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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MS. L, et al.,

Petitioners-Plaintiffs,

vs.

U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT, et al.,

Respondents-Defendants.

Case No. 18cv428 DMS MDD

**DEFENDANTS' RESPONSE
REGARDING REPORT BY THE U.S.
DEPARTMENT OF HEALTH AND
HUMAN SERVICES, OFFICE OF
INSPECTOR GENERAL**

1 On January 25, 2019, Plaintiffs asked this Court to require the government
2 to file a response to a January 17, 2019 report from the Office of the Inspector
3 General at the U.S. Department of Health and Human Services (“Report”). ECF
4 No. 344. On January 28, 2019, this Court ordered Defendants to “file a response to
5 that Report on or before February 1, 2019.” ECF No. 345. To the extent that
6 Plaintiffs’ January 25, 2019 filing raises issues related to the scope of the class
7 definition, Defendants will more fully address those issues on February 6, 2019 in
8 their Opposition to Plaintiffs’ Motion to Clarify Scope of the *Ms. L.* Class.
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11 Defendants first point the Court to the comments from the Administration
12 for Children and Families (“ACF”)¹ that are appended to the Report. Those
13 comments, authored by Lynn A. Johnson, the Assistant Secretary for Children and
14 Families, contain ACF’s formal response to the Report. In addition, to address
15 some of the issues raised by Plaintiffs relating to the report, Defendants submit the
16 attached Declaration of Jonathan White. In general, Defendants dispute the
17 characterizations of the Report made by Plaintiffs, and welcome the opportunity to
18 provide the Court with further information on these issues as this litigation
19 progresses. Should the Court have any additional questions regarding the report,
20 Defendants stand ready to address those questions.
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¹ The Office of Refugee Resettlement (“ORR”) is a division of ACF.
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DATED: February 1, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is Box 868, Ben Franklin Station, Washington DC 20044. I am not a party to the above-entitled action. I have caused service of the accompanying brief on all counsel of record, by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically provides notice.

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

DATED: February 1, 2019

s/ Sarah B. Fabian
Sarah B. Fabian