

Order granting class certification in *Fraihat v. ICE*

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – EASTERN DIVISION

Faour Abdallah Fraihat, et al.,
Plaintiffs,
v.
U.S. Immigration and Customs Enforcement,
et al.,
Defendants.

Case No. EDCV 19-1546 JGB
(SHK_x)

**ORDER ON PLAINTIFFS’
EMERGENCY MOTION FOR
PROVISIONAL CLASS
CERTIFICATION**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

This matter having come before the Court upon Plaintiffs’ Emergency Motion for Provisional Class Certification, (Dkt. No. 83), and good cause being shown,

It is hereby ORDERED that the Motion is GRANTED. The Court hereby orders the following classes be certified, with Plaintiffs Faour Fraihat, Jimmy Sudney, Aristoteles Sanchez Martinez, Alex Hernandez, and Martin Munoz as class representatives pursuant to Federal Rule of Procedure 23(a):

1. **Subclass One:** All people who are detained in ICE custody who have one or more of the Risk Factors placing them at heightened risk of severe illness and death upon contracting the COVID-19 virus. The Risk Factors are defined as being over the age of 55; being pregnant; or having chronic health conditions, including:

1 cardiovascular disease (congestive heart failure, history of myocardial infarction,
2 history of cardiac surgery); high blood pressure; chronic respiratory disease
3 (asthma, chronic obstructive pulmonary disease including chronic bronchitis or
4 emphysema, or other pulmonary diseases); diabetes; cancer; liver disease; kidney
5 disease; autoimmune diseases (psoriasis, rheumatoid arthritis, systemic lupus
6 erythematosus); severe psychiatric illness; history of transplantation; and
7 HIV/AIDS.

8 **2. Subclass Two:** All people who are detained in ICE custody whose
9 disabilities place them at heightened risk of severe illness and death upon
10 contacting the COVID-19 virus. Covered disabilities include: cardiovascular
11 disease (congestive heart failure, history of myocardial infarction, history of cardiac
12 surgery); high blood pressure; chronic respiratory disease (asthma, chronic
13 obstructive pulmonary disease including chronic bronchitis or emphysema, or
14 other pulmonary diseases); diabetes; cancer; liver disease; kidney disease;
15 autoimmune diseases (psoriasis, rheumatoid arthritis, systemic lupus
16 erythematosus); severe psychiatric illness; history of transplantation; and
17 HIV/AIDS.

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1 The Court designates Civil Rights Education and Enforcement Center,
2 Disability Rights Advocates, Orrick Herrington & Sutcliffe LLP, Southern Poverty
3 Law Center, and Willkie Farr & Gallagher LLP as counsel for the class pursuant to
4 Federal Rule of Procedure 23(g).

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IT IS SO ORDERED

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Dated: April 20, 2019

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THE HONORABLE JESUS G. BERNAL
United States District Judge

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