

District Judge James L. Robart
Magistrate Judge Michelle L. Peterson

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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSE CASTAÑEDA JUAREZ, *et al.*,

Petitioners-Plaintiffs,

v.

NATHALIE ASHER, *et al.*,

Respondents-Defendants.

**MOTION FOR FEDERAL RESPONDENTS’
PROPOSED DISCOVERY**

Case No. 20-cv-700-JLR-MLP

Noting Date: November, 4, 2020

Pursuant to the Court’s Order, Dkt. No. 124, Federal Respondents respectfully move the court to approve the following proposed discovery requests:

Attachment A: Federal Respondents’ First Set of Interrogatories and Requests for Production to Petitioner J.A.M.

Attachment B: Federal Respondents’ First Set of Interrogatories and Requests for Production to Petitioner Josue Castaneda Juarez

Attachment C: Federal Respondents’ First Set of Interrogatories and Requests for Production to Petitioner Wilfredo Favela Avendano

Attachment D: Federal Respondents’ First Set of Interrogatories and Requests for Production to Petitioner Naeem Khan

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- Attachment E¹: Stipulation and Authorization for Release of Medical Records
- Attachment F: Federal Respondents' First Set of Requests for Admissions to Petitioner J.A.M.
- Attachment G: Federal Respondents' First Set of Requests for Admissions to Petitioner Josue Castaneda Juarez
- Attachment H: Federal Respondents' First Set of Requests for Admissions to Petitioner Wilfredo Favela Avendano
- Attachment I: Federal Respondents' First Set of Requests for Admissions to Petitioner Naeem Khan

Federal Respondents intend to depose all Petitioners at a date and time mutually agreeable to Petitioners' counsel. In addition, Federal Respondents may depose the following experts: Dr. Joseph Amon; Dr. Katherine C. McKenzie; Dr. Dora Schriro; and V. Mitchell McEwen.

Federal Respondents reserve the right to serve additional discovery during the ongoing investigation into Petitioners' claims.

Federal Respondents require this discovery to respond to claims set forth in the petition and Petitioners' response to Federal Respondents Motion to Dismiss.

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¹ This stipulation may be used for each Petitioner. Upon request, a Word version will be provided to Petitioner's counsel.

1 DATED this 21st day of October, 2020.

2 Respectfully submitted,

3 BRIAN T. MORAN
4 United States Attorney

5 /s/ Matt Waldrop

6 MATT WALDROP, GA # 349571

7 Assistant United States Attorney

8 700 Stewart Street, Suite 5220

9 Seattle, WA 98101

10 Telephone No. (206) 553-2496

11 E-mail james.waldrop@usdoj.gov

12 /s/ Michelle R. Lambert

13 MICHELLE R. LAMBERT NY#4666657

14 Assistant United States Attorney

15 1201 Pacific Avenue, Suite 700

16 Tacoma, WA 98402

17 Telephone No. (253) 428-3824

18 E-mail michelle.lambert@usdoj.gov

Attachment A

District Judge James L. Robart
Magistrate Judge Michelle L. Peterson

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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSUE CASTANEDA JUAREZ, *et al.*,

Petitioners-Plaintiffs,

v.

NATHALIE ASHER, *et al.*,

Respondents-Defendants.

Case No. 2:20-cv-00700-JLR-MLP

FEDERAL RESPONDENTS' FIRST
INTERROGATORIES AND REQUESTS
FOR PRODUCTION TO PETITIONER
J.A.M.

Pursuant to this Court's Order, Dkt. No., 124, and the Federal Rules of Civil Procedure 33 and 34, Federal Respondents, through undersigned counsel, hereby request that Petitioner J.A.M., respond in writing, under oath, as directed by the Court's Order, to the following interrogatories and requests for production of documents:

GENERAL INSTRUCTIONS

1. If any of the following interrogatories and requests for production cannot be answered in full, please answer them to the fullest extent possible and state the reason why the remainder cannot be answered.

FEDERAL RESPONDENTS' FIRST INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO
PETITIONER J.A.M.

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
206-553-7970

1 2. These interrogatories and requests for production are directed to Petitioner J.A.M.
2 The term “you” used herein refers to J.A.M. The answers and responses are to be completed to
3 the best of your knowledge or the knowledge of your attorneys, agents, or other representatives.

4 3. Where an individual interrogatory requests an answer which involves more than one
5 part, each part of the answer should be set out clearly so that it is understandable. If any of the
6 interrogatories cannot be answered at this time, please answer to the extent possible and
7 subsequently submit any supplemental information.

8 4. Where an individual interrogatory requests an answer which involves a response that
9 includes an answer in more than one part, according to different dates or time periods, please set
10 out the answer chronologically.

11 5. If you lack the information necessary to answer any of the interrogatories, please
12 describe the specific efforts made by you, or by anyone on your behalf, to ascertain the
13 information and state as definitely as possible when you anticipate obtaining the information to
14 supplement your response.

15 6. These interrogatories and requests for production are intended as continuing
16 interrogatories and requests for production, requiring you to answer by supplemental answers
17 and responses, setting forth any information and producing any documents within the scope of
18 the interrogatories and requests for production as may be acquired by you, your attorneys, agents
19 or representatives, subsequent to your original answers. Pursuant to Fed. R. Civ. P. 26(e),
20 Plaintiff shall serve any supplemental answers and responses on Federal Respondents.

21 7. Pursuant to Fed. R. Civ. P. 34(b), please produce all documents responsive to this
22 discovery request as the documents are kept in the normal course of business or organize and
23 label them to correspond with the categories in these requests for production.

FEDERAL RESPONDENTS' FIRST INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO
PETITIONER J.A.M.

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
206-553-7970

1 8. Please produce original documents or the best copy available, and all other inexact
2 copies and, if the original is not produced, identify the individual(s) who now has possession,
3 custody, or control of the original. Please produce all non-identical copies (i.e., copies with
4 marginal notes, deletions, etc.) known or available to you, regardless of whether these documents
5 are possessed directly by you or any of your employees, agents, or representatives.

6 9. Please select documents from files and other sources and perform any numbering in a
7 manner that ensures that Federal Respondents can determine the source of each document.

8 10. Pursuant to Fed. R. Civ. P. 34(b), do not separate documents attached to each other,
9 and do not attach documents to each other that originally were maintained separately.

10 11. Rather than producing originals or extant copies of documents responsive to this
11 request, you may, at your option, produce legible photographic or other reproductions of the
12 documents if you retain the originals or copies from which the reproductions were made until
13 this litigation is resolved.

14 12. Please produce all documents responsive to these discovery requests in your
15 possession, custody, or control, or that of your agents, insurance compan(ies), and counsel, or
16 any other person acting on your behalf.

17 13. Please produce all documents in your control regardless of whether or not you or
18 your attorneys have possession or custody of the documents.

19 14. If you cannot produce documents or things responsive to this request, specify each
20 reason for the inability to produce the documents and things, and state whatever information,
21 knowledge, or belief you have concerning the documents or things that were not produced.

22 15. Please identify any responsive document of which you have knowledge but do not
23 have possession, custody, or control.

FEDERAL RESPONDENTS' FIRST INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO
PETITIONER J.A.M.

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
206-553-7970

1 16. If any documents or things responsive to this discovery request existed at one time,
2 but no longer exist, please identify the document or thing and state the date that it ceased to exist,
3 the circumstances in which it ceased to exist, the identity of all individuals or entities having
4 knowledge of the circumstances in which it ceased to exist, and the identity of all individuals or
5 entities that currently have or previously have had knowledge of the contents of the documents
6 and things.

7 **DEFINITIONS**

8 1. As used throughout these interrogatories and requests for production, the term “each”
9 means each and every; “known to you” and your “knowledge of” refers to all matters known to
10 you or known to those under whom you claim, or the agents, attorneys or representatives of
11 either.

12 2. “Identify,” “identity” or “identities” when used in reference to a document means to
13 separately specify the date of the document or an estimate of the date that is identified as an
14 estimate if no date appears on the document, the date(s) of dissemination, the number of pages
15 that the document contains, the location of the document, the identity of all persons who have
16 been permitted access to the document, a summary statement of the subject matter of the
17 document in sufficient detail to permit the court to decide any motion to compel production of
18 the document, the identity of the document’s author(s), the identity of all individuals who
19 reviewed or approved the document before it was disseminated, the identity of all individuals to
20 whom the document was disseminated, and the present custodian(s) of the document or any copy
21 of the document.

22 3. “Identify,” “identity” or “identities” when used in reference to an individual means to
23 state the individual’s full name, present or last known business address and telephone number,

1 profession, current occupation and position, and the individual's occupation and position at the
2 time of the event or activity addressed in the pertinent request. If any of the above information is
3 not available, state any other available means of identifying the individual.

4 4. "Document" means the original and any copy of any written, recorded or graphic
5 materials in your possession, custody, knowledge, or control, however produced or reproduced,
6 including, but not limited to, letters, magazine articles, newspaper articles, publications of any
7 type, telegrams, correspondence, communications, notes, memoranda, records, minutes,
8 agreements, logs or notations of telephone or personal conversations or conferences, interoffice
9 communications, microfilm, bulletins, circulars, pamphlets, diaries, notices, books, material sent
10 or received by telefax, teletype messages, calendars, worksheets, cards, personal notes, reports,
11 statements, videotapes, results of laboratory tests, doctor's notes, nurse's notes, prescriptions,
12 studies, photographs, graphs, charts, tabulations, analyses, summaries, data sheets, statistical or
13 informational accumulations, computer generated material, any retention register or transcript of
14 account maintained by any taxing authority, tape recordings, x-rays, CAT scans, blood and tissue
15 samples, laboratory accountability logs, or any other similar documents not specifically named.

16 5. "Action" means the litigation captioned *Castaneda Juarez, et al. v. Asher, et al.*, No.
17 20-cv-00700-JLR-MLP, filed in the U.S. District Court for the Western District of Washington.

18 6. "ICE" means United States Immigration and Customs Enforcement.

19 7. "NWIPC" means the Northwest ICE Processing Center in Tacoma, Washington.

20 8. "Petition" means the Petition for Writ of Habeas Corpus and Class Action Complaint
21 for Injunctive and Declaratory Relief filed as Dkt. No. 1 in this Action.

22 9. "Date" shall mean the exact date, month, and year if ascertainable, or if not, the best
23 approximation of the date.

FEDERAL RESPONDENTS' FIRST INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO
PETITIONER J.A.M.

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
206-553-7970

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OBJECTIONS

If you object to answering any interrogatory or request for production, in whole or in part, state your objection and the factual or legal reasons supporting it. If you object on grounds of privilege, please also state the nature and extent of all allegedly privileged matters in sufficient detail to allow Federal Respondents to seek an order compelling disclosure of the information or document in question. State the date, author(s), addresses, persons receiving copies of, and the general subject matter of each document withheld under a claim or privilege and/or work product. For each request for production or part thereof to which you object on the ground that the request is burdensome, please indicate the custodian and location of each file or document requested, the time estimated to obtain the information, and the costs necessary to answer, as well as the basis for the cost estimate.

FEDERAL RESPONDENTS' FIRST INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO
PETITIONER J.A.M.

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
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206-553-7970

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INTERROGATORIES

INTERROGATORY NO. 1: Please identify the underlying medical condition(s) that you allege put you at high risk of severe illness or death from COVID-19, including the date of when you were first diagnosed with this medical condition.

ANSWER:

INTERROGATORY NO 2: Please identify all medical practitioners, including both individual professionals and/or provider care centers, from whom or from which you sought or received care or treatment or medication for any reason from 2010 through the present.

ANSWER:

INTERROGATORY NO. 3: Please identify any detainees at NWIPC that you are aware of who have experienced shortness of breath, difficulty breathing, fever, chills, repeated shaking with chills, muscle pain headache, sore throat, and/or new loss of taste or smell while detained at NWIPC since March 1, 2020, and who have reported such conditions in a sick call lodged with the medical staff at NWIPC and what, if any, medical treatments were provided to them in response.

ANSWER:

INTERROGATORY NO. 4: Please identify the dates when you have been offered a COVID-19 test while detained at NWIPC, and whether you thereafter took the test.

ANSWER:

1 **INTERROGATORY NO. 5:** Please provide the address of your current residence, the number of
2 bedrooms and bathrooms in the home, and the names and ages of the other occupants of the
3 residence, if any.

4 **ANSWER:**

5

6 **INTERROGATORY NO. 6:** Please provide how you currently pay for health care and/or
7 medication. If you have private health insurance, please identify the provider.

8 **ANSWER:**

9

10 **INTERROGATORY NO. 7:** Please state whether you are currently employed, and if so, identify
11 your employer, place of work, and number of hours worked per week.

12 **ANSWER:**

13

14 **INTERROGATORY NO. 8:** If you deny any Requests for Admissions included in Federal
15 Respondents' First Set of Requests for Admissions, please identify the basis for your denial and
16 all facts and information supporting your denial.

17 **ANSWER:**

18

19 **INTERROGATORY NO. 9:** Please identify any occurrence in which you have requested soap
20 or cleaning supplies from ICE or GEO while in detention at NWIPC and have not received soap
21 or cleaning supplies in response. Include the date of the request and the name of the person who
22 you made the request to.

23 **ANSWER:**

FEDERAL RESPONDENTS' FIRST INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO
PETITIONER J.A.M.

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
206-553-7970

1 **INTERROGATORY NO. 10:** Please state whether you have taken a COVID-test since your
2 release. If so, please identify the date(s) of the test(s), the location the test(s) were taken, and the
3 results.

4 **ANSWER:**

5 **REQUESTS FOR PRODUCTION**

6 **REQUEST FOR PRODUCTION NO. 1:** Please produce any and all documents that were
7 referred, reviewed, or relied upon in responding to the proceeding interrogatories.

8 **RESPONSE:**

9
10 **REQUEST FOR PRODUCTION NO. 2:** Please fully complete the attached Authorization to
11 Disclose Health Information by: (1) filling in your Social Security Number and/or date of birth
12 on the spaces provided, (2) listing all providers identified in your answer to Interrogatory No. 2
13 above in the blank spaces provided on the form, and attach additional pages if necessary and (3)
14 signing and dating the form at the bottom.

15 **RESPONSE:**

16
17 **REQUEST FOR PRODUCTION NO. 3:** Please produce all photographs, graphics, films, or
18 other visual aids, whether demonstrative or evidentiary, referring or relating to any issue or
19 allegation in this litigation.

20 **RESPONSE:**

21
22 **REQUEST FOR PRODUCTION NO. 4:** Please produce all materials referred to or relied on
23 by Dr. Joseph Amon in formulating his opinions and declaration(s) as filed in this Action.

FEDERAL RESPONDENTS' FIRST INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO
PETITIONER J.A.M.

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
206-553-7970

1 **RESPONSE:**

2

3 **REQUEST FOR PRODUCTION NO. 5:** Please produce all materials referred to or relied on
4 by Dr. Katherine C. McKenzie in formulating her opinions and declaration(s) as filed in this
5 Action.

6 **RESPONSE:**

7

8 **REQUEST FOR PRODUCTION NO. 6:** Please produce all materials referred to or relied on
9 by Dr. Dora Schriro in formulating her opinions and declaration(s) as filed in this Action.

10 **RESPONSE:**

11

12 **REQUEST FOR PRODUCTION NO. 7:** Please produce all materials referred to or relied on
13 by V. Mitch McEwen in formulating her opinions and declaration as filed in this Action.

14 **RESPONSE:**

15

16 DATED this 21st day of October, 2020.

17

Respectfully submitted,

18

BRIAN T. MORAN
United States Attorney

19

20

/s/ Matt Waldrop
MATT WALDROP, GA # 349571
Assistant United States Attorney
700 Stewart Street, Suite 5220
Seattle, WA 98101
Telephone No. (206) 553-2496
E-mail james.waldrop@usdoj.gov

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FEDERAL RESPONDENTS' FIRST INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO
PETITIONER J.A.M.

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
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/s/ Michelle R. Lambert
MICHELLE R. LAMBERT NY#4666657
Assistant United States Attorney
1201 Pacific Avenue, Suite 700
Tacoma, WA 98402
Telephone No. (253) 428-3824
E-mail michelle.lambert@usdoj.gov

Attorney for Federal Respondents

ATTORNEY VERIFICATION

The undersigned attorney for Petitioner J.A.M. has read the foregoing First Interrogatories and Requests for Production and Answers thereto. To the best of my knowledge, information, and belief, formed after a reasonable inquiry, they are complete, accurate, and in compliance with CR 26(g).

[NAME] Date

FEDERAL RESPONDENTS' FIRST INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO
PETITIONER J.A.M.

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
206-553-7970

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VERIFICATION

STATE OF WASHINGTON)
)ss
COUNTY OF _____)

J.A.M., being first duly sworn on oath, upon oath states as follows: I am a Petitioner-Plaintiff in this lawsuit. I have read the Answers and Responses to Federal Respondents' First Interrogatories and Requests for Production of Documents to Petitioner, and have provided full, truthful, and complete responses to each of them to the best of my ability pursuant to the Federal Rules of Civil Procedure.

J.A.M.

SUBSCRIBED and SWORN to before me this _____ day of _____, 2020.

(Print Name)

(Signature)

Notary Public in and for the State of Washington, residing at
_____.

My commission expires: _____.

FEDERAL RESPONDENTS' FIRST INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO
PETITIONER J.A.M.

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
206-553-7970

Attachment B

District Judge James L. Robart
Magistrate Judge Michelle L. Peterson

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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSUE CASTANEDA JUAREZ, *et al.*,

Petitioners-Plaintiffs,

v.

NATHALIE ASHER, *et al.*,

Respondents-Defendants.

Case No. 2:20-cv-00700-JLR-MLP

FEDERAL RESPONDENTS' FIRST
INTERROGATORIES AND REQUESTS
FOR PRODUCTION TO PETITIONER
JOSUE CASTANEDA JUAREZ.

Pursuant to this Court's Order, Dkt. No., 124, and the Federal Rules of Civil Procedure 33 and 34, Federal Respondents, through undersigned counsel, hereby request that Petitioner JOSUE CASTANEDA JUAREZ, respond in writing, under oath, as directed by the Court's Order, to the following interrogatories and requests for production of documents:

GENERAL INSTRUCTIONS

1. If any of the following interrogatories and requests for production cannot be answered in full, please answer them to the fullest extent possible and state the reason why the remainder cannot be answered.

FEDERAL RESPONDENTS' FIRST INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO
PETITIONER JOSUE CASTANEDA JUAREZ
[2:20-CV-00700-JLR-MLP] - 1

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
206-553-7970

1 2. These interrogatories and requests for production are directed to Petitioner JOSUE
2 CASTANEDA JUAREZ. The term “you” used herein refers to Mr. Castaneda Juarez. The
3 answers and responses are to be completed to the best of your knowledge or the knowledge of
4 your attorneys, agents, or other representatives.

5 3. Where an individual interrogatory requests an answer which involves more than one
6 part, each part of the answer should be set out clearly so that it is understandable. If any of the
7 interrogatories cannot be answered at this time, please answer to the extent possible and
8 subsequently submit any supplemental information.

9 4. Where an individual interrogatory requests an answer which involves a response that
10 includes an answer in more than one part, according to different dates or time periods, please set
11 out the answer chronologically.

12 5. If you lack the information necessary to answer any of the interrogatories, please
13 describe the specific efforts made by you, or by anyone on your behalf, to ascertain the
14 information and state as definitely as possible when you anticipate obtaining the information to
15 supplement your response.

16 6. These interrogatories and requests for production are intended as continuing
17 interrogatories and requests for production, requiring you to answer by supplemental answers
18 and responses, setting forth any information and producing any documents within the scope of
19 the interrogatories and requests for production as may be acquired by you, your attorneys, agents
20 or representatives, subsequent to your original answers. Pursuant to Fed. R. Civ. P. 26(e),
21 Plaintiff shall serve any supplemental answers and responses on Federal Respondents.

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23

FEDERAL RESPONDENTS' FIRST INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO
PETITIONER JOSUE CASTANEDA JUAREZ
[2:20-CV-00700-JLR-MLP] - 2

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
206-553-7970

1 7. Pursuant to Fed. R. Civ. P. 34(b), please produce all documents responsive to this
2 discovery request as the documents are kept in the normal course of business or organize and
3 label them to correspond with the categories in these requests for production.

4 8. Please produce original documents or the best copy available, and all other inexact
5 copies and, if the original is not produced, identify the individual(s) who now has possession,
6 custody, or control of the original. Please produce all non-identical copies (i.e., copies with
7 marginal notes, deletions, etc.) known or available to you, regardless of whether these documents
8 are possessed directly by you or any of your employees, agents, or representatives.

9 9. Please select documents from files and other sources and perform any numbering in a
10 manner that ensures that Federal Respondents can determine the source of each document.

11 10. Pursuant to Fed. R. Civ. P. 34(b), do not separate documents attached to each other,
12 and do not attach documents to each other that originally were maintained separately.

13 11. Rather than producing originals or extant copies of documents responsive to this
14 request, you may, at your option, produce legible photographic or other reproductions of the
15 documents if you retain the originals or copies from which the reproductions were made until
16 this litigation is resolved.

17 12. Please produce all documents responsive to these discovery requests in your
18 possession, custody, or control, or that of your agents, insurance compan(ies), and counsel, or
19 any other person acting on your behalf.

20 13. Please produce all documents in your control regardless of whether or not you or
21 your attorneys have possession or custody of the documents.

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1 14. If you cannot produce documents or things responsive to this request, specify each
2 reason for the inability to produce the documents and things, and state whatever information,
3 knowledge, or belief you have concerning the documents or things that were not produced.

4 15. Please identify any responsive document of which you have knowledge but do not
5 have possession, custody, or control.

6 16. If any documents or things responsive to this discovery request existed at one time,
7 but no longer exist, please identify the document or thing and state the date that it ceased to exist,
8 the circumstances in which it ceased to exist, the identity of all individuals or entities having
9 knowledge of the circumstances in which it ceased to exist, and the identity of all individuals or
10 entities that currently have or previously have had knowledge of the contents of the documents
11 and things.

12 **DEFINITIONS**

13 1. As used throughout these interrogatories and requests for production, the term “each”
14 means each and every; “known to you” and your “knowledge of” refers to all matters known to
15 you or known to those under whom you claim, or the agents, attorneys or representatives of
16 either.

17 2. “Identify,” “identity” or “identities” when used in reference to a document means to
18 separately specify the date of the document or an estimate of the date that is identified as an
19 estimate if no date appears on the document, the date(s) of dissemination, the number of pages
20 that the document contains, the location of the document, the identity of all persons who have
21 been permitted access to the document, a summary statement of the subject matter of the
22 document in sufficient detail to permit the court to decide any motion to compel production of
23 the document, the identity of the document’s author(s), the identity of all individuals who

1 reviewed or approved the document before it was disseminated, the identity of all individuals to
2 whom the document was disseminated, and the present custodian(s) of the document or any copy
3 of the document.

4 3. “Identify,” “identity” or “identities” when used in reference to an individual means to
5 state the individual’s full name, present or last known business address and telephone number,
6 profession, current occupation and position, and the individual’s occupation and position at the
7 time of the event or activity addressed in the pertinent request. If any of the above information is
8 not available, state any other available means of identifying the individual.

9 4. “Document” means the original and any copy of any written, recorded or graphic
10 materials in your possession, custody, knowledge, or control, however produced or reproduced,
11 including, but not limited to, letters, magazine articles, newspaper articles, publications of any
12 type, telegrams, correspondence, communications, notes, memoranda, records, minutes,
13 agreements, logs or notations of telephone or personal conversations or conferences, interoffice
14 communications, microfilm, bulletins, circulars, pamphlets, diaries, notices, books, material sent
15 or received by telefax, teletype messages, calendars, worksheets, cards, personal notes, reports,
16 statements, videotapes, results of laboratory tests, doctor’s notes, nurse’s notes, prescriptions,
17 studies, photographs, graphs, charts, tabulations, analyses, summaries, data sheets, statistical or
18 informational accumulations, computer generated material, any retention register or transcript of
19 account maintained by any taxing authority, tape recordings, x-rays, CAT scans, blood and tissue
20 samples, laboratory accountability logs, or any other similar documents not specifically named.

21 5. “Action” means the litigation captioned *Castaneda Juarez, et al. v. Asher, et al.*, No.
22 20-cv-00700-JLR-MLP, filed in the U.S. District Court for the Western District of Washington.

23 6. “ICE” means United States Immigration and Customs Enforcement.

FEDERAL RESPONDENTS’ FIRST INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO
PETITIONER JOSUE CASTANEDA JUAREZ
[2:20-CV-00700-JLR-MLP] - 5

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
206-553-7970

1 7. “NWIPC” means the Northwest ICE Processing Center in Tacoma, Washington.

2 8. “Petition” means the Petition for Writ of Habeas Corpus and Class Action Complaint
3 for Injunctive and Declaratory Relief filed as Dkt. No. 1 in this Action.

4 9. “Date” shall mean the exact date, month, and year if ascertainable, or if not, the best
5 approximation of the date.

6 **OBJECTIONS**

7 If you object to answering any interrogatory or request for production, in whole or in
8 part, state your objection and the factual or legal reasons supporting it. If you object on grounds
9 of privilege, please also state the nature and extent of all allegedly privileged matters in sufficient
10 detail to allow Federal Respondents to seek an order compelling disclosure of the information or
11 document in question. State the date, author(s), addresses, persons receiving copies of, and the
12 general subject matter of each document withheld under a claim or privilege and/or work
13 product. For each request for production or part thereof to which you object on the ground that
14 the request is burdensome, please indicate the custodian and location of each file or document
15 requested, the time estimated to obtain the information, and the costs necessary to answer, as
16 well as the basis for the cost estimate.

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INTERROGATORIES

INTERROGATORY NO. 1: Please identify the underlying medical condition(s) that you allege put you at high risk of severe illness or death from COVID-19, including the date of when you were first diagnosed with this medical condition.

ANSWER:

INTERROGATORY NO 2: Please identify all medical practitioners, including both individual professionals and/or provider care centers, from whom or from which you sought or received care or treatment or medication for any reason from 2010 through the present.

ANSWER:

INTERROGATORY NO. 3: Please identify any detainees at NWIPC that you are aware of who have experienced shortness of breath, difficulty breathing, fever, chills, repeated shaking with chills, muscle pain headache, sore throat, and/or new loss of taste or smell while detained at NWIPC since March 1, 2020, and who have reported such conditions in a sick call lodged with the medical staff at NWIPC and what, if any, medical treatments were provided to them in response.

ANSWER:

INTERROGATORY NO. 4: Please identify the dates when you have been offered a COVID-19 test while detained at NWIPC, and whether you thereafter took the test.

ANSWER:

1 **INTERROGATORY NO. 5:** Please provide the address of your current residence, the number of
2 bedrooms and bathrooms in the home, and the names and ages of the other occupants of the
3 residence, if any.

4 **ANSWER:**

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6 **INTERROGATORY NO. 6:** Please provide how you currently pay for health care and/or
7 medication. If you have private health insurance, please identify the provider.

8 **ANSWER:**

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10 **INTERROGATORY NO. 7:** Please state whether you are currently employed, and if so, identify
11 your employer, place of work, and number of hours worked per week.

12 **ANSWER:**

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14 **INTERROGATORY NO. 8:** If you deny any Requests for Admissions included in Federal
15 Respondents' First Set of Requests for Admissions, please identify the basis for your denial and
16 all facts and information supporting your denial.

17 **ANSWER:**

18

19 **INTERROGATORY NO. 9:** Please identify any occurrence in which you have requested soap
20 or cleaning supplies from ICE or GEO while in detention at NWIPC and have not received soap
21 or cleaning supplies in response. Include the date of the request and the name of the person who
22 you made the request to.

23 **ANSWER:**

1 **INTERROGATORY NO. 10:** Please state whether you have taken a COVID-test since your
2 release. If so, please identify the date(s) of the test(s), where the test(s) was performed, and the
3 results.

4 **ANSWER:**

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FEDERAL RESPONDENTS' FIRST INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO
PETITIONER JOSUE CASTANEDA JUAREZ
[2:20-CV-00700-JLR-MLP] - 9

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
206-553-7970

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REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please produce any and all documents that were referred, reviewed, or relied upon in responding to the proceeding interrogatories.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Please fully complete the attached Authorization to Disclose Health Information by: (1) filling in your Social Security Number and date of birth on the spaces provided, (2) listing all providers identified in your answer to Interrogatory No. 2 above in the blank spaces provided on the form, and attach additional pages if necessary and (3) signing and dating the form at the bottom.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Please produce all photographs, graphics, films, or other visual aids, whether demonstrative or evidentiary, referring or relating to any issue or allegation in this litigation.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Please produce all materials referred to or relied on by Dr. Joseph Amon in formulating his opinions and declaration(s) as filed in this Action.

RESPONSE:

1 **REQUEST FOR PRODUCTION NO. 5:** Please produce all materials referred to or relied on
2 by Dr. Katherine C. McKenzie in formulating her opinions and declaration(s) as filed in this
3 Action.

4 **RESPONSE:**

6 **REQUEST FOR PRODUCTION NO. 6:** Please produce all materials referred to or relied on
7 by Dr. Dora Schriro in formulating her opinions and declaration(s) as filed in this Action.

8 **RESPONSE:**

10 **REQUEST FOR PRODUCTION NO. 7:** Please produce all materials referred to or relied on
11 by V. Mitch McEwen in formulating her opinions and declaration as filed in this Action.

12 **RESPONSE:**

14 DATED this 21st day of October, 2020.

15 Respectfully submitted,

16 BRIAN T. MORAN
17 United States Attorney

18 /s/ Matt Waldrop
19 MATT WALDROP, GA # 349571
20 Assistant United States Attorney
21 700 Stewart Street, Suite 5220
22 Seattle, WA 98101
23 Telephone No. (206) 553-2496
E-mail james.waldrop@usdoj.gov

/s/ Michelle R. Lambert
MICHELLE R. LAMBERT NY#4666657
Assistant United States Attorney
1201 Pacific Avenue, Suite 700

FEDERAL RESPONDENTS' FIRST INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO
PETITIONER JOSUE CASTANEDA JUAREZ
[2:20-CV-00700-JLR-MLP] - 11

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
206-553-7970

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Tacoma, WA 98402
Telephone No. (253) 428-3824
E-mail michelle.lambert@usdoj.gov

Attorney for Federal Respondents

ATTORNEY VERIFICATION

The undersigned attorney for Petitioner Wilfredo Favela Avendano has read the foregoing First Interrogatories and Requests for Production and Answers thereto. To the best of my knowledge, information, and belief, formed after a reasonable inquiry, they are complete, accurate, and in compliance with CR 26(g).

[NAME] Date

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VERIFICATION

STATE OF WASHINGTON)
)ss
COUNTY OF _____)

J.A.M., being first duly sworn on oath, upon oath states as follows: I am a Petitioner-
Plaintiff in this lawsuit. I have read the Answers and Responses to Federal Respondents' First
Interrogatories and Requests for Production of Documents to Petitioner, and have provided full,
truthful, and complete responses to each of them to the best of my ability pursuant to the Federal
Rules of Civil Procedure.

J.A.M.

SUBSCRIBED and SWORN to before me this _____ day of _____, 2020.

(Print Name)

(Signature)

Notary Public in and for the State of Washington, residing at
_____.

My commission expires: _____.

Attachment C

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District Judge James L. Robart
Magistrate Judge Michelle L. Peterson

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSUE CASTANEDA JUAREZ, *et al.*,

Petitioners-Plaintiffs,

v.

NATHALIE ASHER, *et al.*,

Respondents-Defendants.

Case No. 2:20-cv-00700-JLR-MLP

FEDERAL RESPONDENTS' FIRST
INTERROGATORIES AND REQUESTS
FOR PRODUCTION TO PETITIONER
WILFREDO FAVELA AVENDANO

Pursuant to this Court's Order, Dkt. No., 124, and the Federal Rules of Civil Procedure 33 and 34, Federal Respondents, through undersigned counsel, hereby request that Petitioner Wilfredo Favela Avendano, respond in writing, under oath, as directed by the Court's Order, to the following interrogatories and requests for production of documents:

GENERAL INSTRUCTIONS

1. If any of the following interrogatories and requests for production cannot be answered in full, please answer them to the fullest extent possible and state the reason why the remainder cannot be answered.

FEDERAL RESPONDENTS' FIRST INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO
PETITIONER WILFREDO FAVELA AVENDANO
[2:20-CV-00700-JLR-MLP] - 1

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
206-553-7970

1 2. These interrogatories and requests for production are directed to Petitioner Wilfredo
2 Favela Avendano. The term “you” used herein refers to Mr. Favela Avendano. The answers and
3 responses are to be completed to the best of your knowledge or the knowledge of your attorneys,
4 agents, or other representatives.

5 3. Where an individual interrogatory requests an answer which involves more than one
6 part, each part of the answer should be set out clearly so that it is understandable. If any of the
7 interrogatories cannot be answered at this time, please answer to the extent possible and
8 subsequently submit any supplemental information.

9 4. Where an individual interrogatory requests an answer which involves a response that
10 includes an answer in more than one part, according to different dates or time periods, please set
11 out the answer chronologically.

12 5. If you lack the information necessary to answer any of the interrogatories, please
13 describe the specific efforts made by you, or by anyone on your behalf, to ascertain the
14 information and state as definitely as possible when you anticipate obtaining the information to
15 supplement your response.

16 6. These interrogatories and requests for production are intended as continuing
17 interrogatories and requests for production, requiring you to answer by supplemental answers
18 and responses, setting forth any information and producing any documents within the scope of
19 the interrogatories and requests for production as may be acquired by you, your attorneys, agents
20 or representatives, subsequent to your original answers. Pursuant to Fed. R. Civ. P. 26(e),
21 Plaintiff shall serve any supplemental answers and responses on Federal Respondents.

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FEDERAL RESPONDENTS' FIRST INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO
PETITIONER WILFREDO FAVELA AVENDANO
[2:20-CV-00700-JLR-MLP] - 2

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
206-553-7970

1 7. Pursuant to Fed. R. Civ. P. 34(b), please produce all documents responsive to this
2 discovery request as the documents are kept in the normal course of business or organize and
3 label them to correspond with the categories in these requests for production.

4 8. Please produce original documents or the best copy available, and all other inexact
5 copies and, if the original is not produced, identify the individual(s) who now has possession,
6 custody, or control of the original. Please produce all non-identical copies (i.e., copies with
7 marginal notes, deletions, etc.) known or available to you, regardless of whether these documents
8 are possessed directly by you or any of your employees, agents, or representatives.

9 9. Please select documents from files and other sources and perform any numbering in a
10 manner that ensures that Federal Respondents can determine the source of each document.

11 10. Pursuant to Fed. R. Civ. P. 34(b), do not separate documents attached to each other,
12 and do not attach documents to each other that originally were maintained separately.

13 11. Rather than producing originals or extant copies of documents responsive to this
14 request, you may, at your option, produce legible photographic or other reproductions of the
15 documents if you retain the originals or copies from which the reproductions were made until
16 this litigation is resolved.

17 12. Please produce all documents responsive to these discovery requests in your
18 possession, custody, or control, or that of your agents, insurance compan(ies), and counsel, or
19 any other person acting on your behalf.

20 13. Please produce all documents in your control regardless of whether or not you or
21 your attorneys have possession or custody of the documents.

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1 14. If you cannot produce documents or things responsive to this request, specify each
2 reason for the inability to produce the documents and things, and state whatever information,
3 knowledge, or belief you have concerning the documents or things that were not produced.

4 15. Please identify any responsive document of which you have knowledge but do not
5 have possession, custody, or control.

6 16. If any documents or things responsive to this discovery request existed at one time,
7 but no longer exist, please identify the document or thing and state the date that it ceased to exist,
8 the circumstances in which it ceased to exist, the identity of all individuals or entities having
9 knowledge of the circumstances in which it ceased to exist, and the identity of all individuals or
10 entities that currently have or previously have had knowledge of the contents of the documents
11 and things.

12 **DEFINITIONS**

13 1. As used throughout these interrogatories and requests for production, the term “each”
14 means each and every; “known to you” and your “knowledge of” refers to all matters known to
15 you or known to those under whom you claim, or the agents, attorneys or representatives of
16 either.

17 2. “Identify,” “identity” or “identities” when used in reference to a document means to
18 separately specify the date of the document or an estimate of the date that is identified as an
19 estimate if no date appears on the document, the date(s) of dissemination, the number of pages
20 that the document contains, the location of the document, the identity of all persons who have
21 been permitted access to the document, a summary statement of the subject matter of the
22 document in sufficient detail to permit the court to decide any motion to compel production of
23 the document, the identity of the document’s author(s), the identity of all individuals who

1 reviewed or approved the document before it was disseminated, the identity of all individuals to
2 whom the document was disseminated, and the present custodian(s) of the document or any copy
3 of the document.

4 3. “Identify,” “identity” or “identities” when used in reference to an individual means to
5 state the individual’s full name, present or last known business address and telephone number,
6 profession, current occupation and position, and the individual’s occupation and position at the
7 time of the event or activity addressed in the pertinent request. If any of the above information is
8 not available, state any other available means of identifying the individual.

9 4. “Document” means the original and any copy of any written, recorded or graphic
10 materials in your possession, custody, knowledge, or control, however produced or reproduced,
11 including, but not limited to, letters, magazine articles, newspaper articles, publications of any
12 type, telegrams, correspondence, communications, notes, memoranda, records, minutes,
13 agreements, logs or notations of telephone or personal conversations or conferences, interoffice
14 communications, microfilm, bulletins, circulars, pamphlets, diaries, notices, books, material sent
15 or received by telefax, teletype messages, calendars, worksheets, cards, personal notes, reports,
16 statements, videotapes, results of laboratory tests, doctor’s notes, nurse’s notes, prescriptions,
17 studies, photographs, graphs, charts, tabulations, analyses, summaries, data sheets, statistical or
18 informational accumulations, computer generated material, any retention register or transcript of
19 account maintained by any taxing authority, tape recordings, x-rays, CAT scans, blood and tissue
20 samples, laboratory accountability logs, or any other similar documents not specifically named.

21 5. “Action” means the litigation captioned *Castaneda Juarez, et al. v. Asher, et al.*, No.
22 20-cv-00700-JLR-MLP, filed in the U.S. District Court for the Western District of Washington.

23 6. “ICE” means United States Immigration and Customs Enforcement.

1 7. "NWIPC" means the Northwest ICE Processing Center in Tacoma, Washington.

2 8. "Petition" means the Petition for Writ of Habeas Corpus and Class Action Complaint
3 for Injunctive and Declaratory Relief filed as Dkt. No. 1 in this Action.

4 9. "Date" shall mean the exact date, month, and year if ascertainable, or if not, the best
5 approximation of the date.

6 **OBJECTIONS**

7 If you object to answering any interrogatory or request for production, in whole or in
8 part, state your objection and the factual or legal reasons supporting it. If you object on grounds
9 of privilege, please also state the nature and extent of all allegedly privileged matters in sufficient
10 detail to allow Federal Respondents to seek an order compelling disclosure of the information or
11 document in question. State the date, author(s), addresses, persons receiving copies of, and the
12 general subject matter of each document withheld under a claim or privilege and/or work
13 product. For each request for production or part thereof to which you object on the ground that
14 the request is burdensome, please indicate the custodian and location of each file or document
15 requested, the time estimated to obtain the information, and the costs necessary to answer, as
16 well as the basis for the cost estimate.

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INTERROGATORIES

INTERROGATORY NO. 1: Please identify the underlying medical condition(s) that you allege put you at high risk of severe illness or death from COVID-19, including the date of when you were first diagnosed with this medical condition.

ANSWER:

INTERROGATORY NO 2: Please identify all medical practitioners, including both individual professionals and/or provider care centers, from whom or from which you sought or received care or treatment or medication for any reason from 2010 through the present.

ANSWER:

INTERROGATORY NO. 3: Please identify any detainees at NWIPC that you are aware of who have experienced shortness of breath, difficulty breathing, fever, chills, repeated shaking with chills, muscle pain headache, sore throat, and/or new loss of taste or smell while detained at NWIPC since March 1, 2020, and who have reported such conditions in a sick call lodged with the medical staff at NWIPC and what, if any, medical treatments were provided to them in response.

ANSWER:

INTERROGATORY NO. 4: Please identify the dates when you have been offered a COVID-19 test while detained at NWIPC, and whether you thereafter took the test.

ANSWER:

1 **INTERROGATORY NO. 5:** Please provide the address for which you will reside if released
2 from detention, the number of bedrooms and bathrooms in the home, and the names and ages of
3 the other occupants of the residence, if any.

4 **ANSWER:**

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6 **INTERROGATORY NO. 6:** Please identify the medical providers on which you intend to rely,
7 if necessary, if released from detention.

8 **ANSWER:**

9

10 **INTERROGATORY NO. 7:** Please provide how you intend to pay for health care and/or
11 medication if released. If you have private health insurance, please provide the name of the
12 provider.

13 **ANSWER:**

14

15 **INTERROGATORY NO. 8:** Please describe your current sleeping arrangements at NWIPC.

16 **ANSWER:**

17

18 **INTERROGATORY NO. 9:** If you deny any Requests for Admissions included in Federal
19 Respondents' First Set of Requests for Admissions, please identify the basis for your denial and
20 all facts and information supporting your denial.

21 **ANSWER:**

22

23

1 **INTERROGATORY NO. 10:** Please identify any occurrence in which you have requested
2 soap or cleaning supplies from ICE or GEO while in detention at NWIPC and have not received
3 soap or cleaning supplies in response. Include the date of the request and the name of the person
4 who you made the request to.

5 **ANSWER:**
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FEDERAL RESPONDENTS' FIRST INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO
PETITIONER WILFREDO FAVELA AVENDANO
[2:20-CV-00700-JLR-MLP] - 9

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
206-553-7970

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REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please produce any and all documents that were referred, reviewed, or relied upon in responding to the proceeding interrogatories.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Please fully complete the attached Authorization to Disclose Health Information by: (1) filling in your Social Security Number and/or date of birth on the spaces provided, (2) listing all providers identified in your answer to Interrogatory No. 2 above in the blank spaces provided on the form, and attach additional pages if necessary and (3) signing and dating the form at the bottom.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Please produce all photographs, graphics, films, or other visual aids, whether demonstrative or evidentiary, referring or relating to any issue or allegation in this litigation.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Please produce all materials referred to or relied on by Dr. Joseph Amon in formulating his opinions and declaration(s) as filed in this Action.

RESPONSE:

1 **REQUEST FOR PRODUCTION NO. 5:** Please produce all materials referred to or relied on
2 by Dr. Katherine C. McKenzie in formulating her opinions and declaration(s) as filed in this
3 Action.

4 **RESPONSE:**

6 **REQUEST FOR PRODUCTION NO. 6:** Please produce all materials referred to or relied on
7 by Dr. Dora Schriro in formulating her opinions and declaration(s) as filed in this Action.

8 **RESPONSE:**

10 **REQUEST FOR PRODUCTION NO. 7:** Please produce all materials referred to or relied on
11 by V. Mitch McEwen in formulating her opinions and declaration as filed in this Action.

12 **RESPONSE:**

14 DATED this 21st day of October, 2020.

15 Respectfully submitted,

16 BRIAN T. MORAN
17 United States Attorney

18 /s/ Matt Waldrop
19 MATT WALDROP, GA # 349571
20 Assistant United States Attorney
21 700 Stewart Street, Suite 5220
22 Seattle, WA 98101
23 Telephone No. (206) 553-2496
E-mail james.waldrop@usdoj.gov

/s/ Michelle R. Lambert
MICHELLE R. LAMBERT NY#4666657
Assistant United States Attorney
1201 Pacific Avenue, Suite 700

FEDERAL RESPONDENTS' FIRST INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO
PETITIONER WILFREDO FAVELA AVENDANO
[2:20-CV-00700-JLR-MLP] - 11

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
206-553-7970

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Tacoma, WA 98402
Telephone No. (253) 428-3824
E-mail michelle.lambert@usdoj.gov

Attorney for Federal Respondents

ATTORNEY VERIFICATION

The undersigned attorney for Petitioner Wilfredo Favela Avendano has read the foregoing First Interrogatories and Requests for Production and Answers thereto. To the best of my knowledge, information, and belief, formed after a reasonable inquiry, they are complete, accurate, and in compliance with CR 26(g).

[NAME] Date

VERIFICATION

STATE OF WASHINGTON)
)ss
COUNTY OF _____)

WILFREDO FAVELA AVENDANO, being first duly sworn on oath, upon oath states as follows: I am a Petitioner-Plaintiff in this lawsuit. I have read the Answers and Responses to Federal Respondents’ First Interrogatories and Requests for Production of Documents to Petitioner, and have provided full, truthful, and complete responses to each of them to the best of my ability pursuant to the Federal Rules of Civil Procedure.

WILFREDO FAVELA AVENDANO

SUBSCRIBED and SWORN to before me this ____ day of _____, 2020.

(Print Name)

(Signature)

Notary Public in and for the State of Washington, residing at

_____.

My commission expires: _____.

Attachment D

District Judge James L. Robart
Magistrate Judge Michelle L. Peterson

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSUE CASTANEDA JUAREZ, *et al.*,

Petitioners-Plaintiffs,

v.

NATHALIE ASHER, *et al.*,

Respondents-Defendants.

Case No. 2:20-cv-00700-JLR-MLP

FEDERAL RESPONDENTS' FIRST
INTERROGATORIES AND REQUESTS
FOR PRODUCTION TO PETITIONER
NAEEM KHAN

Pursuant to this Court's Order, Dkt. No., 124, and the Federal Rules of Civil Procedure 33 and 34, Federal Respondents, through undersigned counsel, hereby request that Petitioner NAEEM KHAN, respond in writing, under oath, as directed by the Court's Order, to the following interrogatories and requests for production of documents:

GENERAL INSTRUCTIONS

1. If any of the following interrogatories and requests for production cannot be answered in full, please answer them to the fullest extent possible and state the reason why the remainder cannot be answered.

2. These interrogatories and requests for production are directed to Petitioner Naeem Khan. The term “you” used herein refers to Mr. Khan. The answers and responses are to be completed to the best of your knowledge or the knowledge of your attorneys, agents, or other representatives.

3. Where an individual interrogatory requests an answer which involves more than one part, each part of the answer should be set out clearly so that it is understandable. If any of the interrogatories cannot be answered at this time, please answer to the extent possible and subsequently submit any supplemental information.

4. Where an individual interrogatory requests an answer which involves a response that includes an answer in more than one part, according to different dates or time periods, please set out the answer chronologically.

5. If you lack the information necessary to answer any of the interrogatories, please describe the specific efforts made by you, or by anyone on your behalf, to ascertain the information and state as definitely as possible when you anticipate obtaining the information to supplement your response.

6. These interrogatories and requests for production are intended as continuing interrogatories and requests for production, requiring you to answer by supplemental answers and responses, setting forth any information and producing any documents within the scope of the interrogatories and requests for production as may be acquired by you, your attorneys, agents or representatives, subsequent to your original answers. Pursuant to Fed. R. Civ. P. 26(e), Plaintiff shall serve any supplemental answers and responses on Federal Respondents.

7. Pursuant to Fed. R. Civ. P. 34(b), please produce all documents responsive to this discovery request as the documents are kept in the normal course of business or organize and label them to correspond with the categories in these requests for production.

8. Please produce original documents or the best copy available, and all other inexact copies and, if the original is not produced, identify the individual(s) who now has possession, custody, or control of the original. Please produce all non-identical copies (i.e., copies with marginal notes, deletions, etc.) known or available to you, regardless of whether these documents are possessed directly by you or any of your employees, agents, or representatives.

9. Please select documents from files and other sources and perform any numbering in a manner that ensures that Federal Respondents can determine the source of each document.

10. Pursuant to Fed. R. Civ. P. 34(b), do not separate documents attached to each other, and do not attach documents to each other that originally were maintained separately.

11. Rather than producing originals or extant copies of documents responsive to this request, you may, at your option, produce legible photographic or other reproductions of the documents if you retain the originals or copies from which the reproductions were made until this litigation is resolved.

12. Please produce all documents responsive to these discovery requests in your possession, custody, or control, or that of your agents, insurance compan(ies), and counsel, or any other person acting on your behalf.

13. Please produce all documents in your control regardless of whether or not you or your attorneys have possession or custody of the documents.

14. If you cannot produce documents or things responsive to this request, specify each reason for the inability to produce the documents and things, and state whatever information, knowledge, or belief you have concerning the documents or things that were not produced.

15. Please identify any responsive document of which you have knowledge but do not have possession, custody, or control.

16. If any documents or things responsive to this discovery request existed at one time, but no longer exist, please identify the document or thing and state the date that it ceased to exist, the circumstances in which it ceased to exist, the identity of all individuals or entities having knowledge of the circumstances in which it ceased to exist, and the identity of all individuals or entities that currently have or previously have had knowledge of the contents of the documents and things.

DEFINITIONS

1. As used throughout these interrogatories and requests for production, the term “each” means each and every; “known to you” and your “knowledge of” refers to all matters known to you or known to those under whom you claim, or the agents, attorneys or representatives of either.

2. “Identify,” “identity” or “identities” when used in reference to a document means to separately specify the date of the document or an estimate of the date that is identified as an estimate if no date appears on the document, the date(s) of dissemination, the number of pages that the document contains, the location of the document, the identity of all persons who have been permitted access to the document, a summary statement of the subject matter of the document in sufficient detail to permit the court to decide any motion to compel production of the document, the identity of the document’s author(s), the identity of all individuals who

reviewed or approved the document before it was disseminated, the identity of all individuals to whom the document was disseminated, and the present custodian(s) of the document or any copy of the document.

3. “Identify,” “identity” or “identities” when used in reference to an individual means to state the individual’s full name, present or last known business address and telephone number, profession, current occupation and position, and the individual’s occupation and position at the time of the event or activity addressed in the pertinent request. If any of the above information is not available, state any other available means of identifying the individual.

4. “Document” means the original and any copy of any written, recorded or graphic materials in your possession, custody, knowledge, or control, however produced or reproduced, including, but not limited to, letters, magazine articles, newspaper articles, publications of any type, telegrams, correspondence, communications, notes, memoranda, records, minutes, agreements, logs or notations of telephone or personal conversations or conferences, interoffice communications, microfilm, bulletins, circulars, pamphlets, diaries, notices, books, material sent or received by telefax, teletype messages, calendars, worksheets, cards, personal notes, reports, statements, videotapes, results of laboratory tests, doctor’s notes, nurse’s notes, prescriptions, studies, photographs, graphs, charts, tabulations, analyses, summaries, data sheets, statistical or informational accumulations, computer generated material, any retention register or transcript of account maintained by any taxing authority, tape recordings, x-rays, CAT scans, blood and tissue samples, laboratory accountability logs, or any other similar documents not specifically named.

5. “Action” means the litigation captioned *Castaneda Juarez, et al. v. Asher, et al.*, No. 20-cv-00700-JLR-MLP, filed in the U.S. District Court for the Western District of Washington.

6. “ICE” means United States Immigration and Customs Enforcement.

7. “NWIPC” means the Northwest ICE Processing Center in Tacoma, Washington.

8. “Petition” means the Petition for Writ of Habeas Corpus and Class Action Complaint for Injunctive and Declaratory Relief filed as Dkt. No. 1 in this Action.

9. “Date” shall mean the exact date, month, and year if ascertainable, or if not, the best approximation of the date.

OBJECTIONS

If you object to answering any interrogatory or request for production, in whole or in part, state your objection and the factual or legal reasons supporting it. If you object on grounds of privilege, please also state the nature and extent of all allegedly privileged matters in sufficient detail to allow Federal Respondents to seek an order compelling disclosure of the information or document in question. State the date, author(s), addresses, persons receiving copies of, and the general subject matter of each document withheld under a claim or privilege and/or work product. For each request for production or part thereof to which you object on the ground that the request is burdensome, please indicate the custodian and location of each file or document requested, the time estimated to obtain the information, and the costs necessary to answer, as well as the basis for the cost estimate.

INTERROGATORIES

INTERROGATORY NO. 1: Please identify the underlying medical condition(s) that you allege put you at high risk of severe illness or death from COVID-19, including the date of when you were first diagnosed with this medical condition.

ANSWER:

INTERROGATORY NO 2: Please identify all medical practitioners, including both individual professionals and/or provider care centers, from whom or from which you sought or received care or treatment or medication for any reason from 2010 through the present.

ANSWER:

INTERROGATORY NO. 3: Please identify any detainees at NWIPC that you are aware of who have experienced shortness of breath, difficulty breathing, fever, chills, repeated shaking with chills, muscle pain headache, sore throat, and/or new loss of taste or smell while detained at NWIPC since March 1, 2020, and who have reported such conditions in a sick call lodged with the medical staff at NWIPC and what, if any, medical treatments were provided to them in response.

ANSWER:

INTERROGATORY NO. 4: Please identify the dates when you have been offered a COVID-19 test while detained at NWIPC, and whether you thereafter took the test.

ANSWER:

INTERROGATORY NO. 5: Please provide the address for which you will reside if released from detention, the number of bedrooms and bathrooms in the home, and the names and ages of the other occupants of the residence, if any.

ANSWER:

INTERROGATORY NO. 6: Please identify the medical providers on which you intend to rely, if necessary, if released from detention.

ANSWER:

INTERROGATORY NO. 7: Please provide how you intend to pay for health care and/or medication if released. If you have private health insurance, please provide the name of the provider.

ANSWER:

INTERROGATORY NO. 8: Please describe your current sleeping arrangements at NWIPC.

ANSWER:

INTERROGATORY NO. 9: If you deny any Requests for Admissions included in Federal Respondents' First Set of Requests for Admissions, please identify the basis for your denial and all facts and information supporting your denial.

ANSWER:

INTERROGATORY NO. 10: Please identify any occurrence in which you have requested soap or cleaning supplies from ICE or GEO while in detention at NWIPC and have not received soap or cleaning supplies in response. Include the date of the request and the name of the person who you made the request to.

ANSWER:

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please produce any and all documents that were referred, reviewed, or relied upon in responding to the proceeding interrogatories.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Please fully complete the attached Authorization to Disclose Health Information by: (1) filling in your Social Security Number and/or date of birth on the spaces provided, (2) listing all providers identified in your answer to Interrogatory No. 2 above in the blank spaces provided on the form, and attach additional pages if necessary and (3) signing and dating the form at the bottom.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Please produce all photographs, graphics, films, or other visual aids, whether demonstrative or evidentiary, referring or relating to any issue or allegation in this litigation.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Please produce all materials referred to or relied on by Dr. Joseph Amon in formulating his opinions and declaration(s) as filed in this Action.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: Please produce all materials referred to or relied on by Dr. Katherine C. McKenzie in formulating her opinions and declaration(s) as filed in this Action.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: Please produce all materials referred to or relied on by Dr. Dora Schriro in formulating her opinions and declaration(s) as filed in this Action.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: Please produce all materials referred to or relied on by V. Mitch McEwen in formulating her opinions and declaration as filed in this Action.

RESPONSE:

DATED this 21st day of October, 2020.

Respectfully submitted,

BRIAN T. MORAN
United States Attorney

/s/ Matt Waldrop
MATT WALDROP, GA # 349571
Assistant United States Attorney
700 Stewart Street, Suite 5220
Seattle, WA 98101
Telephone No. (206) 553-2496
E-mail james.waldrop@usdoj.gov

/s/ Michelle R. Lambert
MICHELLE R. LAMBERT NY#4666657
Assistant United States Attorney
1201 Pacific Avenue, Suite 700

Tacoma, WA 98402
Telephone No. (253) 428-3824
E-mail michelle.lambert@usdoj.gov

Attorney for Federal Respondents

ATTORNEY VERIFICATION

The undersigned attorney for Petitioner Naeem Khan has read the foregoing First Interrogatories and Requests for Production and Answers thereto. To the best of my knowledge, information, and belief, formed after a reasonable inquiry, they are complete, accurate, and in compliance with CR 26(g).

[NAME]

Date

VERIFICATION

STATE OF WASHINGTON)
)ss
COUNTY OF _____)

NAEEM KHAN, being first duly sworn on oath, upon oath states as follows: I am a Petitioner-Plaintiff in this lawsuit. I have read the Answers and Responses to Federal Respondents’ First Interrogatories and Requests for Production of Documents to Petitioner, and have provided full, truthful, and complete responses to each of them to the best of my ability pursuant to the Federal Rules of Civil Procedure.

NAEEM KHAN

SUBSCRIBED and SWORN to before me this _____ day of _____, 2020.

(Print Name)

(Signature)

Notary Public in and for the State of Washington, residing at

My commission expires: _____.

Attachment E

District Judge James L. Robart
Magistrate Judge Michelle L. Peterson

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSUE CASTANEDA JUAREZ, *et al.*,

Petitioners-Plaintiffs,

v.

NATHALIE ASHER, *et al.*,

Respondents-Defendants.

Case No. 2:20-cv-00700-JLR-MLP

STIPULATION AND AUTHORIZATION
FOR RELEASE OF MEDICAL RECORDS
(HIPAA COMPLIANT)

COME NOW THE PARTIES HERETO, through their respective counsel, and stipulate
as follows:

That the Records Librarian of:

1. _____

2. _____

3. _____

STIPULATION AND AUTHORIZATION FOR RELEASE OF
MEDICAL RECORDS (HIPAA COMPLIANT)
[2:20-cv-00700-JSR-MLP] - 1

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
206-553-7970

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STIPULATION AND AUTHORIZATION FOR RELEASE OF
MEDICAL RECORDS (HIPAA COMPLIANT)
[2:20-cv-00700-JSR-MLP] - 2

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
206-553-7970

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 5 14. _____
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 8 15. _____
 9 _____

10 are hereby authorized to release copies of or make available for copying by a field representative
 11 of T-SCAN, or other authorized record retrieval service, the complete records of:

12 NAME : _____
 13 DATE OF BIRTH : _____
 14 SOCIAL SECURITY NO. : _____

15 for the periods of time between January 1, 2010 to the present, in the absence of counsel,
 16 INCLUDING BUT NOT LIMITED TO, reports, correspondence, memoranda, billings, records
 17 containing information relating to drug, alcohol, mental health, HIV and sexually transmitted
 18 disease testing, diagnosis, and treatment, doctors' and nurses' notes, charts and diagrams,
 19 telephone messages/memorandum, examination and test results; that the facility shall release x-
 20 rays to T-SCAN, or other authorized record retrieval service for copying; and that the facility will
 21 be paid at the time of copying said materials, with T-SCAN, or other authorized record retrieval
 22 service subsequently being reimbursed by each of the respective counsel who shall be responsible
 23 for payment to T-SCAN, or other authorized record retrieval service for their copying services,
 upon receipt of copies of the records.

STIPULATION AND AUTHORIZATION FOR RELEASE OF
 MEDICAL RECORDS (HIPAA COMPLIANT)
 [2:20-cv-00700-JSR-MLP] - 3

UNITED STATES ATTORNEY
 700 Stewart Street, Suite 5220
 Seattle, Washington 98101-1271
 206-553-7970

1 The copies so produced shall be identified as the authenticated records of P.R., a minor.
2 Further identification at the time of hearing or trial being waived, but objections as to competency,
3 materiality and relevance being reserved until the time of hearing or trial. The parties agree that
4 the records will not be used for any purpose outside of this litigation. If either party intends to file
5 any portion of these records in court, the filing party will take appropriate measures to protect
6 confidential information, including, redacting the document of all confidential information, and/or
7 seeking permission to file such documents under seal.

8 DATED this _____ day of _____, 2020.

9
10 _____
11 MATT ADAMS
12 AARON KORTHIUS
13 TIM HENRY WARDEN-HERTZ
14 ENOKA HERAT
15 JOHN MIDGELY
16 DAVID C. FATHI
17 EUNICE H. CHO
18 LAUREN KUHLIK
19 JOSEPH LONGELY
20 OMAR C. JADWAT
21 MICHAEL TAN
22 MY KHANH NGO
23 Attorneys for Petitioners

MICHELLE R. LAMBERT
MATT WALDROP
Assistant United States Attorneys
Attorneys for Federal Respondents

Copies requested: Yes X

Copies requested: Yes ___ No ___

JOAN MELL
Attorney for Respondent Stephen Langford

Copies requested: Yes ___ No ___

STIPULATION AND AUTHORIZATION FOR RELEASE OF
MEDICAL RECORDS (HIPAA COMPLIANT)
[2:20-cv-00700-JSR-MLP] - 4

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700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
206-553-7970

1 **Patient Authorization**

2 I understand that P.R.'s records may contain information regarding the diagnosis or
3 treatment of HIV/AIDS, sexually transmitted diseases, drug and/or alcohol abuse, mental illness,
4 or psychiatric treatment. I hereby give my specific authorization, as reflected by my initials in
5 each of designated categories below, for the release of such records.

- 6 Drug/Alcohol abuse/treatment & diagnosis
- 7 HIV/AIDS diagnosis/treatment/testing
- 8 Sexually Transmitted Disease
- 9 Mental Illness or Psychiatric diagnosis/treatment

10 *(each line to be initialed by Patient, Guardian, or Authorized representative)*

11 **Purpose of Disclosure:**

12 Legal action.

13 **My Rights:**

14 I understand I do not have to sign this authorization in order to obtain health care benefits
15 (treatment, payment or enrollment). I may revoke this authorization in writing. To view the
16 process for revoking this authorization, please read the Privacy Notice to patients posted at the
17 facility where your information is being released. I understand that once the health information I
18 have authorized to be disclosed reaches the noted recipient, that person or organization may re-
19 disclose it, at which time it may no longer be protected under Privacy laws.

20 **Copy in Lieu of Original:**

21 A copy of this authorization shall have the same force and effect as the signed original.

22 I hereby consent to the release of the records from the above-named facilities.

23 SIGNATURE: _____ DATE: _____
(Patient, Guardian, or Authorized Representative)*

*[*Please provide documents to prove authority to sign on behalf of the patient.]*

This stipulation will expire at the end of litigation.

Attachment F

District Judge James L. Robart
Magistrate Judge Michelle L. Peterson

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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSUE CASTANEDA JUAREZ, *et al.*,

Petitioners-Plaintiffs,

v.

NATHALIE ASHER, *et al.*,

Respondents-Defendants.

Case No. 2:20-cv-00700-JLR-MLP

FEDERAL RESPONDENTS' FIRST SET
OF REQUESTS FOR ADMISSIONS TO
PETITIONER J.A.M.

Pursuant to this Court's Order, Dkt. No., 124, and the Federal Rule of Civil Procedure 36,
Federal Respondents, through undersigned counsel, propound the following request for
admissions upon Petitioner J.A.M., and request that the following requests for admission be
answered separately, fully, and under oath, as directed by the Court's Order.

GENERAL INSTRUCTIONS

1. In answering this request for admissions, you are required to furnish all information
that is available to you or subject to your reasonable inquiry including information in the
possession of your agents, attorneys, advisors, consultants, volunteers, or other persons directly

FEDERAL RESPONDENTS' FIRST SET OF REQUESTS FOR
ADMISSIONS TO PETITIONER J.A.M.
[2:20-CV-00700-JLR-MLP] - 1

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
206-553-7970

1 or indirectly employed by you or your attorneys, and anyone else otherwise subject to your
2 control.

3 2. In answering this request for admissions, you must make a diligent search of your
4 records and of other papers and materials in your possession or available to you or your
5 representatives.

6 3. These request for admissions are continuing and the answers/responses thereto must
7 be supplemented to the maximum extent authorized by law and the applicable rules.

8 4. Each paragraph herein shall be construed independently and not with reference to any
9 other paragraph herein, unless otherwise specified.

10 5. If you object to any request on the ground that the request is to broad and/or
11 burdensome, respond to the extent the request is not deemed overly broad or burdensome.

12 **DEFINITIONS**

13 1. "Action" means the litigation captioned *Castaneda Juarez, et al. v. Asher, et al.*, No.
14 20-cv-00700-JLR-MLP, filed in the U.S. District Court for the Western District of Washington.

15 2. "ICE" means United States Immigration and Customs Enforcement.

16 3. "NWIPC" means the Northwest ICE Processing Center in Tacoma, Washington.

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FEDERAL RESPONDENTS' FIRST SET OF REQUESTS FOR
ADMISSIONS TO PETITIONER J.A.M.
[2:20-CV-00700-JLR-MLP] - 2

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
206-553-7970

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REQUESTS FOR ADMISSIONS

Request for Admission No. 1: Admit that you were released from ICE custody on May 6, 2020.

Answer:

Request for Admission No. 2: Admit that you were offered face masks while at NWIPC three times a week starting the week of April 17, 2020.

Answer:

Request for Admission No. 3: Admit that detainees are screened for COVID-19 by medical staff upon admission to NWIPC.

Answer:

Request for Admission No. 4: Admit that all incoming detainees at NWIPC are screened and voluntarily tested for COVID-19 upon arrival.

Answer:

Request for Admission No. 5: Admit that all incoming detainees at NWIPC are quarantined from the general population for 14 days after arrival.

Answer:

Request for Admission No. 6: Admit that there was signage posted at NWIPC during your detention informing staff and detainees regarding hygiene practices to prevent the spread of COVID-19.

Answer:

Request for Admission No. 7: Admit that there was signage posted at NWIPC during your detention instructing staff and detainees on how to wear a face mask.

Answer:

1 **Request for Admission No. 8:** Admit that detainees at NWIPC are encouraged to practice
2 social distancing.

3 **Answer:**

4 **Request for Admission No. 9:** Admit that you bore the responsibility to mitigate the risk of
5 contracting COVID-19 while at NWIPC by practicing social distancing where practicable,
6 wearing a face mask, and practicing proper hygiene.

7 **Answer:**

8 **Request for Admission No. 10:** Admit that Federal Respondents cannot force detainees at
9 NWIPC, including you, to practice social distancing without imposing or threatening to impose
10 disciplinary sanctions upon them for failing to do so.

11 **Answer:**

12 **Request for Admission No. 11:** Admit that Federal Respondents cannot force detainees at
13 NWIPC, including you, to wear face masks without imposing or threatening to impose
14 disciplinary sanctions upon them for failing to do so.

15 **Answer:**

16 **Request for Admission No. 12:** Admit that NWIPC educated detainees on hand washing and
17 hygiene as a means of limiting transmission of COVID-19 during your detention.

18 **Answer:**

19 **Request for Admission No. 13:** Admit that there is no way to completely eliminate the risk of
20 contracting COVID-19 even after release from ICE custody.

21 **Answer:**

22 **Request for Admission No. 14:** Admit that medical care at NWIPC is available 24 hours per
23 day.

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Answer:

DATED this 21st day of October, 2020.

Respectfully submitted,

BRIAN T. MORAN
United States Attorney

/s/ Matt Waldrop
MATT WALDROP, GA # 349571
Assistant United States Attorney
700 Stewart Street, Suite 5220
Seattle, WA 98101
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E-mail james.waldrop@usdoj.gov

/s/ Michelle R. Lambert
MICHELLE R. LAMBERT NY#4666657
Assistant United States Attorney
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Tacoma, WA 98402
Telephone No. (253) 428-3824
E-mail michelle.lambert@usdoj.gov

Attorney for Federal Respondents

Attachment G

District Judge James L. Robart
Magistrate Judge Michelle L. Peterson

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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSUE CASTANEDA JUAREZ, *et al.*,

Petitioners-Plaintiffs,

v.

NATHALIE ASHER, *et al.*,

Respondents-Defendants.

Case No. 2:20-cv-00700-JLR-MLP

FEDERAL RESPONDENTS' FIRST SET
OF REQUESTS FOR ADMISSIONS TO
PETITIONER JOSUE CASTANEDA
JUAREZ

Pursuant to this Court's Order, Dkt. No., 124, and the Federal Rule of Civil Procedure 36,
Federal Respondents, through undersigned counsel, propound the following request for
admissions upon Petitioner JOSUE CASTANEDA JUAREZ, and request that the following
requests for admission be answered separately, fully, and under oath, as directed by the Court's
Order.

GENERAL INSTRUCTIONS

1. In answering this request for admissions, you are required to furnish all information
that is available to you or subject to your reasonable inquiry including information in the

FEDERAL RESPONDENTS' FIRST SET OF REQUESTS FOR
ADMISSIONS TO PETITIONER JOSUE CASTANEDA JUAREZ
[2:20-CV-00700-JLR-MLP] - 1

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
206-553-7970

1 possession of your agents, attorneys, advisors, consultants, volunteers, or other persons directly
2 or indirectly employed by you or your attorneys, and anyone else otherwise subject to your
3 control.

4 2. In answering this request for admissions, you must make a diligent search of your
5 records and of other papers and materials in your possession or available to you or your
6 representatives.

7 3. These request for admissions are continuing and the answers/responses thereto must
8 be supplemented to the maximum extent authorized by law and the applicable rules.

9 4. Each paragraph herein shall be construed independently and not with reference to any
10 other paragraph herein, unless otherwise specified.

11 5. If you object to any request on the ground that the request is to broad and/or
12 burdensome, respond to the extent the request is not deemed overly broad or burdensome.

13 **DEFINITIONS**

14 1. "Action" means the litigation captioned *Castaneda Juarez, et al. v. Asher, et al.*, No.
15 20-cv-00700-JLR-MLP, filed in the U.S. District Court for the Western District of Washington.

16 2. "ICE" means United States Immigration and Customs Enforcement.

17 3. "NWIPC" means the Northwest ICE Processing Center in Tacoma, Washington.

18 4. "Petition" means the Petition for Writ of Habeas Corpus and Class Action Complaint
19 for Injunctive and Declaratory Relief filed as Dkt. No. 1 in this Action.

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FEDERAL RESPONDENTS' FIRST SET OF REQUESTS FOR
ADMISSIONS TO PETITIONER JOSUE CASTANEDA JUAREZ
[2:20-CV-00700-JLR-MLP] - 2

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
206-553-7970

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REQUESTS FOR ADMISSIONS

Request for Admission No. 1: Admit that you were released from ICE custody on July 1, 2020.

Answer:

Request for Admission No. 2: Admit that your claims in this Action are moot.

Answer:

Request for Admission No. 3: Admit that you were offered face masks three times a week while detained at NWIPC starting the week of April 17, 2020.

Answer:

Request for Admission No. 4: Admit that detainees are screened for COVID-19 by medical staff upon admission to NWIPC.

Answer:

Request for Admission No. 5: Admit that all incoming detainees at NWIPC are screened and voluntarily tested for COVID-19 upon arrival.

Answer:

Request for Admission No. 6: Admit that all incoming detainees at NWIPC are quarantined from the general population for 14 days after arrival.

Answer:

Request for Admission No. 7: Admit that there is signage posted at NWIPC informing staff and detainees regarding hygiene practices to prevent the spread of COVID-19.

Answer:

Request for Admission No. 8: Admit that there is signage posted at NWIPC instructing staff and detainees on how to wear a face mask.

Answer:

1 **Request for Admission No. 9:** Admit that detainees at NWIPC are encouraged to practice
2 social distancing.

3 **Answer:**

4 **Request for Admission No. 10:** Admit that you bore responsibility to mitigate the risk of
5 contracting COVID-19 while in NWIPC by practicing social distancing where practicable,
6 wearing a face mask, and practicing proper hygiene.

7 **Answer:**

8 **Request for Admission No. 11:** Admit that Federal Respondents cannot force detainees at
9 NWIPC, including you, to practice social distancing without imposing or threatening to impose
10 disciplinary sanctions upon them for failing to do so.

11 **Answer:**

12 **Request for Admission No. 12:** Admit that Federal Respondents cannot force detainees at
13 NWIPC, including you, to wear face masks without imposing or threatening to impose
14 disciplinary sanctions upon them for failing to do so.

15 **Answer:**

16 **Request for Admission No. 13:** Admit that NWIPC educates detainees on hand washing and
17 hygiene as a means of limiting transmission of COVID-19.

18 **Answer:**

19 **Request for Admission No. 14:** Admit that there is no way to completely eliminate the risk of
20 contracting COVID-19 even after release from ICE custody.

21 **Answer:**

22 **Request for Admission No. 15:** Admit that medical care at NWIPC is available 24 hours per
23 day.

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Answer:

Request for Admission No. 16: Admit that you were tested for COVID-19 twice while at NWIPC, with negative results.

Answer:

DATED this 21st day of October, 2020.

Respectfully submitted,

BRIAN T. MORAN
United States Attorney

/s/ Matt Waldrop
MATT WALDROP, GA # 349571
Assistant United States Attorney
700 Stewart Street, Suite 5220
Seattle, WA 98101
Telephone No. (206) 553-2496
E-mail james.waldrop@usdoj.gov

/s/ Michelle R. Lambert
MICHELLE R. LAMBERT NY#4666657
Assistant United States Attorney
1201 Pacific Avenue, Suite 700
Tacoma, WA 98402
Telephone No. (253) 428-3824
E-mail michelle.lambert@usdoj.gov

Attorney for Federal Respondents

Attachment I

District Judge James L. Robart
Magistrate Judge Michelle L. Peterson

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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSUE CASTANEDA JUAREZ, *et al.*,

Petitioners-Plaintiffs,

v.

NATHALIE ASHER, *et al.*,

Respondents-Defendants.

Case No. 2:20-cv-00700-JLR-MLP

FEDERAL RESPONDENTS' FIRST SET
OF REQUESTS FOR ADMISSIONS TO
PETITIONER NAEEM KHAN

Pursuant to this Court's Order, Dkt. No., 124, and the Federal Rule of Civil Procedure 36,
Federal Respondents, through undersigned counsel, propound the following request for
admissions upon Petitioner NAEEM KHAN, and request that the following requests for
admission be answered separately, fully, and under oath, as directed by the Court's Order.

GENERAL INSTRUCTIONS

1. In answering this request for admissions, you are required to furnish all information
that is available to you or subject to your reasonable inquiry including information in the
possession of your agents, attorneys, advisors, consultants, volunteers, or other persons directly

FEDERAL RESPONDENTS' FIRST SET OF REQUESTS FOR
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UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
206-553-7970

1 or indirectly employed by you or your attorneys, and anyone else otherwise subject to your
2 control.

3 2. In answering this request for admissions, you must make a diligent search of your
4 records and of other papers and materials in your possession or available to you or your
5 representatives.

6 3. These request for admissions are continuing and the answers/responses thereto must
7 be supplemented to the maximum extent authorized by law and the applicable rules.

8 4. Each paragraph herein shall be construed independently and not with reference to any
9 other paragraph herein, unless otherwise specified.

10 5. If you object to any request on the ground that the request is to broad and/or
11 burdensome, respond to the extent the request is not deemed overly broad or burdensome.

12 **DEFINITIONS**

13 1. "Action" means the litigation captioned *Castaneda Juarez, et al. v. Asher, et al.*, No.
14 20-cv-00700-JLR-MLP, filed in the U.S. District Court for the Western District of Washington.

15 2. "ICE" means United States Immigration and Customs Enforcement.

16 3. "NWIPC" means the Northwest ICE Processing Center in Tacoma, Washington.

17 4. "Petition" means the Petition for Writ of Habeas Corpus and Class Action Complaint
18 for Injunctive and Declaratory Relief filed as Dkt. No. 1 in this Action.

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FEDERAL RESPONDENTS' FIRST SET OF REQUESTS FOR
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REQUESTS FOR ADMISSIONS

Request for Admission No. 1: Admit that you are offered face masks three times a week at NWIPC starting the week of April 17, 2020.

Answer:

Request for Admission No. 2: Admit that detainees are screened for COVID-19 by medical staff upon admission to NWIPC.

Answer:

Request for Admission No. 3: Admit that all incoming detainees at NWIPC are screened and voluntarily tested for COVID-19 upon arrival.

Answer:

Request for Admission No. 4: Admit that all incoming detainees at NWIPC are quarantined from the general population for 14 days after arrival.

Answer:

Request for Admission No. 5: Admit that there is signage posted at NWIPC informing staff and detainees regarding hygiene practices to prevent the spread of COVID-19.

Answer:

Request for Admission No. 6: Admit that there is signage posted at NWIPC instructing staff and detainees on how to wear a face mask.

Answer:

Request for Admission No. 7: Admit that detainees at NWIPC are encouraged to practice social distancing.

Answer:

1 **Request for Admission No. 8:** Admit that you bear responsibility to mitigate the risk of
2 contracting COVID-19 while in NWIPC by practicing social distancing where practicable,
3 wearing a face mask, and practicing proper hygiene.

4 **Answer:**

5 **Request for Admission No. 9:** Admit that Federal Respondents cannot force detainees at
6 NWIPC, including you, to practice social distancing without imposing or threatening to impose
7 disciplinary sanctions upon them for failing to do so.

8 **Answer:**

9 **Request for Admission No. 10:** Admit that Federal Respondents cannot force detainees at
10 NWIPC, including you, to wear face masks without imposing or threatening to impose
11 disciplinary sanctions upon them for failing to do so.

12 **Answer:**

13 **Request for Admission No. 11:** Admit that NWIPC educates detainees on hand washing and
14 hygiene as a means of limiting transmission of COVID-19.

15 **Answer:**

16 **Request for Admission No. 12:** Admit that there is no way to completely eliminate the risk of
17 contracting COVID-19 even if released from ICE custody.

18 **Answer:**

19 **Request for Admission No. 13:** Admit that medical care at NWIPC is available 24 hours per
20 day.

21 **Answer:**

22

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1 **Request for Admission No. 14:** Admit that you were convicted of felony Stalking-Domestic
2 Violence in violation of R.C.W. §§ 9A.46.110(1), 5(b), 9A.36.041(4) on or about April 4, 2019
3 in Snohomish County Superior Court.

4 **Answer:**

5 **Request for Admission No. 15:** Admit that you were convicted of felony Violation of a Court
6 Order -Domestic Violence in violation of R.C.W. §§ 26.50.110(1), 9A.36.041(4) on or about
7 April 24, 2019 in Snohomish County Superior Court.

8 **Answer:**

9 **Request for Admission No. 16:** Admit that on or about October 18, 2019, the Snohomish
10 County Superior Court issued a restraining order against you that is valid until October 18,
11 2020, after finding that you represent a credible threat to the physical safety of your ex-wife and
12 children.

13 **Answer:**

14 **Request for Admission No. 17:** Admit that you were tested for COVID-19 on June 2, 2020,
15 with negative results.

16 **Answer:**

17 **Request for Admission No. 18:** Admit that laundry detergent is not available to detainees
18 inside your housing unit.

19 **Answer:**

20 **Request for Admission No. 19:** Admit that you have never been denied a request to provide or
21 replace paper towels in your housing unit at NWIPC

22 **Answer:**

23 **Request for Admission No. 20:** Admit that you are prescribed a diabetic diet while at NWIPC

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Answer:

Request for Admission No. 21: Admit that you have various exercise options available to you at NWIPC.

Answer:

DATED this 21st day of October, 2020.

Respectfully submitted,

BRIAN T. MORAN
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