

(JCGx), CLOSED, DISCOVERY

**UNITED STATES DISTRICT COURT for the CENTRAL DISTRICT OF
CALIFORNIA (Western Division – Los Angeles)
CIVIL DOCKET FOR CASE #: 2:11-cv-01267-SVW -JCG**

Handi Lui et al v. Eric H Holder et al
Assigned to: Judge Stephen V. Wilson
Referred to: Magistrate Judge Jay C. Gandhi
Case in other court: 9th CCA, 11-57072
9th CCA, 11-57166
Cause: 08:1329 Writ of Mandamus to Adjudicate Visa Petition

Date Filed: 02/10/2011
Date Terminated: 09/28/2011
Jury Demand: None
Nature of Suit: 465 Other Immigration
Actions
Jurisdiction: U.S. Government Defendant

Plaintiff

Handi Lui

represented by **Carlos Holguin**
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Plaintiff

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V.

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*United States Attorney General,
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Defendant

Janet Napolitano
*Secretary of the Department of Homeland
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Defendant

Alejandro Mayorkas
*Director, United States Citizenship and
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represented by **Jesi J Carlson**
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Defendant

Jane Arellano
*District Director, United States
Citizenship and Immigration Services*

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V.

Intervenor Defendant

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Date Filed	#	Docket Text
02/10/2011	<u>1</u>	COMPLAINT against Defendants Jane Arellano, Eric H Holder, Jr, Alejandro Mayorkas, Janet Napolitano. Case assigned to Judge Stephen V. Wilson for all further proceedings. Discovery referred to Magistrate Judge Jay C. Gandhi. (Filing fee \$ 350 PAID.), filed by Plaintiffs Michael Ernest Roberts, Handi Lui. [SUMMONS NOT ISSUED ON 2/10/2011] (et) (mg). (Entered: 02/14/2011)
02/10/2011	<u>2</u>	CERTIFICATION AND NOTICE of Interested Parties filed by Plaintiffs Handi Lui, Michael Ernest Roberts. (et) (mg). (Entered: 02/14/2011)
02/15/2011	<u>3</u>	NEW CASE ORDER by Judge Stephen V. Wilson, (im) (Entered: 02/15/2011)
03/03/2011	<u>4</u>	NOTICE of Appearance filed by attorney Jesi J Carlson on behalf of Defendants Jane Arellano, Eric H Holder, Jr, Alejandro Mayorkas, Janet Napolitano (Carlson, Jesi) (Entered: 03/03/2011)
03/09/2011	<u>5</u>	First STIPULATION for Extension of Time to File Answer to 6/17/2011 re Complaint – (Discovery), Complaint – (Discovery) <u>1</u> filed by Defendants Jane Arellano, Eric H Holder, Jr, Alejandro Mayorkas, Janet Napolitano. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Proposed Order)(Carlson, Jesi) (Entered: 03/09/2011)
03/22/2011	<u>6</u>	ORDER granting Stipulation to Extend Time to Answer (More than 30 days), Stipulation to Extend Time to Answer (More than 30 days) <u>5</u> , Defendants Jane Arellano answer due 6/17/2011; Eric H Holder, Jr answer due 6/17/2011; Alejandro Mayorkas answer due 6/17/2011; Janet Napolitano answer due 6/17/2011 by Judge Stephen V. Wilson (pj) (Entered: 03/23/2011)
03/24/2011	<u>7</u>	PROOF OF SERVICE Executed by Plaintiff Michael Ernest Roberts, Handi Lui, upon Defendant All Defendants. Service of the Summons and Complaint were executed upon the United States Attorneys Office by delivering a copy to Pat M.. Executed upon the Attorney Generals Office of the United States by delivering a copy to Grant Pauly (date stamp). Executed upon the officer agency or corporation by unspecified means. Service was executed in compliance with Federal Rules of Civil Procedure. Due diligence declaration NOT attached. Registered or certified mail return receipt attached. Original Summons NOT returned. (Tanner, Reyna) (Entered: 03/24/2011)
05/12/2011	<u>8</u>	Second STIPULATION for Extension of Time to File Answer to 7/18/2011 re Complaint – (Discovery), Complaint – (Discovery) <u>1</u> filed by Defendants Jane Arellano, Eric H Holder, Jr, Alejandro Mayorkas, Janet Napolitano. (Attachments: # <u>1</u> Proposed Order)(Carlson, Jesi) (Entered: 05/12/2011)
05/17/2011	<u>9</u>	MINUTES (IN CHAMBERS) ORDER by Judge Stephen V. Wilson: Proceedings: Re Second Stipulation for Extension of Time to File Answer <u>8</u> . The Court is in receipt of the Second Stipulation <u>8</u> . The Complaint in this case was filed on 2/10/11. On 3/22/11, the Court granted a three-month extension of time to file an answer. The parties now seek another extension. The extension sought <u>8</u> is DENIED. (mg) (Entered: 05/18/2011)
05/27/2011	<u>10</u>	NOTICE OF DOCUMENT DISCREPANCIES AND ORDER by Judge Stephen V. Wilson ORDERING Notice of Motion and Motion of the Bipartisan legal advisory group of the US House of Representatives to Intervene for a Limited Purpose submitted by Intervenor Bipartisan Legal Advisory Group of the U.S. House of Representatives received on 5/27/2011 to be filed and processed; filed date to be the date the document was stamped Received but not Filed with the

		Clerk. (pj) (Entered: 06/01/2011)
05/27/2011	<u>11</u>	NOTICE OF MOTION AND MOTION to Intervene for a Limited Purpose filed by Proposed Intervenor Bipartisan Legal Advisory Group of the U.S. House of Representatives. Motion set for hearing on 6/27/2011 at 01:30 PM before Judge Stephen V. Wilson. (pj) (Entered: 06/02/2011)
06/02/2011	<u>12</u>	NOTICE OF MOTION AND MOTION to Intervene for a Limited Purpose filed by Proposed Intervenor Bipartisan Legal Advisory Group of the U.S. House of Representatives. Motion set for hearing on 7/11/2011 at 01:30 PM before Judge Stephen V. Wilson. (pj) (Entered: 06/03/2011)
06/08/2011	<u>13</u>	MEMORANDUM in Opposition to MOTION to Intervene <u>11</u> , MOTION to Intervene <u>12</u> filed by Plaintiffs Handi Lui, Michael Ernest Roberts. (Tanner, Reyna) (Entered: 06/08/2011)
06/10/2011	<u>14</u>	Notice of Withdrawal of Motion to Intervene <u>11</u> filed by Proposed Intervenor Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Davenport, Christine) (Entered: 06/10/2011)
06/14/2011	<u>15</u>	NOTICE filed by Proposed Intervenor Bipartisan Legal Advisory Group of the U.S. House of Representatives. <i>of Intent to File Reply in Support of Motion to Intervene</i> (Davenport, Christine) (Entered: 06/14/2011)
06/14/2011	<u>16</u>	STIPULATION to Exceed Page Limitation as to Memorandum of Points and Authorities in Support of Motion to Dismiss filed by Proposed Intervenor Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Attachments: # <u>1</u> Declaration of Kerry W. Kircher, # <u>2</u> Proposed Order)(Davenport, Christine) (Entered: 06/14/2011)
06/16/2011	<u>17</u>	NOTICE OF NON-OPPOSITION to MOTION to Intervene <u>12</u> filed by Defendants Jane Arellano, Eric H Holder, Jr, Alejandro Mayorkas, Janet Napolitano. (Attachments: # <u>1</u> Proposed Order)(Carlson, Jesi) (Entered: 06/16/2011)
06/17/2011	<u>18</u>	NOTICE OF MOTION AND MOTION to Dismiss Allegations in Paragraphs 8, 32, and 35 of the Complaint filed by Defendants Jane Arellano, Eric H Holder, Jr, Alejandro Mayorkas, Janet Napolitano. Motion set for hearing on 9/26/2011 at 01:30 PM before Judge Stephen V. Wilson. (Attachments: # <u>1</u> Proposed Order)(Carlson, Jesi) (Entered: 06/17/2011)
06/17/2011	<u>19</u>	NOTICE OF MOTION AND MOTION to Dismiss Equal Protection Claims filed by Proposed Intervenor Bipartisan Legal Advisory Group of the U.S. House of Representatives. Motion set for hearing on 9/26/2011 at 01:30 PM before Judge Stephen V. Wilson. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Proposed Order)(Davenport, Christine) (Entered: 06/17/2011)
06/22/2011	<u>20</u>	STIPULATION to Exceed Page Limitation as to Consolidated Reply to Plaintiffs' Opposition and Defendants' Response to the Motion to Intervene filed by Proposed Intervenor Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Attachments: # <u>1</u> Declaration of Kerry W. Kircher, # <u>2</u> Proposed Order)(Davenport, Christine) (Entered: 06/22/2011)
06/23/2011	<u>21</u>	NOTICE of Continuance of MOTION to Intervene <u>12</u> reset to July 25, 2011 at 1:30pm (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Declaration)(Tanner, Reyna) (Entered: 06/23/2011)
06/23/2011	<u>22</u>	REPLY Reply to Opposition to Motion MOTION to Intervene <u>12</u> filed by Intervenor Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Attachments: # <u>1</u> Exhibit)(Davenport, Christine) (Entered: 06/23/2011)
06/27/2011	<u>23</u>	ORDER by Judge Stephen V. Wilson, re Stipulation to Exceed Page Limitation, <u>20</u> approving stipulation re filing by proposed Intervenor of consolidated reply in excess of 12 pages to plaintiffs opposition defendants response to proposed Intervenor's motion to intervene (pj) (Entered: 06/30/2011)
07/05/2011	<u>24</u>	IN CHAMBERS ORDER re Motion to Intervene for a Limited Purpose filed by Intervenor Bipartisan Legal Advisory Group of the U.S. House of Representatives

		<u>12</u> by Judge Stephen V. Wilson. The Motion is suitable for a ruling without a hearing. The Court VACATES the hearing set on July 11, 2011. Order to issue. (rs) (Entered: 07/05/2011)
07/13/2011	<u>25</u>	MINUTES IN CHAMBERS ORDER re Motion to Intervene for a Limited Purpose filed by Intervenor Bipartisan Legal Advisory Group of the U.S. House of Representatives <u>12</u> by Judge Stephen V. Wilson: The Motion to Intervene is GRANTED. Finally, as to Plaintiffs' objection to BLAG's request for a waiver of its obligation to file an answer, the Court notes that BLAG has now filed a Motion to Dismiss, eliminating Plaintiffs' concerns about BLAG's position in the litigation. (pj) (Entered: 07/15/2011)
08/30/2011	<u>26</u>	NOTICE of Change of Lead Counsel changing lead counsel from Gary H. Manulkin to Carlos R. Holguin. filed by Plaintiff Handi Lui, (Tanner, Reyna) (Entered: 08/30/2011)
09/02/2011	<u>27</u>	STIPULATION to Exceed Page Limitation as to Defendants' Opposition to Bipartisan Legal Advisory Group's Motion to Dismiss filed by Defendants Jane Arellano, Eric H Holder, Jr, Alejandro Mayorkas, Janet Napolitano. (Attachments: # <u>1</u> Proposed Order)(Carlson, Jesi) (Entered: 09/02/2011)
09/02/2011	<u>28</u>	MEMORANDUM in Opposition to MOTION to Dismiss Equal Protection Claims <u>19</u> filed by Defendants Jane Arellano, Eric H Holder, Jr, Alejandro Mayorkas, Janet Napolitano. (Attachments: # <u>1</u> Proposed Order)(Carlson, Jesi) (Entered: 09/02/2011)
09/02/2011	<u>29</u>	STIPULATION for Extension of Time to File – Modification of Briefing Schedule and Hearing Date filed by Intervenor–Defendant Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Attachments: # <u>1</u> Declaration Declaration of Kerry W. Kircher, # <u>2</u> Proposed Order)(Davenport, Christine) (Entered: 09/02/2011)
09/02/2011	<u>30</u>	MEMORANDUM in Opposition to MOTION to Dismiss Allegations in Paragraphs 8, 32, and 35 of the Complaint <u>18</u> filed by Plaintiffs Handi Lui, Michael Ernest Roberts. (Tanner, Reyna) (Entered: 09/02/2011)
09/02/2011	<u>31</u>	MEMORANDUM in Opposition to MOTION to Dismiss Equal Protection Claims <u>19</u> filed by Plaintiffs Handi Lui, Michael Ernest Roberts. (Tanner, Reyna) (Entered: 09/02/2011)
09/07/2011	<u>32</u>	IN CHAMBERS ORDER re STIPULATION FOR EXTENSION OF TIME TO FILE; STIPULATION TO EXCEED PAGE LIMITATION <u>27 29</u> by Judge Stephen V. Wilson: The Court DENIES the Stipulation filed by Intervenor–Defendant the Bipartisan Legal Advisory Group Re: Modification of Briefing Schedule and Hearing Date. Intervenor–Defendant's and Federal Defendants' replies will remain due on September 12, 2011. The hearing will take place on September 26, 2011, as previously scheduled. Furthermore, the Court GRANTS in part the Stipulation to Exceed 25 Page Limit for Defendants' Opposition to BLAG's Motion to dismiss. The Court will allow Defendants to exceed the 25 Page Limit by five pages. Accordingly, the Court will consider Defendants' 28–page Opposition, filed September 2, 2011, in its entirety. (pc) (Entered: 09/07/2011)
09/08/2011	<u>33</u>	STIPULATION to Exceed Page Limitation as to Consolidated Reply filed by Intervenor–Defendant Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Attachments: # <u>1</u> Declaration, # <u>2</u> Proposed Order)(Davenport, Christine) (Entered: 09/08/2011)
09/12/2011	<u>34</u>	REPLY in support of Defendants' Partial Motion to Dismiss MOTION to Dismiss Allegations in Paragraphs 8, 32, and 35 of the Complaint <u>18</u> filed by Defendants Jane Arellano, Eric H Holder, Jr, Alejandro Mayorkas, Janet Napolitano. (Carlson, Jesi) (Entered: 09/12/2011)
09/12/2011	<u>35</u>	REPLY in support of MOTION to Dismiss Equal Protection Claims <u>19</u> filed by Intervenor Defendant Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Davenport, Christine) (Entered: 09/12/2011)

09/21/2011	<u>36</u>	Joint Request filed by Intervenor Defendant Bipartisan Legal Advisory Group of the U.S. House of Representatives (Attachments: # <u>1</u> Proposed Order 1, # <u>2</u> Proposed Order 2)(Davenport, Christine) (Entered: 09/21/2011)
09/21/2011	<u>37</u>	IN CHAMBERS ORDER re DEFENDANT'S MOTION TO DISMISS; PROPOSED INTERVENOR'S MOTION TO DISMISS <u>18 19</u> by Judge Stephen V. Wilson: Upon review of the parties' briefs, the Court concludes that the Motion is suitable for determination without oral argument. Fed. R. Civ. P. 78(b); Local Rule 7-15. The hearing scheduled for Monday September 26, 2011 is hereby VACATED. Order to issue. (pc) (Entered: 09/21/2011)
09/28/2011	<u>38</u>	MINUTES (IN CHAMBERS): ORDER re DEFENDANTS PARTIAL MOTION TO DISMISS; INTERVENOR'S MOTION TO DISMISS <u>18 19</u> by Judge Stephen V. Wilson: For the reasons set forth in this Order, Defendants Partial Motion to Dismiss and Intervenor's Motion to Dismiss are hereby GRANTED without prejudice. <u>18 19</u> Motion to Dismiss (MD JS-6. Case Terminated) (pj) (Entered: 09/28/2011)
10/13/2011	<u>39</u>	NOTICE of Appearance filed by attorney Reyna Manulkin Tanner on behalf of Plaintiffs Handi Lui, Michael Ernest Roberts (Tanner, Reyna) (Entered: 10/13/2011)
10/14/2011	<u>40</u>	NOTICE OF MOTION AND First MOTION to AMEND Complaint – (Discovery), Complaint – (Discovery) <u>1</u> filed by plaintiff Handi Lui, Michael Ernest Roberts. Motion set for hearing on 11/7/2011 at 01:30 PM before Judge Stephen V. Wilson. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Proposed Order)(Tanner, Reyna) (Entered: 10/14/2011)
10/15/2011	<u>41</u>	NOTICE OF MOTION AND First MOTION to correct First MOTION to AMEND Complaint – (Discovery), Complaint – (Discovery) <u>1</u> First MOTION to AMEND Complaint – (Discovery), Complaint – (Discovery) <u>1 40</u> filed by plaintiff Handi Lui, Michael Ernest Roberts. Motion set for hearing on 11/7/2011 at 01:30 PM before Judge Stephen V. Wilson. (Attachments: # <u>1</u> Memorandum Motion to Amend Complaint (Corrected))(Tanner, Reyna) (Entered: 10/15/2011)
10/20/2011	<u>42</u>	MINUTE ORDER IN CHAMBERS by Judge Stephen V. Wilson <u>40 41</u> . On the Courts own motion, Plaintiffs Motions to Amend Complaint (Docket #40 and #41) scheduled for November 7, 2011, at 1:30 p.m. will now be heard on November 21, 2011, at 1:30 p.m. (im) (Entered: 10/21/2011)
10/25/2011	<u>43</u>	OPPOSITION to First MOTION to correct First MOTION to AMEND Complaint – (Discovery), Complaint – (Discovery) <u>1</u> First MOTION to AMEND Complaint – (Discovery), Complaint – (Discovery) <u>1 40</u> First MOTION to correct First MOTION to AMEND Complaint – (Discovery), Complaint – (Discovery) <u>1</u> First MOTION to AMEND Complaint – (Discovery), Complaint – (Discovery) <u>1 40 41</u> filed by Intervenor Defendant Bipartisan Legal Advisory Group of the U.S. House of Representatives. (Davenport, Christine) (Entered: 10/25/2011)
10/31/2011	<u>44</u>	Defendants' Response to Plaintiffs' Motion for Leave to Amend Their Complaint re First MOTION to correct First MOTION to AMEND Complaint – (Discovery), Complaint – (Discovery) <u>1</u> First MOTION to AMEND Complaint – (Discovery), Complaint – (Discovery) <u>1 40</u> First MOTION to correct First MOTION to AMEND Complaint – (Discovery), Complaint – (Discovery) <u>1</u> First MOTION to AMEND Complaint – (Discovery), Complaint – (Discovery) <u>1 40 41</u> filed by Defendants Jane Arellano, Eric H Holder, Jr, Alejandro Mayorkas, Janet Napolitano. (Carlson, Jesi) (Entered: 10/31/2011)
11/03/2011	<u>45</u>	MINUTES IN CHAMBERS ORDER re PLAINTIFFS' MOTION FOR LEAVE TO AMEND <u>40 41</u> by Judge Stephen V. Wilson: Plaintiffs' Motion is hereby DENIED. The hearing scheduled for November 21, 2011 at 1:30p.m. is hereby VACATED. (pj) (Entered: 11/03/2011)
11/28/2011	<u>46</u>	NOTICE OF APPEAL to the 9th CCA filed by Intervenor-Defendant Bipartisan Legal Advisory Group of the U.S. House of Representatives. Appeal of Order on Motion to Dismiss,,, <u>38</u> (Appeal fee FEE WAIVED.) (Attachments: # <u>1</u> Exhibit)(Davenport, Christine) (Entered: 11/28/2011)

11/28/2011	<u>47</u>	REPRESENTATION STATEMENT re Notice of Appeal to 9th Circuit Court of Appeals, <u>46</u> . (Davenport, Christine) (Entered: 11/28/2011)
11/28/2011		Notice of Electronic Filing re Notice of Appeal to 9th Circuit Court of Appeals, <u>46</u> e-mailed to john.filamor@mail.house.gov bounced due to attorney no longer with firm. The primary e-mail address associated with the attorney record has been deleted. Pursuant to the General Order and Local Rules it is the attorneys obligation to maintain all personal contact information including e-mail address in the CM/ECF system. (Wilson, Tammie) TEXT ONLY ENTRY (Entered: 11/30/2011)
11/30/2011	<u>48</u>	NOTIFICATION by Circuit Court of Appellate Docket Number 11-57072, 9th CCA regarding Notice of Appeal to 9th Circuit Court of Appeals, <u>46</u> as to Intervenor-Defendant Bipartisan Legal Advisory Group of the U.S. House of Representatives. (car) (Entered: 12/01/2011)
12/08/2011	<u>49</u>	<i>Intervenor-Defendant's Certificate of Intent Not to Order Transcripts</i> (Davenport, Christine) (Entered: 12/08/2011)
12/12/2011	<u>50</u>	NOTICE OF APPEAL to the 9th CCA filed by Defendants Jane Arellano, Eric H Holder, Jr, Alejandro Mayorkas, Janet Napolitano. Appeal of Order on Motion to Dismiss,,, <u>38</u> (Appeal fee FEE WAIVED.) (Attachments: # <u>1</u> Exhibit Addendum to Notice of Appeal, # <u>2</u> Exhibit 9/28/11 Court Order)(Carlson, Jesi) (Entered: 12/12/2011)
12/12/2011	<u>51</u>	REPRESENTATION STATEMENT re Notice of Appeal to 9th Circuit Court of Appeals, <u>50</u> . (Carlson, Jesi) (Entered: 12/12/2011)
12/13/2011	<u>52</u>	NOTIFICATION by Circuit Court of Appellate Docket Number 11-57166, 9th CCA regarding Notice of Appeal to 9th Circuit Court of Appeals, <u>50</u> as to Defendant(s) Jane Arellano, Eric H Holder, Jr, Alejandro Mayorkas and Janet Napolitano. (dmap) (Entered: 12/14/2011)
01/24/2012	<u>53</u>	NOTICE of Change of Attorney Information for attorney Christine Davenport counsel for Intervenor Defendant Bipartisan Legal Advisory Group of the U.S. House of Representatives. Katherine E. McCarron is no longer attorney of record for the aforementioned party in this case for the reason indicated in the G-06 Notice. Filed by Intervenor-Defendant Bipartisan Legal Advisory Group of the U.S. House of Representatives (Davenport, Christine) (Entered: 01/24/2012)
02/07/2012	<u>54</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>50</u> filed by Eric H Holder, Jr, Jane Arellano, Alejandro Mayorkas and Janet Napolitano CCA # 11-57166. The stipulation to dismiss the appeal under Federal Rules of appellate Procedure 42(b) is granted. The costs shall be allocated pursuant to the stipulation. A copy of this order shall act as and for the mandate of this court. Order received in this district on 2/7/2012. (dmap) (Entered: 02/09/2012)
02/22/2012	<u>55</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>46</u> filed by Bipartisan Legal Advisory Group of the U.S. House of Representatives CCA # 11-57072. This appeal is dismissed. Order received in this district on 2/22/2012. (dmap) (Entered: 02/23/2012)