UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

D.V.D.; M.M.; E.F.D.; and O.C.G.,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND SECURITY; Kristi NOEM, Secretary, U.S. Department of Homeland Security, in her official capacity; Pamela BONDI, U.S. Attorney General, in her official capacity; and Antone MONIZ, Superintendent, Plymouth County Correctional Facility, in his official capacity,

Defendants.

Case No. 25-cv-10676

MOTION FOR CLASS CERTIFICATION

Plaintiffs respectfully move for an order, pursuant to Federal Rule of Procedure 23, provisionally and permanently certifying a class pursuant to Rule 23(b)(2), appointing Plaintiffs as class representatives, and appointing their counsel as class counsel. Specifically, Plaintiffs move to provisionally certify the following class:

All individuals who have a final removal order issued in proceedings under Section 240, 241(a)(5), or 238(b) of the INA (including withholding-only proceedings) whom DHS has deported or will deport on or after February 18, 2025, to a country (a) not previously designated as the country or alternative country of removal, and (b) not identified in writing in the prior proceedings as a country to which the individual would be removed.

The grounds for this motion are set forth in the accompanying memorandum of law, exhibits in support thereof, the Complaint, the concurrently filed emergency motion for a temporary restraining order and preliminary injunction and stay of administrative action, and the applicable law. A proposed order also accompanies this motion.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Plaintiffs believe that oral argument may assist the Court.

Matt Adams*

Respectfully submitted,

s/Tomás Arango

Tomas Arango Trina Realmuto* Kristin Macleod-Ball* Mary Kenney*

NATIONAL IMMIGRATION LITIGATION ALLIANCE

10 Griggs Terrace Brookline, MA, 02446 (617) 819-4649 trina@immigrationlitigation.org Leila Kang*
Aaron Korthuis*
Glenda M. Aldana Madrid*
NORTHWEST IMMIGRANT
RIGHTS PROJECT
615 Second Avenue, Suite 400

615 Second Avenue, Suite 400 Seattle, WA 98104 (206) 957-8611 matt@nwirp.org

Anwen Hughes*

HUMAN RIGHTS FIRST

75 Broad Street, 31st Floor New York, NY 10004 (212) 845-5244 HughesA@humanrightsfirst.org

Attorneys for Plaintiffs

Dated: March 23, 2025

^{*} Application for admission pro hac vice forthcoming

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)

I certify that, in accordance with Local Rule 7.1(a)(2), I emailed Rayford Farquhar, Deputy Chief, Civil Division and Chief, Defensive Litigation for the Civil Division of the United States Attorneys' Office for the District of Massachusetts on March 21, 2025 to advise him of the forthcoming litigation, including the instant motion for class certification seeking provisional class certification. I further stated that I would email him, or whomever he wished to designate, copies of Plaintiffs' filings after they were docketed, and that Plaintiffs would arrange for personal service on his office on Monday morning, March 24, 2025.

This communication was an attempt to resolve the issues raised in this motion. Mr. Farquhar has not yet responded to my email at the time of this filing and, therefore, the parties were unable to reach a resolution.

s/ Trina Realmuto
Trina Realmuto