

1 Timothy P. Fox (CA Bar 157750)
2 *tfox@creeclaw.org*
3 Elizabeth Jordan*
4 *ejordan@creeclaw.org*
5 CIVIL RIGHTS EDUCATION AND
6 ENFORCEMENT CENTER
1245 E. Colfax Avenue, Suite 400
Denver, CO 80218
Tel: (303) 757-7901
Fax: (303) 872-9072

7 Lisa Graybill*
8 *lisa.graybill@splcenter.org*
9 Jared Davidson*
10 *jared.davidson@splcenter.org*
11 SOUTHERN POVERTY LAW
12 CENTER
201 St. Charles Avenue, Suite 2000
New Orleans, Louisiana 70170
Tel: (504) 486-8982
Fax: (504) 486-8947

Stuart Seaborn (CA Bar 198590)
sseaborn@dralegal.org
Melissa Riess (CA Bar 295959)
mriess@dralegal.org
DISABILITY RIGHTS ADVOCATES
2001 Center Street, 4th Floor
Berkeley, California 94704
Tel: (510) 665-8644
Fax: (510) 665-8511

13
14
15 Attorneys for Plaintiffs (continued on next page)

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**
18 **EASTERN DIVISION – RIVERSIDE**

19 FAOUR ABDALLAH FRAIHAT, *et al.*,
20 Plaintiffs,
21 v.

22 U.S. IMMIGRATION AND CUSTOMS
23 ENFORCEMENT, *et al.*,
24 Defendants.

Case No.: 19-cv-01546-JGB(SHKx)

**PLAINTIFFS' RESPONSE TO
DEFENDANTS' EVIDENTIARY
OBJECTIONS TO THE
DECLARATION OF KEREN
ZWICK**

Date: April 8, 2020

25
26
27
28

William F. Alderman (CA Bar 47381)
walderman@orrick.com
 Jake Routhier (CA Bar 324452)
jrouthier@orrick.com
 ORRICK, HERRINGTON &
 SUTCLIFFE LLP
 405 Howard Street
 San Francisco, CA 94105
 Tel: (415) 773-5700
 Fax: (415) 773-5759

Michael W. Johnson**
mjohnson1@willkie.com
 Dania Bardavid**
dbardavid@willkie.com
 Jessica Blanton**
jblanton@willkie.com
 Joseph Bretschneider**
jbretschneider@willkie.com
 WILLKIE FARR &
 GALLAGHER LLP
 787 Seventh Avenue
 New York, NY 10019
 Tel: (212) 728-8000
 Fax: (212) 728-8111

Maia Fleischman*
maia.fleischman@splcenter.org
 SOUTHERN POVERTY LAW
 CENTER
 2 South Biscayne Boulevard
 Suite 3750
 Miami, FL 33131
 Tel: (786) 347-2056
 Fax: (786) 237-2949

Christina Brandt-Young*
cbrandt-young@dralegal.org
 DISABILITY RIGHTS
 ADVOCATES
 655 Third Avenue, 14th Floor
 New York, NY 10017
 Tel: (212) 644-8644
 Fax: (212) 644-8636

Mark Mermelstein (CA Bar 208005)
mmermelstein@orrick.com
 ORRICK, HERRINGTON &
 SUTCLIFFE LLP
 777 South Figueroa Street
 Suite 3200
 Los Angeles, CA 90017
 Tel: (213) 629-2020
 Fax: (213) 612-2499

Leigh Coutoumanos**
lcoutoumanos@willkie.com
 WILLKIE FARR &
 GALLAGHER LLP
 1875 K Street NW, Suite 100
 Washington, DC 20006
 Tel: (202) 303-1000
 Fax: (202) 303-2000

Shalini Goel Agarwal
 (CA Bar 254540)
shalini.agarwal@splcenter.org
 SOUTHERN POVERTY LAW
 CENTER
 106 East College Avenue
 Suite 1010
 Tallahassee, FL 32301
 Tel: (850) 521-3024
 Fax: (850) 521-3001

Maria del Pilar Gonzalez Morales
 (CA Bar 308550)
pgonzalez@creeclaw.org
 CIVIL RIGHTS EDUCATION
 AND ENFORCEMENT CENTER
 1825 N. Vermont Avenue, #27916
 Los Angeles, CA 90027
 Tel: (805) 813-8896
 Fax: (303) 872-9072

Attorneys for Plaintiffs (continued from previous page)

*Admitted Pro Hac Vice

**Pro Hac Vice Application Forthcoming

1 Plaintiffs hereby respond to Defendants' Evidentiary Objections to the
 2 Declaration of Keren Zwick, ECF No. 95-20, filed April 3, 2020. As a general
 3 response, Plaintiffs note that, in ruling on a motion for preliminary injunction, the
 4 Court may consider inadmissible evidence "when to do so serves the purpose of
 5 preventing irreparable harm before trial." *Flynt Distrib. Co. v. Harvey*, 734 F.2d
 6 1389, 1394 (9th Cir. 1984). In addition, Plaintiffs respond to Defendants' specific
 7 evidentiary objections as follows:

8 **1. MATERIAL OBJECTED TO:**

9 Across the board, NIJC clients express a palpable fear at the vulnerability
 10 they face while remaining in detention during the COVID-19 pandemic. They are
 11 worried not only for themselves but for their families with whom they have
 12 difficulty communicating outside the detention centers. This fear is exacerbated by
 13 a universal perception that little to nothing has changed in the operation of the
 14 detention centers where they are housed since the onset of the pandemic. Our
 15 clients also universally report that neither ICE nor facility staff have provided them
 16 with meaningful information or education about the pandemic, leaving them to
 17 manage their anxieties—and medical issues—with little or no reliable information
 18 about what precautionary measures they could be taking. Declaration of Keren
 19 Zwick ("Zwick Decl.") ¶ 8.

20 **OBJECTION(S):**

21 FRE 602: Lack of personal knowledge, failure to lay proper foundation,
 22 speculation.

23 FRE 802: Hearsay.

24 **RESPONSE:**

25 Ms. Zwick has gained personal knowledge through her role as Director of
 26 Litigation at the National Immigrant Justice Center ("NIJC"). Zwick Decl. ¶ 1.
 27 She has personal knowledge of the information relating to the conditions facing
 28 migrants in immigration detention centers based on her work as a litigator and

1 direct service provider focusing on asylum and protection-based claims for
 2 individuals in immigration detention. *Id.* at ¶¶ 1-2. Ms. Zwick’s statement is not
 3 based on speculation but rather personal knowledge of the conditions NIJC’s
 4 clients are subjected to while detained in Defendant’s custody.

5 A district court may consider hearsay in deciding whether to issue a
 6 preliminary injunction. *See, e.g., Johnson v. Couturier*, 572 F.3d 1067, 1083 (9th
 7 Cir. 2009); *Republic of the Philippines v. Marcos*, 862 F.2d 1355, 1363 (9th Cir.
 8 1988) (en banc). Even assuming *arguendo* the Court was not permitted to consider
 9 hearsay in deciding Plaintiffs’ motions, Ms. Zwick’s statements are subject to a
 10 hearsay exception. In light of the unique circumstances presented by this case, the
 11 residual exception to the hearsay rule would apply. *See* FRE 807. Plaintiffs are
 12 detained with extremely limited access to counsel, and this matter is progressing
 13 rapidly in light of the COVID-19 pandemic. The ability of Plaintiffs’ counsel to
 14 obtain declarations from the individuals with whom Ms. Zwick spoke is hindered
 15 by the fact that the declarants are detained in the custody of Defendants. Requiring
 16 Plaintiffs’ counsel to obtain declarations from all of the individuals with whom Ms.
 17 Zwick spoke would be impractical and unreasonable. Ms. Zwick has sworn under
 18 oath that the details in her declaration are “true and correct.” Zwick Decl. p.
 19 5. Her statements are therefore sufficiently reliable and trustworthy under
 20 FRE 807.

21 **2. MATERIAL OBJECTED TO:**

22 Not one NIJC client in detention reports receiving reliable information or
 23 training about what COVID-19 is and precautionary measures that might be taken
 24 to halt its spread. Most clients reported that they received no information
 25 whatsoever from ICE or facility staff, much less medical staff, about the virus, and
 26 were learning what they knew almost exclusively from watching television.
 27 Zwick Decl. ¶ 9.
 28

OBJECTION(S):

FRE 802: Hearsay.

RESPONSE:

A district court may consider hearsay in deciding whether to issue a preliminary injunction. *See, e.g., Johnson*, 572 F.3d at 1083; *Republic of the Philippines*, 862 F.2d at 1363. Even assuming *arguendo* the Court was not permitted to consider hearsay in deciding Plaintiffs' motions, Ms. Zwick's statements are subject to a hearsay exception. In light of the unique circumstances presented by this case, the residual exception to the hearsay rule would apply. *See* FRE 807. Plaintiffs are detained with extremely limited access to counsel, and this matter is progressing rapidly in light of the COVID-19 pandemic. The ability of Plaintiffs' counsel to obtain declarations from the individuals with whom Ms. Zwick spoke is hindered by the fact that the declarants are detained in the custody of Defendants. Requiring Plaintiffs' counsel to obtain declarations from all of the individuals with whom Ms. Zwick spoke would be impractical and unreasonable. Ms. Zwick has sworn under oath that the details in her declaration are "true and correct." Zwick Decl. p. 5. Her statements are therefore sufficiently reliable and trustworthy under FRE 807.

3. MATERIAL OBJECTED TO:

Two clients detained at the Jerome Combs and another client detained at the Aurora Contract Facility reported that no one at the facility had communicated directly with them about the virus, but that they learned about the virus from the news. Zwick Decl. ¶ 10.

OBJECTION(S):

FRE 802: Hearsay.

RESPONSE:

A district court may consider hearsay in deciding whether to issue a preliminary injunction. *See, e.g., Johnson*, 572 F.3d at 1083; *Republic of the*

1 *Philippines*, 862 F.2d at 1363. Even assuming *arguendo* the Court was not
 2 permitted to consider hearsay in deciding Plaintiffs' motions, Ms. Zwick's
 3 statements are subject to a hearsay exception. In light of the unique circumstances
 4 presented by this case, the residual exception to the hearsay rule would apply. *See*
 5 FRE 807. Plaintiffs are detained with extremely limited access to counsel, and this
 6 matter is progressing rapidly in light of the COVID-19 pandemic. The ability of
 7 Plaintiffs' counsel to obtain declarations from the individuals with whom Ms.
 8 Zwick spoke is hindered by the fact that the declarants are detained in the custody
 9 of Defendants. Requiring Plaintiffs' counsel to obtain declarations from all of the
 10 individuals with whom Ms. Zwick spoke would be impractical and
 11 unreasonable. Ms. Zwick has sworn under oath that the details in her declaration
 12 are "true and correct." Zwick Decl. p. 5. Her statements are therefore sufficiently
 13 reliable and trustworthy under FRE 807.

14 **4. MATERIAL OBJECTED TO:**

15 Another client detained at McHenry reported that he knew about the virus
 16 because visitation was cancelled, and an official told him that if one person in
 17 detention got in contact with coronavirus, then everyone might be "down for a
 18 minute," but if the detainees got sick they wouldn't let them go to the doctor.
 19 Other clients at McHenry confirmed that they learned of the virus only through the
 20 television, one noting he was concerned by news reports that people who are
 21 incarcerated are at greater risk. Zwick Decl. ¶ 11.

22 **OBJECTION(S):**

23 FRE 802: Hearsay.

24 **RESPONSE:**

25 A district court may consider hearsay in deciding whether to issue a
 26 preliminary injunction. *See, e.g., Johnson*, 572 F.3d at 1083; *Republic of the*
 27 *Philippines*, 862 F.2d at 1363. Even assuming *arguendo* the Court was not
 28 permitted to consider hearsay in deciding Plaintiffs' motions, Ms. Zwick's

statements are subject to a hearsay exception. In light of the unique circumstances presented by this case, the residual exception to the hearsay rule would apply. *See* FRE 807. Plaintiffs are detained with extremely limited access to counsel, and this matter is progressing rapidly in light of the COVID-19 pandemic. The ability of Plaintiffs' counsel to obtain declarations from the individuals with whom Ms. Zwick spoke is hindered by the fact that the declarants are detained in the custody of Defendants. Requiring Plaintiffs' counsel to obtain declarations from all of the individuals with whom Ms. Zwick spoke would be impractical and unreasonable. Ms. Zwick has sworn under oath that the details in her declaration are "true and correct." Zwick Decl. p. 5. Her statements are therefore sufficiently reliable and trustworthy under FRE 807.

5. MATERIAL OBJECTED TO:

One NIJC client at Pulaski did report that an ICE officer told them about the virus, but this notification appeared to go no further than explaining that detainees are at risk of getting the virus, and that there was a risk that they had already gotten it. The officer, our client reported, told them not to panic. Zwick Decl. ¶ 12.

OBJECTION(S):

FRE 802: Hearsay.

RESPONSE:

A district court may consider hearsay in deciding whether to issue a preliminary injunction. *See, e.g., Johnson*, 572 F.3d at 1083; *Republic of the Philippines*, 862 F.2d at 1363. Even assuming *arguendo* the Court was not permitted to consider hearsay in deciding Plaintiffs' motions, Ms. Zwick's statements are subject to a hearsay exception. In light of the unique circumstances presented by this case, the residual exception to the hearsay rule would apply. *See* FRE 807. Plaintiffs are detained with extremely limited access to counsel, and this matter is progressing rapidly in light of the COVID-19 pandemic. The ability of Plaintiffs' counsel to obtain declarations from the individuals with whom Ms.

Zwick spoke is hindered by the fact that the declarants are detained in the custody of Defendants. Requiring Plaintiffs' counsel to obtain declarations from all of the individuals with whom Ms. Zwick spoke would be impractical and unreasonable. Ms. Zwick has sworn under oath that the details in her declaration are "true and correct." Zwick Decl. p. 5. Her statements are therefore sufficiently reliable and trustworthy under FRE 807.

6. MATERIAL OBJECTED TO:

Two clients in Dodge similarly reported receiving no information about the virus other than through posted signs or what they see on the news. Zwick Decl. ¶ 13.

OBJECTION(S):

FRE 802: Hearsay.

RESPONSE:

A district court may consider hearsay in deciding whether to issue a preliminary injunction. *See, e.g., Johnson*, 572 F.3d at 1083; *Republic of the Philippines*, 862 F.2d at 1363. Even assuming *arguendo* the Court was not permitted to consider hearsay in deciding Plaintiffs' motions, Ms. Zwick's statements are subject to a hearsay exception. In light of the unique circumstances presented by this case, the residual exception to the hearsay rule would apply. *See* FRE 807. Plaintiffs are detained with extremely limited access to counsel, and this matter is progressing rapidly in light of the COVID-19 pandemic. The ability of Plaintiffs' counsel to obtain declarations from the individuals with whom Ms. Zwick spoke is hindered by the fact that the declarants are detained in the custody of Defendants. Requiring Plaintiffs' counsel to obtain declarations from all of the individuals with whom Ms. Zwick spoke would be impractical and unreasonable. Ms. Zwick has sworn under oath that the details in her declaration are "true and correct." Zwick Decl. p. 5. Her statements are therefore sufficiently reliable and trustworthy under FRE 807.

1 **7. MATERIAL OBJECTED TO:**

2 Learning of the pandemic through the television and correspondence with
3 family and friends on the outside, but without reliable information or training on
4 precautionary measures from staff, leaves our clients in detention with more
5 questions than answers as to how to protect themselves and not others. One of the
6 men detained at the Jerome Combs who learned of the virus through the news
7 explained that “everyone is anxious” because they have been watching the news
8 and seeing recommendations that people not cluster in groups of 10 or more
9 people, which is impossible at that facility because it houses 48 people per block.
10 Zwick Decl. ¶ 14.

11 **OBJECTION(S):**

12 FRE 602: Lack of personal knowledge, failure to lay proper foundation,
13 speculation.

14 FRE 802: Hearsay.

15 **RESPONSE:**

16 Ms. Zwick has gained personal knowledge through her role as Director of
17 Litigation at NIJC. Zwick Decl. ¶ 1. She has personal knowledge of the
18 information relating to the conditions facing migrants in immigration detention
19 centers based on her work as a litigator and direct service provider focusing on
20 asylum and protection-based claims for individuals in immigration detention. *Id.*
21 at ¶¶ 1-2. Ms. Zwick’s statement is not based on speculation but rather personal
22 knowledge of the conditions NIJC’s clients are subjected to while detained in
23 Defendant’s custody.

24 A district court may consider hearsay in deciding whether to issue a
25 preliminary injunction. *See, e.g., Johnson*, 572 F.3d at 1083; *Republic of the*
26 *Philippines*, 862 F.2d at 1363. Even assuming *arguendo* the Court was not
27 permitted to consider hearsay in deciding Plaintiffs’ motions, Ms. Zwick’s
28 statements are subject to a hearsay exception. In light of the unique circumstances

presented by this case, the residual exception to the hearsay rule would apply. *See* FRE 807. Plaintiffs are detained with extremely limited access to counsel, and this matter is progressing rapidly in light of the COVID-19 pandemic. The ability of Plaintiffs' counsel to obtain declarations from the individuals with whom Ms. Zwick spoke is hindered by the fact that the declarants are detained in the custody of Defendants. Requiring Plaintiffs' counsel to obtain declarations from all of the individuals with whom Ms. Zwick spoke would be impractical and unreasonable. Ms. Zwick has sworn under oath that the details in her declaration are "true and correct." Zwick Decl. p. 5. Her statements are therefore sufficiently reliable and trustworthy under FRE 807.

8. MATERIAL OBJECTED TO:

NIJC clients all report that little to nothing has changed since the onset of the COVID-19 pandemic with regard to their access to supplies that would allow them to take precautionary measures to protect their health and the health of others detained with them, such as soap, hand sanitizer, or other cleaning supplies. Zwick Decl. ¶ 15.

OBJECTION(S):

FRE 802: Hearsay.

RESPONSE:

A district court may consider hearsay in deciding whether to issue a preliminary injunction. *See, e.g., Johnson*, 572 F.3d at 1083; *Republic of the Philippines*, 862 F.2d at 1363. Even assuming *arguendo* the Court was not permitted to consider hearsay in deciding Plaintiffs' motions, Ms. Zwick's statements are subject to a hearsay exception. In light of the unique circumstances presented by this case, the residual exception to the hearsay rule would apply. *See* FRE 807. Plaintiffs are detained with extremely limited access to counsel, and this matter is progressing rapidly in light of the COVID-19 pandemic. The ability of Plaintiffs' counsel to obtain declarations from the individuals with whom Ms.

Zwick spoke is hindered by the fact that the declarants are detained in the custody of Defendants. Requiring Plaintiffs' counsel to obtain declarations from all of the individuals with whom Ms. Zwick spoke would be impractical and unreasonable. Ms. Zwick has sworn under oath that the details in her declaration are "true and correct." Zwick Decl. p. 5. Her statements are therefore sufficiently reliable and trustworthy under FRE 807.

9. MATERIAL OBJECTED TO:

One NIJC client at Jerome Combs meets the CDC definition of a person of higher risk for COVID-19 because he suffers from diabetes and high blood pressure. Yet he reports that the facility has not "done much of anything" in response to COVID-19. As far as he has observed, there is no additional presence of medical personnel at the facility, and the staff has not asked him about symptoms at all. He additionally noted that he and other immigrants in detention do not have access to any extra cleaning supplies to keep their living areas sanitized. Zwick Decl. ¶ 16.

OBJECTION(S):

FRE 602: Lack of personal knowledge, failure to lay proper foundation, speculation.

FRE 802: Hearsay.

RESPONSE:

Ms. Zwick has gained personal knowledge through her role as Director of Litigation at NIJC. Zwick Decl. ¶ 1. She has personal knowledge of the information relating to the conditions facing migrants in immigration detention centers based on her work as a litigator and direct service provider focusing on asylum and protection-based claims for individuals in immigration detention. *Id.* at ¶¶ 1-2. Ms. Zwick's statement is not based on speculation but rather personal knowledge of the conditions NIJC's clients are subjected to while detained in Defendant's custody.

1 A district court may consider hearsay in deciding whether to issue a
 2 preliminary injunction. *See, e.g., Johnson*, 572 F.3d at 1083; *Republic of the*
 3 *Philippines*, 862 F.2d at 1363. Even assuming *arguendo* the Court was not
 4 permitted to consider hearsay in deciding Plaintiffs' motions, Ms. Zwick's
 5 statements are subject to a hearsay exception. In light of the unique circumstances
 6 presented by this case, the residual exception to the hearsay rule would apply. *See*
 7 FRE 807. Plaintiffs are detained with extremely limited access to counsel, and this
 8 matter is progressing rapidly in light of the COVID-19 pandemic. The ability of
 9 Plaintiffs' counsel to obtain declarations from the individuals with whom Ms.
 10 Zwick spoke is hindered by the fact that the declarants are detained in the custody
 11 of Defendants. Requiring Plaintiffs' counsel to obtain declarations from all of the
 12 individuals with whom Ms. Zwick spoke would be impractical and
 13 unreasonable. Ms. Zwick has sworn under oath that the details in her declaration
 14 are "true and correct." Zwick Decl. p. 5. Her statements are therefore sufficiently
 15 reliable and trustworthy under FRE 807.

16 **10.MATERIAL OBJECTED TO:**

17 Across all facilities where NIJC clients are detained, our clients report that
 18 they lack ready access to soap and hand sanitizer. Two NIJC clients at McHenry
 19 report that they and others in detention do not have access to hand sanitizer or
 20 cleaning supplies and can only access soap through the commissary, which is
 21 unavailable for those lacking funds. Zwick Decl. ¶ 17.

22 **OBJECTION(S):**

23 FRE 802: Hearsay.

24 **RESPONSE:**

25 A district court may consider hearsay in deciding whether to issue a
 26 preliminary injunction. *See, e.g., Johnson*, 572 F.3d at 1083; *Republic of the*
 27 *Philippines*, 862 F.2d at 1363. Even assuming *arguendo* the Court was not
 28 permitted to consider hearsay in deciding Plaintiffs' motions, Ms. Zwick's

statements are subject to a hearsay exception. In light of the unique circumstances presented by this case, the residual exception to the hearsay rule would apply. See FRE 807. Plaintiffs are detained with extremely limited access to counsel, and this matter is progressing rapidly in light of the COVID-19 pandemic. The ability of Plaintiffs' counsel to obtain declarations from the individuals with whom Ms. Zwick spoke is hindered by the fact that the declarants are detained in the custody of Defendants. Requiring Plaintiffs' counsel to obtain declarations from all of the individuals with whom Ms. Zwick spoke would be impractical and unreasonable. Ms. Zwick has sworn under oath that the details in her declaration are "true and correct." Zwick Decl. p. 5. Her statements are therefore sufficiently reliable and trustworthy under FRE 807.

11. MATERIAL OBJECTED TO:

Another NIJC client at Otay Mesa, noted that while he and other immigrants in detention have access to soap they do not always have access to clean water, and have no access to disinfectant or other cleaning supplies even though their living spaces are very dirty. Zwick Decl. ¶ 18.

OBJECTION(S):

FRE 802: Hearsay.

RESPONSE:

A district court may consider hearsay in deciding whether to issue a preliminary injunction. See, e.g., *Johnson*, 572 F.3d at 1083; *Republic of the Philippines*, 862 F.2d at 1363. Even assuming *arguendo* the Court was not permitted to consider hearsay in deciding Plaintiffs' motions, Ms. Zwick's statements are subject to a hearsay exception. In light of the unique circumstances presented by this case, the residual exception to the hearsay rule would apply. See FRE 807. Plaintiffs are detained with extremely limited access to counsel, and this matter is progressing rapidly in light of the COVID-19 pandemic. The ability of Plaintiffs' counsel to obtain declarations from the individuals with whom Ms.

1 Zwick spoke is hindered by the fact that the declarants are detained in the custody
2 of Defendants. Requiring Plaintiffs' counsel to obtain declarations from all of the
3 individuals with whom Ms. Zwick spoke would be impractical and
4 unreasonable. Ms. Zwick has sworn under oath that the details in her declaration
5 are "true and correct." Zwick Decl. p. 5. Her statements are therefore sufficiently
6 reliable and trustworthy under FRE 807.

1 DATED: April 8, 2020

2
3 Respectfully Submitted,

4 /s/ Timothy P. Fox

5 Timothy P. Fox
6 Elizabeth Jordan
7 Maria del Pilar Gonzalez Morales
8 CIVIL RIGHTS EDUCATION AND
9 ENFORCEMENT CENTER

10 /s/ Stuart Seaborn

11 Stuart Seaborn
12 Christina Brandt-Young
13 Melissa Riess
14 DISABILITY RIGHTS
15 ADVOCATES

16 /s/ William F. Alderman

17 William F. Alderman
18 Mark Mermelstein
19 Jake Routhier
20 ORRICK, HERRINGTON &
21 SUTCLIFFE LLP

22 Attorneys for Plaintiffs
23
24
25
26
27
28

/s/ Michael W. Johnson

Michael W. Johnson
Dania Bardavid
Leigh Coutoumanos
Jessica Blanton
Joseph Bretschneider
WILLKIE FARR &
GALLAGHER LLP

/s/ Lisa Graybill

Lisa Graybill
Shalini Goel Agarwal
Jared Davidson
Maia Fleischman
SOUTHERN POVERTY LAW
CENTER