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Class Members  
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8 UNITED STATES DISTRICT COURT  
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
10 WESTERN DIVISION  
11

12 CAROLYN ROBB HOOTKINS, et. al., ) Case No. CV07-5696 CAS (MANx)  
13 )  
14 Plaintiffs-petitioners, )  
15 vs. ) ORDER DIRECTING NOTICE TO  
16 ) CLASS  
17 JANET NAPOLITANO, U.S. Department ) CLASS ACTION  
of Homeland Security, et. al., )  
18 Defendants-respondents. )  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )

1 Plaintiffs and Defendants, by and through their undersigned counsel, enter  
2 the following stipulation:  
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4 1. Following the Court's Order granting Plaintiff's Motion for Class  
5 Certification on January 6, 2009, counsel for the Parties conferred regarding the best  
6 notice practicable under the circumstances of this case, and have agreed to the following:  
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8 2. Counsel for Plaintiffs agrees to provide individual notice by first class mail,  
9 and where an email address is available, also by email, to the last known address of Class  
10 Members who have previously contacted Counsel for Plaintiffs.  
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12 3. Counsel for Defendants agrees to publish notice in a number of ways  
13 intended to reach Class Members who are not known to Counsel for Plaintiffs, instead of  
14 providing individual notice to such Class Members.  
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16 4. While individual notice shall be provided to all Class Members who can be  
17 identified through reasonable effort, Counsel for Plaintiffs and Defendants agree that a  
18 number of factors makes individual notice to all class members impractical under the  
19 circumstances.  
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21 5. The database used for petitions and applications of the type at issue in this  
22 litigation is "CLAIMS 3." The CLAIMS 3 system only provides information relating to  
23 whether a petition or application is pending or adjudicated, and with respect to denials, no  
24 information is available as to the basis for the denial. The exceedingly large number of  
25 denials for other reasons makes it impractical to determine which denials relate to Class  
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1 Members and which denials relate to others. Defendants would be required to retrieve  
2 and review tens of thousands of individual files in order to determine potential Class  
3 Members, or direct notices to tens of thousands of individuals. Counsel for Plaintiffs and  
4 Defendants agree that such effort is not reasonable. A declaration attesting to the  
5 limitations of the CLAIMS 3 system is attached as Exhibit A.  
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8 6. While Counsel for Plaintiffs and Defendants agree that individual notice is  
9 not practicable under the circumstances for all Class Members, many Class Members are  
10 known to Plaintiffs' Counsel and will nevertheless receive individual notice, and there  
11 are specific publication avenues available to accomplish the best notice practicable under  
12 the circumstances to other Class Members.  
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14

15 7. A form of proposed notice is attached as Exhibit B. Plaintiffs and  
16 Defendants agree that this notice will be used to give notice to class members in this case,  
17 and that, once approved by the Court, neither Plaintiffs nor Defendants will modify the  
18 notice without leave of Court.  
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20 8. Both parties agree that, to be effective, requests for exclusion must be  
21 postmarked by April 6, 2009.  
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23 9. Defendants agree to publish the notice approved by the Court on the USCIS  
24 website at the appropriate page for legal notices. Defendants agree to inform all staff at  
25 USCIS District Offices and Service Centers according to established procedures for  
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1 dissemination of policy information within USCIS of the Order Granting Plaintiffs'  
2 Motion for Class Certification, in addition to the notice published on the USCIS website.

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4 10. Defendants' Counsel agree to provide Plaintiffs' counsel with names and  
5 addresses of any individuals Defendants identify as Class Members. Both parties,  
6 through counsel, will work together to update Class Member information.

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8 11. Plaintiffs' Counsel agrees to submit the notice approved by the Court for  
9 posting on the American Immigration Lawyers Association website, in addition to a  
10 number of popular websites utilized by immigrants and immigration lawyers, and  
11 including the website for the non-profit group Surviving Spouses Against Deportation.

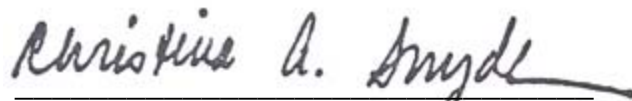
12  
13 12. In accordance with the dates set out in the proposed notice, Counsel for  
14 Plaintiffs and Defendants agree that both parties will file renewed Motions (and Cross-  
15 Motions) for Summary Judgment on or before March 9, 2009 and notice a hearing for  
16 April 20, 2009. Both parties agree to file their respective Responses on or before March  
17 23, 2009, and optional Replies on or before April 6, 2009.

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19 13. The Parties will file separate dispositive motions as to the non-Class  
20 Plaintiffs from outside the Ninth Circuit according to the same schedule.

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23 **ORDER**

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25 It is so ORDERED.

26 March 2, 2009

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28 The Honorable Christina A. Snyder  
United States District Judge

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