

1 PUBLIC COUNSEL
2 REBECCA BROWN (SBN 345805)
rbrown@publiccounsel.org
3 SOPHIA WRENCH (SBN 354416)
swrench@publiccounsel.org
4 AMELIA PIAZZA (SBN 342473)
apiazza@publiccounsel.org
5 ELIZABETH HERCULES-PAEZ (SBN 320944)
eherculespaez@publiccounsel.org
6
7 610 South Ardmore Avenue
8 Los Angeles, CA 90005
9 Tel: 213-385-2977

10 *Attorneys for Plaintiffs*
11 Additional Counsel Listed on Following Page

12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA

14 L.T., SEVAK MESROBIAN, JOSE
15 MAURO SALAZAR GARZA, AND J.M.,
16 on behalf of themselves and all others
17 similarly situated; COALITION FOR
HUMANE IMMIGRANT RIGHTS,
18 Plaintiffs,

19 v.

20 U.S. IMMIGRATION AND CUSTOMS
21 ENFORCEMENT; TODD M. LYONS,
22 Acting Director, U.S. Immigration and
23 Customs Enforcement; JAIME RIOS, Acting
24 Director of Los Angeles Field Office,
25 Enforcement and Removal Operations, U.S.
26 Immigration and Customs Enforcement; U.S.
DEPARTMENT OF HOMELAND
SECURITY; MARKWAYNE MULLIN,
Secretary, U.S. Department of Homeland
Security,

27 Defendants.

Case No. 5:26-cv-00322-SSS-SPx

**NOTICE OF MOTION AND
RENEWED MOTION FOR CLASS
CERTIFICATION AND
APPOINTMENT OF CLASS
COUNSEL; MEMORANDUM OF
POINTS AND AUTHORITIES**

CLASS ACTION

Date: July 10, 2026
Time: 2:00 p.m.
Ctrm: 2, 2nd Floor
3470 12th Street
Riverside, CA 92501
Hon. Sunshine Sykes

1 IMMIGRANT DEFENDERS LAW CENTER
2 ALVARO M. HUERTA (SBN 274787)
3 ahuerta@immdef.org
4 CARSON ADRIANNA SCOTT (SBN 337102)
5 cscott@immdef.org
6 ALISON STEFFEL (SBN 346370)
7 asteffel@immdef.org
8 634 S. Spring Street, 10th Floor
9 Los Angeles, CA 90014
10 Tel: 213-634-0999

11 COALITION FOR HUMANE IMMIGRANT RIGHTS
12 CARL BERGQUIST (*pro hac vice*)
13 cbergquist@chirla.org
14 2351 Hempstead Road
15 Ottawa Hills, OH 43606
16 Tel: 310-279-6025

17 ADAM REESE (SBN 362898)
18 areese@chirla.org
19 2533 West Third Street, Suite 101
20 Los Angeles, CA 90057
21 Tel: 213-353-1333

22 WILLKIE FARR & GALLAGHER LLP
23 NICHOLAS REDDICK (SBN 288779)
24 nreddick@willkie.com
25 STEPHEN HENRICK (SBN 310539)
26 shenrick@willkie.com
27 ALYXANDRA VERNON (SBN 327699)
28 avernon@willkie.com
JACOB KARIM (SBN 340376)
jkarim@willkie.com
333 Bush Street, 34th Floor
San Francisco, CA 94104
Tel: 415-858-7400

Attorneys for Plaintiffs

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD**

2 **PLEASE TAKE NOTICE** that at on July 10, 2026, at 2:00 p.m., or soon
3 thereafter as may be heard before Honorable Sunshine Sykes in Courtroom 2 of the
4 United States Courthouse for the Central District of California, 3470 Twelfth St.,
5 Riverside, CA 92501, Plaintiffs L.T., Sevak Mesrobian, Jose Mauro Salazar-Garza,
6 and J.M., on behalf of themselves and all others similarly situated, hereby move the
7 Court for an entry of an Order:

- 8 1. Certifying that this action is maintainable as a class action under Federal
9 Rules of Civil Procedure 23(a), 23(b)(1), and 23(b)(2);
- 10 2. Certifying a Plaintiff Class (the “Adelanto Class”) consisting of, “All
11 persons who are now, or in the future will be, in the legal custody of
12 U.S. Immigration and Customs Enforcement and detained at the
13 Adelanto ICE Processing Center”;
- 14 3. Certifying Plaintiffs L.T., Sevak Mesrobian, Jose Mauro Salazar-Garza,
15 and J.M. as representatives of the Class;
- 16 4. Certifying a Plaintiff Subclass (the “Disability Subclass”) consisting of,
17 “All members of the Adelanto Class who have disabilities within the
18 meaning of the Rehabilitation Act, 29 U.S.C. § 701 et seq.”;
- 19 5. Certifying Plaintiffs L.T., Sevak Mesrobian, and Jose Mauro Salazar-
20 Garza as representatives of the Subclass;
- 21 6. Appointing Plaintiffs’ counsel of record as Class Counsel for the Class
22 and Subclass; and
- 23 7. Directing the parties, pursuant to Rule 23(c)(2)(A), to confer and submit
24 a proposed notice to the Class and Subclass, and the proposed method of
25 distribution of that notice, within 30 days of the order certifying the
26 Class and Subclass.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

This Motion is based on the following:

1. Plaintiffs’ First Amended Complaint;
2. This Notice of Motion and Motion and the accompanying Memorandum of Points and Authorities;
3. The concurrently filed Declarations of Alvaro M. Huerta, (“Huerta Decl.”), Rebecca Brown (“Brown Decl.”), Nicholas Reddick (“Reddick Decl.”), and Carl Bergquist (“Bergquist Decl.”);
4. The concurrently filed sworn Declarations of Plaintiffs L.T., Sevak Mesrobian, Jose Mauro Salazar-Garza, and J.M.;
5. Such other oral or documentary evidence, including sworn declarations and expert reports, that is already in the record and as may be presented at or prior to the hearing of this Motion.

This motion is made following the conference of counsel pursuant to L.R. 7-

3. The conference took place on May 15, 2026, by video conference. The parties were thus unable to reach a resolution that would eliminate the necessity of a hearing on this motion. *See* Huerta Decl. ¶¶ 11–13.

Dated: May 22, 2026

Respectfully Submitted,

IMMIGRANT DEFENDERS LAW CENTER

By: /s/ Carson Adrianna Scott
Carson Adrianna Scott
Alvaro M. Huerta
Alison Steffel

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PUBLIC COUNSEL

By: /s/ Rebecca Brown
Rebecca Brown
Sophia Wrench
Amelia Piazza
Elizabeth Hercules-Paez

WILLKIE FARR & GALLAGHER LLP

By: /s/ Nicholas Reddick
Nicholas Reddick
Stephen Henrick
Alyxandra Vernon
Jacob Karim

COALITION FOR HUMANE IMMIGRANT RIGHTS

By: /s/ Carl Bergquist
Carl Bergquist
Adam Reese

TABLE OF CONTENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I. INTRODUCTION 1

II. STATEMENT OF FACTS 2

 A. The Conditions of Confinement at Adelanto Are Inhumane 2

 B. The Individual Plaintiffs Have Suffered and Continue to Suffer Ongoing Harm 6

III. LEGAL STANDARD 8

IV. ARGUMENT 9

 A. Plaintiffs Satisfy the Requirements of Rule 23(a)..... 9

 1. The Adelanto Class and Disability Subclass Are Numerous and Joinder Would Be Impractical 9

 B. The Proposed Classes Share Common Questions of Law and Fact 11

 1. First Claim: Punitive Conditions of Confinement 11

 2. Second Claim: Inadequate Medical and Mental Health Care 13

 3. Third Claim: Failure to Provide Disability Accommodations..... 14

 C. Individual Plaintiffs’ Claims Are Typical of the Claims of the Proposed Classes 15

 D. Individual Plaintiffs and Class Counsel Will Fairly and Adequately Represent the Interests of the Class..... 16

 E. The Class Should Be Certified Because Rule 23(b) Is Satisfied 18

 1. The Proposed Class Should Be Certified Under Rule 23(b)(2)..... 18

 2. The Proposed Class May Alternatively Be Certified Under Rule 23(b)(1)..... 19

 F. The Class and Subclass Are Ascertainable 20

V. CONCLUSION..... 21

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>A.B. v. Hawaii State Department of Education</i> , 30 F.4th 838 (9th Cir. 2022).....	11
<i>Armstrong v. Davis</i> , 275 F.3d 849 (9th Cir. 2001).....	14, 16
<i>Ashker v. Governor of California</i> , 2014 WL 2465191 (N.D. Cal. June 2, 2014)	20
<i>Brown v. Plata</i> , 563 U.S. 493 (2011)	13
<i>Cnty. of Riverside v. McLaughlin</i> , 500 U.S. 44 (1991)	17
<i>Coleman through Bunn v. D.C.</i> , 306 F.R.D. 68 (D.D.C. 215)	10
<i>Coleman v. Wilson</i> , 912 F. Supp. 1282 (E.D. Cal. 1995).....	20
<i>Collinge v. IntelliQuick Delivery, Inc.</i> , No. 2:12-CV-00824 JWS, 2015 WL 1292444 (D. Ariz. Mar. 23, 2015)	10
<i>Gerstein v. Pugh</i> , 420 U.S. 103 (1975)	17
<i>Gomez Ruiz v. ICE</i> , No. 3:25-cv-09757-MMC, ECF 72 (N.D. Cal Feb. 10, 2026).....	13, 19
<i>Gray v. County of Riverside</i> , No. EDCV 13-00-444 CAP (Opx), 2014 WL 5304915 (C.D. Cal. Sept. 2, 2014).....	20
<i>Greater L.A. Agency on Deafness, Inc. v. Reel Servs. Mgmt. LLC</i> , No. CV 13–7172 PSG (ASx), 2014 WL 12561074 (C.D. Cal. May 6, 2014).	21
<i>Hanlon v. Chrysler Corp.</i> , 150 F.3d 1011 (9th Cir. 1998).....	17
<i>Healthy Futures of Tex. v. HHS</i> , 326 F.R.D. 1 (D.D.C 2018).....	18
<i>Hernandez v. Cnty. of Monterey</i> , 305 F.R.D. 132 (N.D. Cal. 2015)	10, 11, 17

1 *In re Tesla Advanced Driver Assistance Sys. Litig.*,
 2 No. 22-CV05240-RFL, 2025 WL 2532185 (N.D. Cal. Sept. 3, 2025)..... 20
 3 *In re Yahoo Mail Litig.*,
 4 308 F.R.D. 577 (N.D. Cal. 2015) 20
 5 *Inland Empire-Immigrant Youth Collective v. Nielsen*,
 6 No. EDCV 17-2048 PSG (SHKx), 2018 WL 1061408 (C.D. Cal. Feb. 26,
 7 2018)..... 20, 21
 8 *Johnson v. California*,
 9 543 U.S. 499 (2005) 15
 10 *Keegan v. Am. Honda Motor Co., Inc.*,
 11 284 F.R.D. 504 (C.D. Cal. 2012) 21
 12 *Kincaid v. City of Fresno*,
 13 244 F.R.D. 597 (E.D. Cal. 2007)..... 9
 14 *L.H. v. Schwarzenegger*,
 15 No. CIV. S-06-2042 LKK.GGH, 2007 WL 662463 (E.D. Cal. Feb 28, 2007) 15
 16 *Lynch v. Rank*,
 17 604 F. Supp. 30 (N.D. Cal. 1984)..... 18
 18 *McDonald v. Heckler*,
 19 612 F. Supp. 293 (D. Mass. 1985)..... 10
 20 *Orantes-Hernandez v. Smith*,
 21 541 F. Supp. 351 (C.D. Cal 1982)..... 9
 22 *Pablo Sequen v. Albarran*,
 23 810 F.Supp.3d 1084 (N.D. Cal. Nov. 25, 2025)..... 12
 24 *Pappas v. D.C.*,
 25 No. CV 19-2800 (RC), 2024 WL 1111298 (D.D.C. Mar. 14, 2024)..... 10
 26 *Parsons v. Ryan*,
 27 754 F.3d 657 (9th Cir. 2014)..... passim
 28 *Rannis v. Recchia*,
 |380 Fed. App’x 646 (9th Cir. 2010) 9
Rodriguez v. Hayes,
 591 F.3d 1105 (9th Cir. 2010)..... 18
Roman v. Wolf,
 2020 WL 3869729 at *2 (C.D. Cal. April 23, 2020) 13, 19, 21

1 *Roman v. Wolf*,
 2 5:20-cv-00768-TJH-PVC Dkt. 2708 3

3 *Roman v. Wolf*,
 4 977 F.3d 935 (9th Cir. 2020)..... 2, 13

5 *Roman v. Wolf*,
 6 No. EDCV 20-00768 TJH (PVCX), 2020 WL 1952656 (C.D. Cal Apr. 23,
 7 2020)..... 2

8 *Ruiz v. ICE*,
 9 No. 2026 WL 851980 (N.D. Cal. 2026)..... 12

10 *Torres v. United States Dep’t of Homeland Sec.*,
 11 411 F. Supp. 3d 1036, 1055 (C.D. Cal. 2019)..... 17

12 *Wal-Mart Stores, Inc. v. Dukes*,
 13 564 U.S. 338 (2011) 8, 11, 19

14 **Statutes**

15 29 U.S.C. § 701 1

16 Rehabilitation Act § 504 1, 17, 18, 26

17 **Other Authorities**

18 *“They Treat Us Like Dogs in Cages”*: *Inside the Adelanto ICE Processing Center*,
 19 Disability Rights California (July 17, 2025),
 20 <https://www.disabilityrightsca.org/drcadvocacy/investigations/inside-the-adelanto-ice-processing-center>..... 6

21 Brittney Mejia and Ruben Vives, *As Fourth Man Dies at Adelanto Detention*
 22 *Center, Mexican Officials Call for Investigation*, LA Times (March 30, 2026),
 23 <https://www.latimes.com/california/story/2026-03-30/as-fourth-man-dies-at-adelanto-ice-detention-center-mexican-officials-call-for-investigation>. 3

24 *Detention Facilities Average Daily Population*, Transactional Recs. Access
 25 Clearinghouse (TRAC), (February 5, 2026)
 26 <https://tracreports.org/immigration/detentionstats/facilities.html> 3

27 *Detention Facilities Average Daily Population*, Transactional Recs. Access
 28 Clearinghouse (TRAC), (Nov. 28, 2025)
<https://tracreports.org/immigration/detentionstats/facilities.html> 3

Immigration Detention in California, *supra* note 1, at 26; Mobley, *Adelanto ICE Processing Center started the year with three detainees. Now, there are 1,200*, Victorville Daily Press (June 17, 2025),

1 <https://www.vvdailypress.com/story/news/local/2025/06/17/adelanto-iceprocessing-center-now-at-1200-detainees/8424649600>..... 3

2

3 *Immigration Detention in California: A Comprehensive Review with a Focus on Mental Health*, Cal. Dep’t of Just., 26 (2025),

4 <https://oag.ca.gov/system/files/media/immigration-detention-2025.pdf> 2

5 Jenny Jarvie & Nathan Solis, *Moldy Food, Dirty Towels: Critics Warn of Inhumane Conditions at California’s Largest Detention Center*, L.A. Times (June 20, 2025),

6 <https://www.latimes.com/california/story/2025-06-20/unsanitaryovercrowded-and-inhumane-red-flags-raised-about-conditions-in-adelantodetention-center> . 3

7

8 Nkimbeng M, Cudjoe J, Turkson-Ocran RA, Commodore-Mensah Y, Thorpe RJ Jr, Szanton SL, *Disparities in the Prevalence and Correlates of Disability in Older Immigrants in the USA: a Systematic Review of the Literature*, JOURNAL OF RACIAL AND ETHNIC HEALTH DISPARITIES (2019) .. 10

9

10 Patler & Saadi, *Risk of Poor Outcomes with COVID-19 Among U.S. Detained Immigrants: A Cross-Sectional Study*, J. Immigr. Minority Health 23, 863–866 (2021),

11 <https://doi.org/10.1007/s10903-021-01173-z>..... 10

12

13 Paola Echave, Dulce Gonzales, *Being an Immigrant with Disabilities*, URBAN INSTITUTE (2022)

14 <https://www.urban.org/sites/default/files/2022-04/Being%20an%20Immigrant%20with%20Disabilities.pdf> 9

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 **I. INTRODUCTION**

2 Plaintiffs L.T., Sevak Mesrobian, Jose Mauro Salazar-Garza, and J.M.
3 (hereinafter “Individual Plaintiffs”), on behalf of themselves and all others similarly
4 situated (the “Proposed Classes”), by and through their attorneys, respectfully submit
5 this Memorandum of Law in support of their Renewed Motion for Class Certification
6 and Appointment of Class Counsel. The Individual Plaintiffs ask this Court to certify
7 the following Proposed Classes, which satisfy the governing standards under Federal
8 Rules of Civil Procedure 23(a) and 23(b)(2):

9 **Adelanto Class:** All persons who are now, or in the future will be, in the legal
10 custody of U.S. Immigration and Customs Enforcement and detained at the
11 Adelanto ICE Processing Center ¹ (the “Class” or “Adelanto Class”); and

12 **Disability Subclass:** All members of the Adelanto Class who have disabilities
13 within the meaning of the Rehabilitation Act § 504, 29 U.S.C. § 701 et seq. (the
14 “Subclass” or “Disability Subclass”).

15 Certification of these proposed classes is appropriate for the following reasons.

16 *First*, both the Adelanto Class and Disability Subclass are sufficiently numerous, with
17 over 1,700 Adelanto Class members and over fifty Disability Subclass members.

18 *Second*, the Proposed Classes present common questions of law or fact—e.g.,
19 whether Defendants’ “specified [facility-]wide policies and practices” expose the
20 Adelanto Class and Disability Subclass “to a substantial risk of harm.” *Parsons v.*
21 *Ryan*, 754 F.3d 657, 678 (9th Cir. 2014). *Third*, as demonstrated by the evidentiary

22 record in this case, the Individual Plaintiffs’ claims are typical of those faced by the
23 Adelanto Class and Disability Subclass because all face harm from Defendants’
24 facility-wide policies and practices. *Fourth*, the Individual Plaintiffs can fairly and
25 adequately protect the interests of the Proposed Classes and do not have material

26 _____
27 ¹ ECF 74, FAC ¶¶ 33–34 (“Adelanto consists of two building that house detained individuals: East
28 and West.” The compound also includes a third building, known as Desert View Annex, which is
not subject to this lawsuit.)

1 conflicts with putative class members. Counsel for the Proposed Classes are also
2 well-qualified and prepared to represent Proposed Class members’ interests.
3 *Finally*, Defendants have acted or refused to act on grounds that apply generally to
4 all members of the Proposed Classes—namely failing to provide humane conditions
5 and basic necessities at Adelanto that comply with Defendants’ own standards and
6 the U.S. Constitution. Certification of a Rule 23(b)(2) class is therefore appropriate.

7 **II. STATEMENT OF FACTS**

8 **A. The Conditions of Confinement at Adelanto Are Inhumane**

9 Adelanto ICE Processing Center (“Adelanto”) is a for-profit immigration
10 detention center contracted to detain over 1,900 people. ² Adelanto has been the
11 subject of numerous investigations, complaints, and lawsuits challenging its
12 inhumane conditions of confinement. *See* ECF 74, FAC at ¶¶ 37–45. In April 2020,
13 a district court ordered Immigration and Customs Enforcement (“ICE”) to reduce
14 Adelanto’s detained population due to “callous disregard of [] detainees’
15 constitutional right to reasonable safety” during the COVID-19 pandemic. *Roman v.*
16 *Wolf*, No. EDCV 20-00768 TJH (PVCX), 2020 WL 1952656, at *8, 12 (C.D. Cal
17 Apr. 23, 2020), *aff’d in part, vacated in part sub nom. Hernandez Roman v. Wolf*,
18 829 F. App’x 165 (9th Cir. 2020), *and supplemented*, 2020 WL 5797918 (C.D. Cal.
19 Sept. 29, 2020). The Ninth Circuit largely affirmed, finding that ICE’s “inadequate
20 response [to the pandemic] reflected a reckless disregard for detainee safety[.]”
21 *Roman v. Wolf*, 977 F.3d 935, 943 (9th Cir. 2020). By November 2023, Adelanto’s
22 population had been reduced to seven detained individuals, and, at the start of 2025,
23 there were only three detained individuals. ³ On June 11, 2025, the Court approved
24

25 ² *See Immigration Detention in California: A Comprehensive Review with a Focus on Mental*
26 *Health*, Cal. Dep’t of Just., 26 (2025), [https://oag.ca.gov/system/files/media/immigration-](https://oag.ca.gov/system/files/media/immigration-detention-2025.pdf)
27 *detention-2025.pdf* [hereinafter *Immigration Detention in California*].

28 ³ *Immigration Detention in California*, *supra* note 1, at 26; Mobley, *Adelanto ICE Processing*
Center started the year with three detainees. Now, there are 1,200, Victorville Daily Press (June

1 a settlement, lifting restrictions on new intakes at Adelanto. *Roman v. Wolf*, 5:20-cv-
2 00768-TJH-PVC Dkt. 2708. Adelanto’s population skyrocketed from 153 to over
3 1,200 detained individuals within a single week. ⁴ As of April 2, 2026, the facility is
4 holding approximately 1,733 individuals. ⁵

5 Defendants were, and remain, grossly underprepared to handle this population
6 surge, leading to dangerous and abusive conditions. ⁶ Since June 2025, detained
7 individuals have been subjected to “(1) inadequate medical care; (2) a lack of
8 reasonable accommodations; and (3) punitive conditions that are worse than prison.”
9 ECF 74, FAC ¶ 66. Four people detained at Adelanto have died in Defendants’
10 custody since September 2025. ⁷

11 ***Punitive Conditions.*** Defendants subject detained individuals to punitive
12 conditions that are worse than the conditions that exist in state and federal prisons.
13 *See* Salazar-Garza Declaration in Support of Plaintiffs’ Renewed Motion for Class
14 Certification and Appointment of Class Counsel (“Salazar-Garza Decl.”) ⁸ ¶¶ 23–39;
15 ECF 34-3, Adams Declaration (“Adams Decl.”) ⁹ ¶¶ 22–29. Defendants serve class

16 _____
17 17, 2025), <https://www.vvdailynews.com/story/news/local/2025/06/17/adelanto-iceprocessing-center-now-at-1200-detainees/8424649600>.

18 ⁴ *See Detention Facilities Average Daily Population*, Transactional Recs. Access Clearinghouse
19 (TRAC), (Nov. 28, 2025) <https://tracreports.org/immigration/detentionstats/facilities.html>
[hereinafter TRAC Report].

20 ⁵ *See Detention Facilities Average Daily Population*, Transactional Recs. Access Clearinghouse
21 (TRAC), (April 2, 2026) <https://tracreports.org/immigration/detentionstats/facilities.html>
[hereinafter TRAC Report].

22 ⁶ Jenny Jarvie & Nathan Solis, *Moldy Food, Dirty Towels: Critics Warn of Inhumane Conditions*
23 *at California’s Largest Detention Center*, L.A. Times (June 20, 2025),
<https://www.latimes.com/california/story/2025-06-20/unsanitaryovercrowded-and-inhumane-red-flags-raised-about-conditions-in-adelantodetention-center>

24 ⁷ Brittney Mejia and Ruben Vives, *As Fourth Man Dies at Adelanto Detention Center, Mexican*
25 *Officials Call for Investigation*, LA Times (March 30, 2026),
<https://www.latimes.com/california/story/2026-03-30/as-fourth-man-dies-at-adelanto-ice-detention-center-mexican-officials-call-for-investigation>.

26 ⁸ All citations to the Individual Plaintiffs’ declarations will hereinafter be cited as “LAST NAME
Decl.”

27 ⁹ All citations to expert or putative class member Declarations already in the record will
28 hereinafter be cited as “ECF 34-XX, LAST NAME Decl.”

1 members spoiled, insufficiently nutritious food and do not provide sufficient potable
2 drinking water. Mesrobian Decl. ¶¶ 65—68, 75–78; Salazar-Garza ¶ 31; J.M. Decl.
3 ¶ 28; ECF 34-21, Karamychev Decl. ¶ 26 (“The water at Adelanto tastes . . . like
4 sewage.”). The clothing and bedding are threadbare, dirty, and often come back from
5 the laundry still damp. L.T. Decl. ¶ 35. Soap is inconsistently available, the kitchens
6 are unclean, and mold grows on the walls. Mesrobian Decl. ¶ 73; Salazar-Garza Decl.
7 ¶ 31; L.T. Decl. ¶ 30.

8 Unlike in prison, detained individuals are only permitted one-hour-long,
9 limited-contact visits in which they cannot hold their loved ones. Salazar-Garza Decl.
10 ¶34; ECF 34-3, Adams Decl. ¶¶ 24, 28, 95–104. Detained individuals only receive
11 one hour of outdoor time and are locked in their cells six times a day for headcounts
12 that last over an hour. *See* Salazar-Garza Decl. ¶ 23. Staff regularly use solitary
13 confinement to punish detained individuals who speak out about inhumane
14 conditions. *See id.* at ¶¶ 35–37; Mesrobian Decl. ¶ 63.

15 ***Inadequate Medical Care.*** Defendants subject detained individuals to grossly
16 inadequate medical care, often with life threatening consequences. ECF 34-4, Saadi
17 Decl. ¶¶ 24–27. Medical staff fail to identify medical needs during the intake
18 assessments at Adelanto. Mesrobian Decl. ¶ 4 (never received treatment for shoulder
19 dislocated by ICE during arrest, despite raising the issue at intake); ECF 34-11, A.K.
20 Decl. ¶¶ 15–16 (missed antibiotics treatment despite being pregnant, despite raising
21 at intake); ECF 34-29, Winfield Decl. ¶¶ 8–11 (no treatment for growing skin cancer,
22 despite raising at intake); ECF 34-10, A.A.A.A. Decl. ¶ 16 (no medications for
23 chronic conditions for six or more weeks). Detained individuals make multiple
24 requests for medical care for serious and painful conditions, often to no avail. *See*
25 ECF 34-4, Saadi Decl. ¶¶ 32, 46; ECF 34-16, Ding Decl. ¶ 13 (detained person
26 submitted nearly 100 medical requests); ECF 34-10, A.A.A.A. Decl. ¶¶ 14–15; ECF
27 34-29, Winfield Decl. ¶¶ 18–20 (necessary surgery not scheduled despite repeated
28

1 requests); ECF 34-9, A.A. Decl. ¶ 36 (thirty minute delay in helping detainee who
2 collapsed, urinated themselves, and stopped breathing). Even if they do receive
3 treatment, it often comes too late. *See* Salazar-Garza Decl. ¶¶ 8–11 (months delay in
4 treating painful infection).

5 Further, there is an inadequate number of medical professionals at Adelanto.
6 *See* ECF 44-1 at 9–11 (only five full-time and two part-time staff for population of
7 over two thousand and no assurances staffing has increased).

8 Detained individuals have been repeatedly hospitalized because of new
9 ailments they developed, or experienced significant worsening of preexisting chronic
10 conditions because of Defendants’ inability to provide continuity of care. Mesrobian
11 Decl. ¶ 10 (hospitalized more than six times in six months while brain scans show
12 damage due to worsening seizures since detained at Adelanto); ECF 34-22, Lopez
13 Decl. ¶¶ 11–36 (three hospitalizations due to neglected medical needs); ECF 34-15,
14 Rodriguez-Arzola Decl. ¶¶ 5–17 (hospitalized after lack of medical care for diabetes);
15 ECF 34-4, Saadi Decl. ¶¶ 58–71 (detained individuals are not timely administered
16 medications and do not receive needed specialty care). Detained individuals are also
17 ignored during medical crises. ECF 34-13, Pereira-Amaya Decl. ¶ 13 (two hours to
18 respond to bleeding head); Mesrobian Decl. ¶ 10 (hospitalized more than six times
19 because of neglect during seizures). These harms are ongoing. *See* L.T. Decl. ¶¶ 23–
20 29; Salazar-Garza Decl. ¶¶ 11, 17, 19; Mesrobian Decl. ¶¶ 32, 50.

21 ***Lack of Disability Accommodations.*** Defendants fail to provide detained
22 individuals with disabilities the accommodations they need to participate in daily life
23 at Adelanto. L.T. Decl. ¶¶ 10–15; ECF 34-21, Karamychev Decl. ¶ 5. Detained
24 individuals with mobility issues are assigned to units and bunks that are difficult for
25 them to access and must forego specialty shoes, accessible showers, assistive devices,
26 and physical therapy. L.T. Decl. ¶¶ 10–15; ECF 34-21, Karamychev Decl. ¶ 6; ECF
27 34-14, Arnold Decl. ¶¶ 6–7; Salazar-Garza Decl. ¶ 21. Detained individuals with
28

1 mental disabilities or chronic disorders, such as epilepsy, are also denied
2 accommodations. J.M. Decl. ¶¶ 7–18; Mesrobian Decl. ¶¶ 51–53. In June 2025,
3 Disability Rights California (“DRC”), a non-profit agency with federal protection and
4 advocacy authority, toured Adelanto and concluded that detained individuals with
5 disabilities were being subjected to abuse and neglect within the facility.¹⁰

6 **B. The Individual Plaintiffs Have Suffered and Continue to Suffer**
7 **Ongoing Harm**

8 Individual Plaintiffs L.T., Sevak Mesrobian, Jose Mauro Salazar-Garza, and
9 J.M. have volunteered to represent the interests of the Adelanto Class. In addition,
10 Individual Plaintiffs L.T., Sevak Mesrobian, and Jose Mauro Salazar-Garza have
11 volunteered to represent the interests of the Disability Subclass.

12 Individual Plaintiffs experience the same inhumane conditions as other class
13 members, including grossly inadequate medical care, unsanitary housing conditions,
14 lack of access to clean water and nutritious food, limited-contact and limited-duration
15 visits, limited outdoor recreation, and lack of disability accommodations. *See* L.T.
16 Decl. ¶¶ 10–15, 30–38; Salazar-Garza Decl. ¶¶ 4–17, 21, 23–36; Mesrobian Decl. ¶¶
17 13–50, 58–83, 88–89, 93–97; J.M. Decl. ¶¶ 4–18, 25–29, 31–36.

18 L.T. is a California resident with serious medical issues, including paralysis on
19 the right side of his body as a result of a stroke. L.T. Decl. ¶¶ 2, 6. L.T. has been
20 denied reasonable accommodations for his mobility issues, is administered his
21 medication at inconsistent times, went over four weeks without medication for his
22 diabetes, and was housed in a unit with mold growing on the walls, among other
23 harms. L.T. Decl. ¶¶ 10–15, 23–32. L.T.’s body is getting stiffer and atrophying
24 from continued lack of appropriate post-stroke rehabilitation care. *Id.* at ¶ 15. L.T.’s

25 _____
26 ¹⁰“*They Treat Us Like Dogs in Cages*”: *Inside the Adelanto ICE Processing Center*, Disability
27 Rights California (July 17, 2025),
28 <https://www.disabilityrightsca.org/drcadvocacy/investigations/inside-the-adelanto-ice-processing-center>.

1 clothes often come back dirty and damp from the laundry. *Id.* at ¶ 35. L.T.’s harms
2 are ongoing, as there are not enough showers with benches for disabled individuals,
3 and he is only allowed one pillow and a thin mattress, forcing him to put his clothes
4 underneath him when he lays down to alleviate pain in his back. *Id.* at ¶¶ 12–13.

5 Mr. Mesrobian is a California resident who suffers from epilepsy and seizures
6 for which he requires prescription medication. Mesrobian Decl. ¶¶ 3, 9–11. Since
7 his detention at Adelanto, his seizures have increased in frequency and intensity, he
8 has been hospitalized five times in six months, and his brain is showing damage due
9 to the lack of timely medical attention for his seizures. *Id.* at ¶¶ 9–49. He also
10 describes everything as dirty at Adelanto, including the cafeteria (where their food is
11 prepared), and the drinking water. *Id.* at ¶¶ 54, 61, 71–72. He experiences ongoing
12 harm, including lack of medication and medical care and inconsistent access to a
13 lower floor and bottom bunk. *Id.* at ¶¶ 96–97.

14 Mr. Salazar-Garza is a California resident who has suffered several serious
15 medical issues while at Adelanto. Salazar-Garza Decl. ¶¶ 4–17, 21. While detained
16 at a neighboring facility, part of Mr. Salazar-Garza’s pinky finger had to be
17 amputated. *Id.* at ¶ 5. Mr. Salazar-Garza was later transferred to Adelanto, where his
18 finger became infected at the amputation site. *Id.* at ¶ 9. For weeks, Adelanto staff
19 ignored his pleas for medical care. *Id.* at ¶¶ 7–9. Eventually, the finger burst open
20 and was seeping blood and black pus. *Id.* at ¶ 10. With no bandages or supplies to
21 clean the wound, Mr. Salazar-Garza had to wrap his infected finger with toilet paper.
22 *Id.* Life at “Adelanto is much worse,” says Mr. Salazar-Garza, than his experiences
23 in state and federal prison. *Id.* at ¶ 23. The “lack of knowledge and experience”
24 among staff at Adelanto is noticeable. *Id.* He continues to suffer ongoing harm at
25 Adelanto. *Id.* at ¶¶ 11, 17, 21.

26 J.M. is a California resident and has cardiac arrhythmia. J.M. Decl. ¶¶ 2, 5.
27 While detained, J.M. worried he might experience a medical emergency and not
28

1 receive any treatment. J.M. Decl. ¶¶ 4, 5, 14–18. After a doctor ordered J.M. to wear
2 a heart monitor, staff at Adelanto placed J.M. in a segregated medical solitary room,
3 which significantly and negatively affected his mental health. *Id.* at ¶¶ 8–13. J.M.
4 never received his blood work or heart rate monitoring results and has continued chest
5 pain. *Id.* at ¶¶ 7, 14, 17, 18. J.M. has witnessed other detained individuals faint or
6 collapse on multiple occasions and staff respond slowly with no regard for the
7 detained individuals’ lives. *Id.* at ¶¶ 19–23. On April 28, 2026, J.M. was released
8 from Adelanto but is still committed to serving as a class representative. *Id.* at ¶ 40–
9 42. Since his release, J.M. has remained concerned about his health and especially
10 his heart and is actively seeking medical attention. *Id.* at ¶ 40.

11 **III. LEGAL STANDARD**

12 A class may be certified under Federal Rule of Civil Procedure 23 (“Rule 23”) if
13 Individual Plaintiffs satisfy all the elements of Rule 23(a) and at least one of the
14 requirements of Rule 23(b). *See Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 345
15 (2011). Rule 23(a) requires that “(1) the class is so numerous that joinder of all
16 members is impracticable; (2) there are questions of law or fact common to the class;
17 (3) the claims or defenses of the representative parties are typical of the claims or
18 defenses of the class; and (4) the representative parties will fairly and adequately
19 protect the interests of the class.” Fed. R. Civ. P. 23(a); *see also Wal-Mart Stores,*
20 *Inc*, 564 U.S. at 345.

21 Further, the proposed class must satisfy at least one of three Rule 23(b)
22 requirements. Here, the proposed class and subclass satisfy two. First, prosecuting
23 separate actions by individual class members “[w]ould create a risk of [] inconsistent
24 or varying adjudications with respect to individual class members that would
25 establish incompatible standards of conduct for the party opposing the class.” Fed. R.
26 Civ. P. 23(b)(1). Second, Defendants have “acted or refused to act on grounds that
27
28

1 apply generally to the class so that final injunctive relief or corresponding declaratory
2 relief is appropriate respecting the class as a whole.” Fed. R. Civ. P. 23(b)(2).

3 **IV. ARGUMENT**

4 **A. Plaintiffs Satisfy the Requirements of Rule 23(a)**

5 Plaintiffs have established that the proposed Class and Subclass satisfy all the
6 prerequisites of Rule 23(a)—i.e., numerosity, commonality, typicality, and adequacy.

7 1. The Adelanto Class and Disability Subclass Are Numerous and
8 Joinder Would Be Impractical

9 Class certification is appropriate where the proposed class is “so numerous that
10 joinder of all members is impracticable.” Fed. R. Civ. P. 23(a)(1). Numerosity is
11 satisfied when the class has at least forty members, although there is no strict
12 numerosity requirement. *See Rannis v. Recchia*, 380 Fed. App’x 646, 651 (9th Cir.
13 2010); *see also Orantes-Hernandez v. Smith*, 541 F. Supp. 351, 370 (C.D. Cal 1982)
14 (finding numerosity satisfied for class of detained individuals in civil immigration
15 custody).

16 The Adelanto Class satisfies the numerosity requirement. Plaintiffs
17 “reasonably estimate the number of class members” to be over 1,700 detained
18 individuals.¹¹ *Kincaid v. City of Fresno*, 244 F.R.D. 597, 601 (E.D. Cal. 2007).

19 The Disability Subclass also satisfies numerosity. Although there is no publicly
20 available report of the number of detained individuals with disabilities currently at
21 Adelanto, assuming normal prevalence of disabilities within the Adelanto population,
22 the subclass includes well over forty people.¹² The Court may “draw reasonable
23

24 ¹¹*See TRAC Report, supra* note 3.

25 ¹² Numerosity for the subclass would be satisfied if 2.4% of individuals at Adelanto have a
26 disability. Studies show that 5.6% of immigrants ages 18-64 have one or more of the following
27 disabilities: ambulatory difficulty, cognitive difficulty, independent-living difficulty, vision
28 difficulty, hearing difficulty, and self-care difficulty, *see Paola Echave, Dulce Gonzales, Being an
Immigrant with Disabilities*, URBAN INSTITUTE (2022)
[https://www.urban.org/sites/default/files/2022-
04/Being%20an%20Immigrant%20with%20Disabilities.pdf](https://www.urban.org/sites/default/files/2022-04/Being%20an%20Immigrant%20with%20Disabilities.pdf); and that 19.3% of immigrants 65

1 inferences from the facts presented to find the requisite numerosity.” *Coleman*
2 *through Bunn v. D.C.*, 306 F.R.D. 68, 76 (D.D.C. 2015); *see also, e.g., Houser v.*
3 *Pritzker*, 28 F. Supp. 3d 222, 241 (S.D.N.Y. 2014) (a plaintiff seeking to establish
4 numerosity “may rely on reasonable inferences from available facts.”).

5 In addition, courts have repeatedly found joinder impracticable even for small
6 classes where the class is composed of a vulnerable population. *See Pappas v. D.C.*,
7 No. CV 19-2800 (RC), 2024 WL 1111298, at *4 (D.D.C. Mar. 14, 2024) (finding
8 numerosity where “all class members suffer some form of disability, which may limit
9 their resources and make it difficult for class members to sue individually.”);
10 *Coleman through Bunn v. D.C.*, 306 F.R.D. 68, 80 (D.D.C. 2015) (explaining that
11 “the vulnerability of many members of the class renders their claims uniquely
12 unsuited for individual prosecution” and that “Rule 23, in permitting the aggregation
13 of claims, embodies a ‘principle of protection for weaker plaintiffs’”); *Collinge v.*
14 *IntelliQuick Delivery, Inc.*, No. 2:12-CV-00824 JWS, 2015 WL 1292444, at *11 (D.
15 Ariz. Mar. 23, 2015) (acknowledging that “[f]ear of retaliation may deter potential
16 plaintiffs from...suing individually”); *McDonald v. Heckler*, 612 F. Supp. 293, 300
17 (D. Mass. 1985) (finding it is “impracticable” for a class of “disabled and low
18 income” individuals to bring individual lawsuits).

19 Further, Courts routinely find numerosity “where, as here, the class[] include[s]
20 future, unknowable class members” who are yet to be detained in a facility.
21 *Hernandez v. Cnty. of Monterey*, 305 F.R.D. 132, 153 (N.D. Cal. 2015). Defendants
22

23 _____
24 and older have a disability, Nkimbeng M, Cudjoe J, Turkson-Ocran RA, Commodore-Mensah Y,
25 Thorpe RJ Jr, Szanton SL, *Disparities in the Prevalence and Correlates of Disability in Older*
26 *Immigrants in the USA: A Systematic Review of the Literature*, JOURNAL OF RACIAL AND ETHNIC
27 HEALTH DISPARITIES (2019) <https://pubmed.ncbi.nlm.nih.gov/30618007/>. Additionally, research
28 suggests that over forty percent of detained immigrants have chronic conditions, many of which
may constitute disabilities. *See Patler & Saadi, Risk of Poor Outcomes with COVID-19 Among*
U.S. Detained Immigrants: A Cross-Sectional Study, J. IMMIGR. MINORITY HEALTH 23, 863–866
(2021), <https://doi.org/10.1007/s10903-021-01173-z>.

1 can hold a maximum of 1,940 people at Adelanto.¹³ Since the filing of the initial
2 complaint in this case, the estimated population of detained individuals at Adelanto
3 has risen and fluctuated as Defendants regularly transfer new individuals to Adelanto.
4¹⁴ The fact that the Classes’ membership will continue to change over time “weighs
5 in favor of concluding that joinder of all members is impracticable.” *A.B. v. Hawaii*
6 *State Department of Education*, 30 F.4th 838, 838 (9th Cir. 2022).

7 **B. The Proposed Classes Share Common Questions of Law and Fact**

8 A proposed class satisfies commonality where the class presents “questions of
9 law or fact common to the class.” Fed. R. Civ. P. 23(a)(2). The class members’
10 claims must depend on “a common contention . . . capable of class wide resolution—
11 which means that determination of its truth or falsity will resolve an issue that is
12 central to the validity of each one of the claims in one stroke.” *Wal-Mart*, 564 U.S.
13 at 350. The essential inquiry here is whether the “class-wide proceeding [can]
14 generate common answers apt to drive the resolution of the litigation.” *Id.* “[S]o long
15 as there is even a single common question,” capable of class-wide resolution,
16 commonality is satisfied. *Hernandez*, 305 F.R.D. at 152. Plaintiffs’ claims satisfy
17 commonality.

18 1. First Claim: Punitive Conditions of Confinement

19 “Whether the conditions at Adelanto are unnecessarily restrictive and/or
20 punitive such that they violate the Fifth Amendment” is a question common to the
21 entire Class. *See* ECF 74, FAC ¶ 170.a.

22 Everyone at Adelanto is subject to the same policies, practices, and inhumane
23 conditions. *See* ECF 34-2, Adams Decl. ¶¶ 27, 36–38, 48–49, 62–66, 75–78, 83–94,
24 117. All Class members are served spoiled, non-nutritious food and the water is dirty
25 and undrinkable. Salazar-Garza Decl. ¶ 25; Mesrobian Decl. ¶ 65, 75–76.

26
27 ¹³*Immigration Detention in California*, *supra* note 1.

28 ¹⁴*See TRAC Report*, *supra* note 3.

1 Defendants give Class members clothing and bedding that is threadbare, dirty, and
2 often comes back from the laundry still damp. L.T. Decl. ¶ 35. Defendants provide
3 Class members with inconsistent access to soap and fail to provide privacy while
4 using the toilets or showers, the kitchens are unclean, and mold grows on the walls.
5 Mesrobian Decl. ¶¶ 26, 64; L.T. Decl. ¶¶ 30–31, 34; Salazar-Garza Decl. ¶¶ 30–31.
6 Defendants also impose unnecessarily restrictive and harsh policies and practices
7 facility wide as to socialization and stimulation. Mesrobian Decl. ¶¶ 88 (yard
8 available for only one hour), 93 (locked in cell for headcount five times a day), 94
9 (twenty-four hour lockdown with no water); Salazar-Garza Decl. ¶ 34 (limiting
10 visitation to one hour). Defendants use solitary confinement to punish class members
11 for protesting the conditions at Adelanto. See Mesrobian Decl. ¶ 63, 94, 97; Salazar-
12 Garza Decl. ¶¶ 35–37; ECF 34-19, Fredrick Decl. ¶¶ 32, 43, 46–47, 50–51; ECF 34-
13 14, Arnold Decl. ¶ 36 (no contact visits in solitary); ECF 34-16, Ding Decl. ¶ 26.

14 These conditions raise the shared question of whether Defendants’ practices
15 violate the Fifth Amendment because they are unconstitutionally punitive. See ECF
16 74, FAC at ¶ 170(a); see also *Pablo Sequen v. Albarran*, 810 F. Supp. 3d 1084, 1122–
17 23 (N.D. Cal. Nov. 25, 2025) (finding commonality on punitive conditions claim and
18 provisionally certifying class); *Ruiz v. ICE*, No. 2026 WL 851980, at *9 (N.D. Cal.
19 2026) (same). Further, where Plaintiffs “challenge the overall conditions in which
20 they [are] detained . . . [they] need not prove that every single class member was
21 subjected to every single adverse condition to establish a custom or practice of
22 unconstitutional conditions.” *Pablo Sequen v. Albarran*, 810 F. Supp. 3d. 1084, 1123
23 (N.D. Cal. 2025) (cleaned up). It is sufficient to show that all class members will be
24 exposed to the “specified ICE policies and practices that govern the overall conditions
25 of . . . confinement.” *Id.*; see also *Parsons*, 754 F.3d at 678 (“[E]ither each of the
26 policies and practices is unlawful as to every inmate or it is not.”). In other words,
27 the determination of the “truth or falsity” of Plaintiffs’ common contentions “will
28

1 resolve an issue that is central to the validity of each one of the claims in one stroke.”
2 *Wal-Mart v. Dukes*, 564 U.S. 338, 350 (2011).

3 2. Second Claim: Inadequate Medical and Mental Health Care

4 A common question of fact also exists as to whether “Defendants’ failure to
5 provide adequate medical and mental health care” to the Adelanto Class “creates a
6 risk of harm that violates the Fifth Amendment.” ECF 74, FAC ¶ 170.b. This District
7 previously found commonality was satisfied on a similar claim concerning conditions
8 at Adelanto. *See Roman v. Wolf*, 2020 WL 3869729 at *2 (C.D. Cal. April 23, 2020).

9 The Ninth Circuit has repeatedly found that systemic challenges to inadequate
10 medical and mental health satisfy commonality requirements. *See Parsons v. Ryan*,
11 754 F.3d 657, 678–79 (9th Cir. 2015) (collecting cases); *see also Gomez Ruiz v. ICE*,
12 No. 3:25-cv-09757-MMC, ECF 72 (N.D. Cal Feb. 10, 2026) (provisionally certifying
13 class of detained individuals raising Fifth Amendment challenges to health care
14 policies and practices at immigration detention facility). Inadequate medical and
15 mental health care in a civil immigration detention facility endangers the whole class.
16 *See Parsons*, 754 F.3d at 679; *see also Roman*, 977 F.3d at 944–45. Even detained
17 individuals “who are not sick or mentally ill . . . [are] in no sense [] remote bystanders”
18 to Defendants’ inadequate “medical care system. They are that system’s next
19 potential victims.” *Brown v. Plata*, 563 U.S. 493, 532 (2011).

20 Individual Plaintiffs here bring the exact type of challenge brought in *Roman*,
21 *Parsons*, *Plata*, and *Gomez Ruiz*. Defendants’ failure to implement a functional
22 healthcare system puts the entire Adelanto Class at risk of serious harm. *See* ECF
23 34-4, Saadi Decl. ¶¶ 17–27. Defendants fail to identify or timely treat the chronic
24 conditions and acute medical needs of newly arrived detained individuals, causing
25 their health to decline throughout their detention. *See* Mesrobian Decl. ¶ 4 (detained
26 person never received medical treatment for shoulder dislocated by Defendants at
27 arrest, despite raising the issue at intake); ECF 34-10, A.A.A.A. Decl. ¶¶ 22–30

1 (leaving lupus untreated despite staff being aware of declining condition); ECF 34-
2 29, Winfield Decl. ¶ 5. Defendants also regularly delay medical care, despite repeated
3 requests for assistance and readily apparent medical emergencies. *See* Mesrobian
4 Decl. ¶ 19 (failure to give detained person oxygen for twenty-five minutes following
5 a seizure, causing him to turn purple); Salazar-Garza Decl. ¶¶ 8–10 (no care for over
6 a week after amputation wound burst open with “blood and black pus”); J.M. Decl. ¶
7 20 (slow response to detained person lying in a pool of blood); ECF 34-16, Ding Decl.
8 ¶ 13 (submitting nearly 100 medical requests); ECF 34-29, Winfield Decl. ¶¶ 18–20
9 (necessary surgery not scheduled for worsening Dupuytren’s contractures despite
10 repeated requests); ECF 34-09, A.A. Decl. ¶ 36 (witnessed staff delay help for thirty
11 minutes for bunkmate who collapsed and stopped breathing). This systemic failure
12 to provide adequate medical care to detained individuals is due in part to the short
13 staffing of medical professionals. ECF 34-29, Winfield Decl. ¶ 5 (one doctor for
14 1,500 detained individuals); *see also* ECF 34-10, A.A.A.A. Decl. ¶ 22.

15 These systemic failures to provide adequate medical and mental health care
16 raise common questions suitable for class resolution.

17 3. Third Claim: Failure to Provide Disability Accommodations

18 Three common legal questions exist for the Subclass as to whether Defendants
19 violate Section 504 of the Rehabilitation Act. *First*, “whether Defendants have
20 inadequate systems to identify and access the disability needs of people detained at
21 Adelanto.” ECF 74, FAC ¶ 171.a. *Second*, “whether Defendants failed to ensure that
22 people with disabilities receive the accommodations and services they require.” *Id.* at
23 ¶ 171.b. *Third*, “whether Defendants have a policy or practice of failing to respond
24 to requests for disability accommodations made by . . . the Subclass.” *Id.* at ¶ 171.c.

25 Just as with claims of inadequate medical care, courts have repeatedly held that
26 systemic disability discrimination claims present common questions suitable for
27 class-wide resolution. *See Armstrong v. Davis*, 275 F.3d 849, 868 (9th Cir. 2001),
28

1 *abrogated on other grounds by Johnson v. California*, 543 U.S. 499, 504–05 (2005)
2 (holding that members of a class of detained individuals with disabilities have
3 common questions of law by challenging “system-wide” policies and practices under
4 § 504 of Rehabilitation Act). Detained individuals with diverse disabilities and needs
5 satisfy commonality so long as they “suffer similar harm.” *Id.*; *see also L.H. v.*
6 *Schwarzenegger*, No. CIV. S-06-2042 LKK.GGH, 2007 WL 662463, at *12 (E.D.
7 Cal. Feb 28, 2007) (finding commonality “regardless of the specific nature of their
8 individual disability”).

9 Here, the Individual Plaintiffs challenge Defendants’ failure to identify and
10 provide reasonable accommodations to the Subclass. *See* ECF 74, FAC ¶¶ 195–204.
11 The Subclass cannot participate in the fundamentals of life at Adelanto because of
12 Defendants’ failures. For example, mobility-impaired detained individuals have been
13 assigned to second floor units or top bunks and there is only one shower with a seat
14 for their use. L.T. Decl. ¶ 10; Mesrobian Decl. ¶¶ 51–53; ECF 34-18, Flores Decl.
15 ¶¶ 15–16. Defendants also fail to provide other basic accommodations, such as
16 diabetic shoes, accommodations for pregnant women, and sleep apnea machines.
17 Salazar-Garza Decl. ¶¶ 21–22; L.T. Decl. ¶ 16–17; ECF 34-11, A.K. Decl. ¶ 21; ECF
18 34-15, Rodriguez-Arzola Decl. ¶ 18.

19 Given that these discriminatory policies and conditions apply across Adelanto,
20 affecting all members of the Disability Subclass, common questions suitable for
21 class-wide resolution exist.

22 **C. Individual Plaintiffs’ Claims Are Typical of the Claims of the**
23 **Proposed Classes**

24 Typicality is satisfied where “[t]he claims or defenses of the representative
25 parties are typical of the claims or defenses of the class.” Fed. R. Civ. P. 23(a)(3). In
26 other words, Courts analyze whether class members “have the same or similar
27 injury,” whether the claims arise from conduct “not unique to the [individual]
28

1 plaintiffs,” and whether class members suffered injury “by the same course of
2 conduct.” *Parsons*, 754 F. 3d at 685. Courts find typicality is satisfied even where
3 minor distinctions between claims exist, so long as class members “raise similar
4 constitutionally based arguments.” *Armstrong*, 275 F.3d at 869.

5 Typicality is satisfied here because all four Individual Plaintiffs are exposed to
6 and have already suffered “a substantial risk of serious harm by the challenged []
7 policies and practices,” which apply facility-wide to the entire Adelanto Class.
8 *Parsons*, 754 F.3d at 685. Individual Plaintiffs and the Adelanto Class are not
9 properly medically screened at arrival, experience long wait times for medical care,
10 and do not receive timely responses to medical emergencies. ECF 34-4, Saadi Decl.
11 ¶¶ 17–27, 32, 46, 83–93. The Individual Plaintiffs are housed in the same moldy and
12 dirty conditions, served the same unsafe food and water, and subjected to the same
13 number of disruptive daily counts as all class members. *See* L.T. Decl. ¶¶ 35–36;
14 Mesrobian Decl. ¶¶ 58–83, 93; J.M. Decl. ¶¶ 25–35; Salazar-Garza Decl. ¶¶ 23–31.

15 In addition, L.T., Sevak Mesrobian, and Jose Mauro Salazar-Garza’s disability
16 discrimination claims are typical for the Disability Subclass. All three are denied
17 accommodations and suffer “discriminatory treatment on account of their
18 disabilities,” just like the Disability Subclass. *Armstrong*, 275 F.3d at 869; *see also*
19 L.T. Decl. ¶¶ 9–17 (assigned to second floor cell despite mobility issues and not given
20 sleep apnea machine); Salazar-Garza Decl. ¶ 21 (failure to provide orthopedic shoes);
21 Mesrobian Decl. ¶¶ 25 (made to walk to medical after seizure), 27 (placed in holding
22 tank without supervision for hours), 51–53 (placement on top floor).

23 **D. Individual Plaintiffs and Class Counsel Will Fairly and Adequately**
24 **Represent the Interests of the Class**

25 Finally, Rule 23(a)(4) requires that the Individual Plaintiffs and their counsel
26 “fairly and adequately protect the interests of the class.” Fed. R. Civ. P. 23(a)(4).
27 Courts address two questions in this inquiry: (1) “[d]o the [individual] plaintiffs and
28

1 their counsel have any conflicts of interest with other class members?"; and (2) "will
2 the [individual] plaintiffs and their counsel prosecute the action vigorously on behalf
3 of the class?" *Hanlon v. Chrysler Corp.*, 150 F.3d 1011, 1021 (9th Cir. 1998). Both
4 the Individual Plaintiffs and their counsel satisfy the adequacy requirement.

5 First, neither the Individual Plaintiffs nor their counsel have conflicts of interest
6 with the Class or Subclass. Reddick Decl. ¶ 11; Huerta Decl. ¶ 10; Bergquist Decl. ¶
7 6; Brown Decl. ¶ 6. Individual Plaintiffs, the Adelanto Class, and the Disability
8 Subclass all share a common interest—i.e., they all seek to hold Defendants
9 accountable for the punitive conditions of confinement, inadequate medical care, and
10 disability discrimination at Adelanto. *See* ECF 74, FAC ¶¶ 176–204. Further,
11 "[c]lass representatives have less risk of conflict with unnamed class members when,"
12 as here, "they seek only declaratory and injunctive relief." *Hernandez v. County of*
13 *Monterey*, 305 F.R.D. 132, 160 (N.D. Cal. 2015); *see also* ECF 74, FAC at 70–71
14 (prayer for relief requesting only declaratory and injunctive relief).

15 Second, Individual Plaintiffs and their counsel are committed to prosecuting
16 the action vigorously on behalf of the Class and Subclass. The Individual Plaintiffs
17 have stepped forward in hopes of improving conditions for not just themselves, but
18 all those detained at Adelanto.¹⁵ L.T. Decl. ¶ 38–40; Mesrobian Decl. ¶¶ 98–99;
19 Salazar-Garza Decl. ¶¶ 40–41; J.M. Decl. ¶¶ 41–42. They have done so despite fear
20 and serious risk of retaliation. *See* Mesrobian Decl. ¶¶ 51–53 (Individual Plaintiff
21

22 ¹⁵ Although J.M. was released from Adelanto on April 28, 2026, he can maintain his claims as a
23 class representative under either exception to the mootness doctrine. First, J.M.'s claims are "so
24 inherently transitory that the 'relation back' doctrine is properly invoked to preserve the case's
25 merits for judicial resolution." *Cnty. of Riverside v. McLaughlin*, 500 U.S. 44, 45 (1991) (internal
26 quotes omitted); *see also Gerstein v. Pugh*, 420 U.S. 103, 111 n. 11 (1975) (exception to mootness
27 applies where length of custody "cannot be ascertained at the outset" and "it is by no means
28 certain that any given individual, named as plaintiff, would be in [government] custody long
enough for a district judge to certify the class."). Second, "plaintiffs with mooted individual
claims can maintain claims for injunctive relief where they are 'challenging an ongoing
government policy.'" *Torres v. United States Dep't of Homeland Sec.*, 411 F. Supp. 3d 1036,
1055 (C.D. Cal. 2019). J.M. does so here.

1 moved to an upper floor, which is more dangerous for him because of his seizures,
2 after participation in this lawsuit); Salazar-Garza Decl. ¶¶ 35–37 (Individual Plaintiff
3 subjected to solitary confinement multiple times for speaking out about the conditions
4 and lack of medical care); J.M. Decl. ¶¶ 37–38 (Individual Plaintiff wishing to remain
5 anonymous out of fear of retaliation); ECF 13-2, L.T. Decl. ¶¶ 20–22 (same).

6 Proposed Class Counsel are also committed to vindicating the rights of the
7 Adelanto Class and Disability Subclass. Bergquist Decl. ¶ 9; Brown Decl. ¶ 16;
8 Huerta Decl. ¶ 10; Reddick Decl. ¶ 11. Collectively, proposed Class Counsel have
9 significant experience with class action litigation, complex litigation, and
10 representing classes of plaintiffs—including immigrants—challenging governmental
11 policies. *See* Bergquist Decl. ¶¶ 4, 7–8; Brown Decl. ¶¶ 5, 7–16; Huerta Decl. ¶¶ 2–
12 10; Reddick Decl. ¶¶ 4–11; *see also Lynch v. Rank*, 604 F. Supp. 30, 37 (N.D. Cal.
13 1984), *amended on reh’g*, 763 F.2d 1098 (9th Cir. 1985) (finding attorneys were
14 qualified to represent the class because they were experienced in class action
15 litigation and the subject of the claims).

16 **E. The Class Should Be Certified Because Rule 23(b) Is Satisfied**

17 In addition to meeting the requirements of Rule 23(a), a proposed class must
18 also fall within at least one of three subsections of Rule 23(b). Plaintiffs satisfy two
19 of the three grounds—Rule 23(b)(1) and 23(b)(2). The Court should certify the Class
20 and Subclass under Rule 23(b)(2), or in the alternative, under Rule 23(b)(1).

21 **1. The Proposed Class Should Be Certified Under Rule 23(b)(2)**

22 Rule 23(b)(2)’s “requirements are unquestionably satisfied when members of
23 a putative class seek uniform injunctive or declaratory relief from policies or
24 practice...generally applicable to the” whole class. *Parsons*, 754 F.3d at 688 (citing
25 *Rodriguez v. Hayes*, 591 F.3d 1105, 1125 (9th Cir. 2010)); *see also Healthy Futures*
26 *of Tex. v. HHS*, 326 F.R.D. 1, 8 (D.D.C 2018) (citations omitted) (“Rule 23(b)(2)
27 exists so that parties and courts . . . can avoid piecemeal litigation when common
28

1 claims arise from systemic harms that demand injunctive relief.”). Class certification
2 is warranted pursuant to this subsection if “the party opposing the class has acted or
3 refused to act on grounds that apply generally to the class, so that final injunctive
4 relief or corresponding declaratory relief is appropriate respecting the class as a
5 whole.” Fed. R. Civ. P. 23(b)(2). Where “members of a putative class seek uniform
6 injunctive or declaratory relief from policies or practices that are generally applicable
7 to the class as a whole,” Rule 23(b)(2) is satisfied. *Parsons*, 754 F.3d at 688 (citing
8 *Rodriguez v. Hayes*, 591 F.3d 11105, 1125 (9th Cir. 2010)).

9 This case is the exact type of case Rule 23(b)(2) “is meant to capture.” *Wal-*
10 *Mart*, 564 U.S. at 361; *see also Gomez Ruiz, et al.*, No. 3:25-cv-09757 at *1
11 (provisionally certifying a class of detained individuals at a civil immigration
12 detention center under 23(b)(2)). In fact, this District Court has certified a nearly
13 identical class of “all individuals detained . . . at Adelanto” under (b)(2) before.
14 *Roman*, 2020 WL 3869729 at *1. In *Roman*, the Court found that “because the
15 putative class member’s Fifth Amendment substantive due process rights were
16 violated in ways that are generally applicable to the class, and because. . . a single
17 injunction or declaratory judgment would provide relief to the entire putative class,”
18 (b)(2) certification was warranted. *Roman*, 2020 WL 3869729 at *7. The same is
19 true here: the four Individual Plaintiffs’ Fifth Amendment and statutory rights are
20 violated in ways generally applicable to the class. L.T. Decl. ¶¶ 10–36; J.M. Decl. ¶¶
21 5–36; Mesrobian Decl. ¶¶ 7–97; Salazar-Garza Decl. ¶¶ 4–39. Rule 23(b)(2) is thus
22 satisfied.

23 2. The Proposed Class May Alternatively Be Certified Under Rule
24 23(b)(1)

25 Certification under Rule 23(b)(1) is appropriate when “prosecuting separate
26 actions by . . . individual class members would create a risk of . . . inconsistent or
27 varying adjudications with respect to individual class members that would establish
28

1 incompatible standards of conduct for the party opposing the class.” Fed. R. Civ. P.
2 23(b)(1)(A). Rule 23(b)(1) is regularly applied in the context of challenges to
3 conditions of confinement because piecemeal suits challenging the same facility-wide
4 policies would result in inconsistent judgments and directives regarding facility
5 staffing, access to medical care and accommodations, and improvement of general
6 conditions. *See Gray v. County of Riverside*, No. EDCV 13-00-444 CAP (Opx), 2014
7 WL 5304915, at * 38 (C.D. Cal. Sept. 2, 2014) (certification pursuant to 23(b)(1) was
8 appropriate to avoid risk that each individual challenge would impose a different
9 standard on the government); *see also Ashker v. Governor of California*, 2014 WL
10 2465191, at *7 (N.D. Cal. June 2, 2014) (same); *Coleman v. Wilson*, 912 F. Supp.
11 1282, 1293 (E.D. Cal. 1995). (certifying a class of “all inmates with serious mental
12 disorders” held in a state prison under 23(b)(1)).

13 Rule 23(b)(1) is also appropriate here because Individual Plaintiffs challenge
14 facility-wide policies and practices that affect over 1,800 current and future putative
15 class members and more than fifty current and future Disability Subclass members.
16 Individual lawsuits challenging the punitive conditions of confinement, inadequate
17 medical and mental health care, and disability discrimination would lead to
18 inconsistent directives to remedy the harms in this case. Given that these policies and
19 practices are applied across the whole facility and cannot be administered differently
20 for each detained individual, certification under Rule 23(b)(1) is appropriate.

21 **F. The Class and Subclass Are Ascertainable**

22 Although ascertainability is not required for certifying a Rule(b)(2) class, the
23 Class and Subclass here satisfy ascertainability. *Inland Empire-Immigrant Youth*
24 *Collective v. Nielsen*, No. EDCV 17-2048 PSG (SHKx), 2018 WL 1061408, at *12
25 (C.D. Cal. Feb. 26, 2018); *In re Tesla Advanced Driver Assistance Sys. Litig.*, No.
26 22-CV05240-RFL, 2025 WL 2532185, at *137 (N.D. Cal. Sept. 3, 2025) (citing *In*
27 *re Yahoo Mail Litig.*, 308 F.R.D. 577, 597 (N.D. Cal. 2015) (“[T]he majority of
28

1 district courts in the Ninth Circuit, and the appellate opinions in several other circuits,
2 [hold] that ascertainability is not a requirement for” Rule 23(b)(2) certification).

3 A class is ascertainable if, using objective criteria, it is “administratively
4 feasible for the court to determine whether a particular individual is a member.”
5 *Keegan v. Am. Honda Motor Co., Inc.*, 284 F.R.D. 504, 521 (C.D. Cal. 2012) (citation
6 omitted). Here, Class membership is based on objective and verifiable criteria:
7 Defendants know who is in their legal custody and detained at Adelanto. *See Roman*,
8 2020 WL 3869729, at *4 (certifying nearly identical class). As to the Disability
9 Subclass, it is “administratively feasible” for Defendants to ascertain whether an
10 individual is a person detained at Adelanto with a qualifying disability under the
11 Rehabilitation Act, because Defendants document who is in their custody and are
12 required under their own regulations to track any disability.¹⁶ *See Greater L.A.*
13 *Agency on Deafness, Inc. v. Reel Servs. Mgmt. LLC*, No. CV 13–7172 PSG (ASx),
14 2014 WL 12561074, at *5-7 (C.D. Cal. May 6, 2014) (finding a class composed of
15 “all individuals who are deaf and hard of hearing” ascertainable); *see also Inland*
16 *Empire-Immigrant Youth Collective*, at *13 (“That some administrative effort is
17 required does not preclude certification.”). Although ascertainability is not required
18 here, it is administratively feasible to ascertain Class and Subclass membership in the
19 present case because Defendants know who is in their custody.

20 V. CONCLUSION

21 For the foregoing reasons, Plaintiffs respectfully request that this Court grant
22 this Motion for Class Certification; certify the Proposed Class and Subclass; appoint
23 L.T., J.M., Sevak Mesrobian, and Jose Mauro Salazar-Garza representatives of the
24 Adelanto Class; appoint L.T., Sevak Mesrobian, and Jose Mauro Salazar-Garza
25

27 ¹⁶ *See* U.S. Immigr. & Customs Enf’t. *Performance-Based National Detention Standards* (2011)
28 <https://www.ice.gov/doclib/detention-standards/2011/pbnds2011r2016.pdf>. at 344—45.

1 representatives of the Disability Subclass; and appoint the undersigned counsel as
2 class counsel.

3
4 Dated: May 22, 2026

Respectfully Submitted,

5 IMMIGRANT DEFENDERS LAW CENTER

6
7 By: /s/ Carson Adrianna Scott
8 Carson Adrianna Scott
9 Alvaro M. Huerta
Alison Steffel

10 PUBLIC COUNSEL

11 By: /s/ Rebecca Brown
12 Rebecca Brown
13 Sophia Wrench
14 Amelia Piazza
Elizabeth Hercules-Paez

15
16 WILLKIE FARR & GALLAGHER LLP

17 By: /s/ Nicholas Reddick
18 Nicholas Reddick
19 Stephen Henrick
20 Alyxandra Vernon
Jacob Karim

21 COALITION FOR HUMANE IMMIGRANT
22 RIGHTS

23 By: /s/ Carl Bergquist
24 Carl Bergquist
25 Adam Reese

26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF COMPLIANCE

The undersigned counsel of record for Plaintiffs certifies that this Memorandum of Points and Authorities contains 6,968 words, which complies with the word limit of L.R. 11-6-1.

Dated: May 22, 2026

Respectfully Submitted,

IMMIGRANT DEFENDERS LAW CENTER

By: /s/ Carson Adrianna Scott
Carson Adrianna Scott
Alvaro M. Huerta
Alison Steffel

PUBLIC COUNSEL

By: /s/ Rebecca Brown
Rebecca Brown
Sophia Wrench
Amelia Piazza
Elizabeth Hercules-Paez

WILLKIE FARR & GALLAGHER LLP

By: /s/ Nicholas Reddick
Nicholas Reddick
Stephen Henrick
Alyxandra Vernon
Jacob Karim

COALITION FOR HUMANE IMMIGRANT RIGHTS

By: /s/ Carl Bergquist
Carl Bergquist
Adam Reese