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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANGEL DE JESUS ZEPEDA RIVAS,
BRENDA RUBI RUIZ TOVAR,
LAWRENCE KURIA MWAURA,
LUCIANO GONZALO MENDOZA
JERONIMO, CORAIMA YARITZA
SANCHEZ NUÑEZ, JAVIER ALFARO,
DUNG TUAN DANG,

Petitioners-Plaintiffs,

v.

DAVID JENNINGS, Acting Director of the
San Francisco Field Office of U.S. Immigration
and Customs Enforcement; MATTHEW T.
ALBENCE, Deputy Director and Senior
Official Performing the Duties of the Director
of the U.S. Immigration and Customs
Enforcement; U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT; GEO GROUP,
INC.; NATHAN ALLEN, Warden of Mesa
Verde Detention Facility,

Respondents-Defendants.

CASE NO. 3:20-CV-02731-VC

**DECLARATION OF WILLIAM S.
FREEMAN IN SUPPORT OF
PETITIONERS-PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION**

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**Admitted Pro Hac Vice*

I, William S. Freeman, declare:

1. I am an attorney admitted to practice in California and a member of the bar of this Court. I am employed at the American Civil Liberties Union of Northern California and co-counsel for Petitioners-Plaintiffs in this action. I submit this declaration in support of Petitioners-Plaintiffs' Motion for Preliminary Injunction. I have personal knowledge of the facts stated in this declaration.

2. Attached as Exhibit A hereto is a true and correct copy of Federal Defendants' Objections and Responses to Plaintiffs' Initial Set of Interrogatories.

3. Attached as Exhibit B hereto is a true and correct copy of Federal Defendants' Corrected Supplemental Objections and Responses to Plaintiffs' Initial Set of Interrogatories.

4. Attached as Exhibit C hereto is a true and correct copy of Federal Defendants' Second Supplemental Objections and Responses to Plaintiffs' Initial Set of Interrogatories.

5. Attached as Exhibit D hereto is a true and correct copy of Federal Defendants' Third Supplemental Objections and Responses to Plaintiffs' Initial Set of Interrogatories.

6. Attached as Exhibit E hereto is a true and correct copy of Federal Defendants' Fourth Supplemental Objections and Responses to Plaintiffs' Initial Set of Interrogatories.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 21st day of May 2020 in Hillsborough, California.

/s/ William S. Freeman
William S. Freeman

Exhibit A

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United States Attorney

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANGEL DE JESUS ZEPEDA RIVAS, <i>et al.</i> ,	)	CASE NO. 3:20-cv-02731-VC
	)	
Plaintiffs,	)	FEDERAL DEFENDANTS' OBJECTIONS AND
	)	RESPONSES TO PLAINTIFFS' INITIAL SET
v.	)	OF INTERROGATORIES
	)	
DAVID JENNINGS, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

INTRODUCTION

Pursuant to Federal Rules of Civil Procedure 26 and 33, defendants David Jennings, Matthew T. Albence, and U.S. Immigration and Customs Enforcement (“ICE”) (“Federal Defendants”) hereby submit their objections and responses to Plaintiffs’ Initial Set of Interrogatories sent to Federal Defendants’ counsel on April 29, 2020.

GENERAL OBJECTIONS

Federal Defendants assert and incorporate by reference the following general objections as though they were set forth in full in each response:

1. Federal Defendants object to the Interrogatories to the extent they call for the production of information that is beyond the scope of this lawsuit and, therefore, not relevant to any party’s claim or defense and not proportional to the needs of this case under Federal Rule of Civil Procedure 26(b)(1).
2. Federal Defendants object to the Interrogatories to the extent they call for the production of information protected by the attorney-client privilege, the work-product doctrine, the deliberative-process privilege, the law enforcement/investigatory files privilege, and/or any other privilege or protection from disclosure.
3. Federal Defendants object to the Interrogatories to the extent they seek to impose obligations beyond those imposed by the Federal Rules of Civil Procedure and/or the Rules or Orders of the Court.
4. Federal Defendants object to the Interrogatories to the extent they call for the production of information that is equally available to Plaintiffs.
5. Federal Defendants object to the Interrogatories to the extent they call for the production of information that, if disclosed, would threaten or undermine the security of any detention facility. *Cf. Bell v. Wolfish*, 441 U.S. 520, 546–47 (1979) (recognizing essential goals of maintaining security of detention facilities and preserving internal order).
6. Federal Defendants object to the abbreviated time period that they were afforded to respond to the Interrogatories, which is well below the thirty days normally afforded under the Federal Rules.

RESPONSES TO PLAINTIFFS' INITIAL SET OF INTERROGATORIES

INTERROGATORY NO. 1:

Provide descriptions of all housing units housing ICE detainees in Yuba County Jail and Mesa Verde Detention Facility, including the following information for each. In lieu of written response to any subpart, you may provide plans, or drawings that provide all of the information requested (see Document Request No. 1):

- a. Facility (Yuba County Jail or Mesa Verde Detention Facility)
- b. Name of unit.
- c. Type of unit (e.g., dorm, pod, single cell, double cell, etc.)
- d. Dimensions (width x length x height in feet).
- e. If the housing unit contains more than one bed, how far apart are the beds (if the distances vary, all distances should be provided)?
- f. Where bunk beds are used, what is the vertical distance between the bunks?

OBJECTIONS AND RESPONSES TO INTERROGATORY NO. 1:

Subject to and without waiver of their objections, Federal Defendants respond to Interrogatory No. 1 with respect to the Mesa Verde ICE Processing Center ("Mesa Verde"), to the best of their knowledge and upon reasonable inquiry in the abbreviated time period they have had to respond to the Interrogatories, as follows.

- a. Mesa Verde ICE Processing Center
- b. Dorms A, B, C, and D
- c. Dormitory-style housing with a maximum capacity of 100 detainees per unit.
- d. A-Dorm: 59.6' by 95' by 9.9'
B-Dorm: 60.3' by 88.4' by 9.9'
C-Dorm: 60.5' by 96.1' by 9.9'
D-Dorm: 60.3' by 88.9' by 9.9'
- e. See appendix.
- f. The dormitories have 100 beds (50 bunk beds). The distance between the bottom and top

bed platforms is 49". The bunks beds are situated against two different walls opposite each other with a walkway in the middle that measures at least 8' wide in every dorm.

INTERROGATORY NO. 2:

Provide information or documents sufficient to show the total number of shower-rooms and bathrooms, and the number of shower-rooms and bathrooms per unit/pod, accessible to ICE detainees in, respectively, Yuba County Jail and Mesa Verde Detention Facility. For each shower-room or bathroom, indicate the dimensions of such room and the distance between (1) showers (2) sinks and (3) toilets.

OBJECTIONS AND RESPONSES TO INTERROGATORY NO. 2:

Subject to and without waiver of their objections, Federal Defendants respond to Interrogatory No. 2 with respect to Mesa Verde, to the best of their knowledge and upon reasonable inquiry in the abbreviated time period they have had to respond to the Interrogatories, as follows.

Each dorm has two identical common-use bathrooms, and each bathroom has 7 sinks, 5 toilets, and 5 showers. Each toilet is in a stall with side partitions and a front gate. The showers have side partitions and a shower curtain for the front.

A-Dorm:

Number of bathrooms: 2 standard bathrooms (7 sinks, 5 toilets, and 5 showers in each), plus 2

ADA bathrooms (single toilet/sink/shower stall)

Dimensions of standard bathrooms: 8.2' by 50.8'

Number of sinks in each standard bathroom: 7

Distance between each sink: 24"

Number of toilets in each standard bathroom: 5

Distance between each toilet (stalls): 36"

Side partition dimensions between each toilet: 39" (w) by 36" (h) and 12" from the floor

Number of showers in each standard bathroom: 5

Side partition dimensions between showers: 39" (w) by 42" (h) and 19.5" from the floor

Distance between each shower (stalls): 36"

Dimensions of ADA bathrooms: 85 square feet

B-Dorm:

Number of bathrooms: 2 standard bathrooms (7 sinks, 5 toilets, and 5 showers in each), plus 1

ADA bathroom (single toilet/sink/shower stall)

Dimensions of standard bathrooms: 8.2' by 50.8'

Number of sinks in each standard bathroom: 7

Distance between each sink: 24"

Number of toilets in each standard bathroom: 5

Distance between each toilet (stalls): 36"

Side partition dimensions between each toilet: 39" (w) by 42" (h) and 19.5" from floor

Number of showers in each standard bathroom: 5

Distance between each shower (stalls): 36"

Side partition dimensions between each shower: 39" (w) by 42" (h) and 19.5" from floor

ADA bathroom: 1

Dimensions of ADA bathroom: 85 square feet

C-Dorm:

Number of bathrooms: 2 standard bathrooms (7 sinks, 5 toilets, and 5 showers in each)

Dimensions of standard bathrooms: 7.2' by 45.8'

Number of sinks in each standard bathroom: 7

Distance between each sink: 24"

Number of toilets in each standard bathroom: 5

Distance between each toilet (stalls): 29"

Side partition dimensions between each toilet: 39" (w) x 36" (h) and 12" from the floor

Number of showers in each standard bathroom: 5

Distance between each shower (stalls): 31"

Side partitions dimensions between each shower: 39" (w) x 42" (h) and 19.5" from the floor

D-Dorm:

Number of bathrooms: 2 standard bathrooms (7 sinks, 5 toilets, and 5 showers in each)

Dimensions of standard bathrooms: 7.5' by 45.8'

Number of sinks in each standard bathroom: 7

Distance between each sink: 24"

Number of toilets in each standard bathroom: 5

Distance between each toilet (stalls): 29"

Side partition dimensions between each toilet: 39" (w) x 36" (h) and 12" from floor

Number of showers in each standard bathroom: 5

Distance between each shower (stalls): 31"

Side partition dimensions between each shower: 39" (w) x 42" (h) and 19.5" from the floor

INTERROGATORY NO. 3:

Provide the name (or other identifying information) and dimensions of each recreation area used by ICE detainees in the Yuba County Jail and Mesa Verde Detention Facility.

OBJECTIONS AND RESPONSES TO INTERROGATORY NO. 3:

Subject to and without waiver of their objections, Federal Defendants respond to Interrogatory No. 3 with respect to Mesa Verde, to the best of their knowledge and upon reasonable inquiry in the abbreviated time period they have had to respond to the Interrogatories, as follows.

Mesa Verde has two recreation areas. The main yard is 27,493 square feet (an irregular quadrilateral with sides of 159' by 73.5' by 260.2' by 255.11'). It has six picnic tables, a half-court basketball court, a handball court, a soccer playing area, and stationary exercise equipment. The smaller yard is 4,176 square feet (a rectangle of 42.10' by 99.2'). It has four metal picnic tables, two benches, and stationary equipment.

INTERROGATORY NO. 4:

State how many dining rooms serving ICE detainees are currently operating in, respectively, Yuba County Jail and Mesa Verde Detention Facility. For each dining room serving ICE detainees, state the number of residents that occupy each room at one time, whether seats are fixed or moveable, and, if fixed, the distance between seats and, if moveable, the number of seats per table and the dimensions of each table.

OBJECTIONS AND RESPONSES TO INTERROGATORY NO. 4:

Subject to and without waiver of their objections, Federal Defendants respond to Interrogatory

No. 4 with respect to Mesa Verde, to the best of their knowledge and upon reasonable inquiry in the abbreviated time period they have had to respond to the Interrogatories, as follows.

Mesa Verde has two dining halls, one on each floor. The dining hall on the first floor is used for meal services for all detainees. The dining hall on the second floor is primarily used for detainee program activities, such as indoor recreation during inclement weather, religious activities, and volunteer functions. Each dorm has its own meal period. Due to the varying classification levels of the detainees, the dormitories may not co-mingle. The number of detainees that occupy the dining hall at one time varies depending on the population of the dorms at any given time. The dining hall has a maximum capacity of 80 people. There are 20 circular tables, 18 with four fixed seats and 2 with three fixed seats and a space for wheelchair access or removable chairs. The table width is 42". The distance between the seats is 32" (edge to edge) or 38" (center to center). The diagonal stool distance is 51".

(continued on next page)

INTERROGATORY NO. 5:

Please provide an explanation of whether it is feasible for ICE to stagger meal times for ICE detainees in the two facilities and, if so, how many additional shifts can be accommodated at each facility. If defendants contend that staggering meal times is not feasible, please explain why not.

OBJECTIONS AND RESPONSES TO INTERROGATORY NO. 5:

Subject to and without waiver of their objections, Federal Defendants respond to Interrogatory No. 5 with respect to Mesa Verde, to the best of their knowledge and upon reasonable inquiry in the abbreviated time period they have had to respond to the Interrogatories, as follows.

Generally, meals times are staggered for each dorm because of the varying classification levels. ICE intends to utilize both dining halls at this time so that there are fewer detainees in the dining hall at any given meal period to accommodate social distancing.

DATED: May 8, 2020

DAVID L. ANDERSON
United States Attorney

s/Shiwon Choe
SHIWON CHOE
Assistant United States Attorney

Attorneys for Federal Defendants

Bunks	1-2	2-3	3-4	4-5	5-6	6-7	A-dorm	7-8	8-9	9-10	10-11	11-12	12-13	13-14	14-15	15-16
	Edge-edge	71	35	36	38	37		38	37	37	38	37	38	34	38	36
Bunks	17-18	18-19	19-20	20-21	21-22	22-23	23-24	24-25	39	34-35	35-36					
Edge-edge	38	90	94	38	37	50	40	39								
Bunks	26-27	27-28	28-29	29-30	30-31	31-32	32-33	33-34	34-35	38	37					
Edge-edge	36	36	36	38	64	37	37	160								
Bunks	37-38	38-39	39-40	40-41	41-42	42-43	43-44	44-45	45-46	46-47	47-48	48-49	49-50			
Edge-edge	68	46	46	41	66	47	61	38	42	43	43	46	44			
Bunks	1-2	2-3	3-4	4-5	5-6	6-7	B-dorm	7-8	8-9	9-10	10-11	11-12	12-13	13-14		
	Edge-edge	38	52	43	49	38		64	60	40	52	69	38	52		
Bunks	15-16	16-17	17-18	18-19	19-20	20-21	21-22	22-23	23-24	24-25	34					
Edge-edge	33	42	202	38	38	38	36	36	36							
Bunks	26-27	27-28	28-29	29-30	30-31	31-32	32-33	33-34	34-35	36						
Edge-edge	37	36	39	79	38	37	90	37	36							
Bunks	36-37	37-38	38-39	39-40	40-41	41-42	42-43	43-44	44-45	45-46	46-47	47-48	48-49	49-50		
Edge-edge	38	37	37	37	37	38	36	35	38	36	38	37	36	36		
Bunks	1-2	2-3	3-4	4-5	5-6	6-7	C-dorm	7-8	8-9	9-10	10-11	11-12	12-13	13-14		
	Edge-edge	37	38	38	39	38		36	37	37	38	38	38	38		
Bunks	15-16	16-17	17-18	18-19	19-20	20-21	21-22	22-23	23-24	24-25	36					
Edge-edge	42	61	37	38	37	38	73	41	38							
Bunks	26-27	27-28	28-29	29-30	30-31	31-32	32-33	33-34	34-35	35-36	37					
Edge-edge	37	35	52	37	38	53	36	35	36							
Bunks	37-38	38-39	39-40	40-41	41-42	42-43	43-44	44-45	45-46	46-47	47-48	48-49	49-50			
Edge-edge	70	38	52	42	57	38	57	40	56	39	56	39	61			
Bunks	1-2	2-3	3-4	4-5	5-6	6-7	D-dorm	7-8	8-9	9-10	10-11	11-12	12-13	13-14		
	Edge-edge	65	38	34	47	46		45	38	67	47	46	50	62		

Bunks	15-16	16-17	17-18	18-19	19-20	20-21	21-22	22-23	23-24	24-25									
Edge-edge	39	35	35	32	74	36	40	30	33	36									
Bunks	26-27	27-28	28-29	29-30	30-31	31-32	32-33	33-34	34-35										
Edge-edge	56	37	41	38	36	36	36	45	37										
Bunks	36-37	37-38	38-39	39-40	40-41	41-42	42-43	43-44	44-45	45-46	46-47	47-48	48-49	49-50					
Edge-edge	37	38	37	38	37	39	37	39	38	35	37	38	38	60					

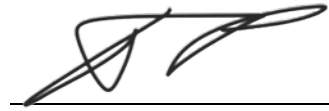
VERIFICATION OF INTERROGATORY RESPONSES

I, Alex Pham, declare under penalty of perjury:

I am employed by U.S. Immigration and Customs Enforcement (“ICE”) as an Assistant Field Office Director. I am authorized to make this verification on behalf of Federal Defendants for their Responses to Plaintiffs’ Initial Set of Interrogatories.

I have read and know the contents of these Responses. These Responses were prepared after obtaining information reasonably available to ICE through its officers and employees. These Responses, subject to inadvertent and undiscovered errors, are true and correct to the best of my knowledge, information, and belief.

Executed this 8th day of May 2020.



ALEX PHAM

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of May 2020, a true and correct copy of Federal Defendants' Objections and Responses to Plaintiffs' Initial Set of Discovery Requests was served via electronic mail on Marty Schenker, counsel for Plaintiffs.

DAVID L. ANDERSON
United States Attorney

s/Shiwon Choe
SHIWON CHOE
Assistant United States Attorney

Attorneys for Federal Defendants

Exhibit B

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Attorneys for Federal Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANGEL DE JESUS ZEPEDA RIVAS, <i>et al.</i> ,	)	CASE NO. 3:20-cv-02731-VC
	)	
Plaintiffs,	)	FEDERAL DEFENDANTS' CORRECTED
	)	SUPPLEMENTAL OBJECTIONS AND
v.	)	RESPONSES TO PLAINTIFFS' INITIAL SET
	)	OF INTERROGATORIES
DAVID JENNINGS, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

INTRODUCTION

Pursuant to Federal Rules of Civil Procedure 26 and 33, defendants David Jennings, Matthew T. Albence, and U.S. Immigration and Customs Enforcement (“ICE”) (“Federal Defendants”) hereby submit their objections and responses to Plaintiffs’ Initial Set of Interrogatories sent to Federal Defendants’ counsel on April 29, 2020.

GENERAL OBJECTIONS

Federal Defendants assert and incorporate by reference the following general objections as though they were set forth in full in each response:

1. Federal Defendants object to the Interrogatories to the extent they call for the production of information that is beyond the scope of this lawsuit and, therefore, not relevant to any party’s claim or defense and not proportional to the needs of this case under Federal Rule of Civil Procedure 26(b)(1).
2. Federal Defendants object to the Interrogatories to the extent they call for the production of information protected by the attorney-client privilege, the work-product doctrine, the deliberative-process privilege, the law enforcement/investigatory files privilege, and/or any other privilege or protection from disclosure.
3. Federal Defendants object to the Interrogatories to the extent they seek to impose obligations beyond those imposed by the Federal Rules of Civil Procedure and/or the Rules or Orders of the Court.
4. Federal Defendants object to the Interrogatories to the extent they call for the production of information that is equally available to Plaintiffs.
5. Federal Defendants object to the Interrogatories to the extent they call for the production of information that, if disclosed, would threaten or undermine the security of any detention facility. *Cf. Bell v. Wolfish*, 441 U.S. 520, 546–47 (1979) (recognizing essential goals of maintaining security of detention facilities and preserving internal order).
6. Federal Defendants object to the abbreviated time period that they were afforded to respond to the Interrogatories, which is well below the thirty days normally afforded under the Federal Rules.

SUPPLEMENTAL RESPONSES TO PLAINTIFFS' INITIAL SET OF INTERROGATORIES
INTERROGATORY NO. 1:

Provide descriptions of all housing units housing ICE detainees in Yuba County Jail and Mesa Verde Detention Facility, including the following information for each. In lieu of written response to any subpart, you may provide plans, or drawings that provide all of the information requested (see Document Request No. 1):

- a. Facility (Yuba County Jail or Mesa Verde Detention Facility)
- b. Name of unit.
- c. Type of unit (e.g., dorm, pod, single cell, double cell, etc.)
- d. Dimensions (width x length x height in feet).
- e. If the housing unit contains more than one bed, how far apart are the beds (if the distances vary, all distances should be provided)?
- f. Where bunk beds are used, what is the vertical distance between the bunks?

OBJECTIONS AND RESPONSES TO INTERROGATORY NO. 1:

Subject to and without waiver of their objections, Federal Defendants respond to Interrogatory No. 1 with respect to the Yuba County Jail ("Yuba"), to the best of their knowledge and upon reasonable inquiry in the abbreviated time period they have had to respond to the Interrogatories, as follows.

See appendix.

INTERROGATORY NO. 2:

Provide information or documents sufficient to show the total number of shower-rooms and bathrooms, and the number of shower-rooms and bathrooms per unit/pod, accessible to ICE detainees in, respectively, Yuba County Jail and Mesa Verde Detention Facility. For each shower-room or bathroom, indicate the dimensions of such room and the distance between (1) showers (2) sinks and (3) toilets.

OBJECTIONS AND RESPONSES TO INTERROGATORY NO. 2:

Subject to and without waiver of their objections, Federal Defendants respond to Interrogatory No. 2 with respect to Yuba, to the best of their knowledge and upon reasonable inquiry in the abbreviated time period they have had to respond to the Interrogatories, as follows.

See appendix.

INTERROGATORY NO. 3:

Provide the name (or other identifying information) and dimensions of each recreation area used by ICE detainees in the Yuba County Jail and Mesa Verde Detention Facility.

OBJECTIONS AND RESPONSES TO INTERROGATORY NO. 3:

Subject to and without waiver of their objections, Federal Defendants respond to Interrogatory No. 3 with respect to Yuba, to the best of their knowledge and upon reasonable inquiry in the abbreviated time period they have had to respond to the Interrogatories, as follows.

Yuba has two recreation areas. One recreational area is called the Roof Recreational Area. It is located outside on the roof of the jail. The area is approximately 1,402 sq. ft. The second area is called the Recreational Yard, which is an exercise yard approximately 1,165 sq. ft.

INTERROGATORY NO. 4:

State how many dining rooms serving ICE detainees are currently operating in, respectively, Yuba County Jail and Mesa Verde Detention Facility. For each dining room serving ICE detainees, state the number of residents that occupy each room at one time, whether seats are fixed or moveable, and, if fixed, the distance between seats and, if moveable, the number of seats per table and the dimensions of each table.

OBJECTIONS AND RESPONSES TO INTERROGATORY NO. 4:

Subject to and without waiver of their objections, Federal Defendants respond to Interrogatory No. 4 with respect to Yuba, to the best of their knowledge and upon reasonable inquiry in the abbreviated time period they have had to respond to the Interrogatories, as follows.

ICE detainees at Yuba take all meals in their respective housing units (as opposed to dining rooms).

INTERROGATORY NO. 5:

Please provide an explanation of whether it is feasible for ICE to stagger meal times for ICE detainees in the two facilities and, if so, how many additional shifts can be accommodated at each facility. If defendants contend that staggering meal times is not feasible, please explain why not.

OBJECTIONS AND RESPONSES TO INTERROGATORY NO. 5:

Subject to and without waiver of their objections, Federal Defendants respond to Interrogatory

No. 5 with respect to Yuba, to the best of their knowledge and upon reasonable inquiry in the abbreviated time period they have had to respond to the Interrogatories, as follows.

This interrogatory is inapplicable to Yuba, as ICE detainees at Yuba take all meals in their respective housing units (as opposed to dining rooms).

DATED: May 12, 2020

DAVID L. ANDERSON
United States Attorney

s/Shiwon Choe

SHIWON CHOE
Assistant United States Attorney

Attorneys for Federal Defendants

VERIFICATION OF INTERROGATORY RESPONSES

I, Dana Fishburn, declare under penalty of perjury:

I am employed by U.S. Immigration and Customs Enforcement (“ICE”) as an Assistant Field Office Director. I am authorized to make this verification on behalf of Federal Defendants for their Corrected Supplemental Responses to Plaintiffs’ Initial Set of Interrogatories.

I have read and know the contents of these Responses. These Responses were prepared after obtaining information reasonably available to ICE through its officers and employees. These Responses, subject to inadvertent and undiscovered errors, are true and correct to the best of my knowledge, information, and belief.

Executed this 12th day of May 2020.

s/Dana Fishburn

Dana Fishburn

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of May 2020, a true and correct copy of Federal Defendants' Corrected Supplemental Objections and Responses to Plaintiffs' Initial Set of Discovery Requests was served via electronic mail on Marty Schenker, counsel for Plaintiffs.

DAVID L. ANDERSON
United States Attorney

s/Shiwon Choe
SHIWON CHOE
Assistant United States Attorney

Attorneys for Federal Defendants

APPENDIX — YUBA COUNTY JAIL

A-POD

A two-story pod of two-man cells. Ten cells are located on the lower level with an additional ten cells on the upper level. Each cell contains a toilet, sink and bunk beds that are separated by 36" vertically. The cells measure 6' x 11'7" in dimension with the ceiling height of 7'11" on the bottom tier, and 9' on the top tier. On the lower level of A-pod, a common area measures approximately 1,215 sq. ft. that contains four permanently mounted tables made of stainless steel. The upper level of A-POD has a common area/balcony that measures approximately 619 sq. ft. with an opening to the lower level. The common area of A-pod has 20'6" vertical feet. The bottom tier, under the top tier, has 7'11" vertical feet. The top tier has 11'8" vertical feet. There are two showers in A-pod, one on the lower tier and one on the upper tier. Both showers in A-pod are 11'2" deep and 3'6" wide.

B-POD

B-pod is a dorm style two story-housing unit, which contains 25 bunks. Each bunk measures 6'9" long, 2'10" wide and separated by 40" vertically. These bunks are not mounted, and may be moved. The bunks are spaced approximately 2 feet apart (side by side) and 3 feet apart from end to end. On the lower level of B-pod, a common area measures approximately 2,365 sq. ft. That contains two permanently mounted tables made of stainless steel, one shower, which is 4' deep and 6' wide, and two toilets and four sinks. The toilets are approximately 2'8" apart and the sinks are 11" apart. The upper level of B-POD has a common area/balcony that measures approximately 1,460 sq. ft. with an opening to the lower level. There are seven permanently mounted tables made of stainless steel on the top tier. There are two showers, four toilets, and two sinks on the top tier. Three of the toilets are 2'8" apart, and the sinks are 11" apart. The fourth toilet area is approximately 2'10" wide and 10' deep. Floor to ceiling in the common area on the bottom tier of 8-pod measures 20'8". Under the top tier, the vertical height is 8'. The vertical height of the top tier measures 11'11".

C-POD

C-pod is a dorm style two story-housing unit, which contains 25 bunks. Each bunk measures 6'9" long, 2'10" wide and are separated by 40" vertically. The bunks are spaced approximately 2 feet apart by 4 feet apart. These bunks are not mounted, and may be moved. On the lower level of C-pod, a common area measures approximately 2,365 sq. ft. that contains two permanently mounted tables made of stainless steel, one shower, which is 4' deep and 6' wide, and two toilets and four sinks. The toilets are approximately 2'8" apart and the sinks are 11" apart. The upper level of C-POD has a common area/balcony that measures approximately 1,460 sq. ft. with an opening to the lower level. There are seven permanently mounted tables made of stainless steel on the top tier. There are two showers, four toilets, and two sinks on the top tier. Three of the toilets are 2'8" apart, and the sinks are 11" apart. The fourth toilet area is approximately 2'10" wide and 10' deep. Floor to ceiling in the common area on the bottom tier of C-pod measures 20'8". Under the top tier, the vertical height is 8'. The vertical height of the top tier measures 11'11".

D-POD

D-pod is a two-story pod of two-man cells. Ten cells are located on the lower level with an additional ten cells on the upper level. Each cell contains a toilet, sink and bunk beds that are separated by 36" vertically. The cells measure 6' x 11'7" in dimension with the ceiling height of 7'11". On the lower

level of D-pod, a common area measures approximately 1,215 sq. ft. that contains four permanently mounted tables made of stainless steel and one shower. The upper level of D-POD has a common area/balcony that measures approximately 619 sq. ft. with an opening to the lower level. There is an additional shower on the upper level. The common area of D-pod has a ceiling height of 16'7". The bottom tier, under the top tier, ceiling is 7'11". The top ceiling is 7'11". Both showers in D-pod are 11'2" deep and 3'6" wide.

E-POD

E-pod is a two-story pod of two-man cells. Ten cells are located on the lower level with an additional ten cells on the upper level. Each cell contains a toilet, sink and bunk beds that are separated by 36" vertically. The cells measure 6' x 11'7" in dimension with the ceiling height of 7'11". On the lower level of E-pod, a common area measures approximately 1,215 sq. ft. that contains four permanently mounted tables made of stainless steel and one shower. The upper level of E-POD has a common area/balcony that measures approximately 619 sq. ft. with an opening to the lower level. There is an additional shower on the upper level. The common area of E-pod has a ceiling height of 16'7". The bottom tier, under the top tier, ceiling is 7'11". The top ceiling is 7'11". Both showers in E-pod are 11'2" deep and 3'6" wide.

F-POD

F-pod is a two-story pod of two-man cells. Ten cells are located on the lower level with an additional ten cells on the upper level. Each cell contained a toilet, sink and bunk beds that are separated by 36" vertically. The cells measure 6' x 11'7" in dimension with the ceiling height of 7'11". On the lower level of F-pod, a common area measures approximately 1,215 sq. ft. that contains four permanently mounted tables made of stainless steel and one shower. The upper level of F-POD has a common area/balcony that measures approximately 619 sq. ft. with an opening to the lower level. There is an additional shower on the upper level. The common area of F-pod has a ceiling height of 16'7". The bottom tier, under the top tier, ceiling is 7'11". The top ceiling is 7'11". Both showers in F-pod are 11'2" deep and 3'6" wide.

G-TANK

G-tank is a single story housing unit, approximately 580 sq. feet and consisting of ten bunks. The sleeping areas are divided by a common area, which measures approximately 236 sq. feet and consists of a mounted table, a shower, a toilet, and a sink. The shower is approximately 3'2" deep and 2'10" wide. The sink and toilet are spaced approximately 1'9" apart. On one side of the common area, a sleeping area is approximately 142 sq. feet and consists of six bunks, one toilet, and one sink. The six bunks are separated by 3'8", with three on each side. On the other side of the common area is another sleeping area, which is approximately 142 sq. feet and consists of four bunks, one toilet, and one sink. These bunks are also separated by 3'8". Each bunk is approximately 6'6" long, 2'6" wide, and separated by 36" vertically. The vertical height of G-tank is approximately 12'5".

H-TANK

H-tank is a single story housing unit, approximately 580 sq. feet and consisting of ten bunks. The sleeping areas are divided by a common area, which measures approximately 236 sq. feet and consists of a mounted table, a shower, a toilet, and a sink. The shower is approximately 3'2" deep and 2'10" wide. The sink and toilet are spaced approximately 1'9" apart. On one side of the common area, a sleeping

area is approximately 142 sq. feet and consists of six bunks, one toilet, and one sink. The six bunks are separated by 3'8", with three on each side. On the other side of the common area is another sleeping area, which is approximately 142 sq. feet and consists of four bunks, one toilet, and one sink. These bunks are also separated by 3'8". Each bunk is approximately 6'6" long, 2'6" wide, and separated by 36" vertically. The vertical height of G-tank is approximately 12'5".

I-TANK

I-tank is a single story-housing unit consisting of four bunks, one shower, one toilet, and one sink. There is a mounted table in the housing unit. The housing unit is approximately 270 sq. feet. The bunks are approximately 6'6" long, 2'6" wide, and separated by 36" vertically. The ceiling is 12'5". The shower is approximately 2'6" wide and 2'10" long. The toilet and sink are approximately 1'4" apart.

J-TANK

J-tank is a single story-housing unit consisting of bunks and a common area. J-tank consist of six bunks, one shower, two toilets, and two sinks. The common area of J-tank is approximately 286 sq. feet and contains a shower, a toilet, a sink, and a mounted table. The shower is approximately 3'2" by 2'9". The sink and toilet are approximately 1'1" apart. The sleeping area of J-tank is approximately 262 sq. feet. There are two bunks on one side of the sleeping area, three bunks on the other side, and one bunk at the end. The bunks are approximately 8' across from each other. There is one toilet and one sink in the sleeping area. The bunks area approximately 6'6" long, 2'6" wide, and separated by 36" vertically.

K-TANK

K-tank is a single story housing unit, approximately 580 sq. feet and consisting of ten bunks. The sleeping areas are divided by a common area, which measures approximately 236 sq. feet and consists of a mounted table, a shower, a toilet, and a sink. The shower is approximately 3'2" deep and 2'10" wide. The sink and toilet are spaced approximately 1'9" apart. On one side of the common area, a sleeping area is approximately 142 sq. feet and consists of six bunks, one toilet, and one sink. The six bunks are separated by 3'8", with three on each side. On the other side of the common area is another sleeping area, which is approximately 142 sq. feet and consists of four bunks, one toilet, and one sink. These bunks are also separated by 3'8". Each bunk is approximately 6'6" long, 2'6" wide, and separated by 36" vertically. The vertical height of K-tank is approximately 12'5".

L-TANK

L-tank is a single story housing unit, approximately 580 sq. feet and consisting of ten bunks. The sleeping areas are divided by a common area, which measures approximately 236 sq. feet and consists of a mounted table, a shower, a toilet, and a sink. The shower is approximately 3'2" deep and 2'10" wide. The sink and toilet are spaced approximately 1'9" apart. On one side of the common area, a sleeping area is approximately 142 sq. feet and consists of six bunks, one toilet, and one sink. The six bunks are separated by 3'8", with three on each side. On the other side of the common area is another sleeping area, which is approximately 142 sq. feet and consists of four bunks, one toilet, and one sink. These bunks are also separated by 3'8". Each bunk is approximately 6'6" long, 2'6" wide, and separated by 36" vertically. The vertical height of L-tank is approximately 12'5".

N-TANK

N-tank is a single story-housing unit which is approximately 2,196 sq. feet and consists of 13 separate cells. Each cell is approximately 52 sq. feet and consists of one bed, one toilet, one sink, and a mounted desk. There is a common area which is approximately 103 sq. feet and contains a mounted table. There are two showers in N-tank, which are approximately 6'6" apart. The shower area is approximately 39 square feet. There are hallways that surround the cells totaling approximately 918 sq. ft. of additional common area. The ceiling is approximately 12'5" high.

P-TANK

P-tank is a single story housing area which consists of three separate two-man cells and one four-man cell. The first cell in P-tank is approximately 61 sq. feet and consists of one bunk, one sink, and one toilet. The second cell in P-tank is approximately 52 sq. feet and consists of one bunk, one sink, and one toilet. The third cell in P-tank is approximately 52 sq. feet and consist of one bunk, one sink, and one toilet. The fourth cell in P-tank is approximately 84 sq. feet and consists of two bunks, one sink, and one toilet. The bunks are approximately 2'11" apart. The common area of P-tank is approximately 310 sq. ft. and consists of one bunk, one sink, one toilet, one shower, and a mounted table. The shower is approximately 10 sq. feet. The sink and toilet in the common area is approximately 2'8" apart from each other. The bunks in P-tank are approximately 6'8" long, and 40" vertical distance between bunks. The ceiling in P-tank is 12'5".

Q-CELLS

There are five Q cells, two two-man cells, one one-man cell, and one four-man cell that are used for housing, and one that is used as a recreation area. Q-1 is approximately 120 sq. ft. and consists of one bunk, one toilet, one sink, and a mounted desk. The ceiling in Q-1 is 8'5". Q-2 is approximately 93 sq. ft. and consists of one bunk, one sink, and one toilet. The ceiling is approximately 8'5". Q-3 is approximately 67 sq. ft. and consists of one bed, one sink, and one toilet. The ceiling in Q-3 is approximately 8'5". Q-4 is approximately 165 sq. ft. and consists of two bunks, one toilet, one sink, and two mounted desks. Each bunk is approximately 6'8" long, 2'9" wide and 36" vertical feet from each bunk. The ceiling in Q-4 is approximately 8'5". Q-5 is approximately 159 sq. ft. and consists of one toilet, one sink, and one mounted desk. The ceiling in Q-5 is approximately 8'5". All Q-cells use a common shower near the S cells or N-tank.

R-DORM

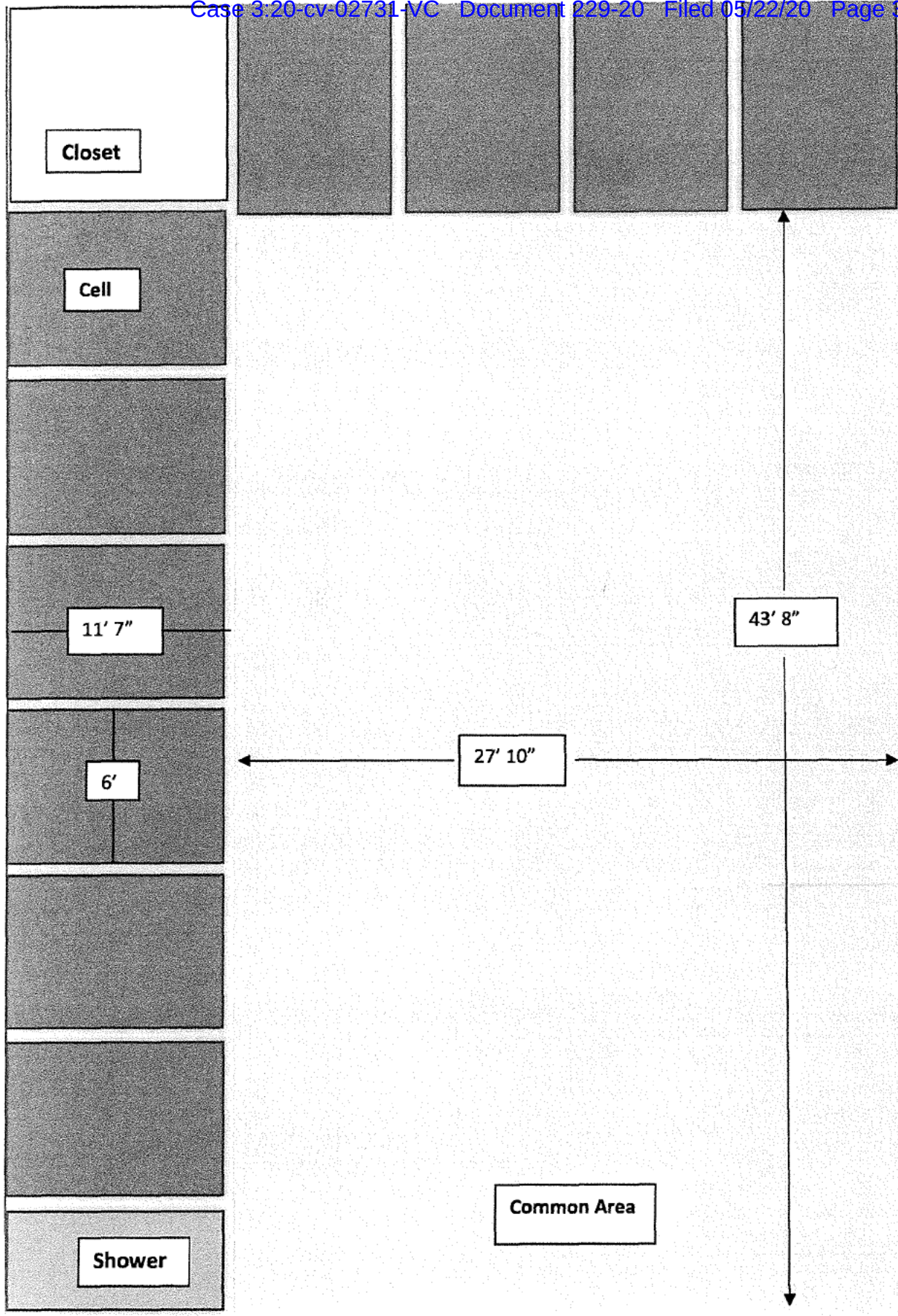
R-dorm is approximately 929 sq. feet. R-dorm is a dorm style-housing unit with nine bunks, two toilets, two sinks, two showers, and three mounted tables. The shower area of R-dorm is approximately 26 sq. ft. (one is an ADA shower) and the sink and toilet area is approximately 50 sq. ft. The showers are approximately 2'10" apart. The toilets are approximately 6'2" apart. The sinks are approximately 6'2" apart. Each bunk in R-dorm is approximately 6'8" long, 2'7" wide and 36" vertical from each bunk. Each bunk is approximately 3 feet apart.

S-TANK

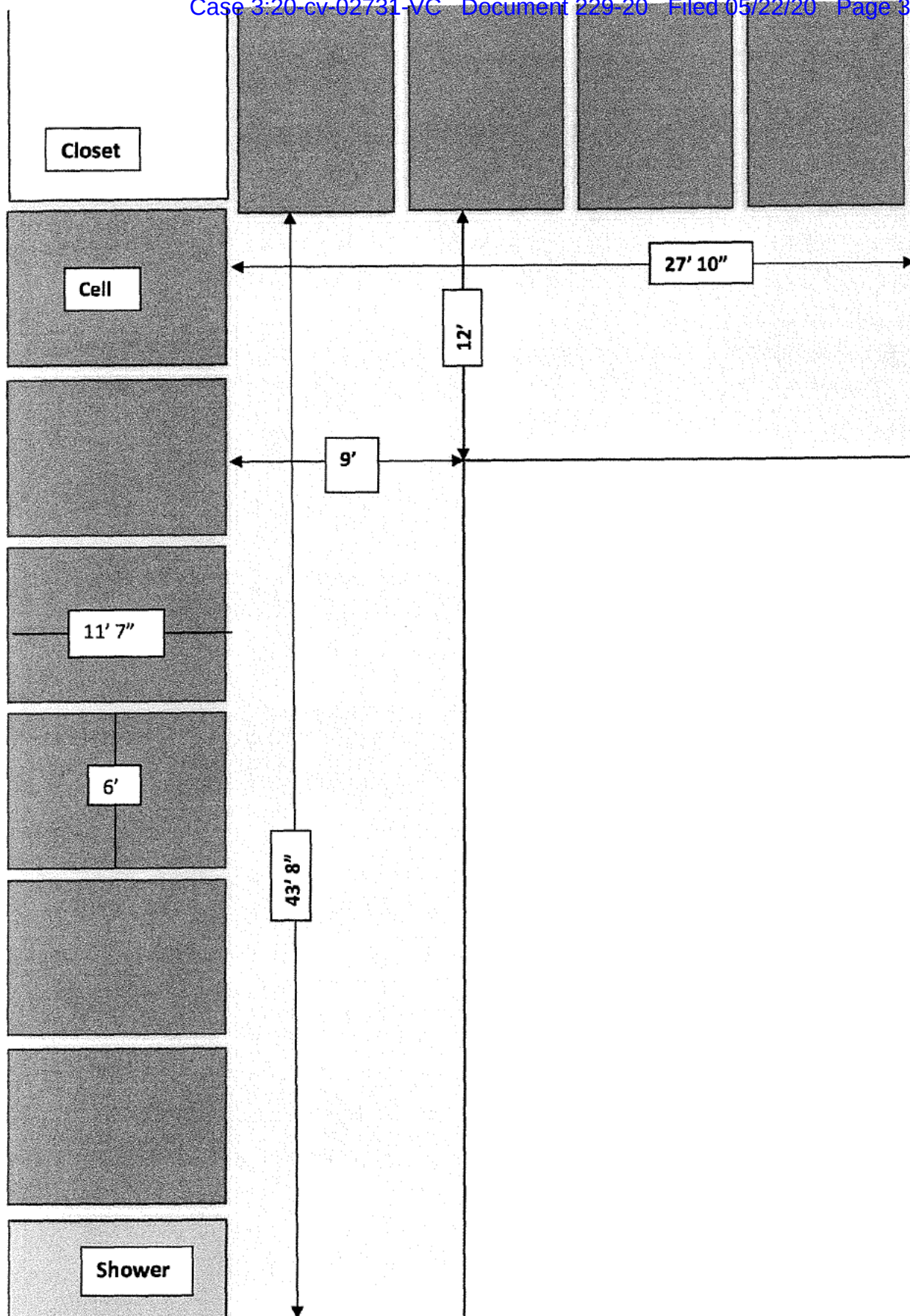
S-tank consists of six individual two-man cells. Each cell is approximately 56 sq. feet and contains one bunk, one sink, one toilet, and one mounted desk. Each bunk is approximately 6'5" long, 2'7" wide and 36" vertical spacing between each bunk. There is one common shower in S-tank, which is approximately 5 sq. feet. The common hallway area of S-tank is approximately 820 sq. feet.

T-TANK

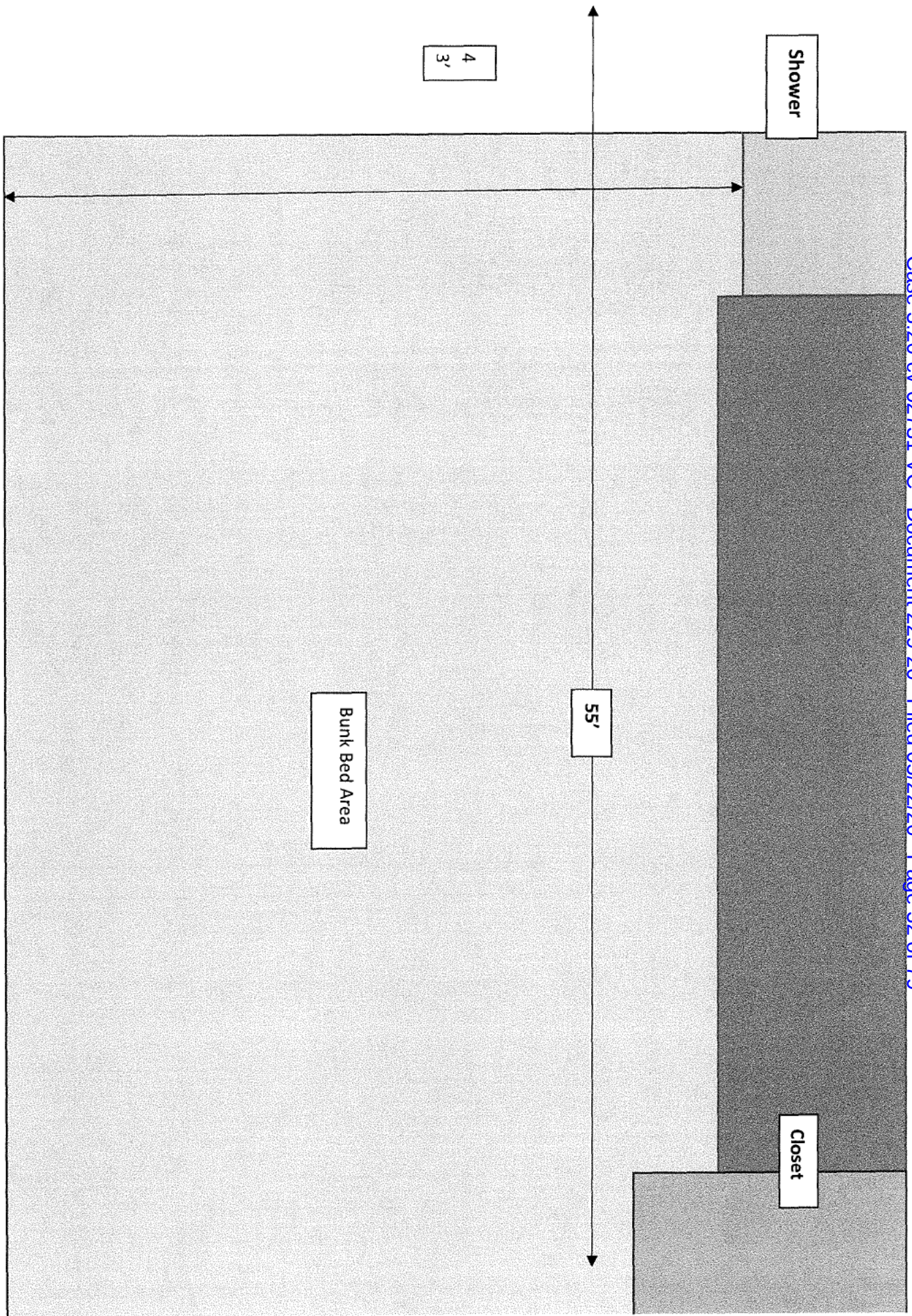
T-tank is a two-man unit of approximately 300 sq. feet and contains one bunk, one toilet, one sink, one shower, and one mounted table. The sleeping area and the common area of T-tank are divided, with the sleeping area being approximately 92 sq. feet and the common area being approximately 175 sq. feet. The bunk in T-tank is approximately 7' long, 2'11" wide and 36" vertical spacing between each bunk. The toilet and sink area in T-tank is approximately 22 sq. feet. The shower is approximately 6 sq. feet (2'11" x 2'7"). The ceiling in T-tank is approximately 8'5".



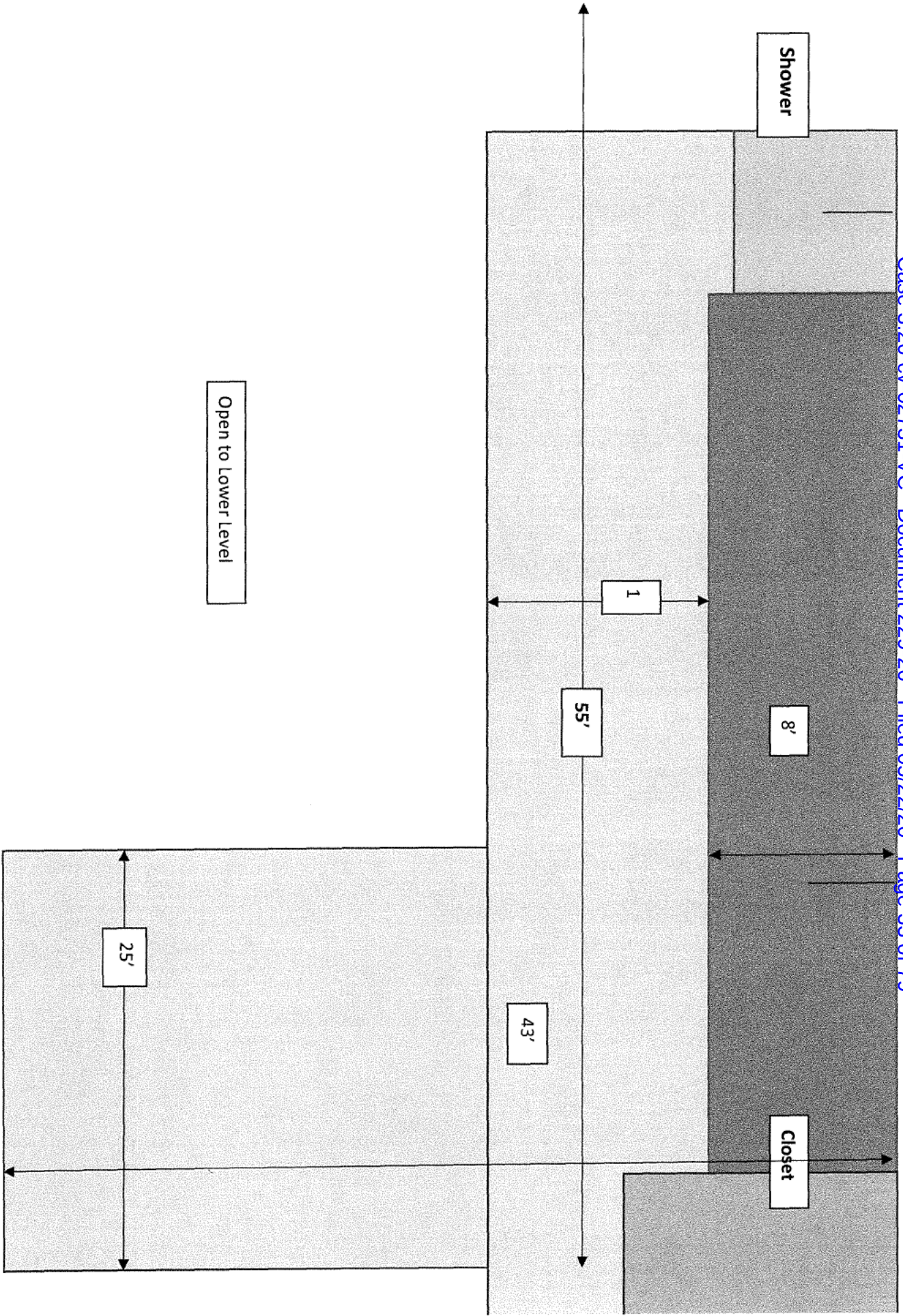
Yuba County Jail
A- POD



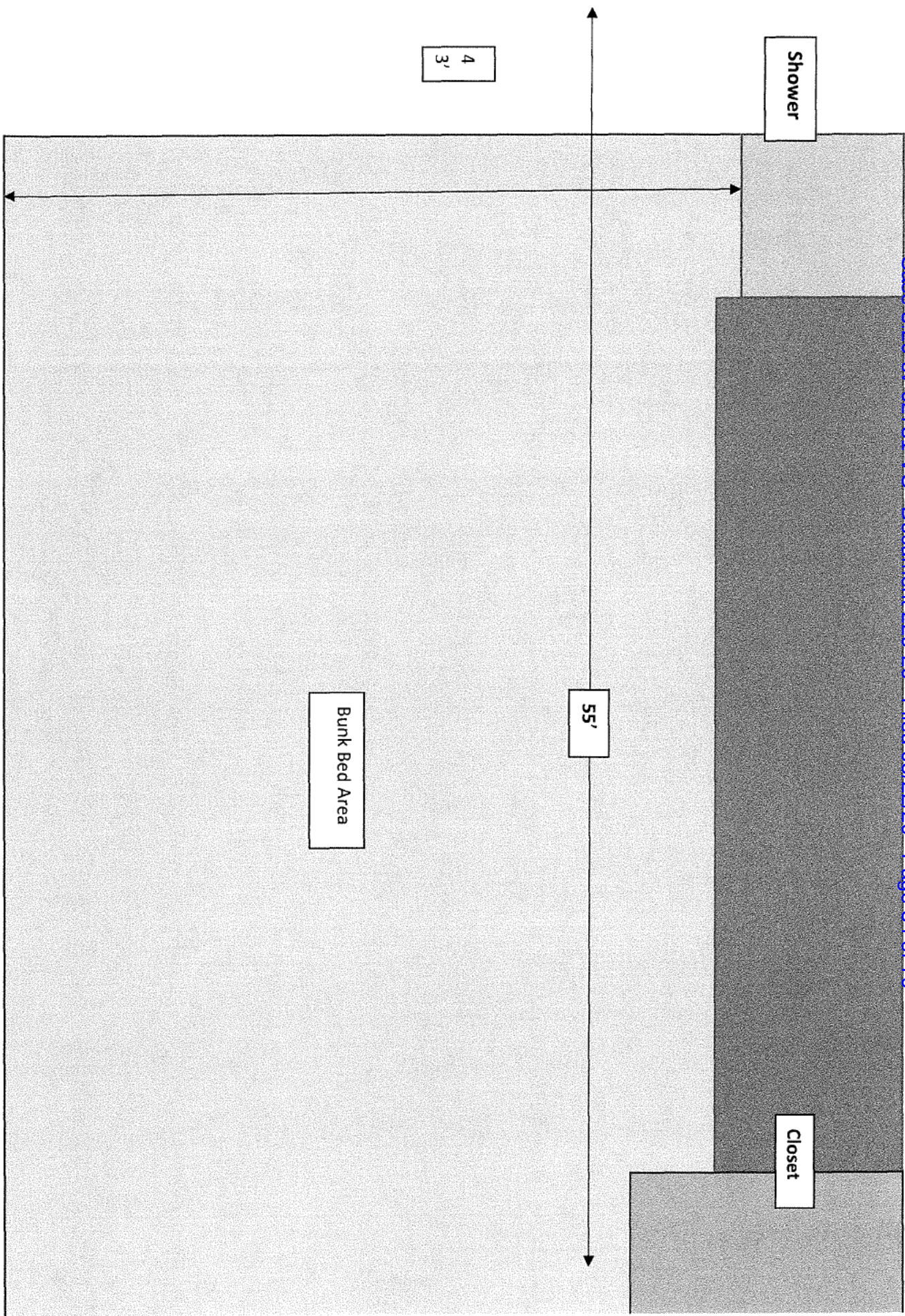
Yuba County Jail
A- POD Upper Level



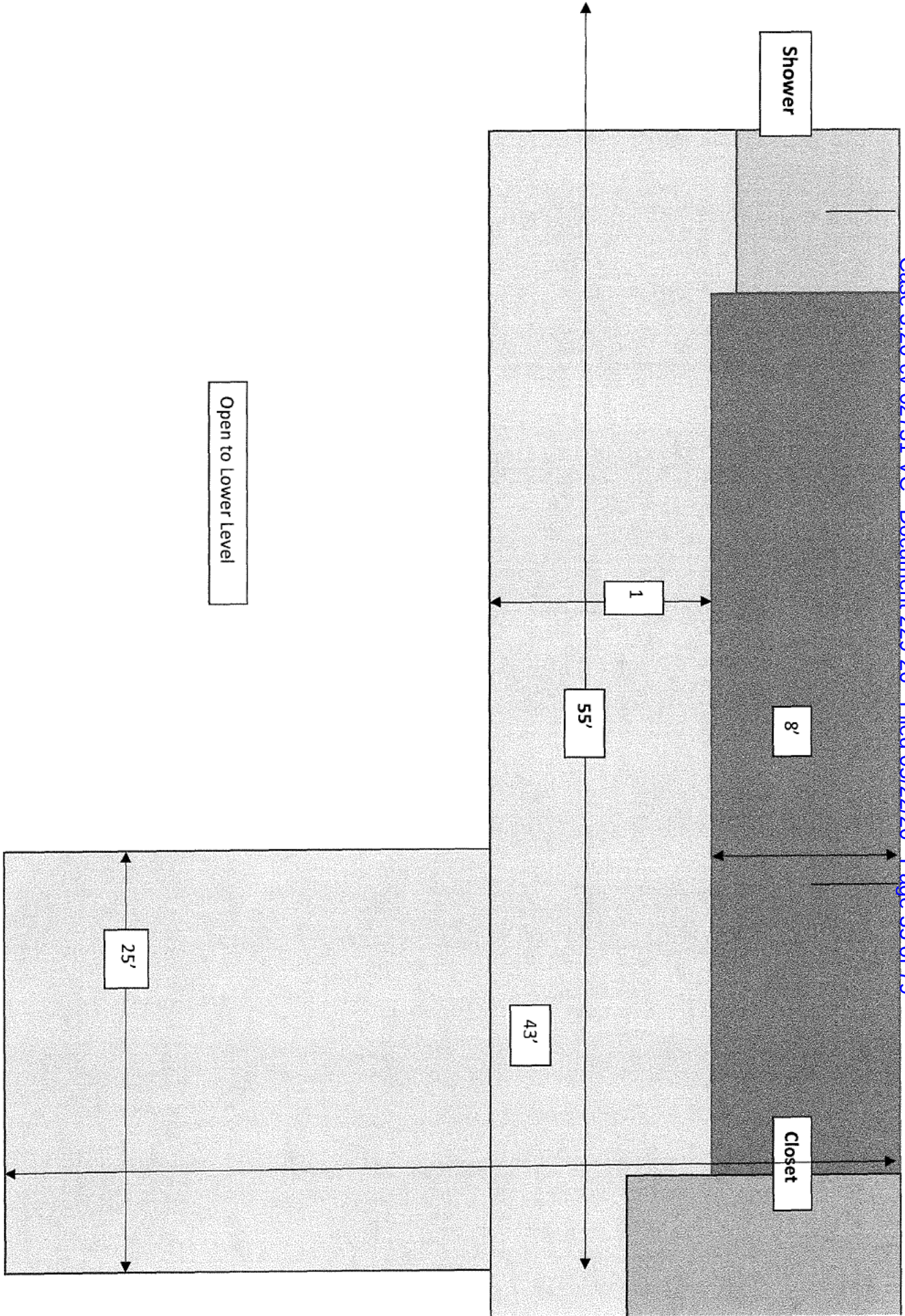
Yuba County Jail
B- POD



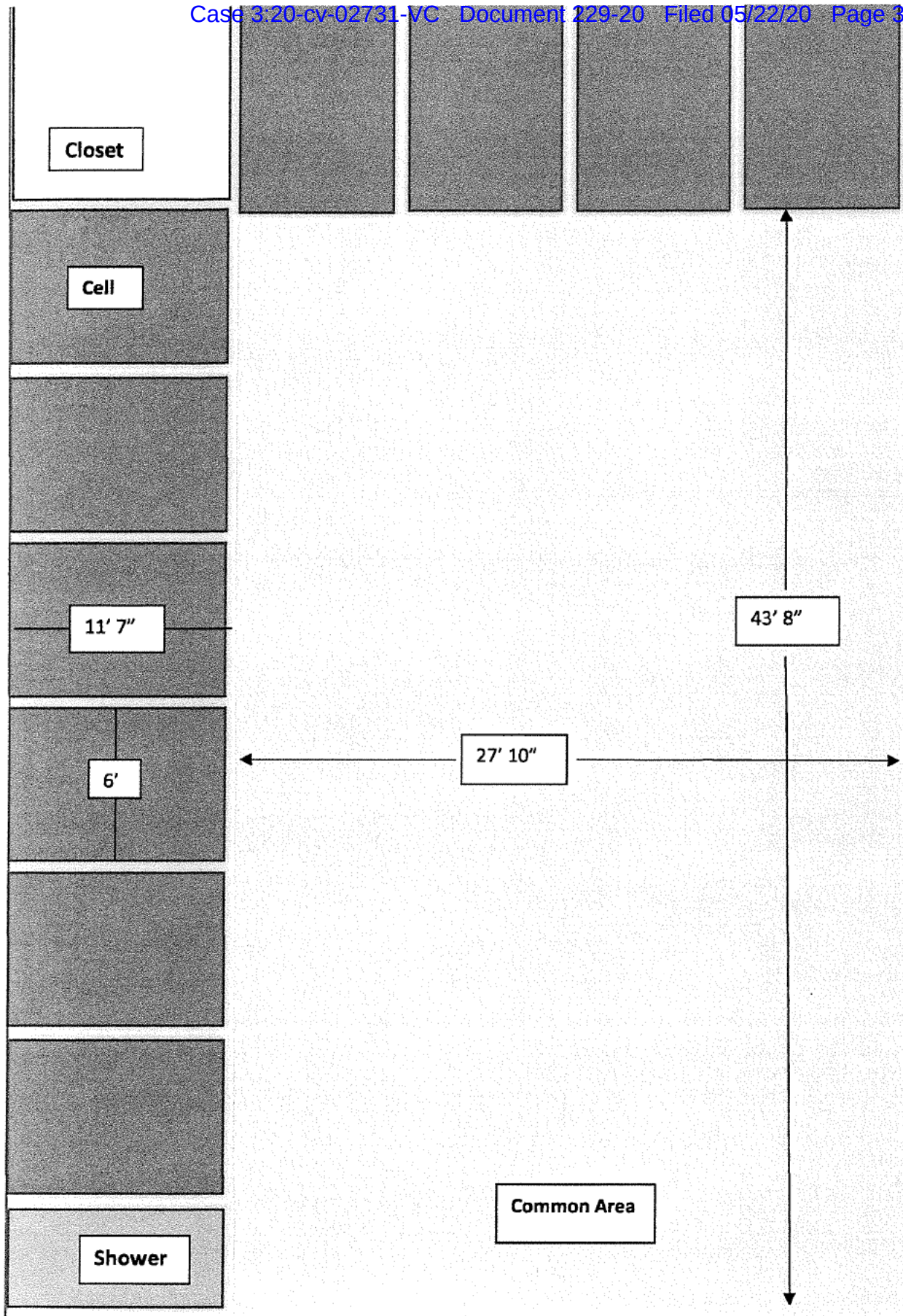
Yuba County Jail
B- POD Upper Level



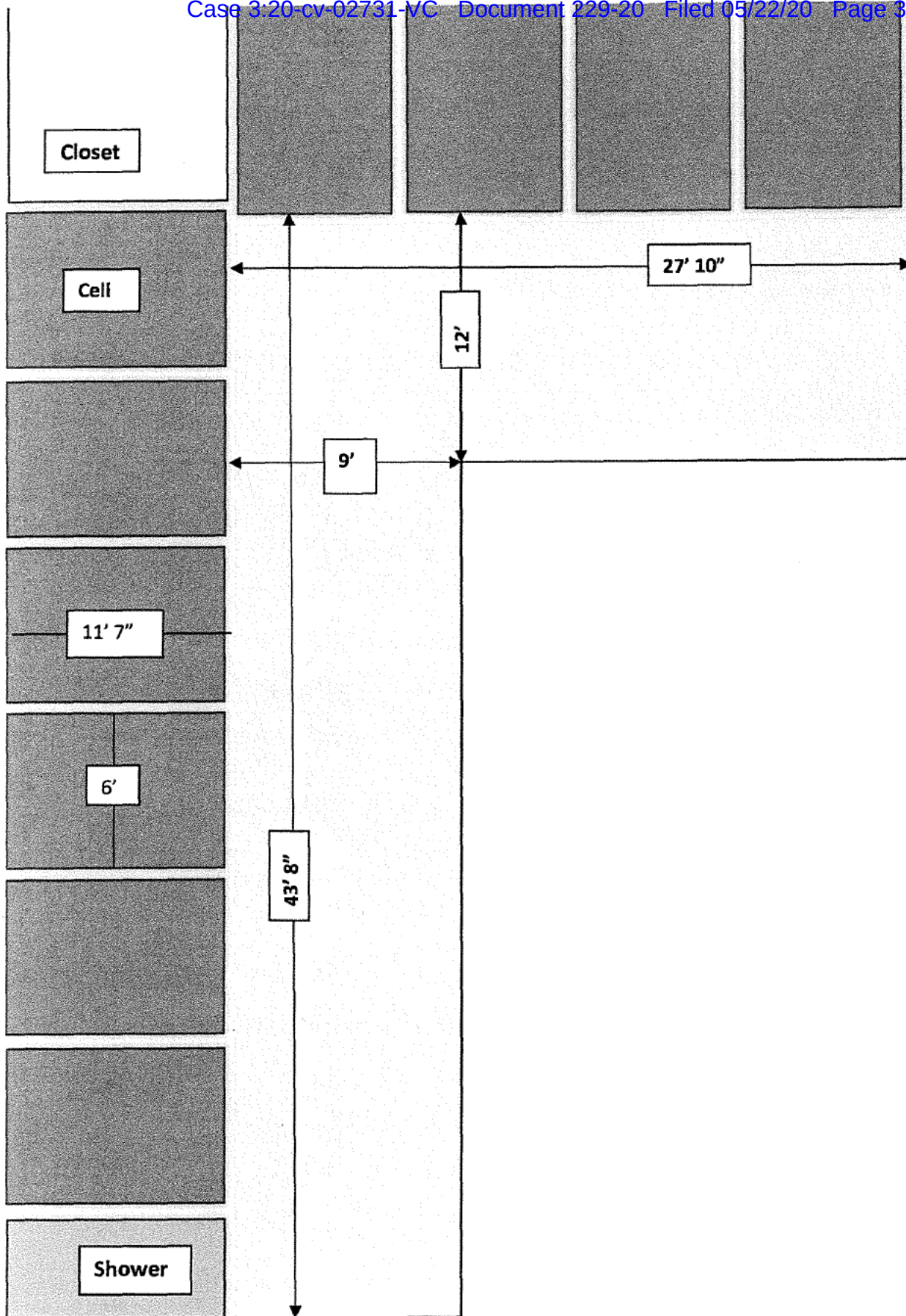
Yuba County Jail
C- POD



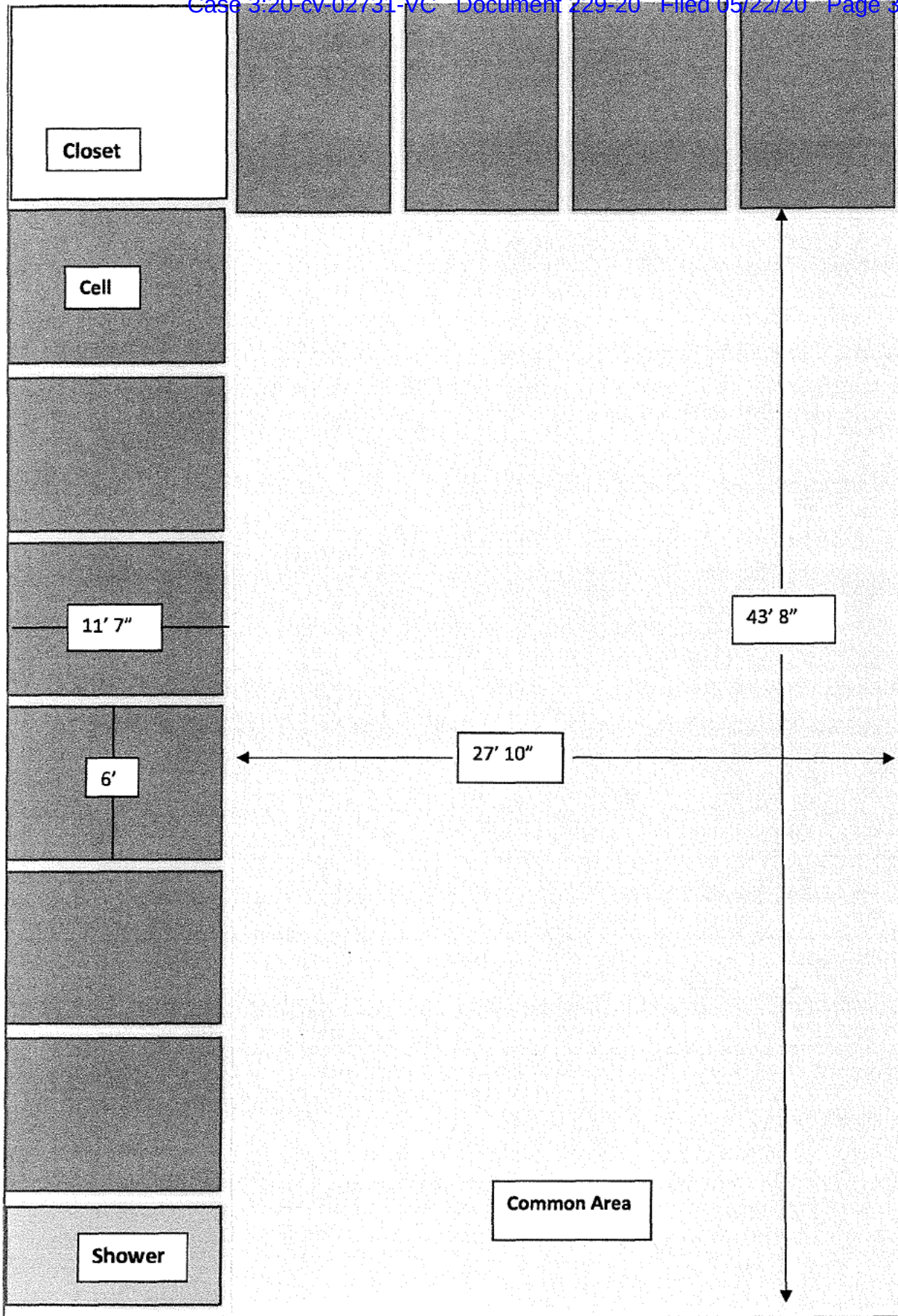
Yuba County Jail
C-POD Upper Level



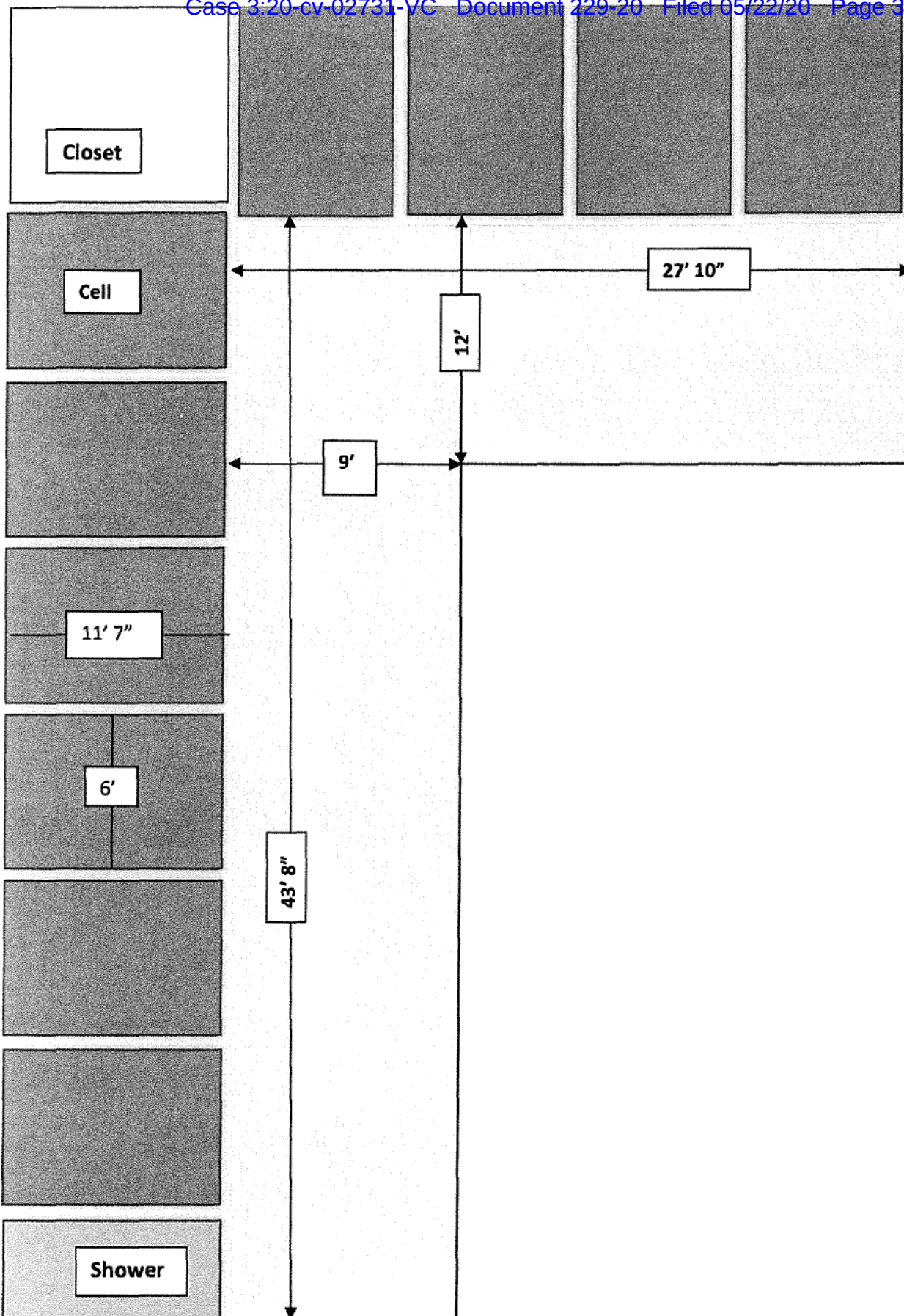
Yuba County Jail
D- POD



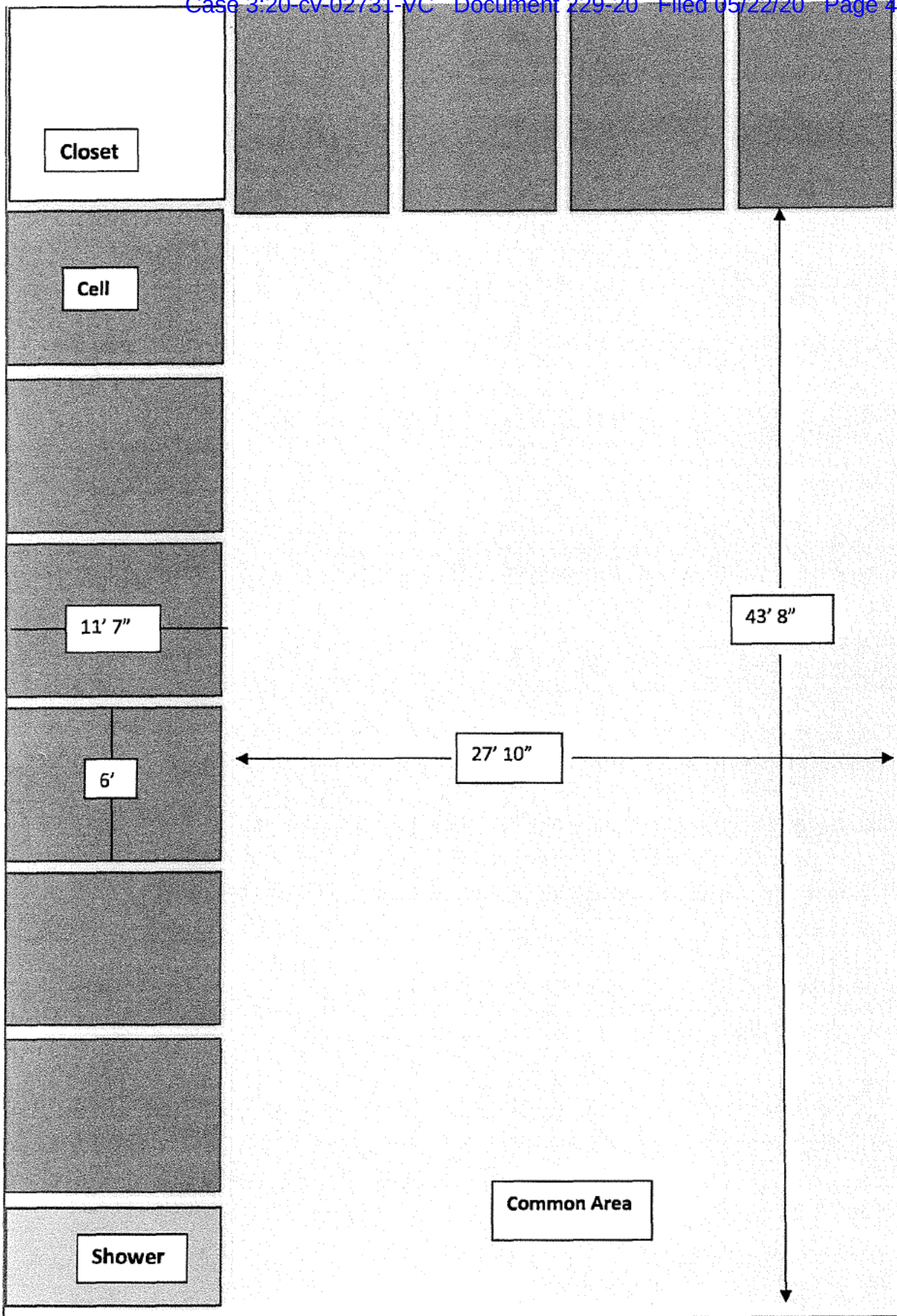
Yuba County Jail
D- POD Upper Level



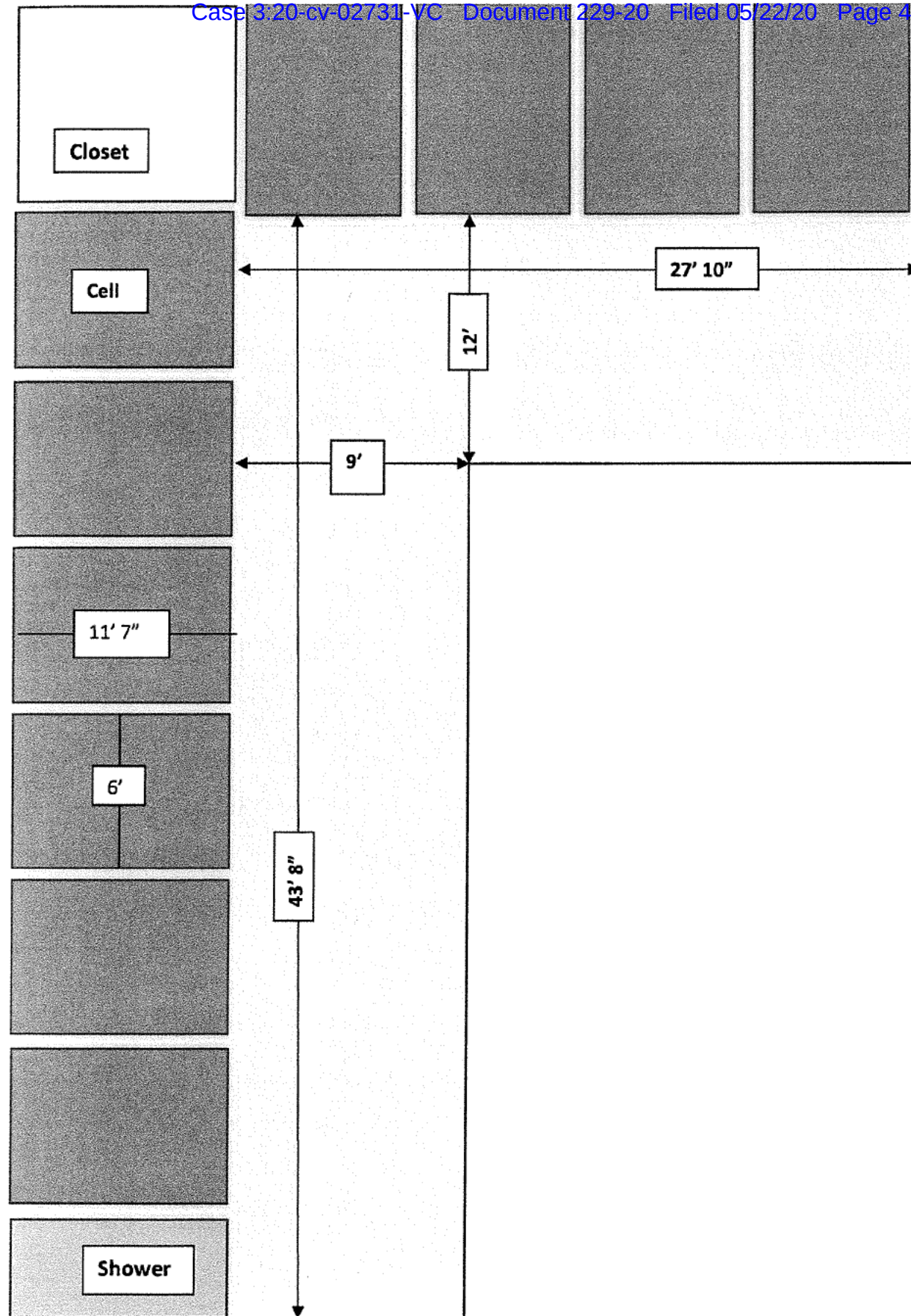
Yuba County Jail
E- POD



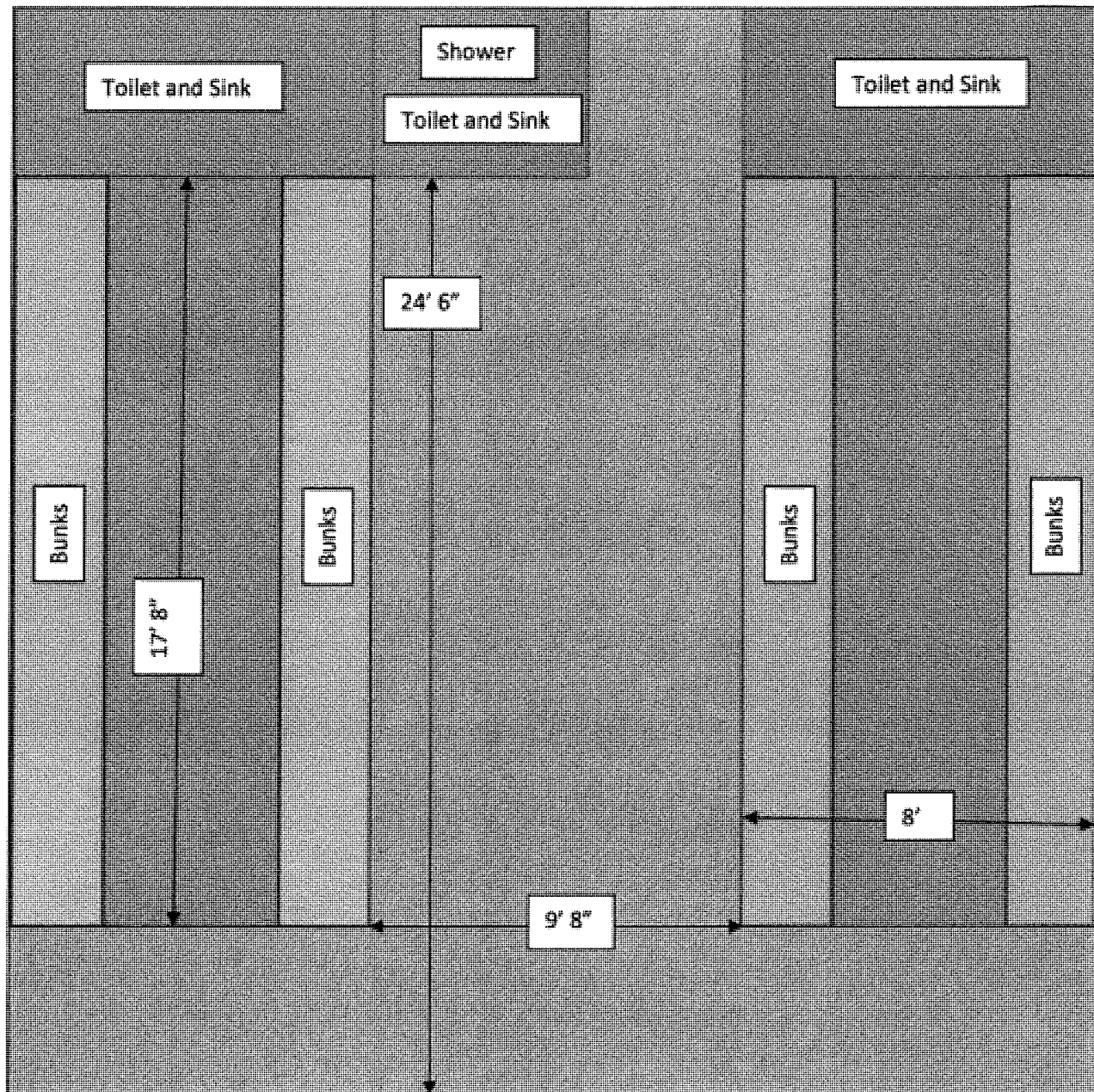
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E- POD Upper Level



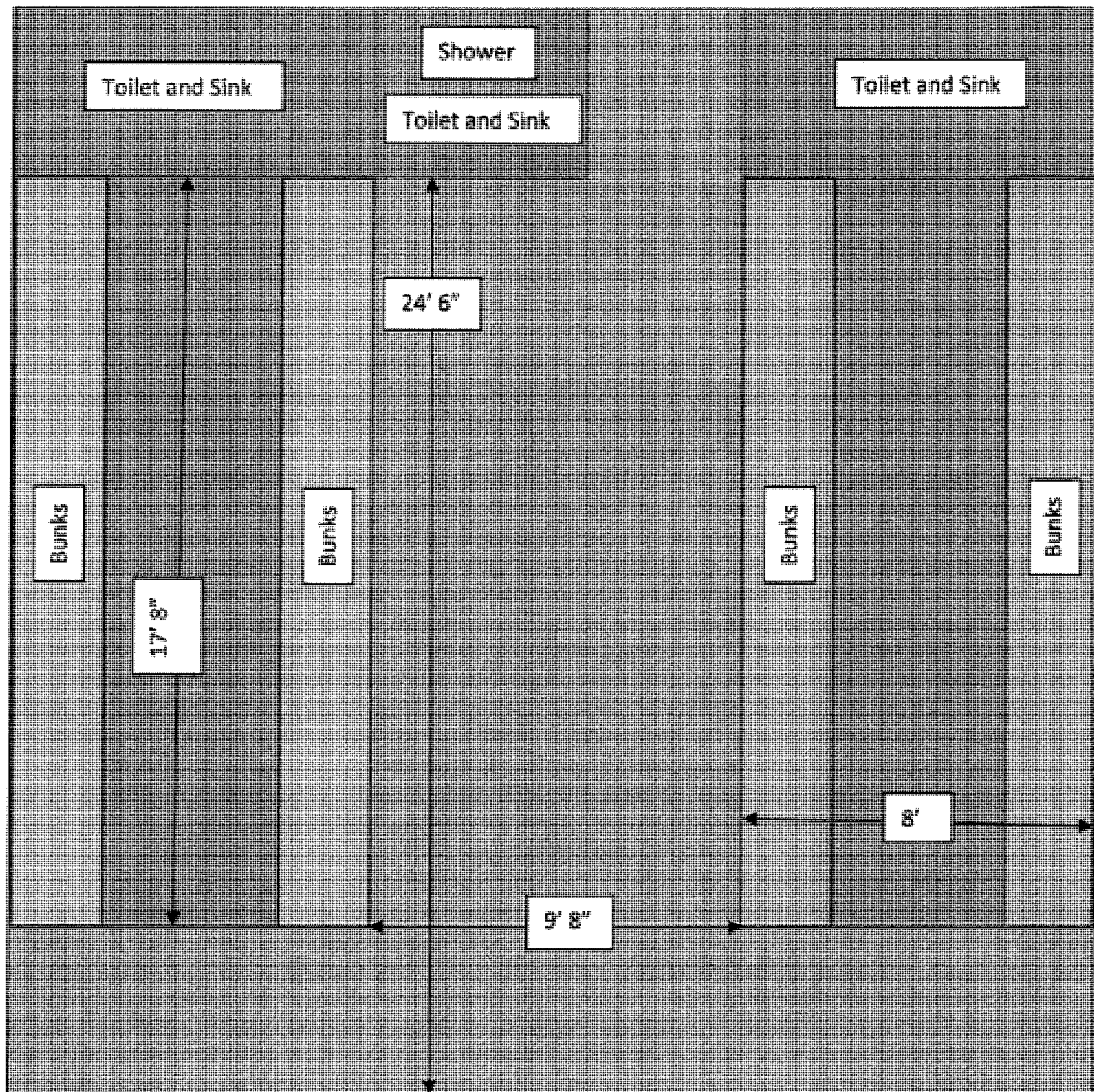
Yuba County Jail
F- POD



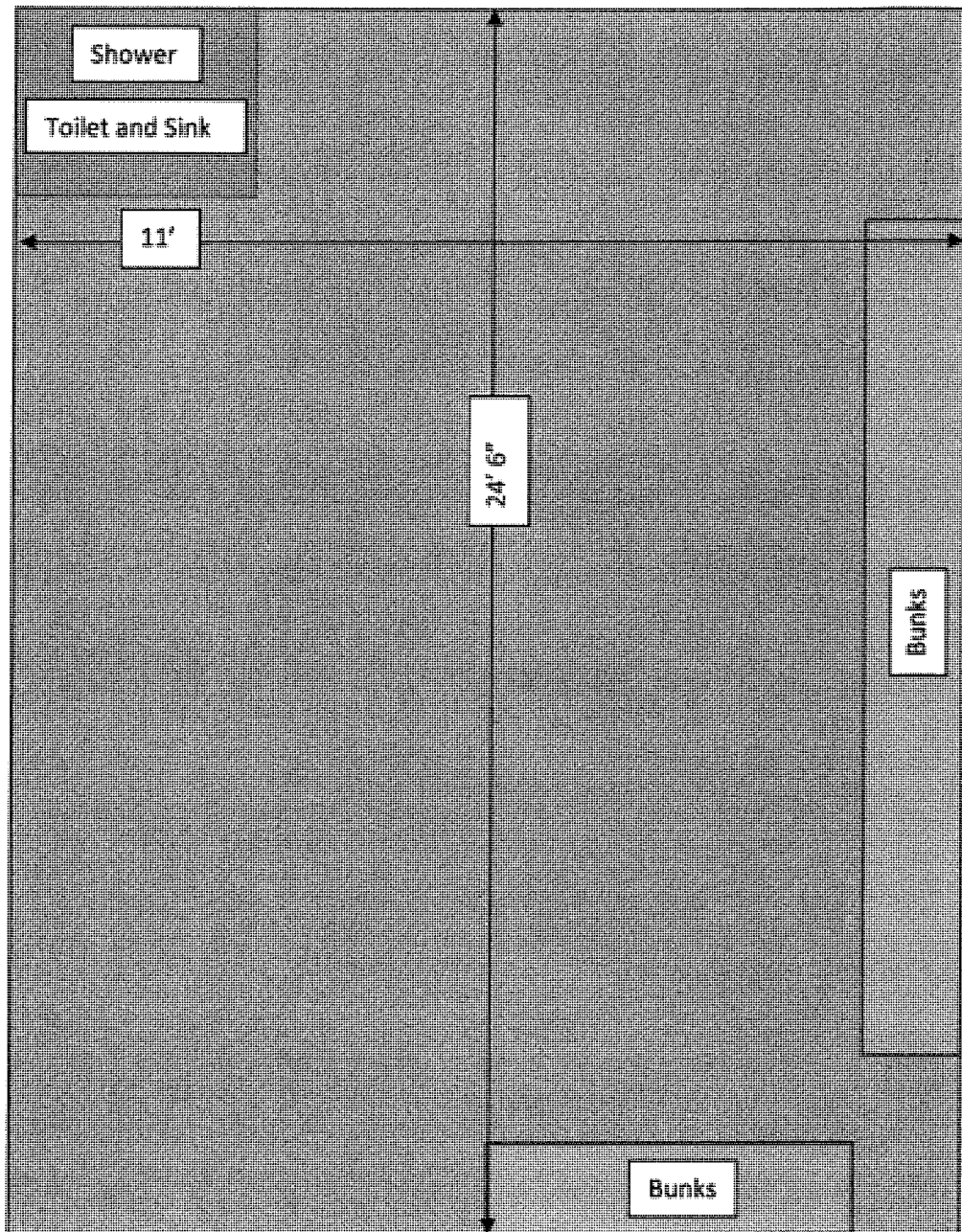
Yuba County Jail
F- POD Upper Level



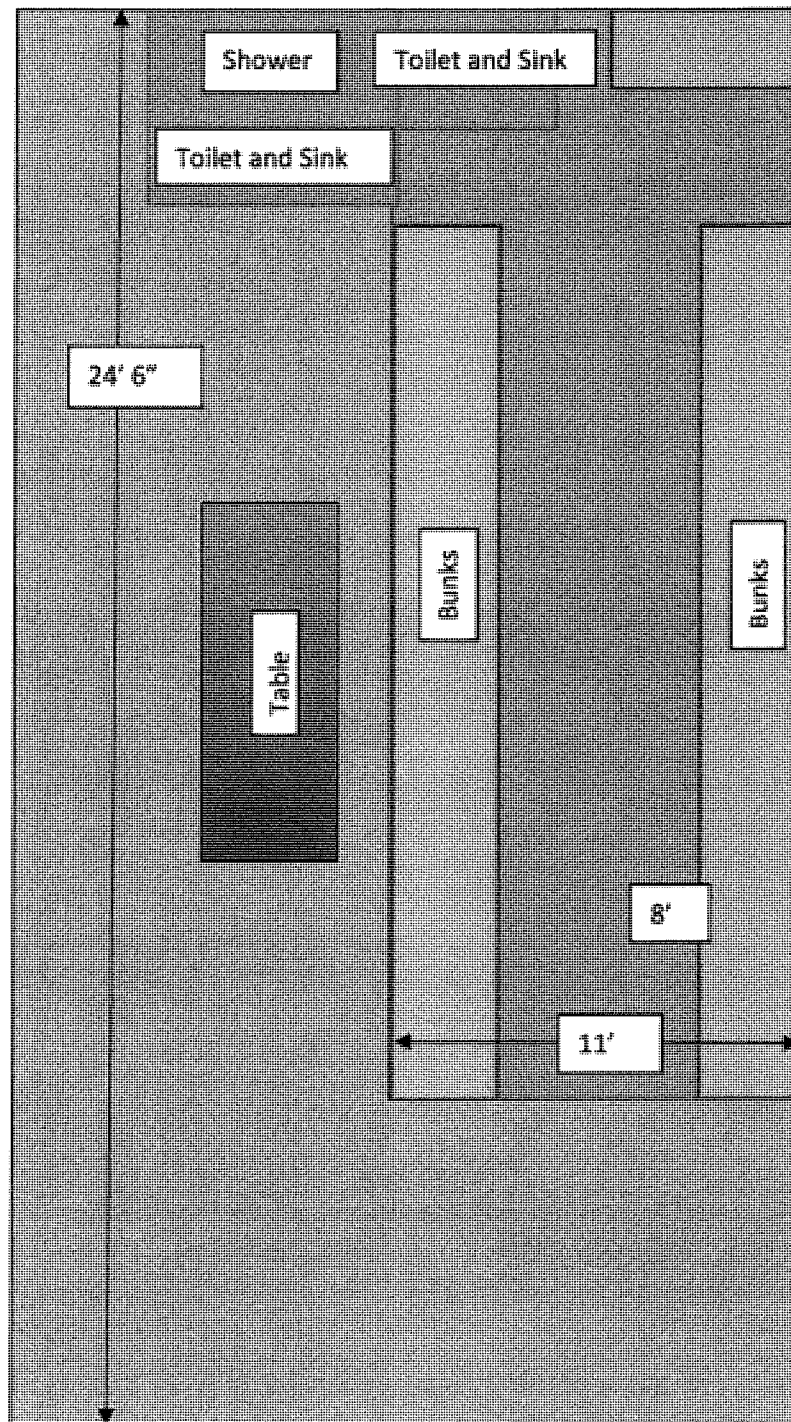
Yuba County Jail
G Tank



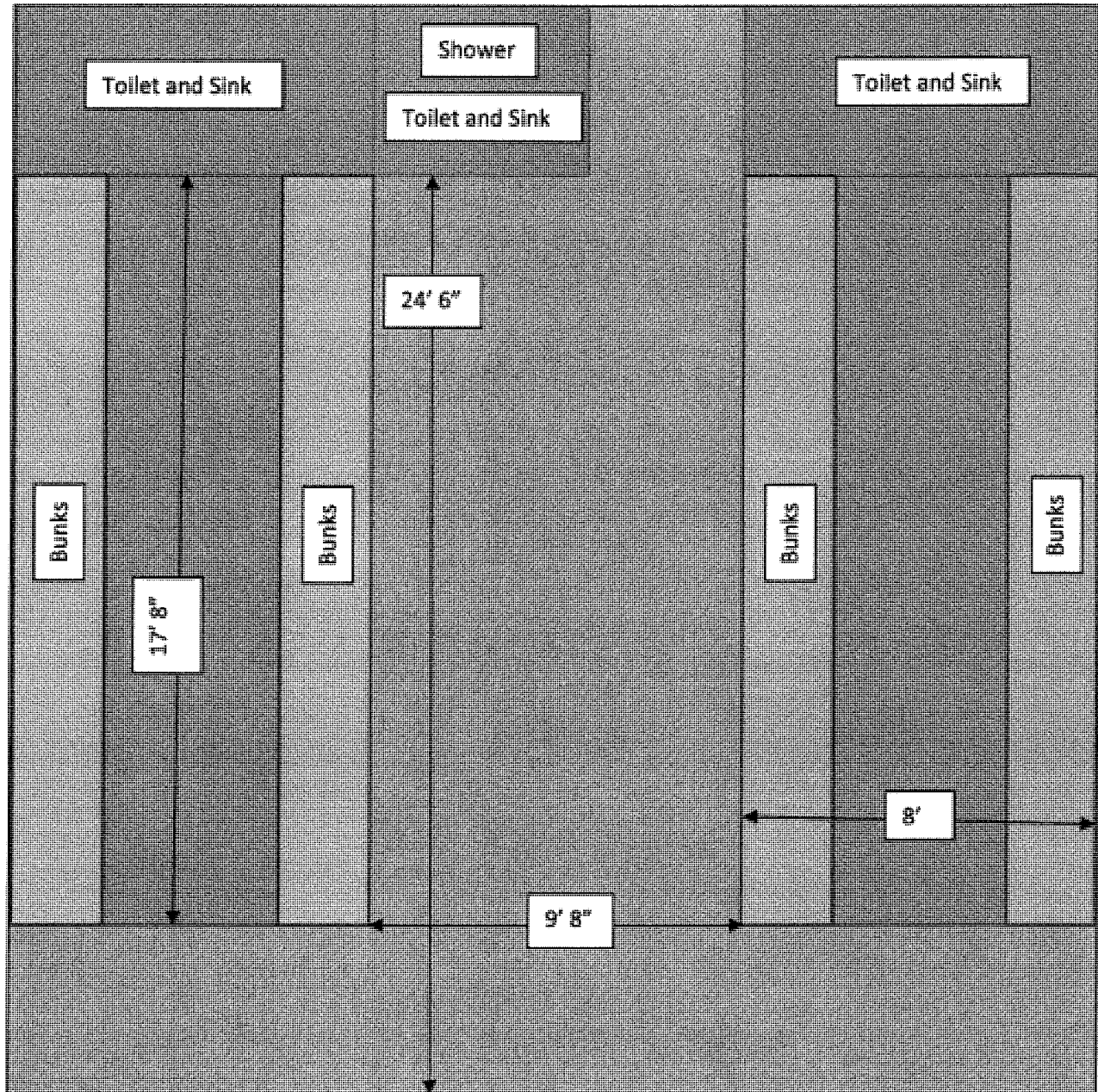
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H Tank



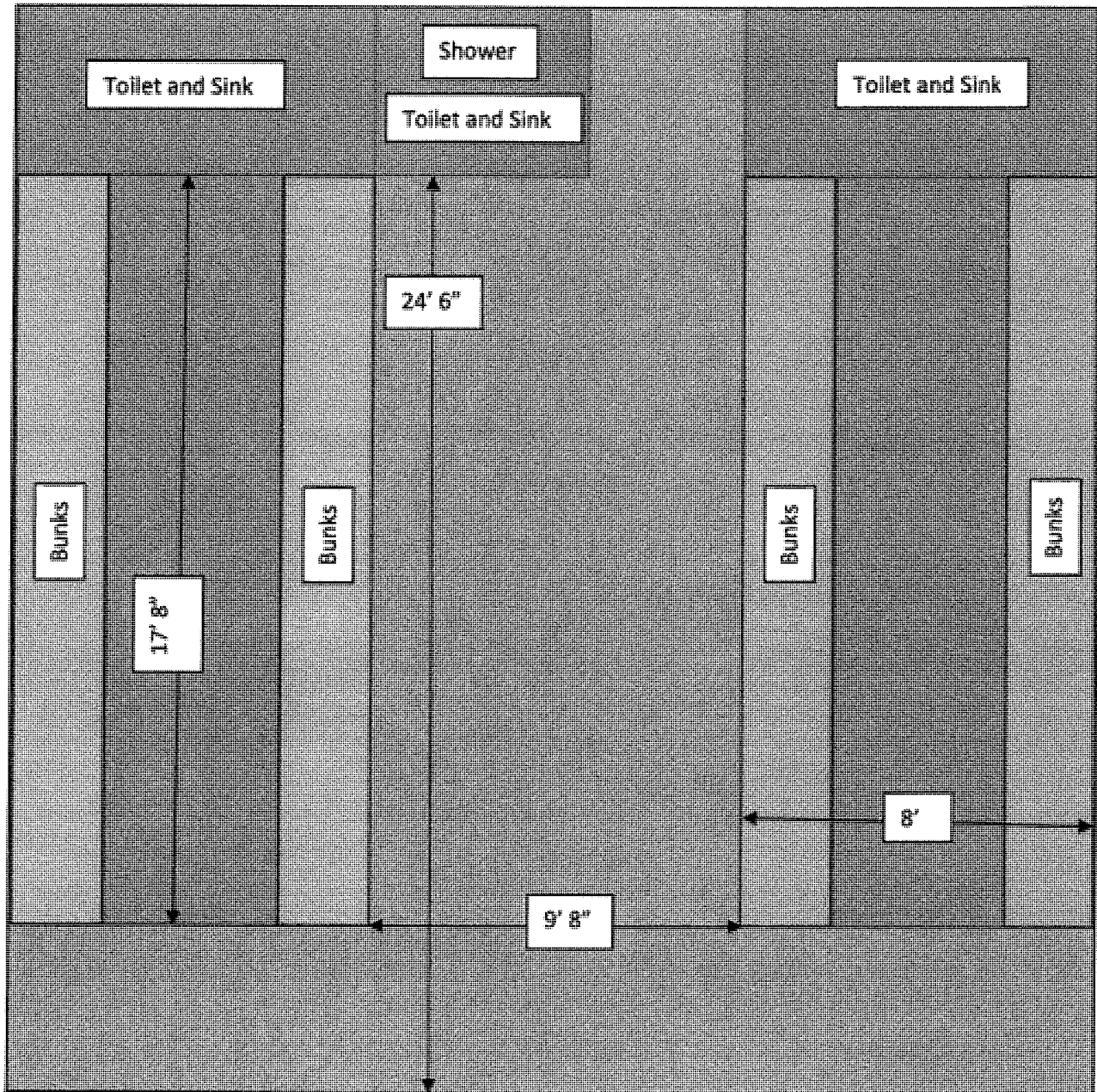
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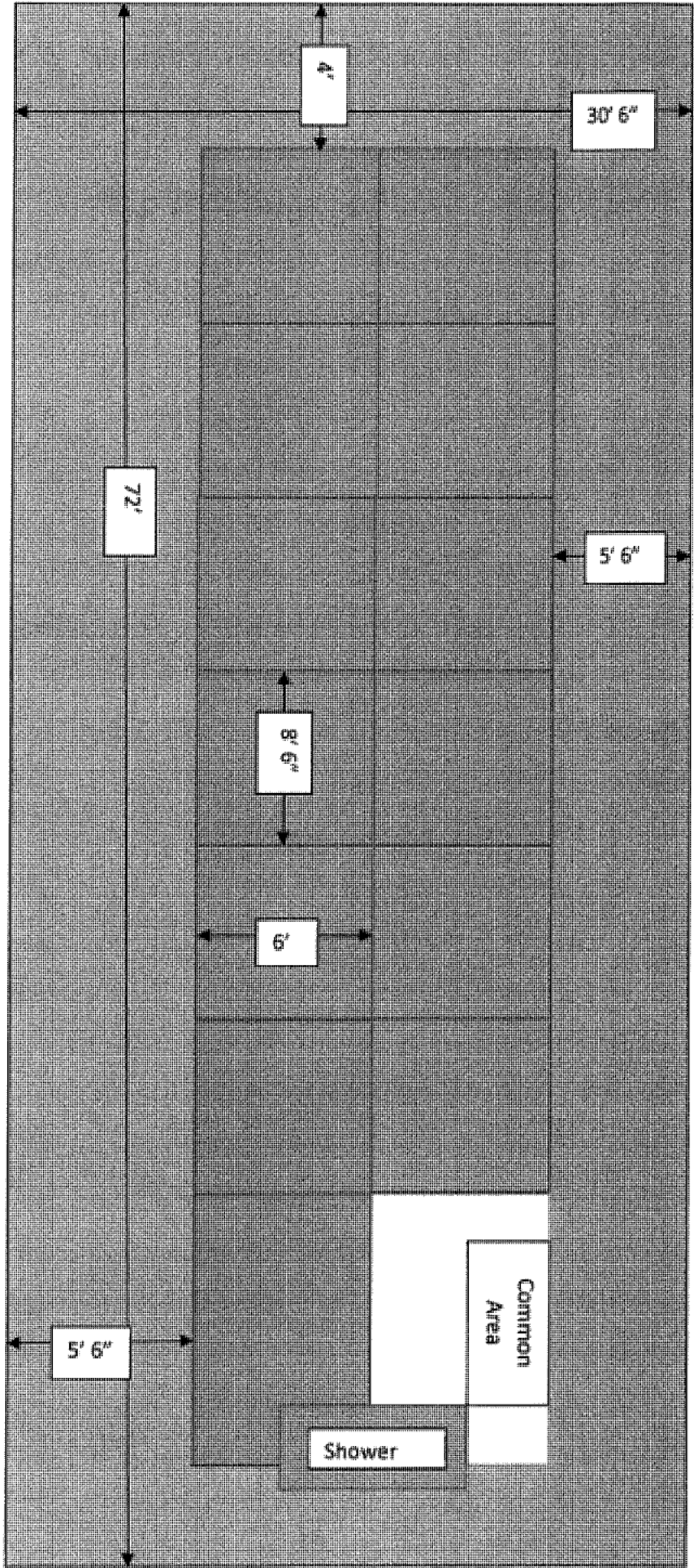
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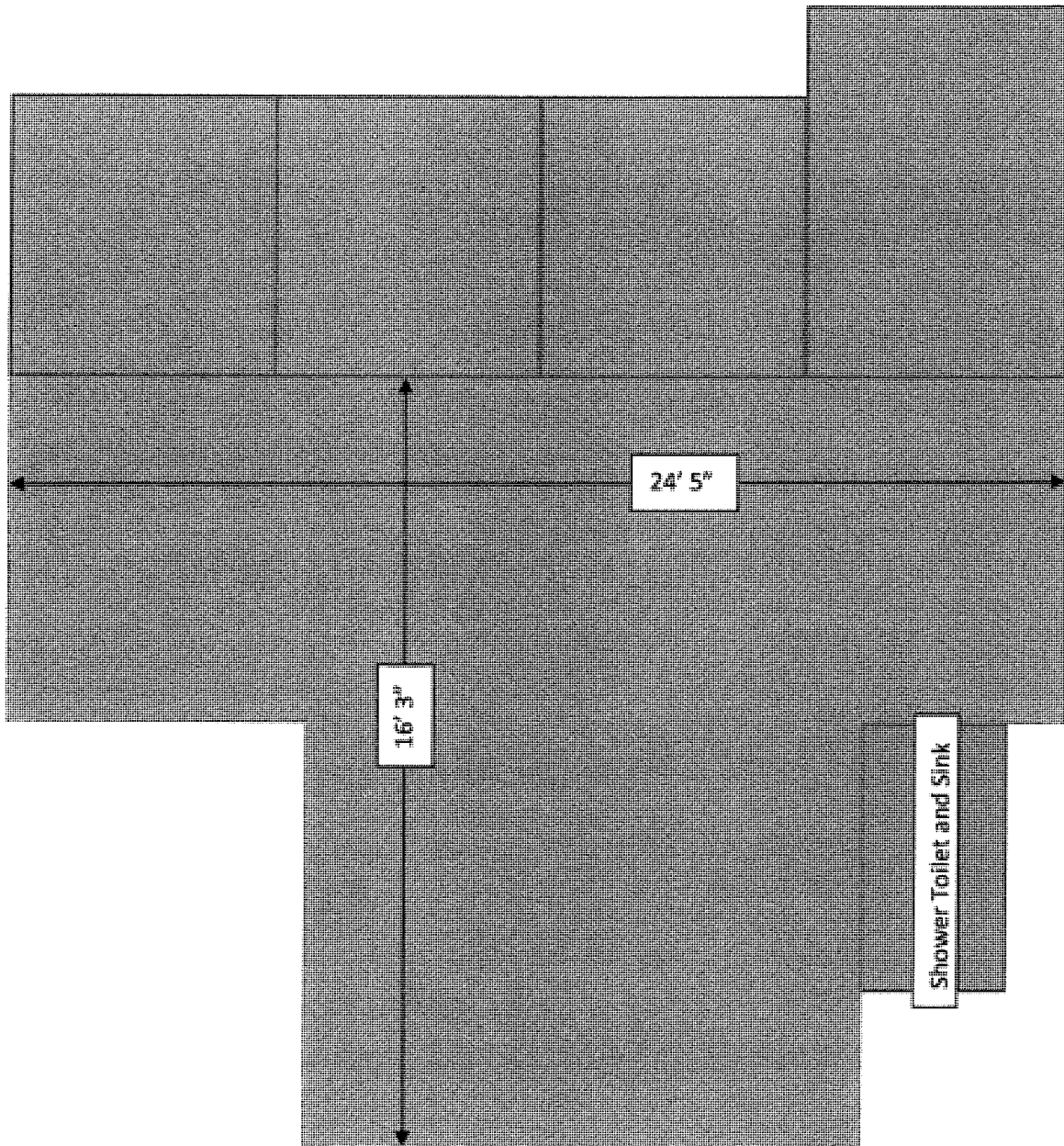
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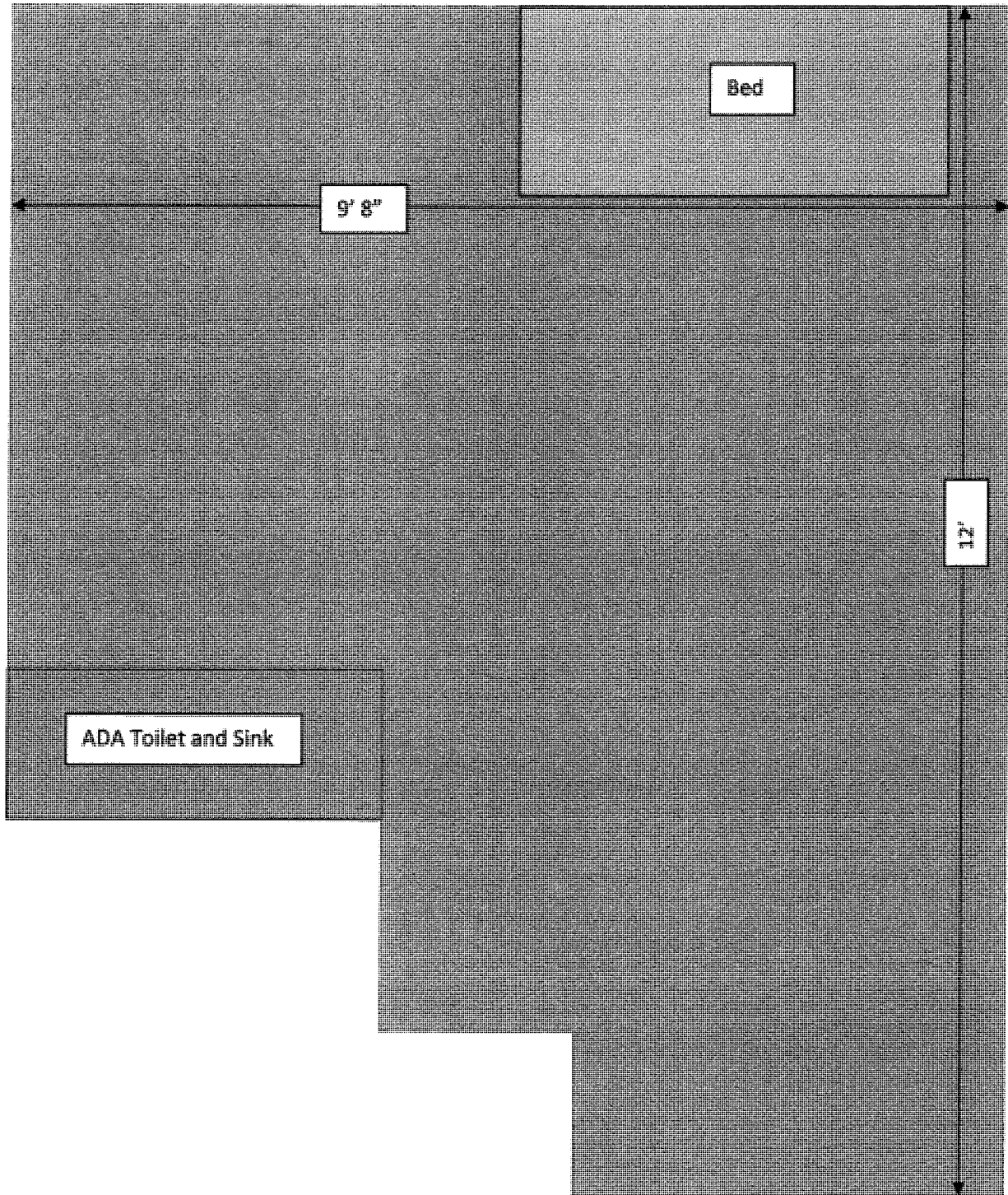
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L Tank



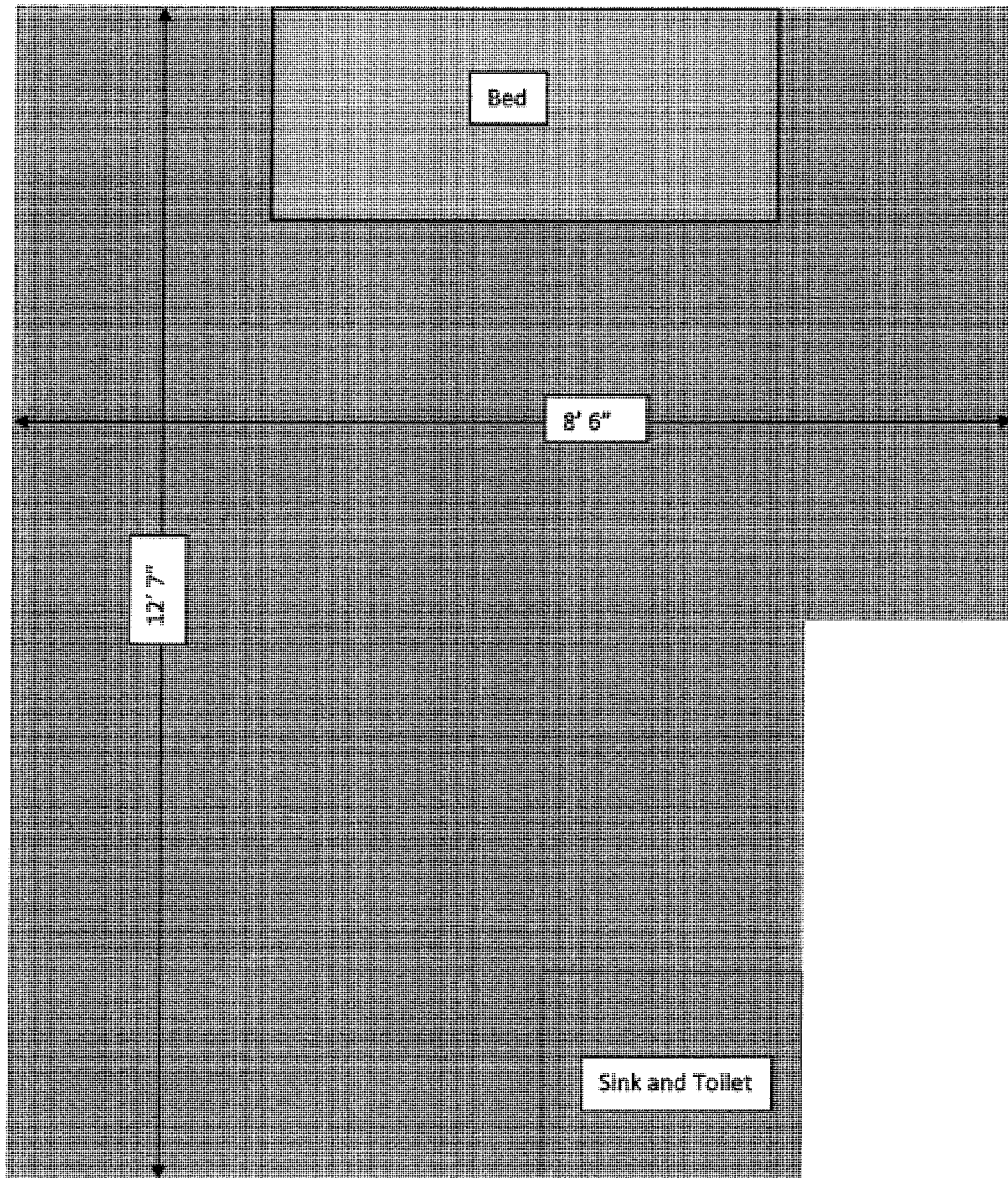
Yuba County Jail
N Tank



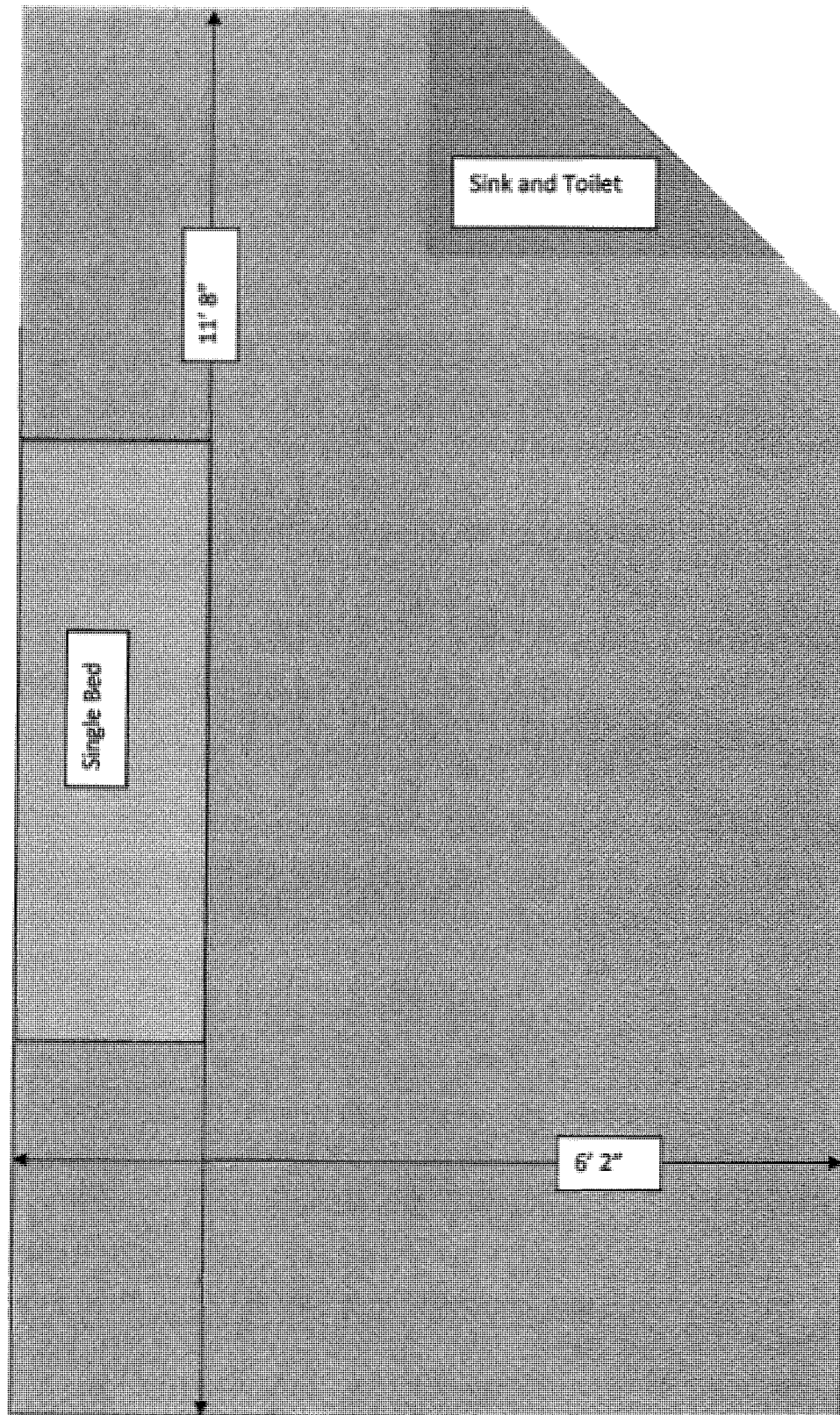
Yuba County Jail
P Tank



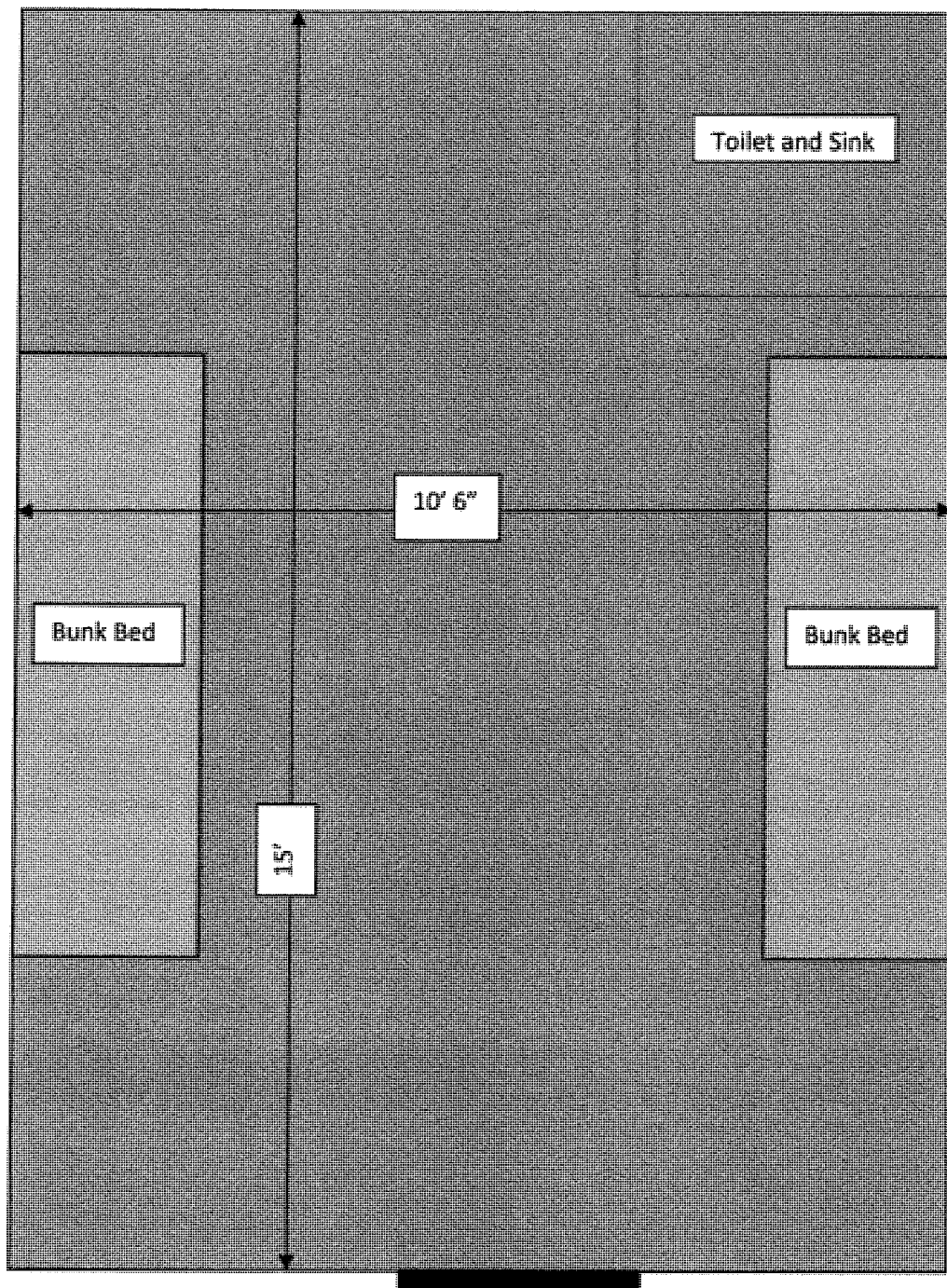
Yuba County Jail
Q-1 Cell



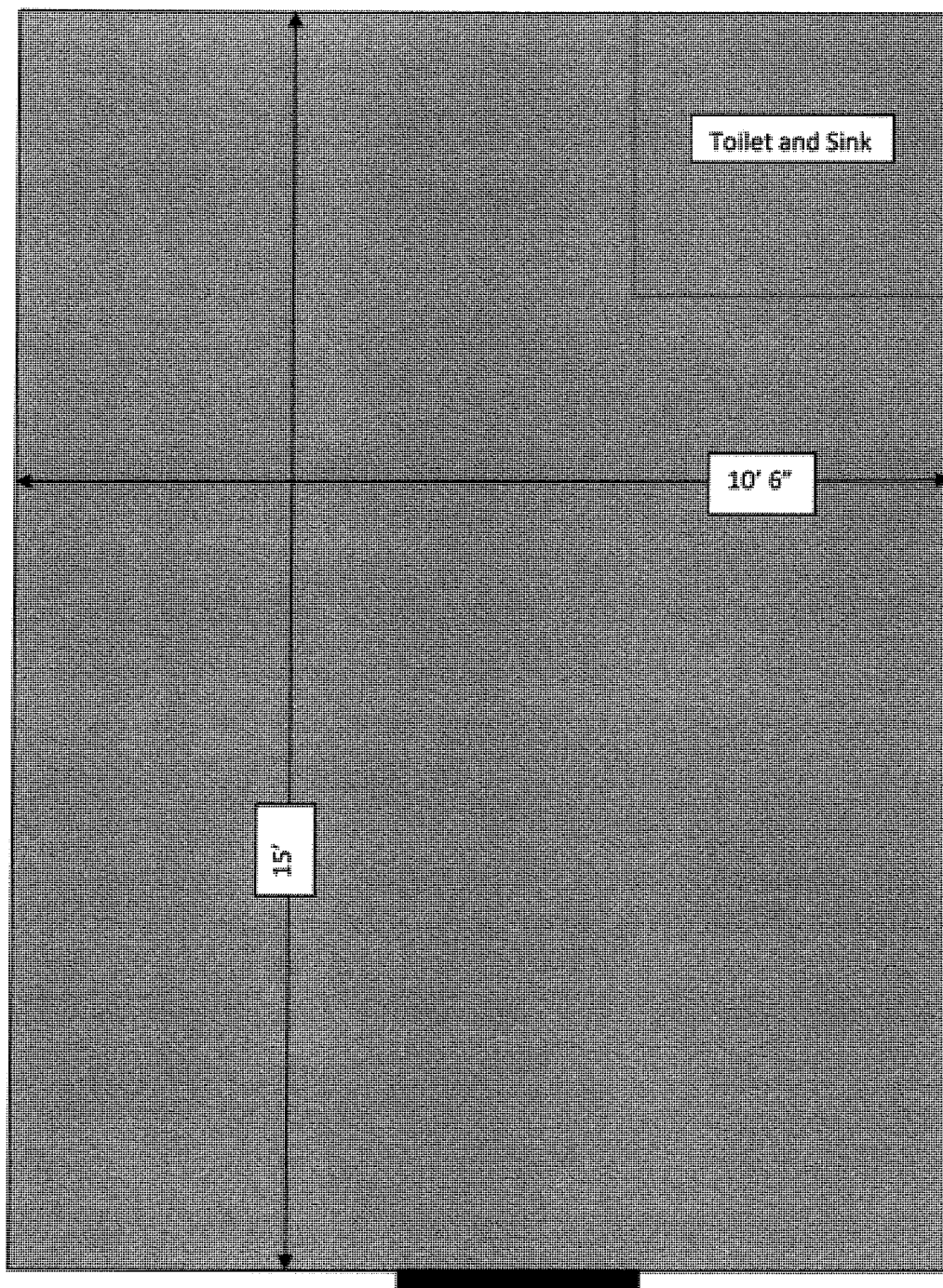
Yuba County Jail
Q-2 Cell



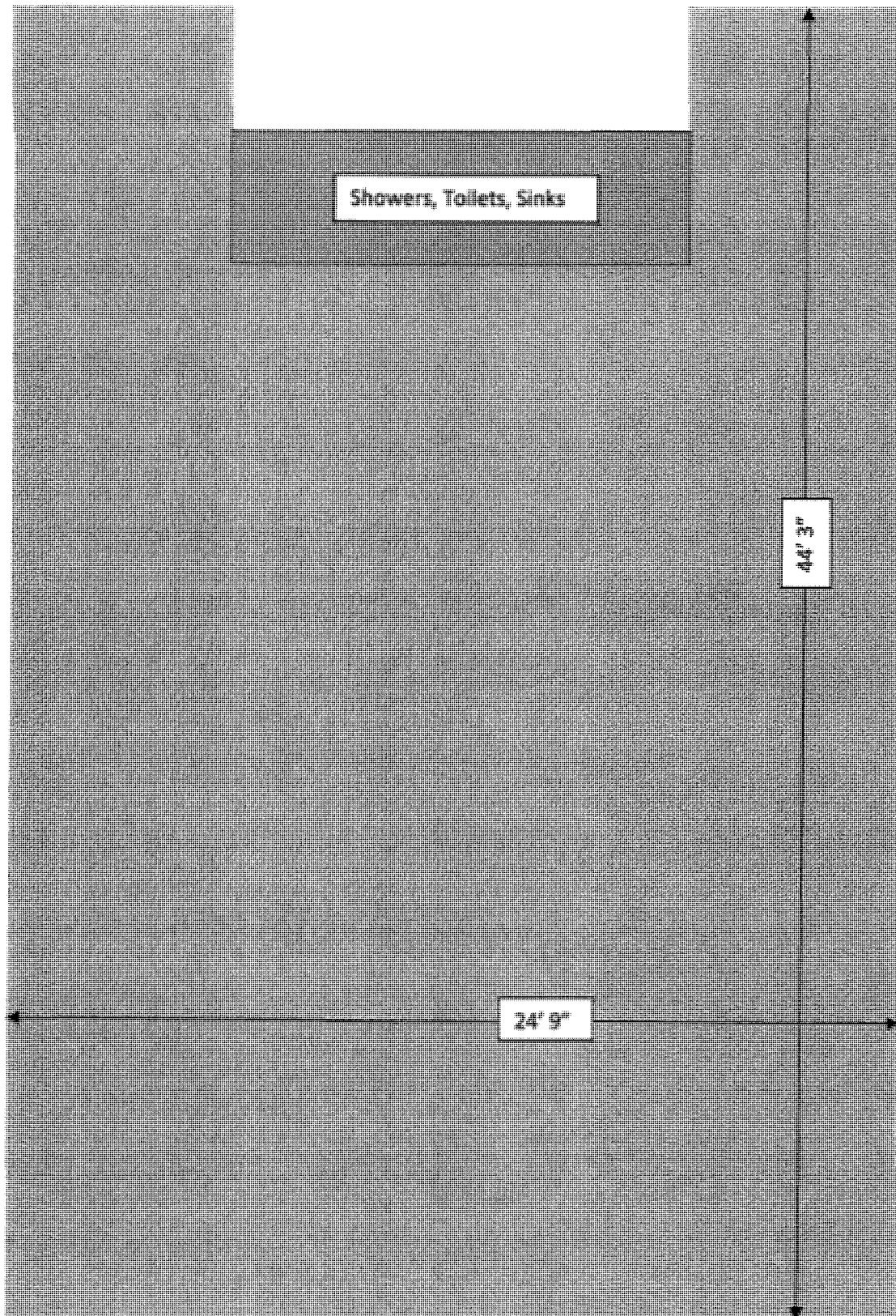
Yuba County Jail
Q-3



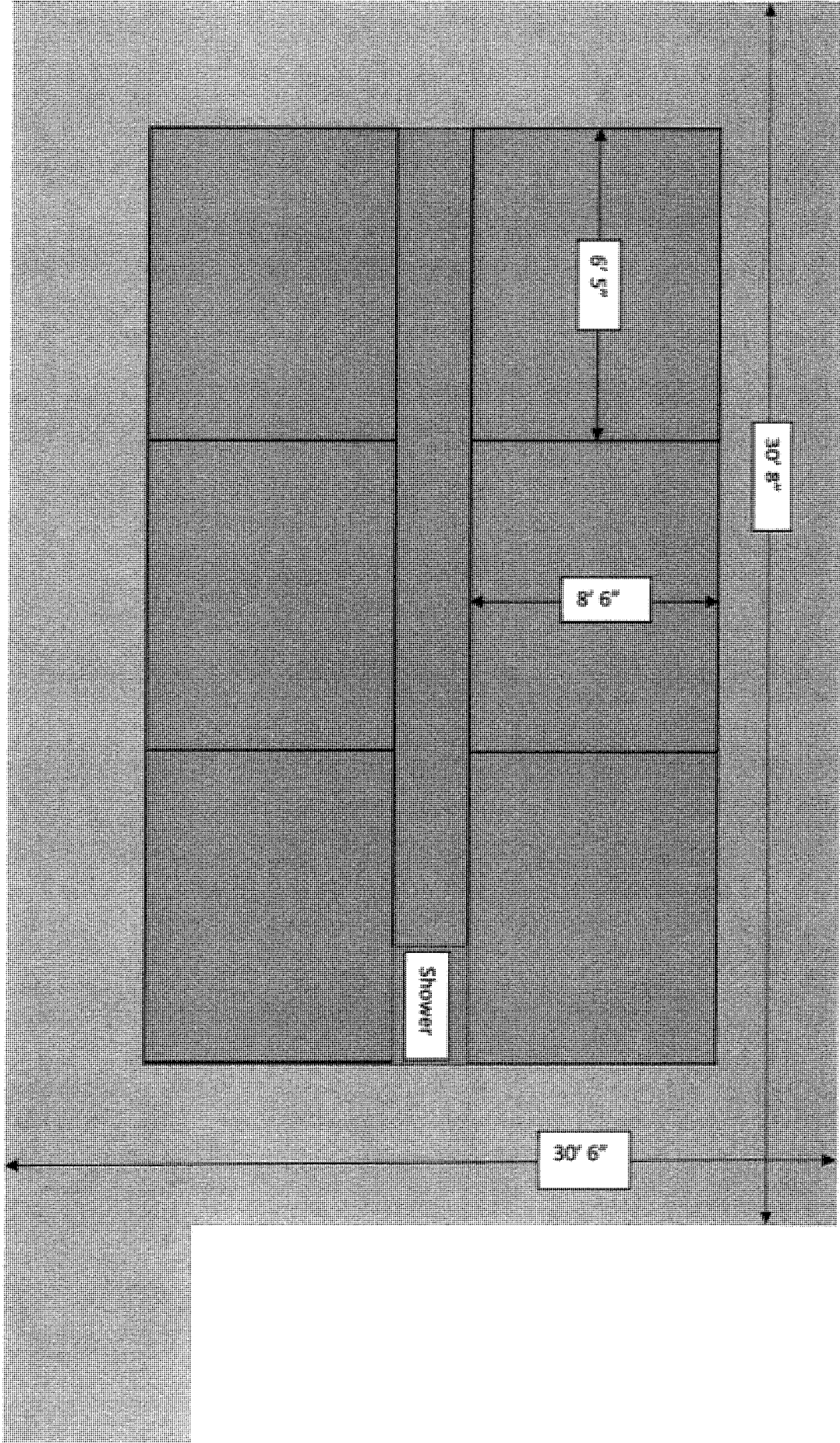
Yuba County Jail
Q-4 Cell



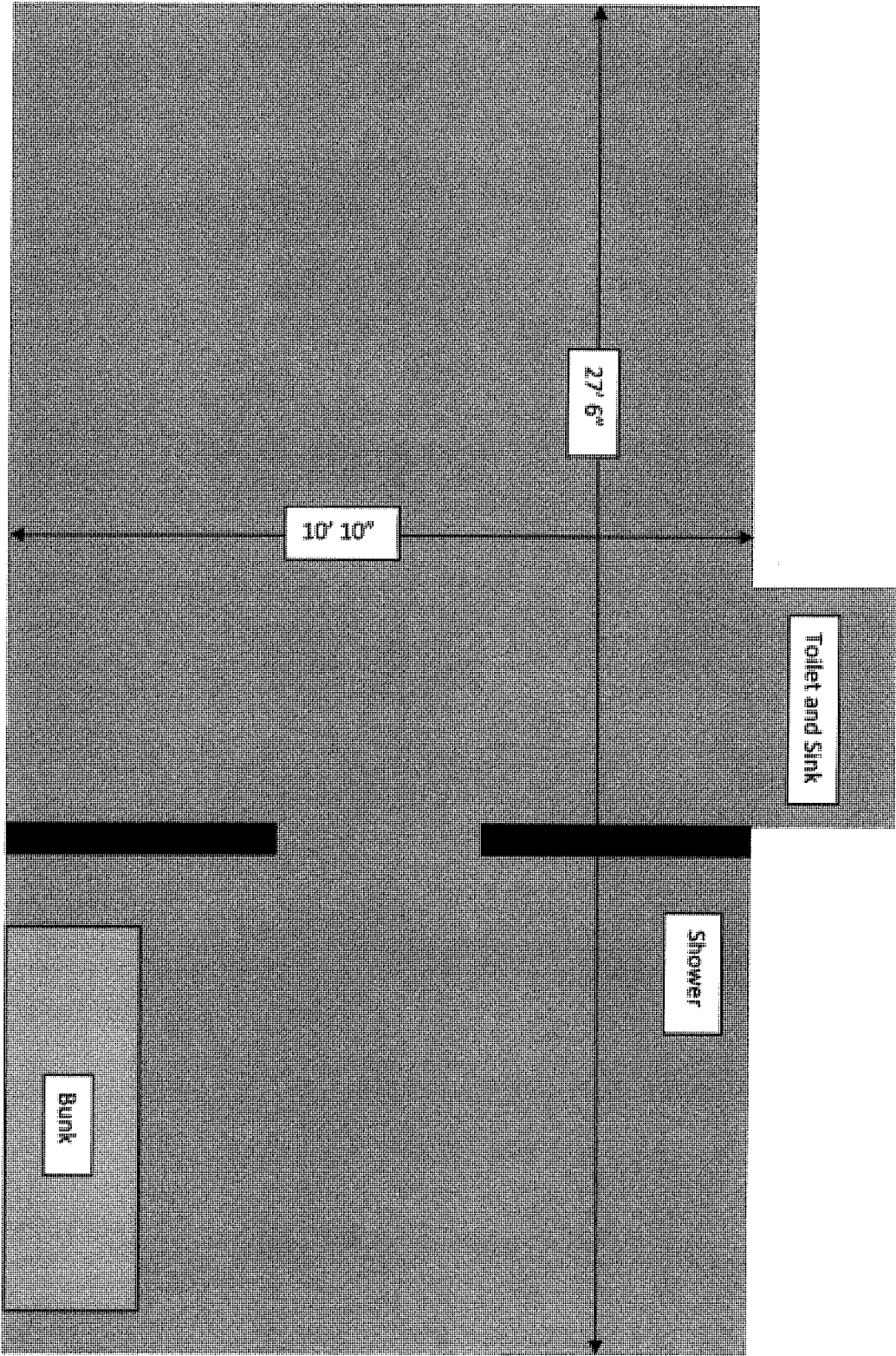
Yuba County Jail
Q-5 Cell



Yuba County Jail
R Dorm

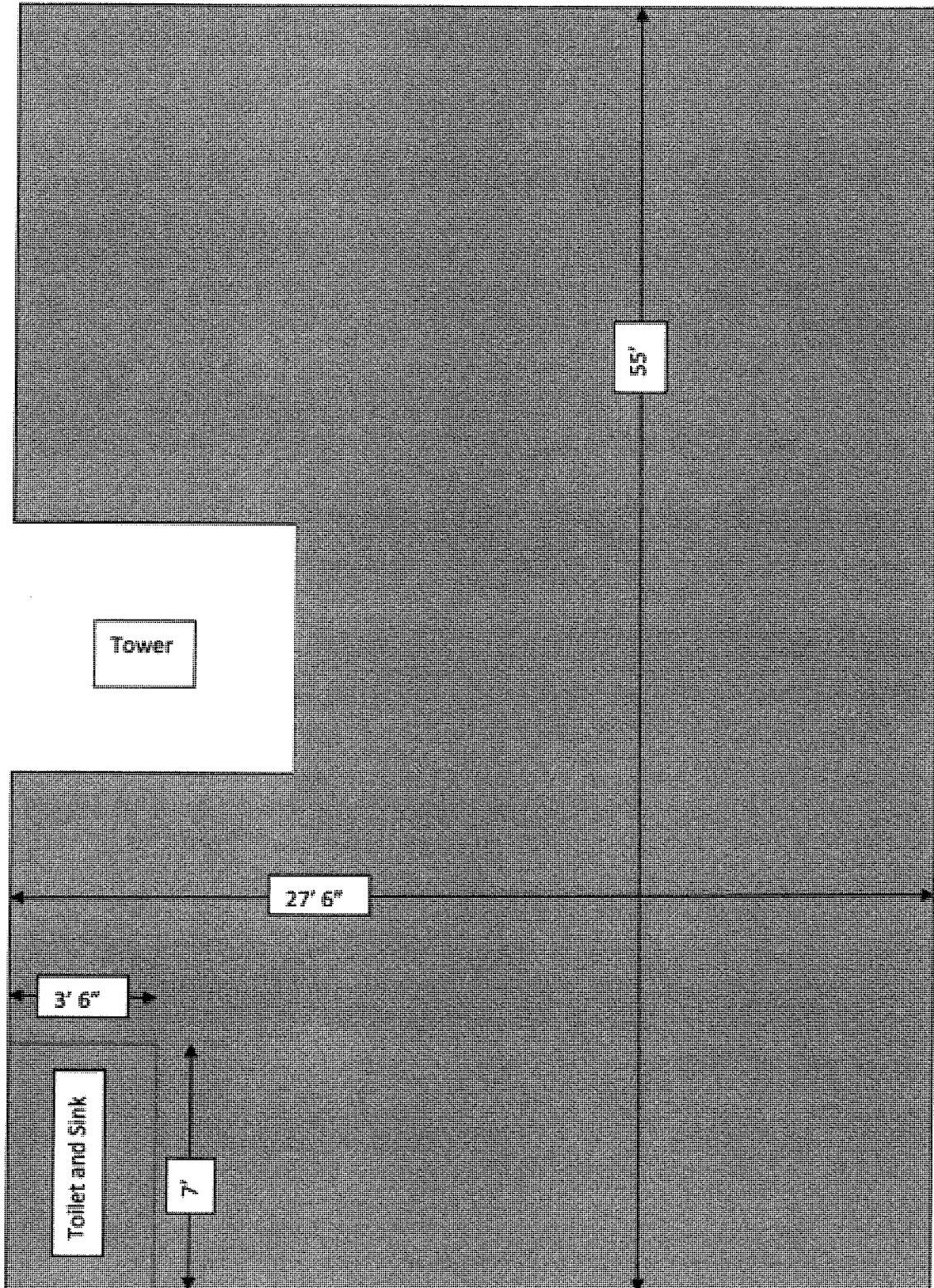


Yuba County Jail
S Tank



Yuba County Jail
T Tank

Yuba County Jail Roof Recreation Area



Recreational Yard

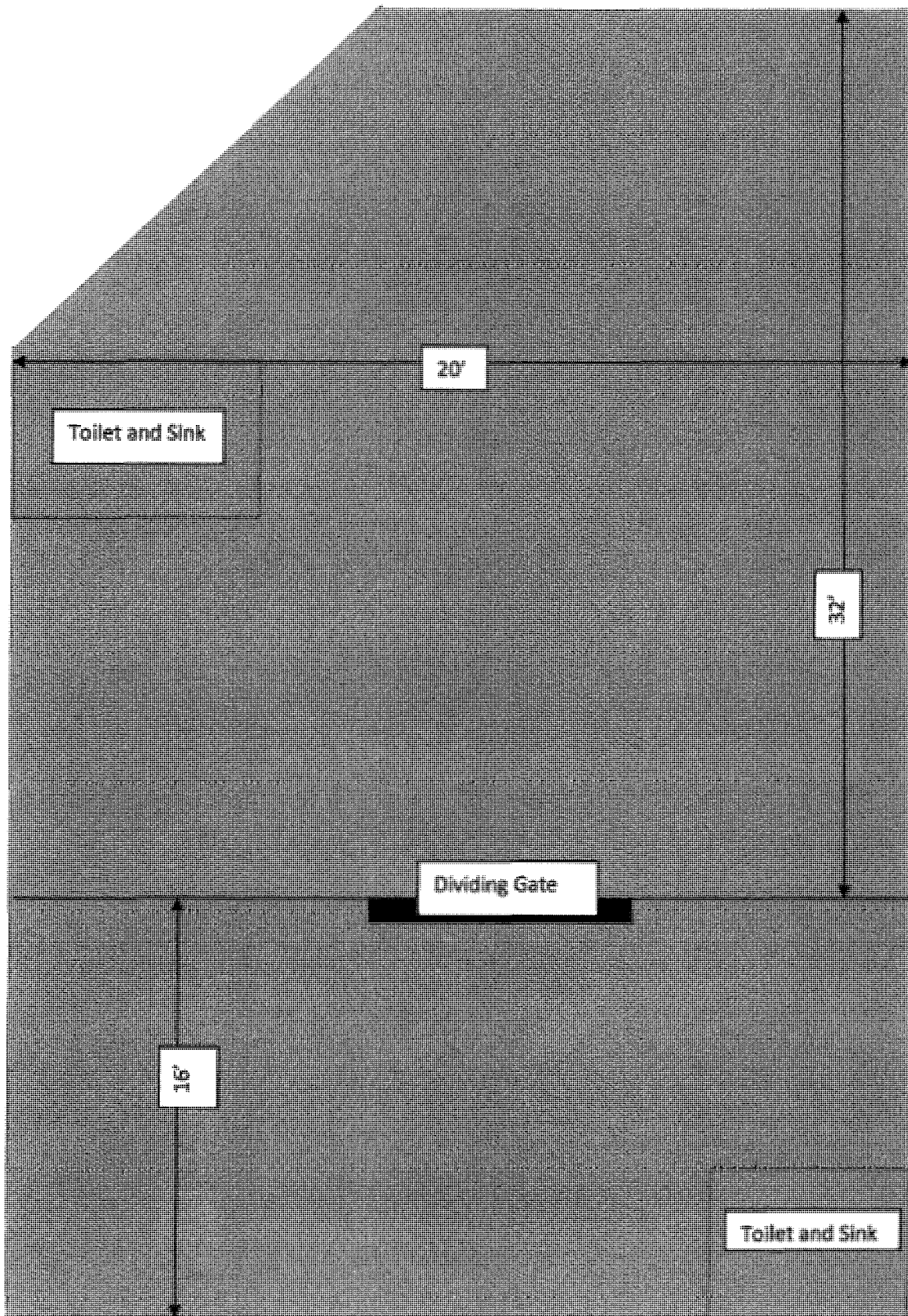


Exhibit C

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Attorneys for Federal Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANGEL DE JESUS ZEPEDA RIVAS, <i>et al.</i> ,	)	CASE NO. 3:20-cv-02731-VC
	)	
Plaintiffs,	)	FEDERAL DEFENDANTS' SECOND
	)	SUPPLEMENTAL OBJECTIONS AND
v.	)	RESPONSES TO PLAINTIFFS' INITIAL SET
	)	OF INTERROGATORIES
DAVID JENNINGS, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

INTRODUCTION

Pursuant to Federal Rules of Civil Procedure 26 and 33, defendants David Jennings, Matthew T. Albence, and U.S. Immigration and Customs Enforcement (“ICE”) (“Federal Defendants”) hereby submit these Second Supplemental Objections and Responses to Plaintiffs’ Initial Set of Interrogatories sent to Federal Defendants’ counsel on April 29, 2020.

GENERAL OBJECTIONS

Federal Defendants assert and incorporate by reference the following general objections as though they were set forth in full in each response:

1. Federal Defendants object to the Interrogatories to the extent they call for the production of information that is beyond the scope of this lawsuit and, therefore, not relevant to any party’s claim or defense and not proportional to the needs of this case under Federal Rule of Civil Procedure 26(b)(1).
2. Federal Defendants object to the Interrogatories to the extent they call for the production of information protected by the attorney-client privilege, the work-product doctrine, the deliberative-process privilege, the law enforcement/investigatory files privilege, and/or any other privilege or protection from disclosure.
3. Federal Defendants object to the Interrogatories to the extent they seek to impose obligations beyond those imposed by the Federal Rules of Civil Procedure and/or the Rules or Orders of the Court.
4. Federal Defendants object to the Interrogatories to the extent they call for the production of information that is equally available to Plaintiffs.
5. Federal Defendants object to the Interrogatories to the extent they call for the production of information that, if disclosed, would threaten or undermine the security of any detention facility. *Cf. Bell v. Wolfish*, 441 U.S. 520, 546–47 (1979) (recognizing essential goals of maintaining security of detention facilities and preserving internal order).
6. Federal Defendants object to the abbreviated time period that they were afforded to respond to the Interrogatories, which is well below the thirty days normally afforded under the Federal Rules.

**SECOND SUPPLEMENTAL RESPONSES TO
PLAINTIFFS' INITIAL SET OF INTERROGATORIES**

INTERROGATORY NO. 4:

State how many dining rooms serving ICE detainees are currently operating in, respectively, Yuba County Jail and Mesa Verde Detention Facility. For each dining room serving ICE detainees, state the number of residents that occupy each room at one time, whether seats are fixed or moveable, and, if fixed, the distance between seats and, if moveable, the number of seats per table and the dimensions of each table.

OBJECTIONS AND RESPONSES TO INTERROGATORY NO. 4:

Subject to and without waiver of their objections, Federal Defendants respond to Interrogatory No. 4 with respect to Mesa Verde, to the best of their knowledge and upon reasonable inquiry in the abbreviated time period they have had to respond to the Interrogatories, as follows.

Mesa Verde has two dining halls, one on each floor. Mesa Verde is currently using both dining halls for meal service for detainees.

INTERROGATORY NO. 5:

Please provide an explanation of whether it is feasible for ICE to stagger meal times for ICE detainees in the two facilities and, if so, how many additional shifts can be accommodated at each facility. If defendants contend that staggering meal times is not feasible, please explain why not.

OBJECTIONS AND RESPONSES TO INTERROGATORY NO. 5:

Subject to and without waiver of their objections, Federal Defendants respond to Interrogatory No. 5 with respect to Mesa Verde, to the best of their knowledge and upon reasonable inquiry in the abbreviated time period they have had to respond to the Interrogatories, as follows.

(continued on next page)

Mesa Verde uses both dining halls and staggers meal times to limit the number of detainees in a dining hall to a maximum of 25 at any given time.

DATED: May 19, 2020

DAVID L. ANDERSON
United States Attorney

s/Shiwon Choe
SHIWON CHOE
Assistant United States Attorney

Attorneys for Federal Defendants

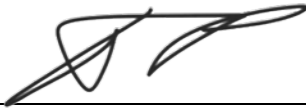
VERIFICATION OF INTERROGATORY RESPONSES

I, Alex Pham, declare under penalty of perjury:

I am employed by U.S. Immigration and Customs Enforcement (“ICE”) as an Assistant Field Office Director. I am authorized to make this verification on behalf of Federal Defendants for their Second Supplemental Responses to Plaintiffs’ Initial Set of Interrogatories.

I have read and know the contents of these Responses. These Responses were prepared after obtaining information reasonably available to ICE through its officers and employees. These Responses, subject to inadvertent and undiscovered errors, are true and correct to the best of my knowledge, information, and belief.

Executed this 19th day of May 2020.



ALEX PHAM

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of May 2020, a true and correct copy of Federal Defendants' Objections and Responses to Plaintiffs' Initial Set of Discovery Requests was served via electronic mail on Marty Schenker, counsel for Plaintiffs.

DAVID L. ANDERSON
United States Attorney

s/Shiwon Choe
SHIWON CHOE
Assistant United States Attorney

Attorneys for Federal Defendants

Exhibit D

DAVID L. ANDERSON (CABN 149604)
United States Attorney

SARA WINSLOW (DCBN 457643)
Chief, Civil Division

WENDY M. GARBERS (CABN 213208)
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Attorneys for Federal Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANGEL DE JESUS ZEPEDA RIVAS, <i>et al.</i> ,	)	CASE NO. 3:20-cv-02731-VC
	)	
Plaintiffs,	)	FEDERAL DEFENDANTS' THIRD
	)	SUPPLEMENTAL OBJECTIONS AND
v.	)	RESPONSES TO PLAINTIFFS' INITIAL SET
	)	OF INTERROGATORIES
DAVID JENNINGS, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

INTRODUCTION

Pursuant to Federal Rules of Civil Procedure 26 and 33, defendants David Jennings, Matthew T. Albence, and U.S. Immigration and Customs Enforcement (“ICE”) (“Federal Defendants”) hereby submit these Third Supplemental Objections and Responses to Plaintiffs’ Initial Set of Interrogatories sent to Federal Defendants’ counsel on April 29, 2020.

GENERAL OBJECTIONS

Federal Defendants assert and incorporate by reference the following general objections as though they were set forth in full in each response:

1. Federal Defendants object to the Interrogatories to the extent they call for the production of information that is beyond the scope of this lawsuit and, therefore, not relevant to any party’s claim or defense and not proportional to the needs of this case under Federal Rule of Civil Procedure 26(b)(1).
2. Federal Defendants object to the Interrogatories to the extent they call for the production of information protected by the attorney-client privilege, the work-product doctrine, the deliberative-process privilege, the law enforcement/investigatory files privilege, and/or any other privilege or protection from disclosure.
3. Federal Defendants object to the Interrogatories to the extent they seek to impose obligations beyond those imposed by the Federal Rules of Civil Procedure and/or the Rules or Orders of the Court.
4. Federal Defendants object to the Interrogatories to the extent they call for the production of information that is equally available to Plaintiffs.
5. Federal Defendants object to the Interrogatories to the extent they call for the production of information that, if disclosed, would threaten or undermine the security of any detention facility. *Cf. Bell v. Wolfish*, 441 U.S. 520, 546–47 (1979) (recognizing essential goals of maintaining security of detention facilities and preserving internal order).
6. Federal Defendants object to the abbreviated time period that they were afforded to respond to the Interrogatories, which is well below the thirty days normally afforded under the Federal Rules.

**THIRD SUPPLEMENTAL RESPONSES TO
PLAINTIFFS' INITIAL SET OF INTERROGATORIES**

INTERROGATORY NO. 4:

State how many dining rooms serving ICE detainees are currently operating in, respectively, Yuba County Jail and Mesa Verde Detention Facility. For each dining room serving ICE detainees, state the number of residents that occupy each room at one time, whether seats are fixed or moveable, and, if fixed, the distance between seats and, if moveable, the number of seats per table and the dimensions of each table.

OBJECTIONS AND RESPONSES TO INTERROGATORY NO. 4:

Subject to and without waiver of their objections, Federal Defendants provide this supplemental response to Interrogatory No. 4 with respect to Mesa Verde, to the best of their knowledge and upon reasonable inquiry in the abbreviated time period they have had to respond to the Interrogatories, as follows.

Mesa Verde has two dining halls, one on each floor. Mesa Verde has added five non-fixed tables with non-fixed chairs to the 20 fixed tables in each dining hall. Because Mesa Verde is limiting the number of detainees in a dining hall to a maximum of 25 at any given time, each detainee is able to sit at his own table during meals. It is possible for 25 detainees to sit at the 25 tables without any two detainees sitting within six feet of each other.

DATED: May 20, 2020

DAVID L. ANDERSON
United States Attorney

s/Shiwon Choe
SHIWON CHOE
Assistant United States Attorney

Attorneys for Federal Defendants

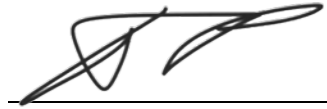
VERIFICATION OF INTERROGATORY RESPONSES

I, Alex Pham, declare under penalty of perjury:

I am employed by U.S. Immigration and Customs Enforcement (“ICE”) as an Assistant Field Office Director. I am authorized to make this verification on behalf of Federal Defendants for their Third Supplemental Responses to Plaintiffs’ Initial Set of Interrogatories.

I have read and know the contents of these Responses. These Responses were prepared after obtaining information reasonably available to ICE through its officers and employees. These Responses, subject to inadvertent and undiscovered errors, are true and correct to the best of my knowledge, information, and belief.

Executed this 20th day of May 2020.



ALEX PHAM

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of May 2020, a true and correct copy of Federal Defendants' Third Supplemental Objections and Responses to Plaintiffs' Initial Set of Discovery Requests was served via electronic mail on Marty Schenker, counsel for Plaintiffs.

DAVID L. ANDERSON
United States Attorney

s/Shiwon Choe
SHIWON CHOE
Assistant United States Attorney

Attorneys for Federal Defendants

Exhibit E

DAVID L. ANDERSON (CABN 149604)
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANGEL DE JESUS ZEPEDA RIVAS, <i>et al.</i> ,	)	CASE NO. 3:20-cv-02731-VC
	)	
Plaintiffs,	)	FEDERAL DEFENDANTS' FOURTH
	)	SUPPLEMENTAL OBJECTIONS AND
v.	)	RESPONSES TO PLAINTIFFS' INITIAL SET
	)	OF INTERROGATORIES
DAVID JENNINGS, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

INTRODUCTION

Pursuant to Federal Rules of Civil Procedure 26 and 33, defendants David Jennings, Matthew T. Albence, and U.S. Immigration and Customs Enforcement (“ICE”) (“Federal Defendants”) hereby submit these Fourth Supplemental Objections and Responses to Plaintiffs’ Initial Set of Interrogatories sent to Federal Defendants’ counsel on April 29, 2020.

GENERAL OBJECTIONS

Federal Defendants assert and incorporate by reference the following general objections as though they were set forth in full in each response:

1. Federal Defendants object to the Interrogatories to the extent they call for the production of information that is beyond the scope of this lawsuit and, therefore, not relevant to any party’s claim or defense and not proportional to the needs of this case under Federal Rule of Civil Procedure 26(b)(1).
2. Federal Defendants object to the Interrogatories to the extent they call for the production of information protected by the attorney-client privilege, the work-product doctrine, the deliberative-process privilege, the law enforcement/investigatory files privilege, and/or any other privilege or protection from disclosure.
3. Federal Defendants object to the Interrogatories to the extent they seek to impose obligations beyond those imposed by the Federal Rules of Civil Procedure and/or the Rules or Orders of the Court.
4. Federal Defendants object to the Interrogatories to the extent they call for the production of information that is equally available to Plaintiffs.
5. Federal Defendants object to the Interrogatories to the extent they call for the production of information that, if disclosed, would threaten or undermine the security of any detention facility. *Cf. Bell v. Wolfish*, 441 U.S. 520, 546–47 (1979) (recognizing essential goals of maintaining security of detention facilities and preserving internal order).
6. Federal Defendants object to the abbreviated time period that they were afforded to respond to the Interrogatories, which is well below the thirty days normally afforded under the Federal Rules.

**FOURTH SUPPLEMENTAL RESPONSES TO
PLAINTIFFS' INITIAL SET OF INTERROGATORIES**

INTERROGATORY NO. 1:

Provide descriptions of all housing units housing ICE detainees in Yuba County Jail and Mesa Verde Detention Facility, including the following information for each. In lieu of written response to any subpart, you may provide plans, or drawings that provide all of the information requested (see Document Request No. 1):

- a. Facility (Yuba County Jail or Mesa Verde Detention Facility)
- b. Name of unit.
- c. Type of unit (e.g., dorm, pod, single cell, double cell, etc.)
- d. Dimensions (width x length x height in feet).
- e. If the housing unit contains more than one bed, how far apart are the beds (if the distances vary, all distances should be provided)?
- f. Where bunk beds are used, what is the vertical distance between the bunks?

OBJECTIONS AND RESPONSES TO INTERROGATORY NO. 1:

Subject to and without waiver of their objections, Federal Defendants provide this supplemental response to Interrogatory No. 4 with respect to Yuba County Jail, to the best of their knowledge and upon reasonable inquiry in the abbreviated time period they have had to respond to the Interrogatories, as follows.

(continued on next page)

Yuba County Jail has removed five bunks from each of B-pod and C-pod. Each of B-pod and C-pod now contain twenty bunks. The bunks are spaced approximately 6'2" apart by 6' apart. Only the lower bunks are being utilized. The bunks are not mounted and may be moved.

DATED: May 21, 2020

DAVID L. ANDERSON
United States Attorney

s/Shiwon Choe
SHIWON CHOE
Assistant United States Attorney

Attorneys for Federal Defendants

VERIFICATION OF INTERROGATORY RESPONSES

I, Dana L. Fishburn, declare under penalty of perjury:

I am employed by U.S. Immigration and Customs Enforcement (“ICE”) as an Assistant Field Office Director. I am authorized to make this verification on behalf of Federal Defendants for their Fourth Supplemental Responses to Plaintiffs’ Initial Set of Interrogatories.

I have read and know the contents of these Responses. These Responses were prepared after obtaining information reasonably available to ICE through its officers and employees. These Responses, subject to inadvertent and undiscovered errors, are true and correct to the best of my knowledge, information, and belief.

Executed this 21st day of May 2020



DANA L. FISHBURN

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of May 2020, a true and correct copy of Federal Defendants' Fourth Supplemental Objections and Responses to Plaintiffs' Initial Set of Discovery Requests was served via electronic mail on Marty Schenker, counsel for Plaintiffs.

DAVID L. ANDERSON
United States Attorney

s/Shiwon Choe
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANGEL DE JESUS ZEPEDA RIVAS,
BRENDA RUBI RUIZ TOVAR,
LAWRENCE KURIA MWAURA,
LUCIANO GONZALO MENDOZA
JERONIMO, CORAIMA YARITZA
SANCHEZ NUÑEZ, JAVIER ALFARO,
DUNG TUAN DANG,

Petitioners-Plaintiffs,

v.

DAVID JENNINGS, Acting Director of the
San Francisco Field Office of U.S. Immigration
and Customs Enforcement; MATTHEW T.
ALBENCE, Deputy Director and Senior
Official Performing the Duties of the Director
of the U.S. Immigration and Customs
Enforcement; U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT; GEO GROUP,
INC.; NATHAN ALLEN, Warden of Mesa
Verde Detention Facility,

Respondents-Defendants.

CASE NO. 3:20-CV-02731-VC

**[PROPOSED] PRELIMINARY
INJUNCTION**

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Attorneys for Petitioners-Plaintiffs
**Admitted Pro Hac Vice*

[PROPOSED] ORDER

Upon review of Plaintiffs-Petitioners' Motion for Preliminary Injunction, Defendants' opposition, Plaintiffs' reply, and all supporting exhibits and declarations, Plaintiffs' Motion for Preliminary Injunction is GRANTED. Pursuant to Rule 65 of the Federal Rules of Civil Procedure and Civil L. R. 65-1, the Court orders as follows:

PRELIMINARY INJUNCTION

The Court concludes that Plaintiffs-Petitioners have met their burden of showing: (1) a likelihood of success on the merits of their claim under the Due Process Clause of the Fifth Amendment; (2) that the continued detention of class members under current conditions of detention at Mesa Verde ICE Processing Facility ("Mesa Verde") and the Yuba County Jail ("Yuba") are causing and will cause irreparable harm to Class members absent a preliminary injunction; (3) that the balance of equities weighs in Plaintiffs-Petitioners' favor; and (4) that the public interest favors granting the motion. Accordingly, a preliminary injunction pursuant to Federal Rule of Civil Procedure 65 and the inherent equitable powers of this Court is warranted.

1. The Court hereby DECLARES that conditions of confinement for all members of the provisionally certified class ("Class"), namely, all individuals held as detainees of U.S. Immigration and Customs Enforcement ("ICE") at Mesa Verde and Yuba ("Detainees"), violate the Fifth Amendment because they fail to adequately address the risk of COVID-19 infection.
2. It is hereby ORDERED that:
 - a. Defendants shall ensure that the number of Detainees at Mesa Verde and Yuba is maintained at no greater than a level that permits all Detainees to maintain a minimum of ten feet of distance from one another while sleeping, and six feet of distance from one another at all other times, including but not limited to while lining up for meals, eating, and using showers, sinks and toilets, except for transient interactions (such as handing food to a Detainee or handcuffing a Detainee being taken out for

removal). In measuring the distance for sleeping, distance shall be measured laterally, from nearest edge to nearest edge, for beds that are placed side by side, regardless of whether Class members' beds are at different heights (e.g., if one Class member is in a top bunk and another is in a bottom bunk). For beds that are situated in a line (i.e. head to foot), the distance between beds from edge to edge must be at least three feet, if Class members sleep in the same direction (i.e., head to toe); if Class members sleep in opposite directions (i.e., head to head) in such beds, the distance between beds must be a minimum of six feet, measured from nearest edge to nearest edge.

- b. No later than seven days from the date of this order, Defendants shall file with the Court detailed written plans for Mesa Verde and Yuba for achieving compliance with Paragraph 2(a) hereof ("Facilities Plans"). Each Facilities Plan must state the maximum number of Detainees to be housed at each facility, and the maximum total occupancy (regardless of whether the occupant is a Detainee or Yuba County Jail inmate) for each sleeping room (e.g., dorm, tank or pod) housing Detainees. Each Facilities Plan shall explain with specificity how and where the stated maximum number of Detainees will sleep, dine, bathe, use toilets and showers, and line up for recreation, and will demonstrate how the Detainees will maintain a minimum of six feet of distance between Detainees in each of these circumstances (10 feet while sleeping). The Facilities Plan shall describe the physical spacing of all beds to be occupied by Detainees in each space where such Detainees are housed, and the physical spacing and/or staggering in use of all dining, recreation, bathroom and shower facilities. Defendants' Facilities Plans shall provide a schematic depicting the arrangement of beds in each sleeping room housing Detainees, which

shall provide no less detail than Defendants provided in their responses to Plaintiffs' interrogatories.

- c. Defendants shall designate and make available for deposition, pursuant to Federal Rule of Civil Procedure 30(b)(6), a person most knowledgeable on the Facilities Plan for each facility. Plaintiffs shall have the opportunity to depose Defendants' designee(s) within 5 days after the submission of the Facilities Plan. Regardless of the number of representatives designated by Defendants, the total deposition time shall be limited to seven hours on the record.
- d. Defendants shall make both Mesa Verde and Yuba available for an inspection by Class Counsel and an expert to be designated by Plaintiffs. The inspection should occur as soon as practicable, but within 7 days after the submission of the Facilities Plans.
- e. No later than 10 days after submission by Defendants of the Facilities Plans, Plaintiffs may file objections to the Facilities Plans.
- f. The Court will review Defendants' Facilities Plans and Plaintiffs' objections, if any, and approve, reject, or modify the Facilities Plans, or issue such further orders as necessary to achieve compliance with Paragraph 2(a) above.
- g. On a weekly basis, Defendants shall disclose a spreadsheet including, for each Detainee: name, A-number, housing unit, any ICE-identified criminal history, and any ICE-identified medical vulnerabilities to COVID-19. In addition to the inspection permitted by Paragraph 2(d), Class counsel and an expert shall be permitted to inspect each of Mesa Verde and Yuba once per month.
- h. Until such time as Defendants have implemented the changes required by Paragraph 2(a) above, as approved or modified by the Court pursuant to Paragraph 2(f), Class counsel may continue to submit bail applications on

behalf of class members, and the Court will continue to adjudicate them. Defendants are required to respond to these bail applications by 5:00 p.m. two days after the application was filed. Any bail application filed after 7:00 p.m. shall be deemed filed on the following day. Responses to bail applications filed at any time on Friday shall be due by 5:00 p.m. on Monday. Responses to bail applications filed at any time on Saturday or Sunday shall be due by 5:00 p.m. on Tuesday. Class counsel will be entitled to an optional reply which must be filed by midnight on the date of any response by Defendants.

- i. After such time as Defendants have implemented the changes required by Paragraph 2(a) above, as approved or modified by the Court pursuant to Paragraph 2(f), Class counsel may continue to submit bail applications for Detainees housed at Mesa Verde and Yuba who Class counsel believes should be released because of a heightened risk of death or serious illness from COVID-19 due to their age and/or pre-existing medical conditions. Defendants are required to respond to these bail applications, and Class counsel will be entitled to an optional reply, on the schedule set forth in Paragraph 2(h).
- j. Until such time as Defendants have implemented the changes required by Paragraph 2(a) above, as approved or modified by the Court, Defendants may not add additional people to the population at Mesa Verde or Yuba. Thereafter, Defendants may add people to the population at Mesa Verde and Yuba, so long as: (i) the total number of Detainees at each facility does not exceed the number contained in the Facilities Plan approved by the Court; and (ii) any newly added individual is tested for COVID-19 promptly following arrival at the facility and such detainee is not commingled with the existing population unless and until the individual's COVID-19 test is determined to be negative, or fourteen days following

arrival, whichever occurs first. Defendants shall follow best practices for medical isolation, which is distinct from solitary confinement. In addition, Defendants shall make reasonable efforts not to add Detainees to the populations of Mesa Verde or Yuba, unless necessary for medical evaluation, medical isolation/quarantine, medical care, extenuating security concerns, or to prevent overcrowding in other ICE facilities. For any Detainees Defendants add to the populations of Mesa Verde or Yuba on or after the date of this Order, Defendants shall furnish to Class counsel the following by 5 p.m. on the next business day after adding such person: name, A-number, I-213, and a list of ICE-identified medical vulnerabilities to COVID-19. For such Detainees, Defendants shall also furnish to Class counsel RAP sheets and medical records at the earliest practicable time.

- k. Defendants shall not transfer any Detainees from Mesa Verde or Yuba to another facility for the purpose of civil immigration detention, including in preparation for removal if removal is not scheduled to occur within 48 hours, unless that facility meets the social distancing requirements of Paragraph 2(a). For any Detainees ICE transfers from Mesa Verde or Yuba following the date of this Order, Defendants shall furnish to Class counsel the following information by 5 p.m. on the next business day after such transfer: name, A-number, facility to which the detainee was transferred, number of confirmed COVID-19 cases at the facility, reason for the transfer, and an attestation that the destination facility meets the social distancing requirements included herein.
- l. For any Detainee ICE releases or transports for removal from the United States, Defendants shall furnish to Class counsel the following information by 5 p.m. on the next business day after such action: name, A-number, and whether such Detainee was released or transported for removal.

- m. Except as provided in the standard conditions of release (Dkt. 108), Defendants shall not re-detain any Class member released from Mesa Verde or Yuba on or after April 20, 2020 (the date of Plaintiffs' motion for provisional class certification), whether or not that Class member was released by order of the Court or otherwise released.
- n. Defendants may apply to the Court for modification of the provisions of this order upon a showing of good cause, which may include changes in the risks presented by the ongoing pandemic.
- o. No security shall be required.

IT IS SO ORDERED.

Dated this ____ day of June 2020

VINCE CHHABRIA
United States District Judge