

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SERGIO ALBERTO BARCO MERCADO, on his own
behalf and on behalf of others similarly situated,

Plaintiffs,

v.

KRISTI NOEM, Secretary of the U.S. Department of
Homeland Security, in her official capacity;
DEPARTMENT OF HOMELAND SECURITY;
TODD LYONS, Acting Director, Immigration and
Customs Enforcement, in his official capacity;
IMMIGRATION AND CUSTOMS ENFORCEMENT;
MARCOS CHARLES, Acting Executive Associate
Director, Immigration and Customs Enforcement,
Enforcement and Removal Operations, in his official
capacity; LADEON FRANCIS, Acting Field Office
Director of New York, Immigration and Customs
Enforcement, in his official capacity;

Defendants.

Case No. 25 Civ. 6568 (LAK)

**DECLARATION OF HEATHER GREGORIO IN SUPPORT OF
PLAINTIFFS' MOTION FOR CONTEMPT AND FOR SANCTIONS**

I, Heather Gregorio, declare as follows:

1. I am over the age of 18, am competent to testify, and have personal knowledge of the facts and information set forth in this declaration.
2. I am a Partner at Wang Hecker LLP and am admitted to practice law in the State of New York and before this Court.
3. I submit this Declaration in support of Plaintiffs' Motion for Contempt and for Sanctions in the above-captioned matter.

4. A true and correct copy of the Corrected Complaint filed in this action on August 11, 2025, ECF No. 51, is attached as **Exhibit 1**.

5. A true and correct copy of Counsel Harold Solis's email correspondence with NYCDetaineeInquiry@ice.dhs.gov and Carla.Calidonio@ice.dhs.gov on October 1 and 2, 2025 is attached as **Exhibit 2**.

6. A true and correct copy of the Letter from Heather Gregorio to Jeffrey Oestericher, dated October 7, 2025, is attached as **Exhibit 3**.

7. A true and correct copy of the Declaration by William Joyce, Deputy Field Office Director in the New York City Field Office of Enforcement and Removal, dated October 15, 2025, along with an exhibit, is attached as **Exhibit 4**.

8. A true and correct copy of the Letter from Heather Gregorio to Jeffrey Oestericher, dated November 12, 2025, along with the enclosed revised Notice of Rights, is attached as **Exhibit 5**.

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

DATED: New York, New York
November 25, 2025

/s/ Heather Gregorio
Heather Gregorio