

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

NATIONAL DAY LABORER ORGANIZING
NETWORK, CENTER FOR CONSTITUTIONAL
RIGHTS, and IMMIGRATION JUSTICE
CLINIC OF THE BENJAMIN N. CARDOZO
SCHOOL OF LAW,

ECF CASE

10-CV-3488 (SAS)(KNF)

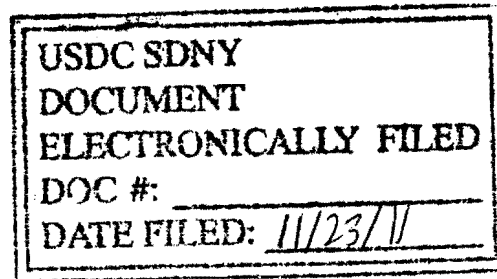
Plaintiffs,

STIPULATION AND ORDER

v.

UNITED STATES IMMIGRATION
AND CUSTOMS ENFORCEMENT AGENCY,

Defendants.



WHEREAS defendant United States Immigration and Customs Enforcement ("ICE") and plaintiffs the National Day Laborer Organizing Network, Center for Constitutional Rights, and Immigration Justice Clinic of the Benjamin N. Cardozo School of Law (collectively "Plaintiffs") entered into an agreed upon Final Production List Stipulation ("FPL Stipulation") on July 12, 2011;

IT IS HEREBY STIPULATED AND AGREED, by and between Defendant ICE and Plaintiffs, as follows:

1. ICE will apply search terms provided by Plaintiffs (as defined below and listed on Exhibit A) against the records ICE collected in response to the FPL Stipulation to further cull the records to be reviewed and processed. Plaintiffs agree that, pursuant to paragraph 11 of the FPL Stipulation, ICE is not obligated, in connection with this litigation, to review, process, or

produce to Plaintiffs any records collected by ICE in response to the FPL that are not identified by Plaintiffs' search terms.

2. ICE will prioritize the review and processing of records responsive to such search terms in accordance with the priority list provided by Plaintiffs ("FPL Search Groups"), attached as Exhibit A.


3. ICE will review, at a minimum, an average of 1,500 "Reviewable Items" (as that term is used in reports produced by the review platform Clearwell) every three weeks, and ICE will process and produce any responsive records reviewed during that three week period on the following production dates:

- a. November 15, 2011
- b. December 6, 2011
- c. December 27, 2011
- d. January 17, 2012
- e. February 7, 2012
- f. February 28, 2012
- g. March 20, 2012
- h. April 10, 2012
- i. April 17, 2012

4. ICE will provide to Plaintiffs on each production date a brief summary of the number of Reviewable Items reviewed and processed from each Search Group related to the production on that date.

5. ICE will provide to Plaintiffs within 5 days of a production date an estimate of the number of Reviewable Items that will be reviewed, processed and/or released for the upcoming production.
6. The parties will comply with this stipulation in good faith..
7. ICE will notify Plaintiffs of any additional FPL Reviewable Items identified after the signing of this stipulation.
8. The parties agree that the United States District Court for the Southern District of New York shall retain jurisdiction over any controversy or claim arising out of or relating to this Stipulation and Order.

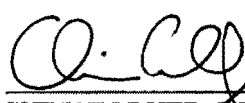
Dated: New York, New York
November 18, 2011



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SO ORDERED:



HON. SHIRA A. SCHEINDLIN
United States District Judge

11/23/11

Exhibit A - Final Production List Search Groups

Modified Search Group 1 Terms**Time Period: March 1, 2011 - June 15, 2011****Type of Search: Key Word (Cut & Paste) with Date Range**

1 ("Secure Communities" OR "Secure_Communities" OR "S-Comm" OR SC OR CIRCA OR interoperability OR SComm OR SCPMO) AND ("Trust Act" OR "AB 1081" OR Hennessy OR Baca OR Ammiano OR LAPD OR Becerra OR "Jerry Brown"~5 OR "Kamala Harris"~5 OR "CA Harris"~5 OR "Miguel Marquez"~5 OR Gascon OR *ca.gov)

Modified Search Group 2 Terms**Time Period: March 1, 2011 - June 15, 2011****Type of Search: Key Word (Cut & Paste) with Date Range**

1 ("Secure Communities" OR "Secure_Communities" OR "S-Comm" OR SC OR CIRCA OR interoperability OR SComm OR SCPMO) AND (Cuomo OR Paterson OR NYPD OR *ny.gov OR Shanahan OR DCJS OR Serrano OR Velasquez OR "ray kelly"~5 OR Bloomberg OR *ma.gov OR Heffernan OR "Gov* Patrick"~4 OR Massing OR Grossman OR Davis OR Cabral OR *il.gov OR Chicago OR Rahm OR Dart OR Cunningham OR Jordan OR Gutierrez OR "Cook County" OR "Kane County" OR "Lake County" OR Daley OR Grau OR "McHenry County")

Modified Search Group 3 Terms**Time Period: March 1, 2011 - June 15, 2011****Type of Search: Key Word (Cut & Paste) with Date Range**

1 ("Secure Communities" OR "Secure_Communities" OR "S-Comm" OR SC OR CIRCA OR interoperability OR SComm OR SCPMO) AND (Donnellan OR Tejada OR "Stan Barry"~5 OR *virginia.gov OR *maryland.gov OR *md.us OR "Casa de Maryland" OR Leggett OR Wallenstein OR Navarro OR McDonough OR "Prince George" OR Mikulski OR Cardin OR "DC Metro" OR "D.C. Metro" OR MPD OR "metropolitan police" OR Lanier OR Mendelson OR "DC area" OR Fenty OR Gray)

Modified Search Group 4 Terms**Type of Search: Key Word (Individual)**

1 (opt-in OR "opt in" OR opt-out OR "opt out" OR "opting out" OR "opting in") AND ("secure communities" OR "secure_communities" OR "Scomm" OR "S-Comm" OR SC OR CIRCA OR SCMPO)

2 mandatory AND ("secure communities" OR "secure_communities" OR "Scomm" OR "S-Comm" OR SC OR CIRCA OR SCMPO)

3 (FBI OR NGI OR "Next Generation" OR "Advisory Policy Board" OR APB OR Interpol) AND ("secure communities" OR "secure_communities" OR "Scomm" OR "S-Comm" OR SC OR CIRCA OR SCMPO)

4 interoperability AND mandatory

5	interoperability AND ("secure communities" OR "secure_communities" OR "Scomm" OR "S-Comm" OR SC OR CIRCA OR SCMPO) AND (privacy OR mistake OR error OR unauthorized)
6	"mandatory 2013"~15
7	legislative AND record AND (authority OR justification OR foundation)
8	justification AND ("secure communities" OR "secure_communities" OR "Scomm" OR "S-Comm" OR SC OR CIRCA OR SCMPO)
9	amendment AND (10th or tenth)
10	("lights on" OR "lights off") AND ("secure communities" OR "secure_communities" OR "Scomm" OR "S-Comm" OR SC OR CIRCA OR SCMPO)
11	("legal analysis" OR "Legal underpinnings" OR "legal basis" OR Printz) AND ("secure communities" OR "secure_communities" OR "Scomm" OR "S-Comm" OR SC OR CIRCA OR SCMPO)

Modified Search Group 5 Terms**Time Period: March 1, 2011 - June 15, 2011****Type of Search: Key Word (Cut & Paste) with Date Range**

1	("Secure Communities" OR "Secure_Communities" OR "S-Comm" OR SC OR CIRCA OR interoperability OR SComm OR SCPMO) AND (Policy OR policies OR "operating procedure" OR "internal policy guidance" OR regulation OR protocol OR "performance goal" OR "performance target" OR "performance objective" OR oversight OR guideline) AND ("database accuracy" OR "quality control" OR "false-positive" OR "false positive" OR "false match" OR "error rate" OR detainer OR I-247 OR I247 OR "Form I-247" OR "detention hold" OR "immigration hold" OR "ICE hold")
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Modified Search Group 6 Terms**Time Period: March 1, 2011 - June 15, 2011****Type of Search: Key Word (Cut & Paste) with Date Range**

1	("Secure Communities" OR "Secure_Communities" OR "S-Comm" OR SC OR CIRCA OR interoperability OR SComm OR SCPMO) AND ("Domestic Violence" OR "family violence" OR "child abuse" OR "spousal abuse" OR "domestic abuse" OR DV OR VAWA OR Bolanos OR Isaura)
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Modified Search Group 7 Terms**Time Period: March 1, 2011 - June 15, 2011****Type of Search: Key Word (Cut & Paste) with Date Range**

1	("Secure Communities" OR "Secure_Communities" OR "S-Comm" OR SC OR CIRCA OR interoperability OR SComm OR SCPMO) AND ("civil liberties" OR discrimination OR "due process" OR "equal protection" OR "fourth amendment" OR "4th amendment" OR "pre-textual arrest" OR "right privacy"~5 OR "constitutional violation" OR "racial profil*"~3 OR "ethnic profil*"~3 OR ("national origin" AND "origin profil*"~3))
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Modified Search Group 8 Terms**Time Period: March 1, 2011 - June 15, 2011****Type of Search: Key Word (Cut & Paste) with Date Range**

1 ("Secure Communities" OR "Secure_Communities" OR "S-Comm" OR SC OR CIRCA OR interoperability OR SComm OR SCPMO) AND ("risk-based" OR "risk based" OR "offense level" OR "non-criminal" OR noncriminal OR "non criminal" OR conviction OR "Level 1" OR "Level 2" OR "Level 3" OR "data protection" OR "Privacy Act" OR L1 OR L2 OR L3 OR "L2/3" OR "ICE Fugitives" OR "traffic violation"~3)

Modified Search Group 9 Terms**Time Period: March 1, 2011 - June 15, 2011****Type of Search: Key Word (Cut & Paste) with Date Range**

1 ("Secure Communities" OR "Secure_Communities" OR "S-Comm" OR SC OR CIRCA OR interoperability OR SComm OR SCPMO) AND ("U.S.Citizen*" AND "Citizen* verif*"~5) OR ("U.S.Citizen*" AND "Citizen* check"~5) OR ("U.S.Citizen*" AND "Citizen* claim"~5) OR ("U.S.Citizen*" AND "Citizen* alleg*"~5) OR ("US Citizen*" AND "Citizen* verif*"~5) OR ("US Citizen*" AND "Citizen* check"~5) OR ("US Citizen*" AND "Citizen* claim"~5) OR ("US Citizen*" AND "Citizen* alleg*"~5) OR ("United States Citizen*" AND "Citizen* verif*"~5) OR ("United States Citizen*" AND "Citizen* check"~5) OR ("United States Citizen*" AND "Citizen* claim"~5) OR ("United States Citizen*" AND "Citizen* alleg*"~5)

Modified Search Group 10 Terms**Time Period: March 1, 2011 - June 15, 2011****Type of Search: Key Word (Cut & Paste) with Date Range**

1 ("Secure Communities" OR "Secure_Communities" OR "S-Comm" OR SC OR CIRCA OR interoperability OR SComm OR SCPMO) AND ("vulnerable groups" OR "vulnerable population" OR "vulnerable persons" OR "vulnerable individual" OR handicapped OR "mentally disabled" OR "mental health" OR "mental illness" OR "mentally ill" OR Schizophrenia OR bipolar OR pregnant OR breastfeeding OR "eligible for relief" OR "eligible to adjust" OR psychotic OR suicidal OR "suicide watch" OR "U visa" OR "T visa" OR traffick* OR asylum OR torture OR depression OR disabled OR AIDS OR HIV OR diabetes OR "chronic illness" OR lesbian OR transgender OR gay OR juvenile OR dialysis OR insulin)

Modified Search Group 11 Terms**Time Period: March 1, 2011 - June 15, 2011****Type of Search: Key Word (Cut & Paste) with Date Range**

1 ("Secure Communities" OR "Secure_Communities" OR "S-Comm" OR SC OR interoperability OR SComm OR SCPMO) AND (*who.eop.gov OR "Cecilia Munoz"~2 OR Odio OR Valencia OR "Escobar Felicia"~2 OR S1)

Modified Search Group 1 Terms**Time Period: All Remaining (i.e., Those Not Batched for Review/Hit on Prior Searches)****Type of Search: Key Word (Cut & Paste) & Exclude Prior Searches**

1 ("Secure Communities" OR "Secure_Communities" OR "S-Comm" OR SC OR CIRCA OR interoperability OR SComm OR SCPMO) AND (Cuomo OR Paterson OR NYPD OR *ny.gov OR Shanahan OR DCJS OR Serrano OR Velasquez OR "ray kelly"~5 OR Bloomberg OR *ma.gov OR Heffernan OR "Gov* Patrick"~4 OR Massing OR Grossman OR Davis OR Cabral OR *il.gov OR Chicago OR Rahm OR Gutierrez OR "Cook County" OR "Kane County" OR "Lake County" OR Daley OR Grau OR "McHenry County")

Modified Search Group 2 Terms**Time Period: All Remaining (i.e., Those Not Batched for Review/Hit on Prior Searches)****Type of Search: Key Word (Cut & Paste) & Exclude Prior Searches**

1 ("Secure Communities" OR "Secure_Communities" OR "S-Comm" OR SC OR CIRCA OR interoperability OR SComm OR SCPMO) AND ("Trust Act" OR "AB 1081" OR Hennessy OR Baca OR Ammiano OR LAPD OR Becerra OR "Jerry Brown"~5 OR "Kamala Harris"~5 OR "CA Harris"~5 OR "Miguel Marquez"~5 OR Gascon OR *ca.gov)

Modified Search Group 3 Terms**Time Period: All Remaining (i.e., Those Not Batched for Review/Hit on Prior Searches)****Type of Search: Key Word (Cut & Paste) & Exclude Prior Searches**

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Modified Search Group 5 Terms**Time Period: All Remaining (i.e., Those Not Batched for Review/Hit on Prior Searches)****Type of Search: Key Word (Cut & Paste) & Exclude Prior Searches**

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1	("Secure Communities" OR "Secure_Communities" OR "S-Comm" OR SC OR CIRCA OR interoperability OR SComm OR SCPMO) AND ("Domestic Violence" OR "family violence" OR "child abuse" OR "spousal abuse" OR "domestic abuse" OR DV OR VAWA OR Bolanos OR Isaura)
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Modified Search Group 7 Terms**Time Period: All Remaining (i.e., Those Not Batched for Review/Hit on Prior Searches)****Type of Search: Key Word (Cut & Paste) & Exclude Prior Searches**

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Modified Search Group 8 Terms**Time Period: All Remaining (i.e., Those Not Batched for Review/Hit on Prior Searches)****Type of Search: Key Word (Cut & Paste) & Exclude Prior Searches**

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Modified Search Group 9 Terms**Time Period: All Remaining (i.e., Those Not Batched for Review/Hit on Prior Searches)****Type of Search: Key Word (Cut & Paste) & Exclude Prior Searches**

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Modified Search Group 10 Terms**Time Period: All Remaining (i.e., Those Not Batched for Review/Hit on Prior Searches)****Type of Search: Key Word (Cut & Paste) & Exclude Prior Searches**

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Modified Search Group 11 Terms Time Period: All Remaining (i.e., Those Not Batched for Review/Hit on Prior Searches) Type of Search: Key Word (Cut & Paste) & Exclude Prior Searches	
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