

The Honorable Richard A. Jones
United States District Judge

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

B.H., M.A., A.S.D., M.F., H.L., L.M.M.M., B.M.,
G.K., L.K.G., and D.W.,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

U.S. CITIZENSHIP AND IMMIGRATION
SERVICES; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; Janet
NAPOLITANO, Secretary, Department of
Homeland Security; Alejandro MAYORKAS,
Director, U.S. Citizenship and Immigration
Services; Eric H. HOLDER, Jr., Attorney General
of the United States; Juan OSUNA, Director,
Executive Office for Immigration Review,

Defendants.

Case No. 2:11-cv-02108 R.A.J.

AMENDED JOINT MOTION FOR
PRELIMINARY APPROVAL OF
SETTLEMENT AND REQUEST FOR
FAIRNESS HEARING

NOTE ON MOTION CALENDAR:

May 6, 2013

1 The parties hereby jointly request this Court preliminarily approve the attached Settlement
2 Agreement and proposed Class Notice, and set a Fairness Hearing on the Settlement Agreement.
3 Attached as Exhibit 1 is the parties' Settlement Agreement that proposes a settlement of this case.
4 The substantial benefits provided by the Settlement Agreement to the Class Members are described
5 in the Class Notice, Exhibit A of the Settlement Agreement, at pages 4-6, as well as in detail in the
6 Settlement Agreement, at pages 15-19.

7 At the Court's request, the parties have clarified how EOIR will provide notice at the
8 immigration courts, and have accordingly amended the Settlement Agreement, Exhibit 1, Section
9 II.B.6 at page 6. Pursuant to this Court's Order of April 17, 2013, (Dkt. No. 55), asking that any
10 modifications to the settlement agreement be approved by the court, the parties have amended the
11 Settlement Agreement, Exhibit 1, Section C (Miscellaneous Provisions), subsection 2 (No
12 modifications), at page 7 to read: "No change or modification of this Agreement shall be valid unless
13 it is contained in writing and signed by or on behalf of Plaintiffs and Defendants and approved by
14 the Court." Pursuant to the same order, the parties have amended the Class Notice, Exhibit A of the
15 Settlement Agreement, at page 7, to clarify that the Settlement Agreement will end either four years
16 following full implementation of the agreement or six years after the effective date of the agreement,
17 i.e. the date that the Court preliminarily approves the Settlement Agreement. Exh. A (The agreement
18 "shall end either four (4) years following the full implementation of all the terms of Agreement, as
19 documented by Defendants' reports to Plaintiffs and the Court with respect to each settlement term
20 (see Section II.C.13, of the Settlement Agreement), or upon the following date: the Effective Date of
21 Agreement plus six (6) years, whichever shall first occur.")

22 Pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, notice to the class must be
23 given before this Court can determine if the settlement is fair, reasonable and adequate. Rule 23(e)

1 provides also that a settlement cannot be approved without a hearing to determine if the settlement is
2 fair, reasonable and adequate. Exhibit A to the Settlement Agreement, attached hereto, is the parties'
3 proposed Class Notice. The parties request that this Court order the Notice to be given as proposed
4 in Section II.B.6 of the Settlement Agreement, so that any objections to the settlement agreement
5 may be received and addressed by the Court and the parties at the proposed fairness hearing. The
6 parties also request that this Court schedule a fairness hearing no earlier than 60 days from the date
7 that the form and manner of Notice is approved.

8 DATED: May 6, 2013

Respectfully submitted,

9 /s/Christopher Strawn
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24 B.H. v. USCIS, Case No. 2:11-cv-02108RAJ
Joint Mot. for Prelim. Approval and Fairness
Hearing - 3

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CERTIFICATE OF SERVICE

I hereby certify that on May 6, 2013, I electronically filed the foregoing motion and proposed order with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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and

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Dated: May 6, 2013

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