

Honorable Marsha J. Pechman

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

YOLANY PADILLA, *et al.*,  
  
Plaintiffs-Petitioners,  
  
v.  
  
U.S. IMMIGRATION AND CUSTOMS  
ENFORCEMENT, *et al.*,  
  
Defendants-Respondents.

Case No. 2:18-cv-00928-MJP

~~PROPOSED~~ ORDER GRANTING  
STIPULATED MOTION TO DISMISS  
COUNT IV AND GRANTING FINAL  
APPROVAL OF PROPOSED CLASS  
SETTLEMENT

The Parties have filed a Stipulated Motion to Dismiss Count IV of the Complaint and Grant Final Approval of the class action settlement with respect to the Credible Fear Class. The Court has carefully considered the Class Settlement Agreement together with all exhibits thereto, all the filings related to the settlement, the arguments of counsel, and the record in this case. The Court also held a fairness hearing on January 5, 2024, following notice to the class as approved by the Court’s previous order granting preliminary approval of the Agreement. The Court finds that the Agreement is sufficiently fair, reasonable, and adequate.

**IT IS HEREBY ORDERED THAT:**

- 1. Count IV is dismissed with prejudice. The Parties shall bear their own attorney’s fees and costs, except as provided by the Agreement.

1 2. The Court grants final approval of the Agreement, finding that the terms of the  
2 Agreement are fair, reasonable, and adequate as required by Fed. Rule Civ. Proc.  
3 23(e)(2).

4 3. The Court previously certified the class as “All detained asylum seekers in the United  
5 States subject to expedited removal proceedings under 8 U.S.C. § 1225(b) who are not  
6 provided a credible fear determination within ten days of the later of (1) requesting  
7 asylum or expressing a fear of persecution to a DHS official or (2) the conclusion of any  
8 criminal proceeding related to the circumstances of their entry, absent a request by the  
9 asylum seeker for a delayed credible fear interview.” This is also the class for purposes of  
10 settling the claims with respect to the Credible Fear Class.

11 4. As specified in the Agreement, and notwithstanding the dismissal of Count IV, the  
12 Court shall retain jurisdiction over all disputes between and among the Parties arising out  
13 of the Agreement, including but not limited to interpretation and enforcement of the  
14 terms of the Agreement, except as otherwise provided in the Agreement.

15 5. Neither the settlement, nor any exhibit, document, or instrument delivered thereunder  
16 shall be construed as or deemed to be evidence of an admission or concession by  
17 Defendants or an interpretation of any liability or wrongdoing by Defendants, or of the  
18 truth of any allegations asserted by Plaintiffs, Class Members, or any other person.

19 6. The Court orders Defendants to pay attorney’s fees and costs in the amount of  
20 \$100,000. The Court finds that this amount is reasonable.  
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7. The Parties' Stipulated Motion to Dismiss Count IV and for Final Approval of Proposed Class Settlement is hereby GRANTED. The Court hereby approves the proposed class-wide relief set forth in the Agreement.

**IT IS SO ORDERED.**

Dated this 5th day of January, 2024.



Honorable Marsha J. Pechman  
United States Senior District Judge

Presented this 22nd day December, 2023.

s/ Matt Adams  
Matt Adams, WSBA No. 28287

s/ Trina Realmuto  
Trina Realmuto\*

s/ Aaron Korthuis  
Aaron Korthuis, WSBA No. 53974

s/ Kristin Macleod-Ball  
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