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BY EMAIL

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**Re: *K.O. and E.O., Jr., et al. v. Sessions et al.*, D.D.C. No. 1:20-CV-00309-RC, D.C. Cir. No. 20-5255;
K.O. and E.O., Jr., et al. v. United States, D. Mass. No. 4:20-cv-12015-TSH**

Dear Counsel:

We write on behalf of the Plaintiffs in the above-captioned cases to request that the Defendants in both cases immediately agree to engage in settlement discussions with the Plaintiffs.

As you know, President Joseph R. Biden, Jr. signed an Executive Order on the Establishment of an Interagency Task Force on the Reunification of Families on February 2, 2021. That Executive Order “condemn[ed] the human tragedy” caused by the Defendants’ “intentionally separat[ing] children from their parents.” The Task Force includes a number of Cabinet officials, including the Attorney General, the Secretary of Homeland Security, the Secretary of State, and the Secretary of Health and Human Services.

President Biden explained that he signed the Executive Order “to undo the moral and



national shame” caused by the Defendants, who “literally . . . ripped children from the arms of their families . . . at the border . . . with no plan, none whatsoever, to reunify the children.”

One of the specific directives to the new Task Force is to make “recommendations regarding the provision of additional services and support to the children and their families, including trauma and mental health services.”

The *K.O. v. Sessions* case was the first class-action lawsuit filed in the United States seeking class-wide relief in the form of compensatory damages, the establishment of a fund for mental health care and services, and ongoing monitoring for children separated from their families at the border. Our clients, who were fleeing violence in Guatemala, were separated from their parents for *five weeks*. A Customs Agent pried K.O.’s hands off of her mother and yelled in Spanish: “Let her go!” while K.O. screamed “Mommy, don’t go!” E.O., Jr. looked on helplessly from the separate room where he was held. Customs Agents told F.C. that he would be returned to his son, C.J., after he was taken to court. That never happened. When F.C. finally had an opportunity to speak to C.J., it was only for five minutes, and C.J. cried very hard the whole time. F.C. told C.J. to try to play and make new friends, but it was heartbreaking not knowing when or if they would be reunited. C.J. kept asking when he would see his father again and eventually came to believe that he never would. The children were kept in freezing cold rooms, underfed, and physically abused while they remained in immigration custody. As a result of the trauma, K.O. began waking up in the middle of the night, crying. C.J. began waking up with nightmares—some of which were so bad that he fell out of bed. The trauma continues to affect them to this day.

The situation remains urgent. Our clients and all of the children brutally separated from their families at the border are in dire need of mental health care, ongoing monitoring, and damages to compensate them for the suffering that Defendants inflicted on these vulnerable young children seeking asylum in the United States.

We expect that the Defendants—who include the United States government and a number of former officials who swore oaths to support and defend the Constitution—will be eager to engage in settlement discussions to, as the President put it, “remove this stain” on the Nation’s reputation.

Please let us know if you are willing to commence settlement discussions and we can discuss how to move that process forward. Thank you for your immediate attention to this matter.

Sincerely,

Joseph M. Cacace



JMC/emj

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