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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF NEVADA

8 JEFFERSON DOMINGUEZ-LARA;) JOSE
9 RAMIREZ,) ON BEHALF OF THEMSELVES
10 AS INDIVIDUALS) AND ON BEHALF OF
11 OTHERS SIMILARLY SITUATED

Case No.: 2:25-cv-01553-JAD-BNW

12 Plaintiff

13 vs.

14 PLAINTIFFS' RESPONSE TO
15 FEDERAL RESPONDENTS' OPPOSITION
16 TO MOTION FOR CLASS CERTIFICATION

17 , KRISTI NOEM, SECRETARY THE UNITED
18 STATES DEPARTMENT OF HOMELAND
19 SECURITY; PAM BONDI, UNITED STATES
20 ATTORNEY GENERAL; TODD LYONS,
21 DIRECTOR OF UNITED STATES
22 IMMIGRATION AND CUSTOM
23 ENFORCEMENT; BRYAN WILCOX, FIELD
24 OFFICE DIRECTOR FOR DETENTION AND
25 REMOVAL, U.S. IMMIGRATION AND
26 CUSTOMS ENFORCEMENT,
27 DEPARTMENT OF HOMELAND
28 SECURITY; JOHN MATTOS, WARDEN,
NEVADA SOUTHERN DETENTION
CENTER; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW (EOIR); SIRCE
OWEN, ACTING DIRECTOR, EOIR; LAS
VEGAS IMMIGRATION COURT

DEFENDANT

INTRODUCTION

A class action is "an exception to the usual rule that litigation is conducted by and on behalf of the individual named parties only." Wal-Mart Stores, Inc. v. Dukes, 564 U.S. 338, 348 (2011) (quoting Califano v. Yamasaki, 442 U.S. 682, 700-01 (1979)). To do so, "a class representative

1 must be part of the class and ‘possess the same interest and suffer the same injury’ as the class
2 members.” Id. At 348–49 (quoting *East Tex. Motor Freight System, Inc. v. Rodriguez*, 431 U.S.
3 395, 403 (1977)). Federal Rule of Civil Procedure 23 “ensures that the named plaintiffs are
4 appropriate representatives of the class whose claims they wish to litigate.” Id. at 349. Rule 23(a)
5 requires “(1) the class is so numerous that joinder of all members is impracticable; (2) there are
6 questions of law or fact common to the class; (3) the claims or defenses of the representative
7 parties are typical of the claims or defenses of the class; and (4) the representative parties will
8 fairly and adequately protect the interests of the class.” *Mansor v. United States Citizenship*
9 *& Immigr. Servs.*, 345 F.R.D. 193, 202–03 (W.D. Wash. 2023)

12 ARGUMENT

13 Plaintiffs have satisfied the requirements of Rule 23(a).

14 1. Numerosity The first requirement of Rule 23(a) is numerosity. Numerosity is satisfied
15 if “the class is so large that joinder of all members is impracticable.” *Hanlon v. Chrysler Corp.*,
16 150 F.3d 1011, 1019 (9th Cir. 1998). Courts find the numerosity requirement satisfied when a
17 class includes at least 40 members. *Wagafe v. Trump*, No. C17-0094-RAJ, 2017 WL 2671254, at
18 *12 (W.D. Wash. June 21, 2017) (quoting *Rannisv. Recchia*, 380 Fed. Appx. 646, 651 (9th Cir.
19 2010)). Here, this case involves
20 hundreds of individuals.
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22 2. Commonality The second Rule 23(a) requirement is commonality. This
23 prong requires “a plaintiff [] show that ‘there are questions of law or fact common to the class.’”
24 Fed. R. Civ. P 23(a)(2)). The proposed class’s claims must “depend upon a common
25 contention[.]” Id. And the common contention “must be of such a nature that it is capable of
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1 classwide resolution—which means that determination of its truth or falsity will resolve an issue
2 that is central to the validity of each one of the claims in one stroke.” Id. Accordingly, “what
3 matters to class certification . . . is not the raising of common questions—even in droves—but
4 rather, the capacity of a classwide proceeding to generate common answers apt to drive the
5 resolution of the litigation.” The commonality requirement is “construed permissively.” Hanlon,
6 150 F.3d at 1019. Thus, “[a]ll questions of fact and law need not be common to satisfy the rule.”
7 *Evon v. Law Offices of Sidney Mickell*, 688 F.3d 1015, 1029 (9th Cir. 2012) (“Where the
8 circumstances of each particular class member vary but retain a common core of factual or legal
9 issues with the rest of the class, commonality exists.”). Rather, the “standard is “readily met”
10 when plaintiffs seek prospective relief “challeng[ing] a system-wide practice or policy that
11 affects all of the putative class members.” *Mansor*, 345 F.R.D. at 204 (quoting *Armstrong v.*
12 *Davis*, 275 F.3d 849, 868 (9th Cir. 2001), abrogated on other grounds by *Johnson v. California*,
13 543 U.S. 499, 504–05 (2005)). The Ninth Circuit has held that “in a civil-rights suit . . .
14 commonality is satisfied where the lawsuit challenges a system-wide practice or policy that
15 affects all of the putative class members.” *Gonzalez*, 975 F.3d at 808 (citations omitted).

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19 3. Typicality. The third requirement of Rule 23(a) is typicality. “The claims
20 of the representative party must be typical of the class claims.” *Gonzalez*, 975 F.3d at 809 (citing
21 *Fed. R. Civ. P. 23(a)(3)*). “[R]epresentative claims are ‘typical’ if they are reasonably co-
22 extensive with those of absent class members; they need not be substantially identical.” Hanlon,
23 150 F.3d at 1020). “The test of typicality is whether other members have the same or similar
24 injury, whether the action is based on conduct which is not unique to the named plaintiffs, and
25 whether other class members have been injured by the same course of conduct.” *Hanon v.*
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1 Dataproducts Corp., 976 F.2d 497, 508 (9th Cir. 1992) “Typicality refers to the nature of the
2 claim or defense of the class representative, and not to the specific facts from which it arose or
3 the relief sought.” Hanon, 976 F.2d at 508. Typicality is a “permissive standard,” Staton v.
4 Boeing Co., 327 F.3d 938, 957 (9th Cir. 2003), but class certification is inappropriate “if there is
5 a danger that absent class members will suffer if their representative is preoccupied with
6 defenses unique to it[.]” Hanon, 976 F.2d at 508 (cleaned up). The “commonality and typicality
7 requirements of Rule 23(a) tend to merge.” Falcon, 457 U.S. at 157 n.13. “Both serve as
8 guideposts for determining whether under the particular circumstances maintenance of a class
9 action is economical and whether the named plaintiff’s claim and the class claims are so
10 interrelated that the interests of the class members will be fairly and adequately protected in their
11 absence.” Id. (quoting Falcon, 457 U.S. at 157 n.13).

14 4. Adequacy The final requirement of Rule 23(a) is adequacy. “The final hurdle
15 interposed by Rule 23(a) is that ‘the representative parties will fairly and adequately protect the
16 interests of the class.’” Hanlon, 150 F.3d at 1020 (quoting Fed. R. Civ. P. 23(a)(4)). “Resolution
17 of two questions determines legal adequacy:
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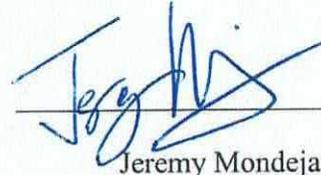
19 (1) do the named plaintiffs and their counsel have any conflicts of interest with
20 other class members and (2) will the named plaintiffs and their counsel prosecute the action
21 vigorously on behalf of the class?” Id. (citing *Lerwill v. Inflight Motion Pictures, Inc.*, 582 F.2d
22 507, 512 (9th Cir. 1978)). The named plaintiffs and their counsel must have “sufficient ‘zeal and
23 competence’ to protect the interests of the rest of the class.” *Doe v. Wolf*, 424 F. Supp. 3d 1028,
24 1043 (S.D. Cal. 2020) (quoting *Fendler v. Westgate-Cal. Corp.*, 527 F.2d 1168, 1170 (9th Cir.
25 1975)). Here, the interests of all class members are aligned, and Plaintiffs will not rest until
26 the required remedy is achieved.
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28 PLAINTIFFS’ RESPONSE TO FEDERAL RESPONDENTS’ OPPOSITION TO MOTION FOR CLASS
CERTIFICATION - 4

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request the Court grant the motion for class certification.

DATED this 16th day of October, 2025.



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