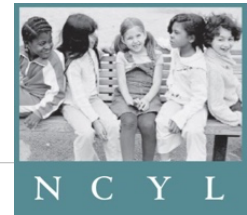


## NATIONAL CENTER FOR YOUTH LAW

Updated Report to the McDowell Foundation  
Reporting period: 4/1/21 – 9/30/21



### I. Case Summary

The National Center for Youth Law (NCYL) and co-counsel filed *Lucas R. v. Azar* in November 2018 to deepen and expand procedural protections for the most vulnerable children in federal immigration custody. The class action lawsuit includes five certified classes including: (1) children who are not promptly released to sponsors; (2) children that get stepped up to more restrictive facilities; (3) children who are administered psychotropic medications; (4) children whose lawyers are obstructed from comprehensive representation; and (5) children with disabilities.

During the final quarter of the grant period, the *Lucas R.* team continued to devote significant time and resources towards negotiating the settlement of our claims. Plaintiffs and Defendants filed cross-motions for summary adjudication in October 2020 related to three of the five claims. In December 2020, the Court gave Plaintiffs a favorable tentative ruling on the motions related to children stepped up to restrictive facilities and children who are not promptly released to sponsors. Despite the tentative ruling, the parties continued negotiating the settlement of all five claims, both for efficiency and because the Court has expressed, through her tentative ruling, a clear interest in providing additional procedural protections to our class members. After five months of negotiations, in May 2021, the parties submitted a joint status report and asked the Court to officially enter its order on Plaintiffs' motions for summary adjudication, which will address claims brought on behalf of: (1) children who are not promptly released to sponsors; (2) children that get stepped up to more restrictive facilities; and (3) children whose lawyers are obstructed from comprehensive representation. At the Court's request, we spent one additional month attempting to negotiate all five claims, and at the end of June, our team submitted another joint status report, in which we once again asked the Court to issue its order on Plaintiffs' motions for summary adjudication. The Court indicated she will issue her order by the end of July 2021. The parties also anticipate the Court will order a new trial date for the remaining two claims that will be sometime in 2022. The parties will then prepare for trial while simultaneously attempting to negotiate the remaining two claims on behalf of children with disabilities and children who are administered psychotropic medications.

Throughout the grant period, Plaintiffs have met with the government over the course of dozens of hours to negotiate the terms of a settlement for all of the claims. Additionally, Plaintiffs and co-counsel have spent hundreds of hours drafting and editing proposed settlement agreements and researching various issues that have arisen over the course of negotiations.

We are unable to share more specific details about the case at this time, as much of our progress to this point has happened under confidential settlement negotiations and as we await the Court's order on cross-motions for summary judgment.

## II. Significant Decisions

The Court has not made any decisions in the case in this final reporting period. We anticipate receiving the Court's order very soon on the cross-motions for summary judgment.

## III. Anticipated Progress

As we await the Court's order on Plaintiffs' motions for summary adjudication, the parties will continue to negotiate and work toward a resolution of the remaining two claims. However, if we are unable to reach agreement, we will be prepared for trial.

## VI. Attorney Contact Information

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