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**U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 3:88-cv-01825-H-BTM**

Eduardo Lopez, et al v. Harold Ezell, et al
Assigned to: Judge Marilyn L. Huff
Referred to: Magistrate Judge Barry Ted Moskowitz
Demand: \$0
Cause: 28:1331 Fed. Question

Date Filed: 11/30/1988
Date Terminated: 01/27/1992
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: Federal Question

Plaintiff

Eduardo Lopez

represented by **Betty Jean Wheeler**
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Plaintiff

Juan Amarillas

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Plaintiff

Marco Antonio Burgueno-Diaz

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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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V.

Defendant

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Defendant

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Defendant

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Defendant

Gene McNary
Commissioner of INS

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Date Filed	#	Docket Text
06/05/1989	20	Attorney substitution on behalf of Harold Ezell, Steven Martin, Alan Nelson, Richard Thornburgh ; (dkt clerk) (Entered: 06/28/1989)
08/14/1989	21	Attorney substitution on behalf of Harold Ezell, Steven Martin, Alan Nelson, Richard Thornburgh ; t/w dec of svc. S (dkt clerk) (Entered: 08/28/1989)
09/08/1989	22	Notice of motion and Motion by defendant to dismiss [motion(s) referred to Judge J. L. Irving] set for 11/13/89 at 10:30. (dkt clerk) (Entered: 09/14/1989)
09/08/1989	23	Memorandum of points and authorities by defendant in support of motion to dismiss [22-1] t/w dec of svc. (dkt clerk) (Entered: 09/14/1989)
09/11/1989	24	Notice of motion and Motion by defendant for protective order , and to stay [motion(s) referred to Magistrate Barry T. Moskowitz], set for 9/18/89 at 2:30 t/w dec of svc. (dkt clerk) (Entered: 09/14/1989)
09/11/1989	25	Memorandum of points and authorities by defendant in support of motion to stay [24-2], in support of motion for protective order [24-1] (dkt clerk) Modified on 09/14/1989 (Entered: 09/14/1989)
09/12/1989	26	Notice of motion and Motion by plaintiff to compel production of docs [motion

		(s) referred to Magistrate Barry T. Moskowitz] set for 9/18/89 at 2:00 t/w dec of svc (dkt clerk) (Entered: 09/14/1989)
09/12/1989	27	Memorandum of points and authorities by plaintiff in support of motion to compel production of docs [26-1] t/w dec of svc (dkt clerk) (Entered: 09/14/1989)
09/13/1989	28	Supplement by defendant to motion to stay disc [24-2], and motion for protective order [24-1] t/w dec of svc. (dkt clerk) (Entered: 09/27/1989)
09/15/1989	29	Opposition by defendant to motion to compel production of docs [26-1] t/w dec of svc. (dkt clerk) (Entered: 10/03/1989)
09/15/1989	30	Opposition by plaintiff to motion to stay [24-2], motion for protective order [24-1] t/w dec of svc. (dkt clerk) (Entered: 10/03/1989)
09/18/1989	31	Minutes: Enter Order by Magistrate Barry T. Moskowitz denying motion to compel production of docs [26-1], granting motion for protective order [24-1] (cc: all counsel) (dkt clerk) (Entered: 10/04/1989)
10/23/1989	32	Notice by plaintiffs of change of address t/w dec of svc. (dkt clerk) (Entered: 11/21/1989)
10/27/1989	33	Stipulation and Order by Judge Earl B. Gilliam : continuing motion to dismiss [22-1] to 10:30 12/18/89 (cc: all counsel) (dkt clerk) (Entered: 11/21/1989)
11/13/1989	34	Minutes: Enter Order by Judge J. L. Irving continuing motion to dismiss [22-1] to 10:30 12/18/89 (cc: all counsel) (dkt clerk) (Entered: 11/27/1989)
11/27/1989	35	Opposition by plaintiff to motion to dismiss [22-1] t/w dec of svc. (dkt clerk) (Entered: 11/28/1989)
12/11/1989	36	Reply by defendant to opposition to motion to dismiss [22-1] t/w dec of svc. (dkt clerk) (Entered: 12/14/1989)
12/18/1989	37	Minutes: Enter Order by Judge J. L. Irving that the motion to dismiss [22-1] is submitted . Court to prepare written memo decision. (dkt clerk) (Entered: 01/03/1990)
01/05/1990	38	Memorandum, Opinion, and Order : by Judge J. L. Irving that pltf's are granted leave to amend their complaint. (cc: all counsel) (dkt clerk) (Entered: 01/22/1990)
02/05/1990	39	First Amended complaint t/w dec of svc. (dkt clerk) (Entered: 02/20/1990)
03/23/1990	40	Answer by defendants t/w dec of svc. (dkt clerk) (Entered: 03/28/1990)
03/30/1990	41	Motion by defendants Juan Amarillas, Marco Antonio Burgueno-Diaz, Jose Cebreros, Ismael Gonzalez-Lopez, Eduardo Lopez, Jose Guadalupe Roa Mosqueda, Francisco Olivera-Yanez, Guillermo Ramirez, Leoquildo Valle, Angelina Vasquez-Valdivia and Castillo-Zaragoza to compel production of docs (resetting) [motion(s) referred to Magistrate Barry T. Moskowitz] set for 4/27/90 at 2:30 t/w memo of p/a in support and dec of svc. (dkt clerk) (Entered: 04/03/1990)

04/03/1990	42	Notice of motion and Motion by defendants to dismiss pltfs' first amended complaint with prejudice [motion(s) referred to Judge J. L. Irving] set for 5/7/90 at 10:30. (dkt clerk) (Entered: 04/05/1990)
04/03/1990	43	Memorandum of points and authorities by defendant in support of motion to dismiss pltfs' first amended complaint with prejudice [42-1] t/w dec of svc. (dkt clerk) (Entered: 04/05/1990)
04/05/1990	44	Notice of motion and Motion by defendants for protective order , and to stay discovery [motion(s) referred to Magistrate Barry T. Moskowitz], set for 4/27/90 at 2:30. (dkt clerk) (Entered: 04/06/1990)
04/05/1990	45	Memorandum of points and authorities by defendant in support of motion to stay discovery [44-2] and of motion for protective order [44-1] t/w dec of svc. (dkt clerk) (Entered: 04/06/1990)
04/12/1990	46	Opposition by defendant's Richard Thornburgh, Ben Davidian, Steven Martin and Gene McNary to motion to compel production of docs (resetting) [41-1] t/w dec of svc. (dkt clerk) (Entered: 04/17/1990)
04/16/1990	47	Memorandum of p/a in Opposition by plaintiffs Juan Amarillas , Marco Antonio Burgueno-Diaz, Jose Cebreros, Ismael Gonzalez-Lopez, Eduardo Lopez, Jose Guadalupe Roa Mosqueda, Francisco Olivera-Yanez, Guillermo Ramirez, Leoquildo Valle, Angelina Vasquez-Valdivia and Alberto Castillo-Zaragoza to motion to compel production of docs (resetting) [41-1] t/w dec of svc. (dkt clerk) (Entered: 04/20/1990)
04/17/1990	48	Memornadum of p/a in Opposition by plaintiffs to motion to stay discovery [44-2] and motion for protective order [44-1] t/w dec of svc. (dkt clerk) (Entered: 04/20/1990)
04/18/1990		Transcript filed of Motion hrg taken on 9/18/89 before Mag. Moskowitz (MARY LOU LOHR) (dkt clerk) (Entered: 04/19/1990)
04/19/1990	49	Reply by defendants in support of mot to cont 4/27/90 hrg on disc mots until after USDC decides defts mot to dismiss t/w dec of svc. (dkt clerk) (Entered: 04/26/1990)
04/20/1990	50	Reply memorandum by Pltfs Juan Amarillas, Marco Antonio Burgueno-Diaz, Jose Cebreros, Ismael Gonzalez-Lopez, Eduardo Lopez, Jose Guadalupe Roa Mosqueda, Francisco Olivera-Yanez, Guillermo Ramirez, Leoquildo Valle, Angelina Vasquez-Valdivia and Alberto Castillo-Zaragoza to opposition to motion to compel production of docs (resetting) [41-1] t/w dec of svc. (dkt clerk) (Entered: 04/26/1990)
04/23/1990	51	Memorandum of p/a in Opposition by pltfs Juan Amarillas, Marco Antonio Burgueno-Diaz, Jose Cebreros, Ismael Gonzalez-Lopez, Eduardo Lopez, Jose Guadalupe Roa Mosqueda, Francisco Olivera-Yanez, Guillermo Ramirez, Leoquildo Valle, Angelina Vasquez-Valdivia, Castillo-Zaragoza to motion to dismiss pltfs' first complaint with prejudice [42-1] ; request for sanctions. (dkt clerk) (Entered: 04/27/1990)
04/23/1990	52	Reply by defts Richard Thornburgh, Ben Davidian, Steven Martin, Gene McNary to opposition to motion to stay discovery [44-2] and motion for

		protective order [44-1] t/w dec of svc. (dkt clerk) (Entered: 04/27/1990)
04/23/1990	53	Notice of motion and Motion by defendant to continue hrg on discovery mots until after the USDC decides defts mot to dismiss [motion referred to Magistrate Barry T. Moskowitz] (dkt clerk) (Entered: 04/27/1990)
04/23/1990	54	Memorandum of points and authorities by defendant in support of motion to continue hrg on discovery mots until after the USDC decides defts mot to dismiss [53-1] t/w dec of svc. (dkt clerk) (Entered: 04/27/1990)
04/26/1990	55	Order by Magistrate Barry T. Moskowitz granting motion to continue hrg on discovery mots until after the USDC decides defts mot to dismiss [53-1]. Motion to stay discovery [44-2], for protective order [44-1], and to compel production of docs (resetting) [41-1] cont until a decision on defts' mot to dismiss is rendered. (cc: all counsel) (dkt clerk) (Entered: 05/01/1990)
05/03/1990	56	Notice of motion and Motion by defendants for leave to file rply in excess of 10 pages [motion(s) referred to Judge J. L. Irving] (dkt clerk) (Entered: 05/03/1990)
05/03/1990	57	Order by Judge J. L. Irving granting motion for leave to file rply in excess of 10 pages [56-1] (cc: all counsel) (dkt clerk) (Entered: 05/03/1990)
05/03/1990	58	Reply by defendants to opposition to motion to dismiss pltfs' first amended complaint with prejudice [42-1] t/w dec of svc. (dkt clerk) (Entered: 05/03/1990)
05/07/1990	59	Minutes: Enter Order by Judge J. L. Irving that the motion to dismiss pltfs' first amended complaint with prejudice [42-1] is submitted (cc: all counsel) (dkt clerk) (Entered: 05/07/1990)
05/07/1990	60	Order by Judge J. L. Irving that the memo decision and order of 1/5/90 is amended. (cc: all counsel) (dkt clerk) (Entered: 05/07/1990)
05/14/1990	61	Order by Judge J. L. Irving denying defts' motion to dismiss, denying pltfs' motion for sanctions and referring this matter to Mag Moskowitz for the purpose of discovery supervision. (cc: all counsel) (dkt clerk) (Entered: 05/15/1990)
07/03/1990	62	Minutes: Enter Order by Magistrate Barry T. Moskowitz, pla's motion to compel production of documents granted, pla to prepare order w/in 10 dys (dkt clerk) (Entered: 07/06/1990)
07/10/1990	63	Submission regarding proposed protective order on legalization files by defendants Richard Thornburgh, Steven Martin, Gene McNary. t/w cert of service. (jsp) (Entered: 07/12/1990)
07/10/1990		Transcript of proceedings on 7-3-90 before Magistrate Barry Ted Moskowitz. (Mary Lou Lohr, transcriber) (jsp) (Entered: 07/17/1990)
07/17/1990	64	Order by Magistrate Barry T. Moskowitz compelling production of documents. It is ordered that plaintiffs counsel and their assistants disclose to any person the produced documents or their contents except as is necessary for the preparation of this case, furthermore the produced documents pertaining to a plaintiff shall not be disclosed to the other plaintiffs unless it is necessary for the preparation of this case. It is further ordered that plaintiffs motion for costs and fees is

		DENIED. (Moskowitz) (jsp) (Entered: 07/18/1990)
07/30/1990	65	Proof of service by plaintiffs Juan Amarillas, Marco Antonio Burgueno-Diaz, Jose Cebreros, Ismael Gonzalez-Lopez, Eduardo Lopez, Jose Guadalupe Roa Mosqueda, Francisco Olivera-Yanez, Guillermo Ramirez, Leoquildo Valle, Angelina Vasquez-Valdivia, and Alberto Castillo-Zaragoza of: order compelling production of documents. Served Parker (Carlos) Singh on 7-26-90. (jsp) (Entered: 07/31/1990)
11/13/1990	66	Attorney Appearance by David J Kline, Assistant Director, Office of Immigration Litigation, U. S. Dept of Justice for defendant Ben Davidian, defendant Steven Martin, defendant Gene McNary t/w proof of svc (dkt clerk) (Entered: 11/15/1990)
11/15/1990	67	Praecipe: by defendants Richard Thornburgh, Ben Davidian, Steven Martin, Gene McNary; Norah Ascoli Schwarz replaces Parker Singh as counsel for respondents (dkt clerk) (Entered: 11/19/1990)
12/14/1990	68	Order by Judge J. L. Irving Case reassigned to Judge Gordon Thompson Jr. (cc: all counsel) (admin) (Entered: 12/21/1990)
02/08/1991	69	Notice and Order for Scheduling/Status Conf by Magistrate Barry T. Moskowitz ;Status conf set 1:45 2/28/91 (cc: all counsel) (dkt clerk) (Entered: 02/11/1991)
02/11/1991	70	Notice by plaintiffs of reimbursement of deposition costs t/w proof of svc (dkt clerk) (Entered: 02/13/1991)
03/08/1991	71	Scheduling Order by Magistrate Barry T. Moskowitz ; Status conf held 2/28/91 ; Discovery shall be completed by 7/31/91 ; any mot to join other parties, to amd the pleadings, or to file addtl pleadings shall be fld by 3/29/91; all other p/t mot shall be fld by 9/9/91; Pretrial orders shall be submitted by 10/24/91 ; Pretrial conf set 10:30 10/31/91 ; Settlement conference set 2:00 4/19/91 (cc: all counsel) (dkt clerk) (Entered: 03/08/1991)
04/12/1991	72	Minutes: Enter Order by Magistrate Barry T. Moskowitz ; Settlement conference reset from 4/19/91 to 10:00 5/30/91 Court Reporter: N/A (dkt clerk) (Entered: 04/15/1991)
05/30/1991	73	Minutes: Enter Order by Magistrate Barry T. Moskowitz ; Settlement conference held 10:00 5/30/91 pty's to make mot for approval of class action settlement before Judge Thompson Court Reporter: (mam) (Entered: 06/05/1991)
06/07/1991	74	Order by Judge Judith N. Keep Case reassigned to Judge Marilyn L. Huff (cc: all counsel) (admin) (Entered: 06/21/1991)
06/24/1991	75	Stipulation to continue joint motion for approval of compromise, hrg set for 7/8/91 @ 10:30 AM Ctrm 8 (mam) (Entered: 06/25/1991)
06/24/1991	76	Order by Judge Marilyn L. Huff pursuant to stipulated continuance of joint motion for approval of compromise hrg now set for 8/12/91 @ 10:30 Ctrm 8 (mam) (Entered: 06/25/1991)
07/01/1991	77	Order by Judge Marilyn L. Huff ;Status conf set 12:00 7/19/91 Ctrm 8 (cc: all

		counsel) (mam) (Entered: 07/03/1991)
07/16/1991	78	Motion by plaintiff Juan Amarillas and all other plaintiffs except Coalition for Immigrant and Refugee Rights for settlement of class action , and to vacate order of May 1, 1989 [motion(s) referred to Judge Marilyn L. Huff], hrg set for 8/12/91 at 10:30 AM Ctrm 8; brief and exhibits in support thereof t/w prf of svc (mam) (Entered: 07/17/1991)
07/16/1991	79	Declaration of Stephen A Rosenbaum by plaintiff Juan Amarillas et al in support of motion for settlement of class action [78-1] (mam) (Entered: 07/17/1991)
07/19/1991	81	Minutes: Enter Order by Judge Marilyn L. Huff ; Status conf held in chambers on 7/19/91; fairness hrg and motion set for 8/12/91 at 10:30 AM Court Reporter: P Tagliaferri (mam) (Entered: 07/29/1991)
07/22/1991	80	Order by Judge Marilyn L. Huff ; Status conf held on 7/19/91; fairness hearing is set for 8/12/91 at 10:30 AM Ctrm 8 (cc: all counsel) (mam) (Entered: 07/22/1991)
08/01/1991	82	Notice of Motion and motion by defendant Richard Thornburgh, defendant Ben Davidian, defendant Steven Martin, defendant Gene McNary for rescheduling [motion(s) referred to Judge Marilyn L. Huff] 8/12/91 10:30 ctrm 8 (dkt clerk) (Entered: 08/06/1991)
08/01/1991	83	Memorandum of points and authorities by defendant Richard Thornburgh, defendant Ben Davidian, defendant Steven Martin, defendant Gene McNary in support of motion for rescheduling [82-1] 8/12/91 10:30 ctrm 8 (dkt clerk) (Entered: 08/06/1991)
08/01/1991	84	Order by Judge Marilyn L. Huff setting motion for rescheduling [82-1] at 10:30 9/16/91 (cc: all counsel) (dkt clerk) (Entered: 08/06/1991)
08/02/1991	85	Ex Parte Application by defendant Richard Thornburgh, defendant Ben Davidian, defendant Steven Martin, defendant Gene McNary to shorten time (dkt clerk) (Entered: 08/06/1991)
08/02/1991	86	Response by defendant Richard Thornburgh, defendant Ben Davidian, defendant Steven Martin, defendant Gene McNary to plas' motion to approve settlement 8/12/91 10:30 ctrm 8 t/w certif of svc (dkt clerk) (Entered: 08/06/1991)
08/02/1991	87	Order by Judge Marilyn L. Huff granting application for filing the motion for rescheduling be shortened, to permit filing of dfts' motion on 8/1/91 (dkt clerk) (Entered: 08/06/1991)
09/05/1991	88	Minutes: Enter Order by Magistrate Barry T. Moskowitz scheduling conf held (mam) (Entered: 09/11/1991)
09/12/1991	89	Objections by plaintiff Juan Amarillas and similarly situated class members to proposed settlement (mam) (Entered: 09/13/1991)
09/16/1991	90	Minutes: Enter Order by Magistrate Barry T. Moskowitz Settlement conf held, settlement agreement approved by Dist Judge as to the class on 9/16/91 (mam) (Entered: 09/20/1991)
09/16/1991	91	Minutes: Enter Order by Judge Marilyn L. Huff granting joint motion for

		approval of compromise; granting pla's motion to approve settlement of class action; and cont pla's motion to vacate order of 5/1/89 to 10:30 AM 10/28/91; pretrial conf date of 10/28/91 remains in effect if any ptys opt out Court Reporter: P Tagliaferri (mam) (Entered: 09/20/1991)
09/17/1991	92	Stipulation and Order by Judge Marilyn L. Huff : settlement action, judge to keep jurisdiction over case until October to allow parties to opt out (cc: all counsel) (mam) (Entered: 09/20/1991)
09/17/1991	93	Order by Judge Marilyn L. Huff vacating consent order of 5/1/89 (cc: all counsel) (mam) (Entered: 09/20/1991)
10/04/1991	94	Notice of filing of notice of class action and opportunity for exclusion stating that settlement terms of this case will be binding upon all ptys who do not request exclusion from the members of the class action (mam) (Entered: 10/09/1991)
10/28/1991	95	Minutes: Enter Order by Judge Marilyn L. Huff No appearances, pretrial conf off calendar Court Reporter: P Tagliaferri (mam) (Entered: 10/30/1991)
11/12/1991	96	Notice of filing of class action and opportunity for exclusion (mam) (Entered: 11/13/1991)
12/03/1991	97	Stipulation and Order by Judge Marilyn L. Huff : dfts' obligation to pay attys' fees and costs under settlement will be satisfied by the INS issuance of a check for \$58,000.00 payable to ACLU Foundation of SD and Imperial Counties Inc (cc: all counsel) (dkt clerk) (Entered: 12/06/1991)
01/27/1992	98	Notice of Motion and Motion by plaintiff Eduardo Lopez, et al for voluntary dismissal , t/w prf of serv [motion(s) referred to Judge Marilyn L. Huff] (dkt clerk) (Entered: 01/29/1992)
01/27/1992	99	Order by Judge Marilyn L. Huff granting motion for voluntary dismissal [98-1] terminating case JS6 (deputy clerk) (cc: all counsel) (dkt clerk) (Entered: 01/29/1992)
01/29/1992	100	Judgment: granting motion for voluntary dismissal, upon consideration of pla's unopposed motion for voluntary dismissal, the prior proceedings, prior orders and other filed documents herein, all claims for relief of the 1st amd cmp, all are dismissed with prejudice [98-1] (cc: all counsel) (dkt clerk) (Entered: 01/29/1992)

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