

The Honorable Judge John C. Coughenour

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

State of Washington, et al.,

Plaintiffs,

v.

Donald Trump, et al.,

Defendants.

Case No. 2:25-cv-00127-JCC

**INDIVIDUAL PLAINTIFFS’
MOTION TO RECONSIDER AND
TO SEEK CLARIFICATION ON
REQUEST FOR PROVISIONAL
CLASS CERTIFICATION**

Noting Date: February 6, 2025

The Individual Plaintiffs respectfully request that the Court amend its order issued earlier today to grant provisional class certification and to order class-wide relief. In their supplemental motion for a preliminary injunction and accompanying proposed order, and in the pending motion for class certification, the Individual Plaintiffs requested provisional class certification to ensure that the entire class benefits from the Court’s order concerning preliminary injunctive relief. *See* Dkt. 74 at 1, 2 n.1; *see also* Dkt. 74-1 (proposed order); Dkt. 58 at 1–2, 19 (requesting provisional class certification for purposes of entering preliminary injunctive relief). Defendants did not oppose this request. *See generally* Dkt. 84. In its decision, the Court did not directly address provisional class certification. *See* Dkt. 114 at 11 n.9.

1 Provisional class certification is important to ensure that all class members benefit from
2 the Court's order. *See Nat'l Center for Immigrants Rts., Inc. v. INS*, 743 F.2d 1365, 1371 (9th
3 Cir. 1984). Plaintiffs' request conformed to the typical practice in the Ninth Circuit, as "[c]ourts
4 in the Ninth Circuit routinely grant provisional class certification for purposes of entering
5 injunctive relief." *Maney v. Brown*, 516 F. Supp. 3d 1161, 1171 (D. Or. 2021) (citation omitted).
6 Notably, at today's hearing, the Court noted that the Individual Plaintiffs' standing was
7 uncontested, a fact that it affirmed in its order. *See* Dkt. 114 at 4 n.3. The uncontested nature of
8 the Individual Plaintiffs' and proposed class members' standing demonstrates why this Court
9 should amend its order to clarify that the class is certified on a provisional basis.

10 Furthermore, Plaintiffs have already filed a detailed and extensive motion for class
11 certification that demonstrates class certification is warranted here. *See* Dkt. 58. That motion
12 explains at length that this Court regularly certifies similar classes, *id.* at 8–9, that the class is
13 sufficiently numerous, *id.* at 9–12, that the class presents common questions, *id.* at 12–15, that
14 the Individual Plaintiffs' claims are typical of the class, *id.* at 15–16, that the Named Plaintiffs
15 will adequately represent the class, *id.* at 16–18, and that certification under Rule 23(b)(2) is
16 proper, *id.* at 19. Indeed, the Court's preliminary decision makes clear that this case presents a
17 common legal question that can be easily resolved "in one stroke." *Wal-Mart Stores, Inc. v.*
18 *Dukes*, 564 U.S. 338, 350 (2011).

19 The Court's preliminary injunctive order today upholds the rule of law. Modifying that
20 order to certify the class on a provisional basis will ensure that the merits of this case, and not
21 ancillary matters, remain the focus of this litigation on any appeal. Accordingly, Plaintiffs
22 respectfully request that the Court amend footnote 9 in its order, note that the class is
23 provisionally certified, and issue class-wide relief.

1 Respectfully submitted this 6th of February, 2025.

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