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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

Pedro VASQUEZ PERDOMO; Carlos Alexander OSORTO; and Isaac VILLEGAS MOLINA; Jorge HERNANDEZ VIRAMONTES; Jason Brian GAVIDIA; LOS ANGELES WORKER CENTER NETWORK; UNITED FARM WORKERS; COALITION FOR HUMANE IMMIGRANT RIGHTS; IMMIGRANT DEFENDERS LAW CENTER,

Plaintiffs,

v.

Kristi NOEM, in her official capacity as Secretary, Department of Homeland Security; Todd M. LYONS, in his official capacity as

Case No.: 2:25-cv-05605-MEMF-SP

PLAINTIFFS' REPLY ISO MOTION FOR CLASS CERTIFICATION

Hon. Maame Ewusi-Mensah Frimpong

Date: September 24, 2025
Time: 9:00 a.m.
Courtroom: 8B

Acting Director, U.S. Immigration and Customs Enforcement; Rodney S. SCOTT, in his official capacity as Commissioner, U.S. Customs and Border Patrol; Michael W. BANKS, in his official capacity as Chief of U.S. Border Patrol; Kash PATEL, in his official capacity as Director, Federal Bureau of Investigation; Pam BONDI, in her official capacity as U.S. Attorney General; Ernesto SANTACRUZ JR., in his official capacity as Acting Field Office Director for Los Angeles, U.S. Immigration and Customs Enforcement; Eddy WANG, Special Agent in Charge for Los Angeles, Homeland Security Investigations, U.S. Immigration and Customs Enforcement; Gregory K. BOVINO, in his official capacity as Chief Patrol Agent for El Centro Sector of the U.S. Border Patrol; Jeffrey D. STALNAKER, in his official capacity as Acting Chief Patrol Agent, San Diego Sector of the U.S. Border Patrol; Akil DAVIS, in his official capacity as Assistant Director in Charge, Los Angeles Office, Federal Bureau of Investigation; Bilal A. ESSAYLI, in his official capacity as U.S. Attorney for the Central District of California,

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I. INTRODUCTION

Defendants' opposition does little more than repackage arguments already rejected by this Court and the Ninth Circuit. Rather than grappling with the record or Rule 23, Defendants ignore Plaintiffs' evidence and misread the controlling law.

Both this Court and the Ninth Circuit already have found that Plaintiffs face a real and immediate threat of future harm. ECF 87 ("TRO Order") at 34-35; *Vasquez Perdomo v. Noem*, 2025 WL 2181709, at *13-14 (9th Cir. Aug. 1, 2025). The preliminary injunction record only reinforces that finding. Further, the Ninth Circuit has rejected a freestanding ascertainability requirement, and even if there was such a requirement, the class definition here is more than sufficiently precise.

Plaintiffs have satisfied each of the Rule 23(a) prerequisites. Numerosity is readily established: Defendants' policy and practice of suspicionless stops based on broad profiles makes it implausible that fewer than 40 individuals have been or will be affected. On commonality, Defendants ignore this Court's finding of a District-wide policy and practice and focus instead on legally irrelevant individual variations. Defendants' arguments against typicality and adequacy are similarly unavailing, as Defendants identify no credible evidence that the named Plaintiffs' claims diverge from those of the Suspicionless Stop Class, or that they cannot adequately represent the class. The record demonstrates the opposite.

Courts routinely certify classes in these circumstances pursuant to Rule 23(b)(2)—including recently in *United Farm Workers v. Noem*. 2025 WL 1235525, at *43 (E.D. Cal. Apr. 29, 2025). There is no basis to delay certification of the Suspicionless Stops Class based on *CASA v. Trump* or the pending appeal. The Court should grant Plaintiffs' motion.

II. ARGUMENT

A. The Stop/Arrest Plaintiffs Have Standing

The record amply establishes that Defendants have an officially sanctioned policy and practice of conducting stops without individualized suspicion, based on broad, impermissible profiles, and that Plaintiffs are subject to it. *See also* ECF 140 ("Mot") at 4-7; ECF 128 at 16-18; ECF 163 ("PI Supplement") at 10 (detailing further evidence in support of standing); 163-2 (Third

Melendrez Decl.); 163-12 (Fourth Salas Decl.). Defendants do not engage with the record or offer anything new to change the standing analysis, and instead arbitrarily attempt to raise the bar on the showing Plaintiffs have to make. Defs.' Opp'n to Pls.' Mot. for Class Certification ("Opp."), ECF 159, at 7. But Defendants' assertions are contrary to governing law. *See Melendres v. Arpaio*, 784 F.3d 1254, 1262 (9th Cir. 2015) (in a class action, standing is satisfied if "at least one named class representative has Article III standing"). Moreover, Defendants' challenge to standing has already been rejected by this Court and the Ninth Circuit. Opp. at 1, 7; TRO Order at 34-35; *Vasquez Perdomo*, 2025 WL 2181709, at *9-13 (finding that "all Plaintiffs—the individuals and associations—have established their standing to seek prospective equitable relief.")

B. The Suspicionless Stops Class is Properly Ascertainable

Defendants' argument about ascertainability rests on out-of-circuit cases. Opp. at 5. Ninth Circuit caselaw is clear that there is no standalone or heightened ascertainability requirement for class certification. *Briseno v. ConAgra Foods, Inc.*, 844 F.3d 1121, 1124 n.4 (9th Cir. 2017) ("ascertainability issues" are addressed through Rule 23's enumerated requirements).[1]

The proposed class is, in any event, sufficiently defined. Ascertaining membership for the Suspicionless Stop Class involves answering straightforward "factual question[s]" that require[] no . . . preliminary determination of liability," *Pena v. Taylor Farms Pacific, Inc.*, 305 F.R.D. 197, 213 (E.D. Cal. 2015)—namely: (1) was the person stopped by federal agents conducting immigration enforcement in this District since June 6, 2025, and (2) was the stop conducted pursuant to the agency's pattern or practice of not performing an individualized assessment of reasonable suspicion? As in *United Farm Workers*, the Suspicionless Stops class here "may be known *without* a determination of Defendants' liability on the claims in the issue." 2015 WL 1235525, at *26-27 (certifying similarly defined suspicionless stops class).

[1] Even circuits that recognize a separate ascertainability requirement do not apply it to Rule 23(b)(2) classes, recognizing that such concerns are less relevant in actions seeking injunctive relief. *See, e.g., Cole v. City of Memphis*, 839 F.3d 530, 542 (6th Cir. 2016); *Shelton v. Bledsoe*, 775 F.3d 554, 563 (3d Cir. 2015); *Shook v. El Paso County*, 386 F.3d 963, 972 (10th Cir. 2004).

Contrary to Defendants' assertion, the Court need not conduct "mini-trials" or "individual inquiries under the Fourth Amendment" to determine class membership, Opp. at 6. Membership turns not on whether a court ultimately finds the stop unconstitutional, but on whether the person was subjected to the challenged conduct. *See* Mot at i (setting forth proposed class definition).

Defendants' argument that the class improperly includes individuals who "may never be stopped," Opp. at 7, is simply wrong. Being stopped is a prerequisite to class membership. That the class includes individuals stopped in the future does not defeat certification. *See e.g.*, *A.B. v. Hawaii State Dep't of Educ.*, 30 F.4th 828, 838 (9th Cir. 2022) (explaining that a class's inclusion of future members "is not itself unusual or objectionable" and "makes joinder of every class member all the more impracticable"); *LaDuke v. Nelson*, 762 F.2d 1318, 1321-26 (9th Cir. 1985).

C. The Proposed Class Meets the Requirements of Rule 23(a)

1. The class is numerous, and joinder is impracticable

Defendants misstate both the legal standard for numerosity and the nature of Plaintiffs' evidence. Rule 23(a)(1) requires only that Plaintiffs demonstrate the class is "so numerous that joinder of all members is impracticable." Courts typically find numerosity satisfied when the class has 40 or more members. Mot at 9-10. Plaintiffs readily meet this standard.

Plaintiffs' motion cites detailed eyewitness declarations describing over two dozen incidents, including at raids where multiple people were stopped, and video footage and media reports documenting additional suspicionless stops. Mot. at 10. Plaintiffs have now provided evidence of even more stops during raids at Home Depots and car washes since August 2, supported by additional declarations and videos. ECF 163 & 163-1 to 163-14. Plaintiffs have submitted a "mountain of evidence"—not speculation—that the number of individuals subjected to Defendants' unlawful policy or practice is sufficient to make joinder impracticable, especially when accounting for future, unknown class members. *See* Mot. at 11.

Contrary to Defendants' suggestion, Opp. at 8, Plaintiffs need not prove the exact number of class members to show numerosity. *See* Fed. R. Civ. P. 23(a)(1). Moreover, Plaintiffs' data indicates that the incidents Plaintiffs documented represent a mere fraction of the total number of

unlawful stops. *See* ECF 140-15 (Blair Decl.) (showing hundreds of arrests per week).[2] *See also* Mot. at 10 (discussing relaxed standard for numerosity in cases seeking prospective relief).

2. The class shares common questions of fact and law

Defendants' opposition to commonality reduces to a disagreement over whether Plaintiffs have identified a policy or practice that gives rise to common questions of law or fact. Opp. at 8-9. Defendants insist that the answer is no, but fail to address the policy and practice Plaintiffs *have* identified and substantiated, i.e., that Defendants are conducting widespread detentive stops without individualized reasonable suspicion, relying instead on broad, impermissible profiles based on four factors, alone or in combination. Plaintiffs' challenge to this policy gives rise to common questions of law and fact capable of resolution "in one stroke." *See Wal-Mart Stores, Inc. v. Dukes*, 131 S. Ct. 2541m 2544-45; *see also* Mot. at pp. 13-14 (listing illustrative common questions of law and fact in this action).

Defendants protest that Plaintiffs have not identified a "directive" instructing agents to rely solely on the four profiling factors, Opp. at 11, but a written directive is not required. Plaintiffs can show commonality by demonstrating a pattern of unconstitutional conduct. *See Gonzalez v. ICE*, 975 F. 3d 788, 909 (9th Cir. 2020) (in a "civil-rights suit . . . commonality is satisfied where the lawsuit challenges a system-wide practice or policy that affects all of the putative class members"). The pattern here is not only widespread throughout the District, but officially sanctioned. *Cf. Armstrong v. Davis*, 275 F.3d 849, 861 (9th Cir. 2001) (no express policy is required to show a "pattern of officially sanctioned behavior, violative of . . . federal rights").[3]

Defendants also argue that factual differences among putative class members, such as an individual's immigration status or whether a stop led to arrest, undermine commonality. Opp. at 9.

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[2] Updated data reflects a sharp drop in field arrests after the TRO, signaling that many pre-TRO stops lacked individualized reasonable suspicion. Ex. 1, Second Declaration of Graeme Blair ("Second Blair Decl."), ¶ 8 & fig. 3 (showing arrests through July, with breakdowns by countries of origin, criminal history, and removal orders).

[3] Defendants' reliance on this Court's TRO Order, Opp. at 11 (citing TRO Order at 45 n. 33), is misplaced. The Court found that "[e]ven if there is no 'official' policy,'" the observed pattern of conduct supports the existence of a de facto policy being carried out. TRO Order at 45 n.33. The Court found that such de facto policy appeared to be officially authorized. TRO Order at 35.

They do not. The challenged policy or pattern concerns the initiation of detentive stops, not the outcome. As in *United Farm Workers*, the question is not whether any individual stop was unconstitutional, but whether Defendants maintain a policy or pattern of relying on impermissible profiles rather than individualized reasonable suspicion. 2025 WL 1235525, at *34. *See also Gonzalez v. I.C.E.*, 975 F.3d 788, at 809 (9th Cir. 2020) (commonality exists when proposed class "does not challenge whether [immigration agents] actually had probable cause" but instead the legality of the *procedures* used to evaluate the existence of reasonable suspicion); *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 350 (2011) (commonality satisfied when plaintiffs challenge a single unlawful practice applied to class members).

Courts have rejected arguments like the one Defendants make here, recognizing that factual variation does not defeat commonality in a challenge to a uniform practice. *See Melendres*, 784 F.3d at1 1262 (upholding certification despite factual variations in "where and how" stops occurred); *Kidd v. Mayorkas*, 343 F.R.D. 428, 439–40 (C.D. Cal. 2023) (certifying a class "challeng[ing] ICE's policies or practices on a systemwide basis," rejecting the argument that "factual differences across various ICE encounters" defeat typicality). The presence of U.S. citizens and noncitizens in the class underscores that Defendants apply their profiling-based suspicionless stop practice broadly and indiscriminately. That supports, rather than undermines, commonality. *See Armstrong*, 275 F.3d at 869 (commonality is satisfied where plaintiffs are "allegedly subjected to "the same, injurious course of conduct"); *cf. Gonzalez*, 975 F.3d 788 (challenge to immigration detainers involving U.S. citizen named plaintiff).

Defendants dismiss Plaintiffs' declarations as merely "anecdotal," Opp. at 9, but that characterization does not diminish their evidentiary value for class certification. Plaintiffs' sworn declarations detail encounters with federal agents throughout the District reflecting the same core features: seizures based on impermissible profiling. *See Parsons v. Ryan*, 754 F.3d 657, 681-82 (9th Cir. 2014) ("commonality is satisfied where the lawsuit challenges a system-wide practice or policy that affects all of the putative class members"). Under such circumstances, "individual factual differences" among class members "pose no obstacle to commonality" because they do not alter the fact that these accounts describe the same unlawful policy or practice. *Id.*

3. The named Plaintiffs' claims are typical of the class

The Ninth Circuit has made clear that typicality is a "permissive" standard and is satisfied "when each class member's claim arises from the same course of events, and each class member makes *similar legal* arguments to prove the defendant's liability"—not necessarily identical ones. *Armstrong*, 275 F.3d at 868 (emphasis added). Defendants improperly focus on variations in the injuries Plaintiffs suffered, differences in their factual circumstances, and immigration status to argue that the named Plaintiffs' claims are not typical of the class. *See* Opp. at 10. But as the court explained in *Ellis v. Costco Wholesale Corp.*, "[t]ypicality refers to the nature of the claim or defense of the class representative, and not to the specific facts from which it arose[.]" 657 F.3d 970, 984 (9th Cir. 2011). Like with commonality, typicality exists because the class representatives have been and are subject to the same unlawful practice as other members of the Suspicionless Stop Class. *How* that unlawful practice played out in their individual stops—or which specific injury results—does not defeat typicality. Defendants identify no concrete reason why Plaintiffs are differently situated from other class members with respect to the challenged policy; Plaintiffs' claims are typical in the ways that Rule 23(a)(3) requires. Defendants' assertion that Plaintiffs have not offered evidence establishing typicality ignores Plaintiffs' ample record. *See supra* Part III.A-C(2).

4. The proposed class representatives and class counsel will fairly and adequately protect the interests of the class

Contrary to Defendants' unsupported assertions, Opp. at 10-11, Plaintiffs' motion demonstrates that each named Plaintiff is well-suited to represent the Suspicionless Stops Class under Rule 23(a)(4). Organizational Plaintiffs, LAWCN, UFW, and CHIRLA, have members[4]

[4] Defendants argue that the use of pseudonyms renders the evidence about members inadequate. Opp. at 11. But this misunderstands the role of the organizational Plaintiffs. Their members are not seeking to serve as class representatives, and wish to remain anonymous due to concerns about privacy, harassment, and retaliation. This does not defeat associational standing, which permits organizations to protect the rights of their members without requiring individual members to participate directly as parties in litigation. *Vasquez Perdomo*, 2025 WL 2181709, at *11 (discussing cases).

affected by the challenged policy and practice,[5] and a strong track record of advocating on behalf of immigrant communities. Indeed, CHIRLA has previously served as a class representative in a similar class actions involving Fourth Amendment claims against ICE. *See, e.g.*, *Osny-Sorto-Vasquez Kidd v. Chad T. Wolf*, 2:20-cv-03512-ODW (JPRx) (C.D. Cal. Apr. 16, 2020). The individual Plaintiffs have each experienced suspicionless stops under Defendants' challenged policy, and submitted declarations describing those encounters in specific terms. ECF 128-7 (Vasquez Perdomo Decl.), 128-8 (Villegas Molina Decl.), 45-4 (Hernandez Viramontes Decl.), 45-9 (Gavidia Decl.). All proposed class representatives' declarations reflect a clear awareness of the harm suffered, the claims at issue, and affirm their commitment to the responsibilities of serving as class representatives. ECF 140-7 (Vasquez Perdomo Decl.); ECF 140-8 (Villegas Molina Decl.); ECF 140-9 (Hernandez Viramontes Decl.); ECF 140-10 (Gavidia Decl.); ECF 140-11 (Gudino Decl.); ECF 140-13 (Strater Decl.); ECF 140-14 (Salas Decl.).

Defendants ignore Plaintiffs' evidence and argue that the proposed class representatives are inadequate simply because one portion of their declarations uses similar language. But the fact that they use similar language when describing their representative duties is irrelevant. *See e.g.*, *In re Packaged Seafood Prods. Antitrust Litig.*, 332 F.R.D. 308, 330 (S.D. Cal. 2019) (a general understanding of the nature of the claims and a representative's general responsibilities "is sufficient for purposes of adequacy[.]"). The similarity simply reflects the consistent application of the legal standard for adequacy, not a lack of comprehension of Plaintiffs' responsibilities as class representatives or their commitment.

[5] Defendants' claim that "several organizations" fail to show they have members in the District. Opp. at 11. But this grossly mischaracterizes the record. Defendants point to UFW's declaration but that declaration expressly confirms that UFW has members in the District. ECF 140-13 (Strater Decl.), ¶¶ 6, 22-23, 29-38. LAWCN and CHIRLA also clearly state that each organization has members who live and are impacted by the challenged policy and practice within the District. *See* ECF 45-12 (Gudino Decl.), ¶¶ 13-28 (LAWCN discussing its member organizations and members); ECF 140-11 (Second Gudino Decl.), ¶¶ 5-12 (discussing impacted members within the District); ECF 128-11 (Second Salas Decl.), ¶ 2 (CHIRLA discussing that more than 49,000 members are located within this District).

D. The Suspicionless Stops Class Meets the Requirements of Rule 23(b)(2)

Defendants ignore controlling authority showing that courts routinely certify classes in cases such as this one and that this is a prototypical Rule 23(b)(2) case. *See* Mot. at 2 (collecting cases); *Parsons*, 754 F.3d at 686 ("the primary role of [Rule 23(b)2)] has always been the certification of civil rights class actions") (quoting *Amchem Prods., Inc. v. Windsor*, 521 U.S. 519, 614 (1997)). The Rule is designed for cases where "'the conduct is such that it can be enjoined or declared unlawful only as to all of the class members or as to none of them.'" *Wal-Mart Stores*, 564 U.S. at 360. Because Defendants' policy and practice apply generally to all class members, a single injunction—even one containing multiple parts—would provide relief to the entire class. *See* Part C(2); Mot. at 18. The type of relief Plaintiffs seek in this case constitutes precisely the kind of "indivisible" relief contemplated by Rule 23(b)(2).

Defendants are wrong that differences in the impact of their unlawful policy or practice among class members impedes class certification. As discussed in Parts III.B and III.C(2), *supra*, answering questions common to the class will (or will not) lead to indivisible relief. Because there is no predominance requirement under Rule 23(b)(2), courts ask only "whether the party opposing the class has acted or refused to act on grounds that apply generally to the class." *Parsons*, 754 F.3d at 688. Therefore, provided that the defendant engaged in conduct that "appli[ed] generally to the proposed class[,]" certification under Rule 23(b)(2) is proper where "each of the certified . . . policies and practices may not affect every member of the proposed class . . . in exactly the same way." *Id.*; *see id.* at 689 (where systemic policies and practices placed "every inmate in [Arizona Department of Corrections] custody in peril" and defendants' deliberate indifference to "resulting risk of serious harm" applied generally to proposed class); *see also Gibson v. Local 40, Supercargoes & Checkers*, 543 F.2d 1259, 1264 (9th Cir. 1976). Defendants' policy and practice of stopping individuals without individualized suspicion based on broad, impermissible profiles applies by definition to each class member.

Defendants fail to engage with Plaintiffs' authority demonstrating that courts routinely certify Rule 23(b)(2) classes in Fourth Amendment actions. *See* Mot. at 18-20; *Ortega-Melendres v. Arpaio*, 836 F. Supp. 2d 959, 990–91 (D. Ariz. 2011) ((b)(2) class proper where plaintiffs

sought injunctive and declaratory relief against sheriff's vehicle stop practices, including on Fourth Amendment grounds); *see also Amchem Prods.*, 521 U.S. at 614 ("[c]ivil rights cases against parties charged with unlawful, class-based discrimination are prime examples" of (b)(2) class actions). Defendants' reliance on *Black Lives Matter L.A. v. City of Los Angeles*, 113 F.4th 1249, 1258–62 (9th Cir. 2024) and *Portis v. City of Chicago*, 613 F.3d 702, 705 (7th Cir. 2010) is unconvincing: the plaintiffs in each case sought certification of a Fourth Amendment *Rule 23(b)(3)* class (where the predominance requirement applies), not a Rule 23(b)(2) class. And in *Shook v. Bd. of Cnty. Comm'rs*, 543 F.3d 597, 604 (10th Cir. 2008), the court denied certification because the requested injunctive relief would require changes that turned on individualized medical need and treatment determinations, and such relief was therefore not "indivisible." That is distinguishable from the case here.[6]

Finally, Defendants' concern that class members may be improperly precluded from subsequent litigation is unfounded. Opp. at 11-12. Although traditional principles of res judicata and collateral estoppel naturally apply, this class poses no greater preclusion risk than any other, and, as Defendants' own authority demonstrates, *id.* (citing *Cooper v. Fed. Rsrv. Bank of Richmond*, 467 U.S. 867, 874 (1984); *Taylor v. Sturgell*, 553 U.S. 880, 892 (2008)), courts are perfectly capable of hearing claims from class members that rest on distinct facts and legal theories.

E. *CASA* Does Not Preclude Certification

Defendants' convoluted argument that certification is precluded by *CASA*, Opp. at 13, is undermined by the opinion itself. *CASA* says nothing about whether a class may be certified under Rule 23 in a case such as this. There was no certified class in *CASA*. *CASA v. Trump*, 145 S. Ct. 2540 (2025). If anything, *CASA* supports certification here. *CASA* underscores the significance of

[6] Defendants' other (out-of-circuit) authority is inapposite. In *Berni v. Barilla S.p.A.*, 964 F.3d 141, 146 (2d Cir. 2020) plaintiffs were "a group of past purchasers of a product" seeking to certify a b(2) class for injunctive relief, where not all class members would benefit from the injunction. And in *Brown v. Kelly*, 609 F.3d 467, 482 (2d Cir. 2010), the court addressed the propriety of a defendant b(2) class and, finding it improper, also decertified a plaintiff class offered "only as part of a bilateral action seeking equitable relief against a statewide class of defendants."

the Rule 23 procedure and requirements—which, as demonstrated by Plaintiffs' motion, Plaintiffs have adhered to here.

Defendants' assertions to the contrary notwithstanding, Opp. at 13-15, Plaintiffs do not seek a universal injunction. The relief requested is tailored to the harms suffered by the putative class members within the District. Even Defendants acknowledge this fact, conceding that the requested relief would restrain Defendants only "in the District." Opp. at 13. Defendants' vague appeal to "equitable principles" supposedly flowing from *CASA* finds no support in the text. The Court reiterated a familiar equitable rule: that an injunction should offer complete relief to the parties before the Court. That is what Plaintiffs seek. Nothing in *CASA* suggests that classwide relief is improper when Rule 23's requirements are satisfied.

F. Class Certification Should Not be Deferred Pending Appeal

The Court should reject Defendants' invitation to postpone class certification based on a pending appeal of the Court's TRO. Indeed, Defendants seem to concede that the Court has jurisdiction to consider class certification while the appeal is pending. *See* Mot. at 9. While they suggest that rulings at the Supreme Court and Ninth Circuit may "bear . . . on the viability of Plaintiffs' claims," Opp. at 15, they ignore that class certification does not require the Court to make a determination of the merits of Plaintiffs' claims. *See Amgen Inc. v. Connecticut Ret. Plans & Tr. Funds*, 568 U.S. 455, 465-66 (2013); *Wal-Mart Stores*, 131 S. Ct. at 2552 n.6. Moreover, Defendants have not challenged Plaintiffs' evidence of a policy and practice on appeal. Postponing certification pending appeal would only unjustifiably delay adjudication of the issue, contrary to Rule 1's directive to secure the "just, speedy, and inexpensive determination of every action and proceeding."

III. CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court proceed to certify the proposed Suspicionless Stop Class and appoint the Stop/Arrest Plaintiffs' counsel as class counsel.

Dated: August 28, 2025

Respectfully submitted,

ACLU FOUNDATION OF SOUTHERN CALIFORNIA

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LR 11-6.2 Certificate of Compliance

The undersigned counsel certifies that this filing is ten (10) pages, which complies with this Court's standing order.

Date: August 28, 2025

ACLU FOUNDATION OF SOUTHERN CALIFORNIA

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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

Pedro VASQUEZ PERDOMO; Carlos Alexander OSORTO; and Isaac VILLEGAS MOLINA; Jorge HERNANDEZ VIRAMONTES; Jason Brian GAVIDIA; LOS ANGELES WORKER CENTER NETWORK; UNITED FARM WORKERS; COALITION FOR HUMANE IMMIGRANT RIGHTS; IMMIGRANT DEFENDERS LAW CENTER,

Plaintiffs,

v.

Kristi NOEM, in her official capacity as Secretary, Department of Homeland Security; Todd M. LYONS, in his official capacity as

Case No.: 2:25-cv-05605-MEMF-SP

DECLARATION OF GRAEME BLAIR, PH.D. IN SUPPORT OF MOTION FOR CLASS CERTIFICATION

Hon. Maame Ewusi-Mensah Frimpong

Date: September 24, 2025
Time: 9:00 a.m.
Courtroom: 8B

Acting Director, U.S. Immigration and Customs Enforcement; Rodney S. SCOTT, in his official capacity as Commissioner, U.S. Customs and Border Patrol; Michael W. BANKS, in his official capacity as Chief of U.S. Border Patrol; Kash PATEL, in his official capacity as Director, Federal Bureau of Investigation; Pam BONDI, in her official capacity as U.S. Attorney General; Ernesto SANTACRUZ JR., in his official capacity as Acting Field Office Director for Los Angeles, U.S. Immigration and Customs Enforcement; Eddy WANG, Special Agent in Charge for Los Angeles, Homeland Security Investigations, U.S. Immigration and Customs Enforcement; Gregory K. BOVINO, in his official capacity as Chief Patrol Agent for El Centro Sector of the U.S. Border Patrol; Jeffrey D. STALNAKER, in his official capacity as Acting Chief Patrol Agent, San Diego Sector of the U.S. Border Patrol; Akil DAVIS, in his official capacity as Assistant Director in Charge, Los Angeles Office, Federal Bureau of Investigation; Bilal A. ESSAYLI, in his official capacity as U.S. Attorney for the Central District of California,

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I, Graeme Blair, declare:

1. I make this declaration from my personal knowledge and, if called to testify to these facts, could and would do so competently.

2. I am an Associate Professor of Political Science and Faculty Affiliate of the Department of Statistics and the California Center for Population Research at the University of California–Los Angeles. I study how to reduce violence and how to make social science more credible, ethical, and useful. I teach courses on research design and data analysis for undergraduates and Ph.D. students. My book, *Research Design in the Social Sciences*, was published by Princeton University Press in 2023, and my book *Crime, Insecurity, and Community Policing* was published by Cambridge University Press in 2024. I received a Ph.D. in politics from Princeton University and a B.A. in political science from Reed College. I am a recipient of the Leamer-Rosenthal Prize in Open Social Science.

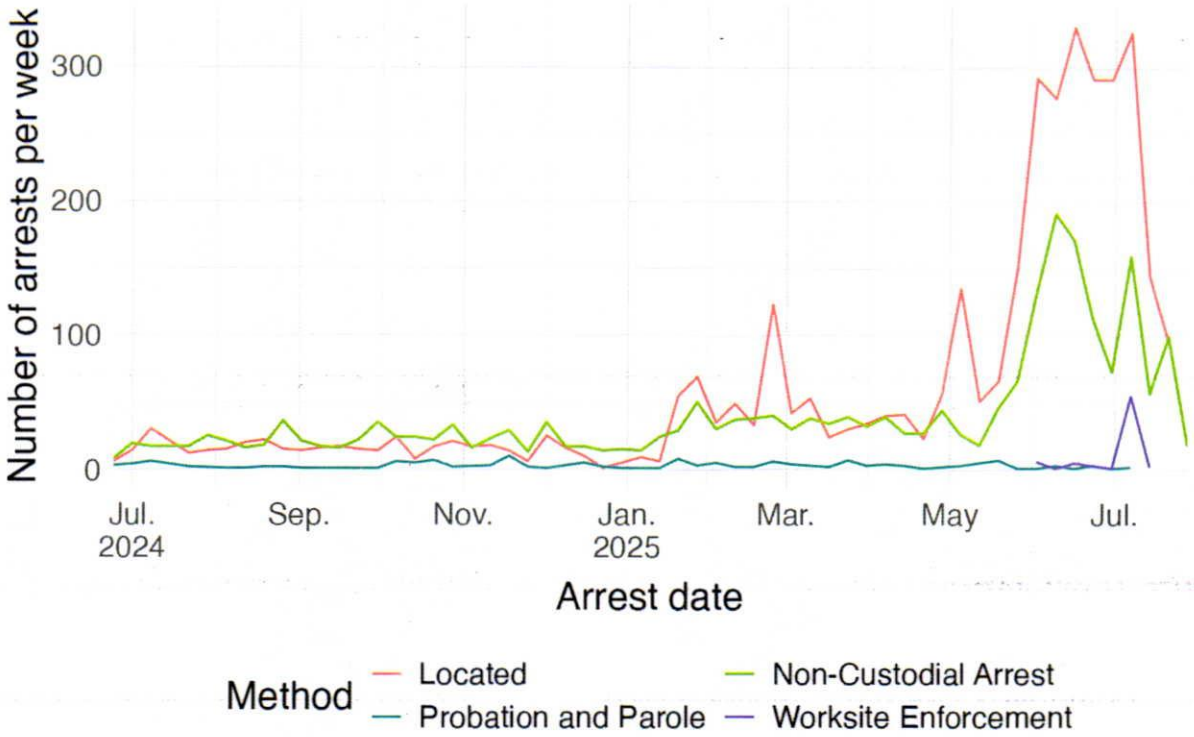
3. I am the Deputy Director of the Deportation Data Project. The project collects and posts public, anonymized U.S. government immigration enforcement datasets. The group uses the Freedom of Information Act to gather datasets directly from the government, and also posts datasets that the government has posted proactively or in response to others' requests. The data have been used by scholars and journalists to inform the public about changing immigration enforcement policies not reflected in publicly-available agency documents, resulting in hundreds of stories in the media in 2025.

4. For the information I provide in this declaration, I draw on the late July 2025 release of data from Immigrations and Customs Enforcement (ICE), and in particular the table it provided of administrative arrests. They represent the most up-to-date publicly-accessible data at the individual level on ICE's arrest patterns. The data were produced in response to a FOIA request filed by the Center for Immigration Law and Policy at UCLA Law School in May 2024 and a lawsuit filed by the Center, *Center for Immigration Law and Policy v. ICE*, in December 2024 after the data were not provided in a timely way. The data are available on the project web site at deportationdata.org/data/ice.html.

5. At the request of Plaintiffs' counsel in this matter, I generated a summary of the weekly[1] rate of arrests by Immigration and Customs Enforcement (ICE) over time for the one year before the latest available date, July 28, 2025, updating my previous declaration which used data through June 26, 2025.

6. Below is an update to my chart depicting the weekly count of arrests in the ICE Los Angeles Area of Responsibility[2] in four categories, based on arrest method.

Figure 1: Weekly arrests in Los Angeles ICE area of responsibility by arrest method



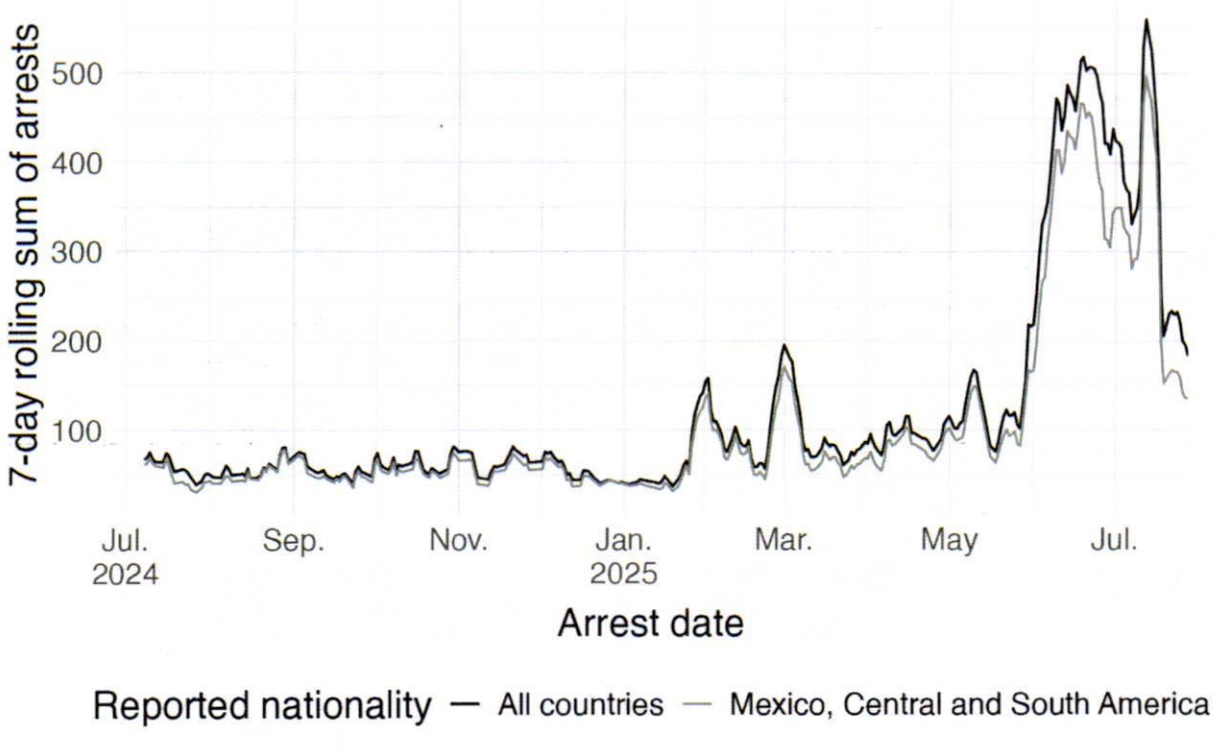
7. I now aggregate those four categories to display the trend in the total number of street arrests over time.[3] In addition, I display the number of street arrests among individuals who are reported to be nationals of Mexico and Central and South America.

[1] Arrest rates vary systematically by day, e.g., are lower on weekends, and so aggregating by week facilitates comparison of trends over longer periods of time.

[2] ICE does not provide a finer-grained geographic categorization of arrests than the area of responsibility or the state, which in this case would be larger.

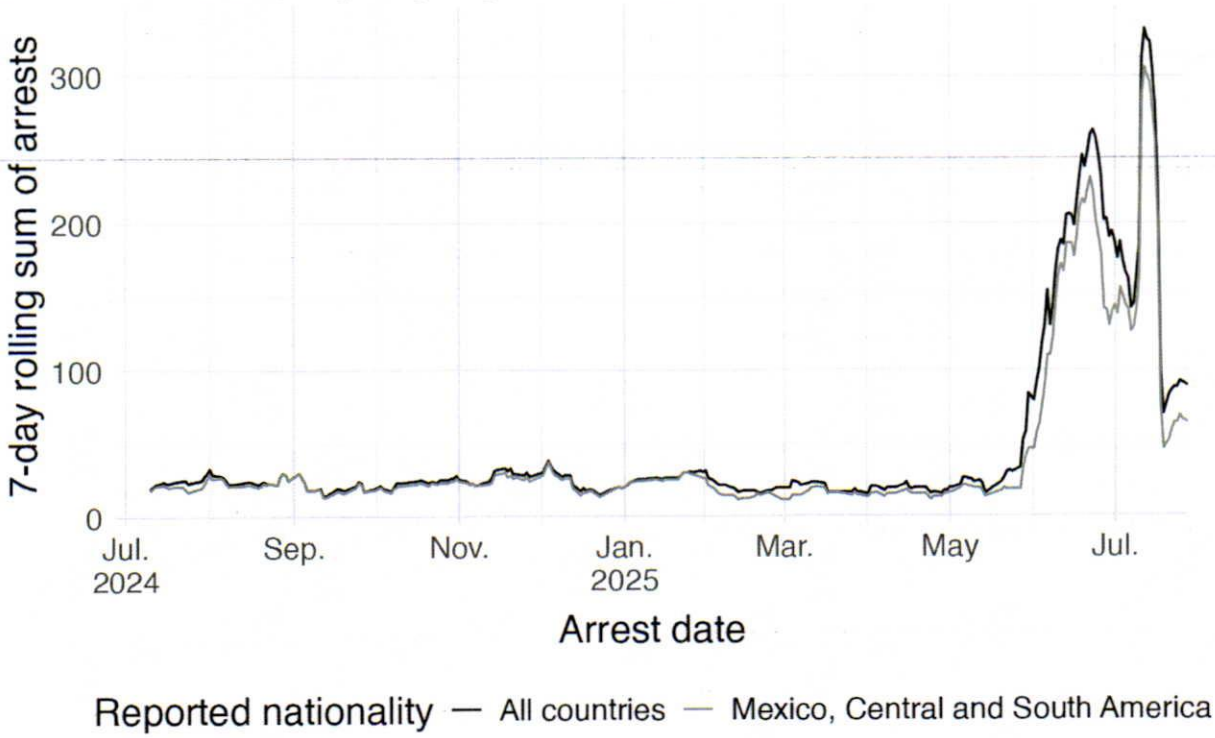
[3] I switch to display trends using a 7-day rolling sum to facilitate viewing changes within a week.

Figure 2: Weekly street arrests in Los Angeles ICE area of responsibility by reported nationality



8. Finally, I provide the same chart subset to individuals with no criminal conviction

Figure 3: Weekly street arrests in Los Angeles ICE area of responsibility by reported nationality among those with no criminal conviction or pending charges and who do not have a final order of removal



or pending criminal charges and who do not have a final order of removal.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 28, 2025

Graeme Blair, Ph.D.