

1 Hon. Patrick J. Walsh (Ret.)
Special Master
2 Signature Resolution
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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION

11 KELVIN HERNANDEZ ROMAN, et al.,) ED CV 20-00768 TJH(PVC)
12)
12 Petitioners-Plaintiffs,) ORDER ACCEPTING SPECIAL MASTER'S
13) REPORT AND RECOMMENDATION
13 v.) FOLLOWING THE INVESTIGATION INTO
14 ALEJANDRO MAYORKAS, et al.,) THE DEATH OF MARTIN VARGAS
14) ARELLANO [1030]
15 Respondents-Defendants.)
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17 Before the Court is the Special Master's Report and
18 Recommendation Following the Investigation into the Death of Martin
19 Vargas Arellano, the government's Objections to the Report, and
20 Plaintiffs-Petitioners' Response to the Objections. The Court has
21 carefully reviewed the Report, the Objections, and the Response to the
22 Objections and hereby adopts the Special Master's findings and
23 recommendations as its own. The government is hereby ordered to:

- 24 1. Report to the Special Master and Plaintiffs/Petitioners'
25 counsel any time a detainee at Adelanto who has previously tested
26 positive for COVID is confined to the infirmary, brought to the
27 hospital, or dies of any cause. Further, upon request from the
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1 Special Master, submit the detainee's medical records to the Special
2 Master and Plaintiffs/Petitioners' counsel for review.

3 2. Review the medical records of any detainee who has previously
4 tested positive for COVID and for whom the government subsequently
5 learns is hospitalized or confined to the infirmary to determine if he
6 or she is being treated for COVID or for complications stemming from
7 COVID. If any of the medical records indicate that at least one of
8 the reasons the detainee is hospitalized or in the infirmary is for
9 treatment of COVID or complications stemming from COVID--like
10 shortness of breath or COVID-pneumonia--the government must report
11 that fact to Plaintiffs/Petitioners' counsel and the Special Master
12 and list that detainee as being hospitalized for COVID on the daily
13 status reports.

14 3. Pay Mr. Vargas' immigration lawyer Ms. Margaret Hellerstein's
15 legal fees from March 5, 2021, when the government released Mr. Vargas
16 without telling her, until March 18, 2021, when she found out from the
17 coroner that Mr. Vargas had died 10 days earlier.

18 IT IS SO ORDERED.

19 DATED: August 8, 2021

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22 HON. TERRY J. HATTER, JR.
23 Senior United States District Judge
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