pursuant to the instructions of President Trump, Defendant’s intended to immediately  
25 file a request to modify the Agreement in a manner that would irreparably harm and  
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1 curtail the rights of class member children. The Department of Justice did not engage  
2 in meaningful and substantive meet and confer, offering no explanation for its position.

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4 The Ex Parte Application seeks relief from two critical provisions of the *Flores*  
5 Agreement: (1) the general policy favoring release; and (2) the requirement that  
6 children be detained in licensed facilities. These same or similar requests were  
7 previously made to this Court and rejected. The broad relief Defendants seek cannot  
8 be granted without full consideration of the relevant factual and legal issues involved.  
9 It is impossible for Plaintiffs and their counsel to prepare such papers overnight. They  
10 need a reasonable opportunity to submit opposition papers that address Defendants'  
11 arguments.  
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14 Plaintiffs also believe it is worth noting that Defendants appear to concede in  
15 their memorandum that the record as presented in the Ex Parte Application is  
16 insufficient for this Court to grant the relief requested. *See* Defs.' Mem. at 19-20  
17 ("The Government is prepared to make a more thorough showing, if necessary, in  
18 support of this request to amend the Flores Settlement Agreement"). Plaintiffs  
19 respectfully submit that Defendants should submit their application in full, Plaintiffs  
20 will then respond, and the Court can then decide the application. Thus, Plaintiffs  
21 believe that this Court should establish an orderly briefing schedule to govern  
22 Defendants' application that avoids inefficient piece-mail briefing.  
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26 In light of President Trump's recent catastrophic and chaotic policy and practice,  
27 adopted without prior notice to Plaintiff's Class Counsel or this Court, of separating  
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1 class members from their parents without a rational and humane reunification plan in  
2 place, *Flores* counsel with the assistance of volunteer attorneys, paralegals, and  
3 interpreters are interviewing class members at facilities in California, Arizona, Texas,  
4 and Pennsylvania, in order to be fully informed about the experiences of class  
5 members and the extent to which these experiences may violate the Agreement.  
6 Depending on the facts gathered over the next several days, *Flores* counsel may  
7 conclude their responsibilities to the class require them to seek emergency relief from  
8 this Court.  
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11 A proposed Order is being submitted herewith.

12 Dated: June 22, 2018

13 Respectfully submitted,

14 CENTER FOR HUMAN RIGHTS &  
15 CONSTITUTIONAL LAW  
16 Peter A. Schey  
17 Carlos Holguín

18 ORRICK, HERRINGTON & SUTCLIFFE LLP  
19 Elena García

20 LA RAZA CENTRO LEGAL, INC.  
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26 Annette Kirkham

27 Of counsel:

28 YOUTH LAW CENTER  
Virginia Corrigan

/s/ Peter Schey

*Attorneys for Plaintiffs*

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CERTIFICATE OF SERVICE

I, Peter Schey, declare and say as follows:

I am over the age of eighteen years of age and am a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 256 S. Occidental Blvd., Los Angeles, CA 90057, in said county and state.

On June 22, 2018, I electronically filed the following document(s):

- APPLICATION FOR EXTENSION OF TIME TO FILE OPPOSITION TO DEFENDANTS' EX PARTE APPLICATION FOR LIMITED RELIEF FROM SETTLEMENT AGREEMENT

with the United States District Court, Central District of California by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

*/s/Peter Schey*  
*Attorney for Plaintiffs*