

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

PADRES UNIDOS DE TULSA, et al.,

Plaintiffs,

v.

GENTNER DRUMMOND, et al.,

Defendants.

Case No. 5:24-cv-00511-J

**PLAINTIFFS’ MOTION FOR CLASS CERTIFICATION
AND APPOINTMENT OF CLASS COUNSEL**

A class action lawsuit is appropriate to challenge Oklahoma’s House Bill 4156, which enacts new state immigration crimes for entry and reentry. *See* 2024 Okla. Sess. Laws ch. 69, codified at Okla. Stat. tit. 21, § 1795; *see also* Second Am. Compl. ¶¶ 33-45. This law impermissibly regulates noncitizens’ presence in the State, violates the Supremacy Clause by intruding upon exclusive federal authority over immigration, and burdens interstate travel in contravention of the Commerce Clause. *See* Pls.’ Mot. Prelim. Inj. at 5-9.

Plaintiffs respectfully request that this Court certify two classes under Federal Rules of Civil Procedure 23(a) and 23(b)(2) in order to provide relief from the law’s uniform provisions to all affected individuals:

1. The “Entry Class” comprises all noncitizens subject to H.B. 4156’s new state crime of “Impermissible Occupation” which criminalizes “willfully and without permission

enter[ing] and remain[ing] in the State of Oklahoma without having first obtained legal authorization to enter the United States.”

2. The “Reentry Class” includes all noncitizens who may be subject to H.B. 4156’s separate felony offense for “enter[ing], attempt[ing] to enter, or [being] at any time found in Oklahoma” after they have been “denied admission, excluded, deported, or removed, or ha[ve] departed the United States while an order of exclusion, deportation, or removal is outstanding.”

These classes satisfy the requirements of Rule 23(a) and fall within the scope of Rule 23(b)(2). Because H.B. 4156 threatens thousands of noncitizens who live in or travel through Oklahoma, the numerosity requirement is satisfied. The classes raise common legal questions that will generate common answers, including whether the statute is preempted by federal immigration law or whether it violates the Commerce Clause. The classes also raise common factual issues as Plaintiffs and class members are subject to prosecution under the same statute. Plaintiffs’ claims are typical of all who risk arrest, detention, and forced expulsion under this state law. Plaintiffs’ counsel, attorneys from the ACLU Immigrants’ Rights Project and the ACLU of Oklahoma, collectively have significant experience in class-based litigation and will adequately represent the classes in seeking relief against H.B. 4156’s enforcement.

Plaintiffs’ proposed classes likewise satisfy Rule 23(b)(2) because Defendants have “acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole.” Defendants’ enforcement of H.B. 4156 uniformly targets noncitizens who entered the

United States without inspection or reentered after a prior removal or denial of admission, subjecting them to arrest, prosecution, and expulsion from Oklahoma regardless of their eligibility for federal immigration relief. As such, Defendants are operating in a manner that is common to all Plaintiffs and the classes are entitled to an injunction prohibiting the enforcement of H.B. 4156.

Further, because of the threat of imminent arrests, Plaintiffs respectfully request provisional class certification for the purpose of issuing a temporary restraining order or preliminary injunctive relief, followed by final certification thereafter.

Class Representatives

Plaintiffs seeking class certification include two organizational plaintiffs, Padres Unidos de Tulsa (“Padres Unidos”) and League of United Latin American Citizens Oklahoma City (“LULAC OKC”), and two individual noncitizens (collectively, “Representative Plaintiffs”). These representatives are divided into two classes that mirror H.B. 4156’s “Illegal Entry” and “Illegal Reentry” offenses. They present uniform legal theories and share the same interest in obtaining a declaration and permanent injunction preventing H.B. 4156’s enforcement.

Padres Unidos is a nonprofit membership organization dedicated to advancing the rights and well-being of immigrant communities in Oklahoma. *See* Decl. of Michelle Lara (“Lara Decl.”) ¶¶ 3–6. Members include noncitizens subject to the “Illegal Entry” and “Illegal Reentry” provisions, who routinely travel between states and have pending federal applications for immigration relief. *See id.* ¶¶ 9–12. These members live throughout Oklahoma and have deep roots in the state—they work, attend school, and raise their

families here. *See id.* ¶¶ 3–8. If H.B. 4156 takes effect, they will face arrest, prosecution, and forced expulsion from the state, despite their longstanding presence in the state and while their federal immigration cases remain pending.

LULAC OKC is a local chapter of the nation’s oldest and largest Latino civil rights organization. *See* Decl. of Nicole Maldonado (“Maldonado Decl.”) ¶¶ 2–4. LULAC OKC’s members include noncitizens subject to the “Illegal Entry” and “Illegal Reentry” provisions, who have a wide range of immigration statuses and experiences. *See id.* ¶¶ 11–14. These members routinely travel in and out of Oklahoma for work, family, and community events. LULAC OKC’s mission is to advance the well-being of Latino Oklahomans through education, job training, and civic engagement. H.B. 4156 places its members at imminent risk of arrest and removal for routine travel or presence in Oklahoma and undermines LULAC OKC’s ability to carry out its programs. *See id.*

The individual plaintiffs serve as representatives of the Entry and Reentry Classes, respectively. Each is a longtime Oklahoma resident with U.S. citizen family members. They face prosecution under H.B. 4156 based on either their initial entry or prior removal history. Barbara Boe, a Mexican national, entered the U.S. without inspection in 2000 and has lived in Tulsa ever since. She travels regularly outside of Oklahoma to visit family in New Jersey and North Carolina. She is a member of the LGBTQ+ community and came to the United States to escape the oppression, discrimination, and abuse she was experiencing in Mexico on account of her sexual orientation. She fears having to leave Oklahoma, which has been her home for over twenty years, and being forced to return to Mexico, where gay people suffer harm. *See* Decl. of Barbara Boe (“Boe Decl.”) ¶¶ 2–14.

Christopher Coe reentered the U.S. without inspection in 2012 and now resides in Oklahoma with his wife and stepdaughter. His wife is a crime survivor, and their family is pursuing immigration relief together. Coe has lived and worked in Oklahoma for more than a decade and fears that H.B. 4156 will result in prosecution and separation from his family. *See* Decl. of Christopher Coe (“Coe Decl.”) ¶¶ 2–12.

These organizational and individual plaintiffs have a shared interest in halting H.B. 4156’s enforcement and are well-situated to represent the classes seeking relief.

ARGUMENT

Rule 23 was enacted to “facilitate the bringing of class actions in the civil-rights area.” 7A Wright & Miller, *Federal Practice & Procedure* § 1775 (3d ed. 2018). Civil rights cases like this one—where plaintiffs challenge a uniform policy or statute that applies broadly to a defined group—are particularly amenable to class treatment. As courts in this Circuit have recognized, “[d]oubts should be resolved in favor of class certification,” especially where injunctive or declaratory relief is sought. *In re Williams Cos. ERISA Litig.*, 231 F.R.D. 416, 420 (N.D. Okla. 2005) (cleaned up).

To obtain class certification, plaintiffs must meet the four prerequisites of Rule 23(a)—numerosity, commonality, typicality, and adequacy—and satisfy at least one provision of Rule 23(b). *See* Fed. R. Civ. P. 23(a), (b); *DG ex rel. Stricklin v. Devaughn*, 594 F.3d 1188, 1194 (10th Cir. 2010). At the class certification stage, “the question is not whether the . . . plaintiffs have stated a cause of action or will prevail on the merits, but rather whether the requirements of Rule 23 are met,” and the court must accept the substantive allegations of the complaint as true. *DG ex rel. Stricklin*, 594 F.3d at 1194; *see*

also *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 398 (2010) (Rule 23 “creates a categorical rule entitling a plaintiff whose suit meets the specified criteria to pursue his claim as a class action.”). Class certification is particularly appropriate here, and all requisite elements of Rule 23 have been met.

Moreover, Plaintiffs seek only provisional class certification for purposes of issuing preliminary relief, allowing additional time for the court to evaluate the matter before granting full class certification. Provisional class certification depends on and is in service of the associated preliminary relief. *See, e.g., Idaho Organization of Resource Councils v. Labrador*, No. 1:25-CV-00178-AKB, 2025 WL 1237305, at *20 (D. Idaho Apr. 29, 2025) (provisionally certifying class in similar challenge against the Idaho ICE Act); Omnibus Ord., *Fla. Immigrant Coal. v. Uthmeier*, No. 1:25-cv-21524-KMW (S.D. Fla. Apr. 29, 2025), ECF No. 67 (provisionally certifying class in similar challenge against S.B. 4C).

I. The Proposed Classes Satisfy the Numerosity Requirement of Rule 23(a)(1)

Rule 23(a)(1) requires that the class be “so numerous that joinder of all members is impracticable.” Fed. R. Civ. P. 23(a)(1). The Tenth Circuit has made clear that there is no fixed threshold for numerosity; rather, courts must consider the specific facts of the case to determine whether joinder is impracticable. *Trevizo v. Adams*, 455 F.3d 1155, 1162 (10th Cir. 2006).

Here, each proposed class includes thousands of individuals across Oklahoma who are at risk of enforcement under H.B. 4156. The Entry Class includes noncitizens who live in or travel to Oklahoma and who may be subject to prosecution for entering the state without federal authorization. The Reentry Class includes noncitizens present in Oklahoma

who have a prior removal or deportation order and are similarly at risk under the statute. Oklahoma is home to an estimated 90,000 undocumented immigrants, many of whom live in mixed-status households or are pursuing immigration relief. *See* Migration Policy Institute, *Profile of the Unauthorized Population: Oklahoma* (2024). These individuals move for work, attend schools, visit family across state lines, or return to the state after travel. Even a small subset of this population would far exceed the class sizes that courts in this Circuit have found sufficient to satisfy Rule 23(a)(1). *See Barton v. Corrs. Corp. of Am.*, No. 03-cv-428-JHP-SAJ, 2005 WL 5329514, at *3 (N.D. Okla. Sept. 1, 2005) (certifying class of 66 members); *Fabian v. Indep. Sch. Dist. No. 89 of Oklahoma Cty.*, 409 F. Supp. 94, 95 (W.D. Okla. 1976) (certifying class of 142).

The proposed classes are also not static. As in other civil rights actions, future class members will continue to emerge as individuals travel into, return, or relocate to Oklahoma, triggering potential criminal liability under H.B. 4156. This continual evolution of the class weighs in favor of a finding that joinder is impracticable. *See, e.g., Colorado Cross Disability Coal. v. Abercrombie & Fitch Co.*, 765 F.3d 1205, 1215 (10th Cir. 2014) (“[T]he fact that the class includes unknown, unRepresentative future members also weighs in favor of certification.”); *Menocal v. GEO Grp., Inc.*, 882 F.3d 905, 915 (10th Cir. 2018) (“Considerations such as class members’ limited understanding of the law, limited English skills, [and] geographic dispersal therefore weigh in favor of class certification.”).

Moreover, where injunctive or declaratory relief is sought, the numerosity requirement is applied more leniently. *See Horn v. Associated Wholesale Grocers, Inc.*, 555 F.2d 270, 275–76 (10th Cir. 1977) (“[W]here the relief sought is injunctive and declaratory,

even speculative and conclusory representations as to the size of class are sufficient.”). Satisfaction of Rule 23(a)(1) does not require impossibility of joinder, but only that plaintiffs would suffer significant hardship or inefficiency if forced to proceed individually. *See id.* As such, the numerosity requirement is easily satisfied.

II. The Proposed Classes Share Common Questions of Law and Fact

Rule 23(a)(2) requires that “there are questions of law or fact common to the class.” Fed. R. Civ. P. 23(a)(2). This requirement is satisfied so long as there is a single question that is capable of classwide resolution—where the “determination of its truth or falsity will resolve an issue that is central to the validity of each one of the claims in one stroke.” *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 350 (2011); *see also Hill v. Marathon Oil Co.*, No. CIV-08-37-R, 2010 WL 2365447, at *2 (W.D. Okla. June 9, 2010) (“There need only be one issue of law or fact common to all class members to satisfy the element of commonality.”).

This case presents shared legal and factual questions across the proposed classes. Plaintiffs challenge H.B. 4156 on uniform legal grounds: that the statute is preempted by federal immigration law under the Supremacy Clause and unlawfully restricts the free movement of people across Oklahoma’s borders in violation of the dormant Commerce Clause. These common questions are “capable of classwide resolution” because they turn on the validity of the statute itself, not individualized facts. *See Dukes*, 564 U.S. at 350. Plaintiffs do not seek individualized adjudication; rather, the classes raise facial challenges to a uniform statutory scheme that subjects all class members to the risk of arrest,

prosecution, and removal based on their immigration history and movement across state lines.

Proposed class members also share a common base of facts. All class members are subject to the same statutory provisions and face the same consequences based solely on their immigration status, presence, and movement within the state. Their “shared risk” of prosecution under H.B. 4156’s uniform provisions is sufficient to satisfy commonality. *See DG ex rel. Stricklin*, 594 F.3d at 1197. Individual variations in background, travel history, or immigration status do not defeat commonality where plaintiffs “have suffered the same injury” from the same conduct by the defendant. *Dukes*, 564 U.S. at 350. Nor must Plaintiffs show that every question can be resolved classwide—just that the statute at issue “generate[s] common *answers* apt to drive the resolution of the litigation.” *Id.* Because Plaintiffs challenge a single statute that applies broadly and uniformly, Rule 23(a)(2)’s commonality requirement is easily satisfied.

III. The Class Representatives Claims Are Typical of the Class

Rule 23(a)(3) requires that “the claims or defenses of the representative parties are typical of the claims or defenses of the class.” Fed. R. Civ. P. 23(a)(3). This requirement is met when the class representatives’ claims arise from the same course of conduct and are based on the same legal theories as the claims of the class. *See Adamson v. Bowen*, 855 F.2d 668, 676 (10th Cir. 1988); *In re Cox Enters., Inc.*, No. 12-ML-2048-C, 2014 WL 104964, at *4 (W.D. Okla. Jan. 9, 2014).

Here, the Representative Plaintiffs challenge H.B. 4156 on the same legal grounds as all class members. They seek the same declaratory and injunctive relief as the proposed

class, and they face the same imminent threat of prosecution based on movement across state lines and immigration history. *See DG ex rel. Stricklin*, 594 F.3d at 1197 (“[T]ypicality exists where, as here, all class members are at risk of being subjected to the same harmful practices, regardless of any class member’s individual circumstances.”). Their claims are not only representative of, but inextricable from, those of the class they seek to represent.

That class members may have different backgrounds or individual circumstances does not defeat typicality. “The commonality and typicality requirements of Rule 23(a) tend to merge,” as both serve to ensure the claims of the class representatives align with those of absent class members. *Gen. Tel. Co. of Sw. v. Falcon*, 457 U.S. 147, 157 n.13 (1982). Because all class members are subject to the same statute and raise the same legal challenges, the typicality requirement is satisfied.

IV. The Representatives Are Adequate

Rule 23(a)(4) requires that the Representative plaintiffs “fairly and adequately protect the interests of the class.” Fed. R. Civ. P. 23(a)(4). Courts in the Tenth Circuit evaluate adequacy by answering two questions: “(1) do the Representative plaintiffs and their counsel have any conflicts of interest with other class members and (2) will the Representative plaintiffs and their counsel prosecute the action vigorously on behalf of the class?” *Rutter & Wilbanks Corp. v. Shell Oil Co.*, 314 F.3d 1180, 1187–88 (10th Cir. 2002). The Tenth Circuit has recognized that organizations, in addition to individual plaintiffs, may serve as class representatives in lawsuits where the organization’s mission and its members’ interests align with the relief sought. *See Abercrombie & Fitch Co.*, 765 F.3d at 1212 (recognizing organizational plaintiff as an adequate class representative in ADA

litigation); *see also Int’l Union, United Auto., Aerospace & Agr. Implement Workers of Am. (UAW) v. Brock*, 477 U.S. 274, 289–90 (1986) (“The very forces that cause individuals to band together in an association will thus provide some guarantee that the association will work to promote their interests.”). The Representative Plaintiffs in this litigation, organizational plaintiffs Padres Unidos and LULAC OKC, as well as individual plaintiffs, meet these obligations.

A. Padres Unidos as Entry and Reentry Class Representative

Padres Unidos de Tulsa, a nonprofit organization, seeks to represent its members who face the risk of arrest, prosecution, and expulsion under H.B. 4156. Its mission is to amplify the voices of immigrant families, particularly Latinx and Spanish-speaking families, in Tulsa’s public schools. *See* Lara Decl. ¶¶ 3–6. These members include individuals who entered the United States without inspection, have reentered after past removal orders, and have a broad range of immigration histories and statuses. *See id.* ¶¶ 8, 9–11.

Many Padres Unidos members regularly travel across state lines for work or family obligations and would be directly impacted by H.B. 4156’s Entry and Reentry provisions. For example, Danny Doe entered the U.S. without inspection in 2001 and never left. He travels outside of Oklahoma regularly for family-related travel. He is worried that H.B. 4156 will separate him from his wife and two U.S.-citizen children, for whom he is the primary financial provider. He is also worried that this will aggravate his son’s mental health, as his son is already seeing a counselor due to his anxiety about his dad’s immigration status. *See* Lara Decl. ¶ 10. Another member, Mario Moe, a Salvadoran

national and father of four U.S.-citizen children, has reentered the U.S. multiple times after past removal orders and now has a pending U visa. He fears prosecution under H.B. 4156 could separate him from his family, including a child with a serious medical condition. *See id.* ¶ 11. Padres Unidos is a proper class representative as an organization “suing to vindicate its members’ interests” and can draw upon a “preexisting reservoir of expertise and capital,” *UAW*, 477 U.S. at 289.

B. *LULAC OKC as Entry and Reentry Class Representative*

LULAC OKC is a nonprofit, membership-based organization that advances the civil rights, health, and educational access of Latino communities in Oklahoma. Its members include noncitizens with diverse immigration histories and statuses. *See Maldonado Decl.* ¶¶ 5–11.

LULAC OKC has a diverse and evolving membership, and many of its members travel across state lines for both work and personal reasons and would be directly impacted by H.B. 4156. For example, Ronaldo Roe, a longtime Oklahoma resident, entered the United States without inspection in 2007 and travels for out-of-state family events. He fears prosecution under the “illegal entry” provision, which could impact his ability to care for his brother, who requires daily dialysis, and his parents and nephews, for whom he is a legal guardian. *See id.* ¶ 13. Another member, Soto Soe, reentered the U.S. after a prior removal order. He worries that H.B. 4156, specifically the “illegal reentry” crime, could jeopardize his ability to support his U.S.-citizen son. *See id.* ¶ 12. Because LULAC OKC’s mission and programming are aligned with protecting the interests of its members and

securing relief from enforcement under H.B. 4156, it satisfies the adequacy requirement of Rule 23(a)(4).

C. Individual Entry Class Representatives

Barbara Boe is a Mexican national who entered the United States without inspection in 2000. She travels regularly outside of Oklahoma to visit family in New Jersey and North Carolina. She is a member of the LGBTQ+ community and fears having to leave Oklahoma, which has been her home for over twenty years, and being forced to return to Mexico, where gay people suffer harm. *See* Boe Decl. ¶¶ 2–12. Ms. Boe has the same interests as other members of the Entry Class and every incentive to pursue this action vigorously on their behalf. *See id.* ¶¶ 10–13.

D. Individual Reentry Class Representatives

Christopher Coe lives in Oklahoma with his wife and stepdaughter. After multiple removals in the early 2010s, Coe reentered the United States without inspection in 2012 and has remained in Oklahoma ever since. He works in residential construction and is the primary provider for his household. His wife, a crime survivor, is pursuing lawful status that may extend to him as well. Coe fears that H.B. 4156 would upend his family's stability and expose him to prosecution, detention, and separation from his loved ones. *See* Coe Decl. ¶¶ 2–10. Mr. Coe faces the same imminent threat as others in the Reentry Class and has every incentive to vigorously pursue relief on behalf of all similarly situated class members. *See id.* ¶¶ 11–13.

V. Class Counsel Is Adequate Under Rule 23(g)

Under Federal Rule of Civil Procedure 23(g), any order certifying a class must appoint class counsel who will “fairly and adequately represent the interests of the class.” In deciding whether counsel meet that standard, courts consider “the work counsel has done in identifying or investigating potential claims in the action,” “counsel’s experience in handling class actions, other complex litigation, and the types of claims asserted in the action,” “counsel’s knowledge of the applicable law,” and “the resources that counsel will commit to representing the class.” Fed. R. Civ. P. 23(g)(1)(A)(i)–(iv). The Tenth Circuit likewise examines whether counsel are free from conflicts, have significant expertise, and demonstrate a willingness to devote the resources necessary for effective representation. *See Rutter & Wilbanks*, 314 F.3d at 1187–88 (discussing adequacy factors).

Here, Plaintiffs’ counsel satisfy these criteria. They have invested considerable time meeting with affected individuals, gathering facts, and researching how H.B. 4156 conflicts with both federal immigration statutes and preemption doctrines. Counsel have extensive familiarity with complex federal litigation, including civil-rights actions, preemption cases, and class-based requests for equitable relief. Indeed, counsel have litigated against laws similar to H.B. 4156 in other states. Counsel have the institutional resources necessary to vigorously pursue this litigation to conclusion. The ACLU Immigrants’ Rights Project and its affiliate the ACLU of Oklahoma are nationally-recognized organizations with substantial capacity to conduct discovery, motion practice, class administration, and enforcement of injunctive relief. No conflicts of interest appear in the record, and the proposed counsel’s litigation history demonstrates a proven capacity to undertake

representation that demands significant briefing, motion practice, and ongoing oversight. *See* Decl. of Noor Zafar, Ex. A; Decl. of Megan Lambert, Ex. B.

Under these circumstances, appointment of Plaintiffs’ counsel as class counsel is warranted. They have satisfied Rule 23(g)(1)(A) by investigating and pleading the claims, demonstrating the requisite knowledge and experience, and pledging to devote the resources required for this litigation. They “will fairly and adequately represent the interests of the class.” Fed. R. Civ. P. 23(g)(1)(B).

VI. The Classes Satisfy Rule 23(b)(2)

Rule 23(b)(2) authorizes certification where “the party opposing the class has acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole.” Fed. R. Civ. P. 23(b)(2). That requirement is “almost automatically satisfied in actions primarily seeking injunctive relief.” *Baby Neal ex rel. Kanter v. Casey*, 43 F.3d 48, 58 (3d Cir. 1994); *see also Dukes*, 564 U.S. at 360–61 (Rule 23(b)(2) applies when “a single injunction or declaratory judgment would provide relief to each member of the class”).

Certification under Rule 23(b)(2) is appropriate here. H.B. 4156 is a state statute that purports to create two new immigration-related crimes. These provisions apply broadly to noncitizens regardless of individual circumstances, and their enforcement by Defendants presents a common legal threat to all members of the Entry and Reentry Classes. The uniform nature of the statute—and the indiscriminate risk it poses—makes this case especially suitable for certification under Rule 23(b)(2). *See, e.g., Shook v. Bd. of Cnty.*

Comm'rs of El Paso Cnty., 386 F.3d 963, 972 (10th Cir. 2004) (Rule 23(b)(2) is particularly suited for cases involving “a shifting . . . population”);

Here, the Entry and Reentry Classes present the same legal theory: Oklahoma’s attempt to regulate immigration is preempted by federal law and violates the Commerce Clause. Each class member faces the same threat of arrest, prosecution, and expulsion based solely on the application of H.B. 4156. And the relief they seek, an injunction blocking the statute’s enforcement, would apply equally to the entire class. Because the same state law threatens all class members in the same way, and because the requested injunction would provide uniform relief, Rule 23(b)(2) is satisfied.

CONCLUSION

The Court should grant class certification or, if the Court requires additional time to consider the motion, grant provisional class certification.

Dated: May 13, 2025

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2025, I filed a true and correct copy of the foregoing using the CM/ECF system, which will serve the filing on all counsel of record.

/s/ Devraat Awasthi

Devraat Awasthi

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

PADRES UNIDOS DE TULSA, et al.,

Plaintiffs,

v.

GENTNER DRUMMOND, et al.,

Defendants.

Case No. 5:24-cv-00511-J

**DECLARATION OF NOOR ZAFAR IN SUPPORT OF
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

I, Noor Zafar, declare as follows:

1. I am a Senior Staff Attorney at the American Civil Liberties Union Foundation Immigrants' Rights Project ("ACLU"), and am counsel for Plaintiffs in this case. I make this declaration to describe my qualifications and those of my colleagues to serve as counsel for the Proposed Class in this case. The following facts are based on my own personal knowledge and, if called as a witness, I could and would testify competently thereto.

Noor Zafar

2. I am a member of the New York bar and am admitted to practice before the U.S. District Court for the Southern District of New York and the U.S. Courts of Appeals for the Second, Ninth, Tenth, and Eleventh Circuits. I graduated from Harvard Law School in 2016.

3. Since coming to the ACLU in 2018, I have served as counsel on several major immigration-related cases. *See, e.g., Padres Unidos v. Drummond*, 24-cv-526 (W.D. Okla. 2024) (preemption challenge to state immigration law); *Am. C.L. Union Immigrants' Rts. Project v. United States Immigr. & Customs Enft*, 58 F.4th 643, 646 (2d Cir. 2023) (FOIA obtaining disclosure of ICE records); *Sierra Club v. Trump*, 963 F.3d 874 (9th Cir. 2020) (injunction against diversion of military funds to construct border wall); *Mahmoud Khalil v. Joyce*, 2:25-cv-01963 (D.N.J. 2025) (habeas challenge to immigration detention based on protected speech).

4. I have also served as counsel in *Samma v. U.S. Dep't of Def.*, No. 20-cv-1104 (D.D.C. 2020), a class action on behalf of noncitizen service members that successfully challenged a policy denying them an expedited path to citizenship.

5. Prior to joining the ACLU, I worked as a Bertha Justice fellow at the Center for Constitutional Rights, where I represented detainees at Guantánamo Bay and engaged in litigation and advocacy relating to the laws of war, immigration, and religious profiling. *See, e.g., Hassan v. City of New York*, 14-1688 (3d Cir. 2015); *al-Hajj v. Trump*, 9-cv-745 (D.D.C. 2018) (habeas action on behalf of law of war detainees at Guantánamo).

Cody Wofsy

6. Cody Wofsy is a Deputy Director at the ACLU. He is a member of the California bar, and is admitted to practice in the U.S. Supreme Court; the U.S. Courts of Appeals for the First, Second, Fourth, Fifth, Sixth, Ninth, Tenth, Eleventh, and District of Columbia Circuits; and the U.S. District Courts for the Northern, Southern, Central, and Eastern Districts of California, the District of Columbia, and the Western District of Texas.

Mr. Wofsy graduated from Yale Law School in 2013 and served as a Law Clerk to the Honorable Myron H. Thompson of the U.S. District Court for the Middle District of Alabama and the Honorable Marsha S. Berzon of the Ninth Circuit Court of Appeals.

7. Mr. Wofsy litigates complex immigration-related cases at all levels of the federal and state courts. *See, e.g., Grace v. Barr*, 965 F.3d 883 (D.C. Cir. 2020) (affirming in part injunction of policies limiting asylum within the expedited removal system); *East Bay Sanctuary Covenant v. Barr*, *Capital Area Immigrants' Rights Coal. v. Trump*, *East Bay Sanctuary Covenant v. Trump* (challenges to restrictive asylum policies); *Trump v. Int'l Refugee Assistance Project*, 137 S. Ct. 2080 (2017) (denying stay in part of preliminary injunction of an Executive Order barring nationals of certain countries from entering the United States); *Morales v. Chadbourne*, 235 F. Supp. 3d 388 (D.R.I. 2017) (granting partial summary judgment in case challenging immigration arrest); *Ramon v. Short*, 2020 MT 69, 399 Mont. 254, 460 P.3d 867 (holding state officers lack authority to conduct civil immigration arrests); *People ex rel. Wells v. DeMarco*, 168 A.D.3d 31, 88 N.Y.S.3d 518 (N.Y. App. Div. 2018) (same).

8. Mr. Wofsy also represents amici in a number of cases involving the federal government's administration of the immigration laws. *See, e.g., Guerrero-Lasprilla v. Barr*, 140 S. Ct. 1062 (2020) (rejecting government's interpretation of jurisdictional provision); *City of Chicago v. Barr*, 961 F.3d 882 (7th Cir. 2020) (rejecting government assertion of authority to impose immigration related conditions on grant program); *City of Providence v. Barr*, 954 F.3d 23 (1st Cir. 2020) (same); *City of Philadelphia v. Attorney Gen. of United States*, 916 F.3d 276 (3d Cir. 2019), *reh'g denied* (June 24, 2019) (same);

United States v. California, 921 F.3d 865 (9th Cir. 2019) (rejecting government efforts to enjoin California Values Act as preempted by immigration statutes), *cert. denied*, No. 19-532, 2020 WL 3146844 (U.S. June 15, 2020); *San Francisco v. Trump*, 897 F.3d 1225 (9th Cir. 2018) (affirming injunction of immigration-enforcement Executive Order); *see also* *Simon v. City of New York*, 893 F.3d 83 (2d Cir. 2018) (reversing dismissal of case challenging arrest on material witness warrant).

9. As relevant here, Mr. Wofsy has litigated several challenges to state and local laws regulating immigration, including laws similar to S.B. 4C. *See, e.g., United States v. Texas*, 97 F.4th 268 (5th Cir. 2024) (argued) (denying Texas’s motion to stay preliminary injunction against state law creating entry and reentry crimes on preemption grounds); *Iowa Migrant Movement for Justice v. Bird*, 2025 WL 319926 (8th Cir. Jan 24, 2025) (involving similar state law, which the Eighth Circuit affirmed an injunction against); *United States v. Oklahoma*, 739 F. Supp. 3d 985 (W.D. Okla. 2024) (granting preliminary injunction against state law creating entry and reentry crimes on preemption grounds); *Idaho Organization of Resource Councils v. Labrador*, No. 25- cv-00178 (D. Idaho filed Mar. 27, 2025) (class action) (TRO granted); *Fla. Immigrant Coal. v. Uthmeier*, No. 1:25-cv-21524-KMW (S.D. Fla. filed Apr. 2, 2025) (class action) (TRO granted).

Omar Jadwat

10. Omar Jadwat has been an attorney with the ACLU since 2002 and is the current Director. Mr. Jadwat graduated from New York University School of Law in 2001, then clerked for the Honorable John G. Koeltl of the U.S. District Court for the Southern District of New York.

11. Mr. Jadwat is a member of the New York bar, and is admitted to practice in the U.S. Supreme Court; the U.S. Courts of Appeals for the First, Second, Third, Fourth, Fifth, Eighth, Ninth, Tenth, Eleventh, and District of Columbia Circuits; and the U.S. District Courts for the Southern and Eastern Districts of New York. He has argued notable immigrants' rights cases at all levels of the federal court system.

12. Mr. Jadwat has served as counsel in multiple class action or systemic immigration cases. His cases include: *Trump v. Int'l Refugee Assistance Project*, 137 S. Ct. 2080 (2017) (challenge to Muslim travel ban).

13. As relevant here, Mr. Jadwat has litigated numerous challenges to state and local laws regulating immigration, including laws similar to S.B. 4C. *See, e.g., United States v. Texas*, 97 F.4th 268 (5th Cir. 2024); *Iowa Migrant Movement for Justice v. Bird*, 2025 WL 319926 (8th Cir. Jan 24, 2025); *United States v. Oklahoma*, 739 F. Supp. 3d 985 (W.D. Okla. 2024); *Lozano v. City of Hazleton*, 724 F.3d 297, 300 (3d Cir. 2013) (argued) (affirming injunction against city provisions seeking to prohibit unauthorized noncitizens from working or renting housing); *Villas at Parkside Partners v. City of Farmers Branch, Tex.*, 726 F.3d 524, 528 (5th Cir. 2013) (affirming injunction against criminal and civil provisions seeking to prevent unauthorized noncitizens from renting housing in city); *Hisp. Int. Coal. of Alabama v. Governor of Alabama*, 691 F.3d 1236, 1240 (11th Cir. 2012) (remanding for entry of preliminary injunction against state statute seeking to bar public postsecondary education for unauthorized noncitizens); *Idaho Organization of Resource Councils v. Labrador*, No. 25-cv-00178 (D. Idaho filed Mar. 27, 2025) (class action) (TRO granted); *Fla. Immigrant Coal. v. Uthmeier*, No. 1:25-cv-21524-KMW (S.D. Fla. filed Apr.

2, 2025) (class action) (TRO granted).

14. In addition to his work at the ACLU, Mr. Jadwat has taught classes on immigration law and litigation at New York University School of Law and Cardozo School of Law.

Spencer Amdur

15. Spencer Amdur is a Staff Attorney at the ACLU. He is a member of the bar of California, and is admitted to practice in the U.S. Courts of Appeals for the Second, Fourth, Fifth, Seventh, Ninth, Tenth, and District of Columbia Circuits; and the U.S. District Courts for the District of Columbia, Northern and Southern Districts of California, and the Western District of Texas. He graduated from Yale Law School in 2013 and clerked for the Honorable Judith W. Rogers of the U.S. Court of Appeals for the D.C. Circuit. Prior to his work at the ACLU, he was a Trial Attorney at the Federal Programs Branch of the Civil Division within the U.S. Department of Justice, as well as an Arthur Liman Public Interest Fellow at the Lawyers' Committee for Civil Rights in San Francisco.

16. Mr. Amdur litigates complex immigration-related cases at all levels of the federal and state courts. *See, e.g., Trump v. Int'l Refugee Assistance Project* (described *supra*); *Roy v. County of Los Angeles*, No. 12-cv-9012, 2018 WL 914773 (C.D. Cal. Feb. 7, 2018) (granting summary judgment as to certain subclasses in class action challenge to federal and local immigration detention policies); *P.K. v. Tillerson*, 1:17-cv-01533 (D.D.C. filed 2017) (challenge to State Department policy denying visas to winners of the Diversity Visa Lottery); *Al Mowafak v. Trump*, No. 3:17-cv-557 (N.D. Cal. filed 2017) (challenge to restrictions on refugee admissions). He also represents amici in a number of cases

involving the federal government's administration of immigration laws. *See, e.g., City of Chicago v. Barr and City of Philadelphia v. Att'y Gen.* (described *supra*); *County of Santa Clara v. Trump*, No. 17-17480 (9th Cir.) (reviewing injunction of immigration-enforcement Executive Order).

17. As relevant here, Mr. Amdur has litigated several challenges to state and local laws regulating immigration, including laws similar to S.B. 4C. *See, e.g., United States v. Texas*, 97 F.4th 268 (5th Cir. 2024) (described *supra*); *Iowa Migrant Movementfor Justice v. Bird*, 2025 WL 319926 (8th Cir. Jan 24, 2025) (described *supra*); *United States v. Oklahoma*, 739 F. Supp. 3d 985 (W.D. Okla. 2024) (described *supra*); *Texas v. Travis Cty.*, 272 F. Supp. 3d 973 (W.D. Tex. 2017) (dismissing lawsuit seeking declaration of state immigration law's constitutionality); *Idaho Organization of Resource Councils v. Labrador*, No. 25-cv-00178 (D. Idaho filed Mar. 27, 2025) (class action) (TRO granted); *Fla. Immigrant Coal. v. Uthmeier*, No. 1:25-cv-21524-KMW (S.D. Fla. filed Apr. 2, 2025) (class action) (TRO granted).

Oscar Sarabia Roman

18. Oscar Sarabia Roman has been a Staff Attorney at the ACLU since 2022. He graduated from U.C. Berkeley, School of Law in 2021 and clerked for the Honorable Virginia A. Phillips of the U.S. District Court for the Central District of California. Mr. Sarabia Roman is a member of the District of Columbia and California bars. He is admitted to practice before the U.S. Court of Appeals for the Ninth Circuit and Tenth Circuit, and the U.S. District Courts for the Central District of California and the Southern District of New York.

19. Mr. Sarabia Roman has served as counsel on several complex immigration cases, including *JGG v. Trump*, No. 25-00766 (D.D.C. filed Mar. 15, 2025) (class action); *East Bay Sanctuary Covenant v. Biden*, No. 18-cv-6810 (N.D. Cal. filed May 18, 2023); *United States v. Texas*, No. 21-cv-00173 (W.D. Tex. filed July 30, 2021). As relevant here, Mr. Sarabia Roman has litigated challenges to state and local laws regulating immigration, including laws similar to S.B. 4C. *See, e.g., United States v. Oklahoma*, 739 F. Supp. 3d 985 (W.D. Okla. 2024); *Idaho Organization of Resource Councils v. Labrador*, No. 25-cv-00178 (D. Idaho filed Mar. 27, 2025) (class action) (TRO granted); *Fla. Immigrant Coal. v. Uthmeier*, No. 1:25-cv-21524-KMW (S.D. Fla. filed Apr. 2, 2025) (class action) (TRO granted).

Grace Choi

20. Grace Choi is a fellow at the ACLU. She is a member of the New York bar and is admitted to practice before the U.S. District Courts for the Southern and Eastern Districts of New York. She is a 2022 graduate of Yale Law School. After graduation, Ms. Choi clerked for the Honorable John G. Koeltl of the U.S. District Court for the Southern District of New York and worked at the New York Legal Assistance Group in the Immigrant Protection Unit, where she represented individuals in immigration matters. In law school, she represented a class of all immigrants detained by ICE in the First Circuit for over six months pursuant to a mandatory detention statute, *Reid v. Donelan*, No. 13-CV-30125-MAP (D. Mass. filed July 1, 2013), and a class of immigrants detained by ICE at a detention facility in Massachusetts during the height of the COVID-19 pandemic, *Savino v. Hodgson*, No. 20-CV-10617-WGY (D. Mass. filed Mar. 27, 2020). She joined

the ACLU in 2024 and has served as counsel on major cases concerning the rights of noncitizens. *See, e.g., New Hampshire Indonesian Community Support v. Trump*, 2025 WL 457609 (D.N.H. Feb. 11, 2025); *Idaho Organization of Resource Councils v. Labrador*, No. 25-cv-00178 (D. Idaho filed Mar. 27, 2025) (class action) (TRO granted); *Fla. Immigrant Coal. v. Uthmeier*, No. 1:25-cv-21524-KMW (S.D. Fla. filed Apr. 2, 2025) (class action) (TRO granted).

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

/s/ Noor Zafar
Noor Zafar

Executed on May 12, 2025.

EXHIBIT 2

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

PADRES UNIDOS DE TULSA, *et al.*

Plaintiffs,

v.

GENTNER DRUMMOND, *in his official
capacity as Oklahoma Attorney General, et al.*

Defendants.

Civil Action No. 5:24-CV-511-J
(Class Action)

**DECLARATION OF MEGAN LAMBERT IN SUPPORT OF MOTION FOR
CLASS CERTIFICATION**

I, Megan Lambert, hereby declare under penalty of perjury:

1. I am an attorney with the American Civil Liberties Union of Oklahoma Foundation (ACLU of Oklahoma) and have knowledge of the facts contained in this declaration. ACLU of Oklahoma is co-counsel for Plaintiffs in the above-captioned litigation, and I submit this declaration, which details the qualifications of ACLU of Oklahoma attorneys in support of Plaintiffs' Motion for Class Certification.
2. The ACLU of Oklahoma is an affiliate of the American Civil Liberties Union, a national non-profit organization founded in 1920 for the purpose of protecting civil rights and civil liberties guaranteed by the United States Constitution.
3. Since its founding in 1964, the ACLU of Oklahoma has an extensive institutional history of protecting the constitutional rights of Oklahomans and has advocated for the rights of institutionalized persons, educators, students, persons who speak

out against governmental abuse, women, and minorities of religious, ethnic, and racial character. The ACLU of Oklahoma has litigated civil rights cases in Oklahoma for decades and has worked to protect the rights of immigrants in Oklahoma since at least 2010.


4. The ACLU of Oklahoma attorneys involved in representing Plaintiffs include Devraat Awasthi and myself.
5. Devraat Awasthi is the Legal Fellow of the ACLU of Oklahoma. He is admitted to practice in Oklahoma, the U.S. District Court for the Western District of Oklahoma, the U.S. District Court for the Northern District of Oklahoma, and the U.S. Court of Appeals for the Tenth Circuit. Mr. Awasthi graduated from the University of Oklahoma College of Law in 2023.
6. I am the Legal Director of the ACLU of Oklahoma. I am admitted to practice in Oklahoma, the U.S. District Court for the Western District of Oklahoma, the U.S. District Court for the Northern District of Oklahoma, the U.S. Court of Appeals for the Tenth Circuit, and the U.S. Supreme Court. I graduated from the University of Oklahoma College of Law in 2017. I served as a Gallogly Legal Fellow of the ACLU of Oklahoma from 2017 to 2019 and as a Staff Attorney of the ACLU of Oklahoma from 2019 to 2021. My practice consists primarily of impact civil rights litigation under the United States and Oklahoma Constitutions. I represented the plaintiffs in *Copeland, et al. v. C.A.A.I.R., et al.*, No. 17-CV-564-TCK-JFK (N.D. Okla.), a class action challenging the unconstitutional operations and conditions of a work camp misrepresenting itself as a drug and alcohol rehabilitation center and

prison diversion program. I am also representing the plaintiffs in *White, et al. v. Hesse, et al.*, No. 5:19-CV-1145-JD (W.D. Okla.), a putative class action challenging the unconstitutional pre-trial detention practices and procedures of Canadian County.

7. I have been involved in the investigation and preparation of this lawsuit, including developing facts and legal arguments, for the past year. I am familiar with the issues and will zealously represent the plaintiffs and the class. Achieving the requested remedy of this lawsuit and protecting the rights of immigrants is central to the founding purpose of the ACLU of Oklahoma. Neither I nor the ACLU of Oklahoma is receiving any reimbursement from the individual plaintiffs or class members in this case.

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

Executed on this 7 day of May, 2025.


Megan Lambert