

**U.S. District Court**  
**United States District Court for the District of Connecticut (New Haven)**  
**CIVIL DOCKET FOR CASE #: 3:13-cv-01670-VLB**

Giammarco v. Beers et al  
Assigned to: Judge Vanessa L. Bryant  
Cause: 05:702 Administrative Procedure Act

Date Filed: 11/12/2013  
Date Terminated: 09/17/2014  
Jury Demand: None  
Nature of Suit: 462 Naturalization  
Application  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Arnaldo Giammarco**

represented by **Michael J. Wishnie**  
Jerome N. Frank Legal Services – Wall St  
Yale Law School  
127 Wall Street  
New Haven, CT 06511  
203-432-4800  
Fax: 203-432-1426  
Email: [michael.wishnie@yale.edu](mailto:michael.wishnie@yale.edu)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Jason Parkin**  
Jerome N. Frank Legal Services  
Organization  
Yale Law School  
PO Box 209090  
New Haven, CT 06520-9090  
203-432-4800  
Fax: 203-432-1426  
Email: [jason.parkin@yale.edu](mailto:jason.parkin@yale.edu)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Rand Beers**  
*Acting Secretary, Department of  
Homeland Security*

represented by **Carolyn Aiko Ikari**  
U.S. Attorney's Office-HFD  
450 Main St. Room 328  
Hartford, CT 06103  
860-760-7953  
Fax: 860-760-7979  
Email: [carolyn.ikari@usdoj.gov](mailto:carolyn.ikari@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Alejandro Mayorkas**  
*Director, U.S. Department of Homeland  
Security, Bureau of Citizenship and  
Immigration Services*

represented by **Carolyn Aiko Ikari**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**James Comey**  
*Director, Federal Bureau of Investigation,*

represented by **Carolyn Aiko Ikari**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
11/12/2013	<u>1</u>	COMPLAINT against All Defendants ( Filing fee \$400 receipt number 0205-3061344.), filed by Arnaldo Giammarco.(Wishnie, Michael) (Additional attachment(s) added on 11/12/2013: # <u>1</u> REPLACEMENT PDF) (Torres, K.). (Entered: 11/12/2013)
11/12/2013	<u>2</u>	Docket Entry Correction re <u>1</u> Complaint--- original pdf was unsigned. (Torres, K.) (Entered: 11/12/2013)
11/12/2013		Request for Clerk to issue summons as to All Defendants. (Wishnie, Michael) (Entered: 11/12/2013)
11/12/2013		Judge Vanessa L. Bryant added. (Malone, P.) (Entered: 11/12/2013)
11/12/2013	<u>3</u>	ELECTRONIC FILING ORDER – PLEASE ENSURE COMPLIANCE WITH COURTESY COPY REQUIREMENTS IN THIS ORDER: Signed by Judge Vanessa L. Bryant on 11/12/2013.(Grady, B.) (Entered: 11/12/2013)
11/12/2013	<u>4</u>	ORDER RE: Judge's Chambers Practices. Counsel are directed to read and comply with the Chambers Practices and Standing Orders prior to filing any document. So ordered. Signed by Judge Vanessa L. Bryant on 11/12/2013.(Grady, B.) (Entered: 11/12/2013)
11/12/2013	<u>5</u>	STANDING PROTECTIVE ORDER: Signed by Judge Vanessa L. Bryant on 11/12/2013.(Grady, B.) (Entered: 11/12/2013)
11/12/2013	<u>6</u>	ENTERED IN ERROR . . . Notice to Counsel and Pro Se Parties. Signed by Clerk on 11/12/2013.(Grady, B.) Modified on 11/13/2013 (Grady, B.). (Entered: 11/12/2013)
11/12/2013	<u>7</u>	ELECTRONIC SUMMONS ISSUED in accordance with Fed. R. Civ. P. 4 and LR 4 as to *Rand Beers* with answer to complaint due within *60* days. Attorney *Michael J. Wishnie* *Jerome N. Frank Legal Services – Wall St* *Yale Law School, 127 Wall Street* *New Haven, CT 06511* . (Grady, B.) (Entered: 11/12/2013)
11/12/2013	<u>8</u>	ELECTRONIC SUMMONS ISSUED in accordance with Fed. R. Civ. P. 4 and LR 4 as to *James Comey* with answer to complaint due within *60* days. Attorney *Michael J. Wishnie* *Jerome N. Frank Legal Services – Wall St* *Yale Law School, 127 Wall Street* *New Haven, CT 06511* . (Grady, B.) (Entered: 11/12/2013)
11/12/2013	<u>9</u>	ELECTRONIC SUMMONS ISSUED in accordance with Fed. R. Civ. P. 4 and LR 4 as to *Alejandro Mayorkas* with answer to complaint due within *60* days. Attorney *Michael J. Wishnie* *Jerome N. Frank Legal Services – Wall St* *Yale Law School, 127 Wall Street* *New Haven, CT 06511* . (Grady, B.) (Entered: 11/12/2013)
11/13/2013	<u>10</u>	NOTICE TO COUNSEL: Counsel initiating or removing this action is responsible for serving all parties with attached documents and copies of <u>1</u> Complaint filed by Arnaldo Giammarco, <u>4</u> Order Re: Chambers Practices, <u>3</u> Electronic Filing Order, <u>5</u> Protective Order. Signed by Clerk on 11/13/2013.(Grady, B.) (Entered: 11/13/2013)
01/17/2014	<u>11</u>	NOTICE of Appearance by Carolyn Aiko Ikari on behalf of Rand Beers, James Comey, Alejandro Mayorkas (Ikari, Carolyn) (Entered: 01/17/2014)
01/17/2014	<u>12</u>	Joint MOTION for Scheduling Order by Rand Beers, James Comey, Arnaldo Giammarco, Alejandro Mayorkas. (Ikari, Carolyn) (Entered: 01/17/2014)
01/27/2014	13	ORDER granting in part and denying in part <u>12</u> Motion for Scheduling Order. To the extent that this motion requests a 30 day extension until February 18, 2014 for the defendants to answer or otherwise respond to plaintiff's complaint, such request is GRANTED. To the extent that this motion requests that the Court enter a scheduling order, the motion is DENIED for failure to comply with Federal Rule of Civil Procedure 26(f). Signed by Judge Vanessa L. Bryant on 1/27/14. (Ives, D) (Entered: 01/27/2014)
01/27/2014		Answer deadline updated for Rand Beers to 2/18/2014; James Comey to 2/18/2014; Alejandro Mayorkas to 2/18/2014. See order dkt# 13 . (LaLone, L.) (Entered: 01/28/2014)

02/12/2014	<u>14</u>	MOTION for Leave to Appear Law Student Interns Attorney Sung Jin, Steven Seigel, Elizabeth Song, Sam Thypin–Bermeo. by Arnaldo Giammarco. (Attachments: # <u>1</u> Exhibit)(Wishnie, Michael) (Entered: 02/12/2014)
02/13/2014	15	ORDER granting <u>14</u> Motion for Leave to Appear Law Student Interns Attorney Sung Jin, Steven Seigel, Elizabeth Song, Sam Thypin–Bermeo. Signed by Judge Vanessa L. Bryant on 2/13/14. (LaLone, L.) (Entered: 02/13/2014)
02/18/2014	<u>16</u>	Consent MOTION for Extension of Time until February 21, 2014 to respond to the Complaint by Rand Beers, James Comey, Alejandro Mayorkas. (Ikari, Carolyn) (Entered: 02/18/2014)
02/19/2014	17	ORDER granting <u>16</u> Motion for Extension of Time until February 21, 2014 to respond to the Complaint. Signed by Judge Vanessa L. Bryant on 2/19/14. (Ives, D) (Entered: 02/19/2014)
02/19/2014		Answer deadline updated for Rand Beers to 2/21/2014; James Comey to 2/21/2014; Alejandro Mayorkas to 2/21/2014. See order dkt# 17 (LaLone, L.) (Entered: 02/21/2014)
02/21/2014	<u>18</u>	MOTION to Dismiss , MOTION for Summary Judgment by Rand Beers, James Comey, Alejandro Mayorkas.Responses due by 3/14/2014 (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Material Facts Not in Dispute, # <u>3</u> Exhibit 1 to 10, # <u>4</u> Exhibit 11 to 17 and 200 to 201, # <u>5</u> Appendix of Historical Statutes and Regulations)(Ikari, Carolyn) (Entered: 02/21/2014)
02/27/2014	<u>19</u>	REPORT of Rule 26(f) Planning Meeting. (Wishnie, Michael) (Entered: 02/27/2014)
03/03/2014	20	SCHEDULING ORDER: The parties have represented in their <u>19</u> Report of Rule 26(f) Planning Meeting that no discovery is needed and that this matter can be resolved through dispositive motion practice. The Court will therefore not set deadlines in anticipation of trial at this time. Signed by Judge Vanessa L. Bryant on 3/3/14. (Ives, D) (Entered: 03/03/2014)
03/10/2014	<u>21</u>	Consent MOTION for Extension of Time until March 27, 2014 to file a response to the Government's Motion to Dismiss, or, in the Alternative, Motion for Summary Judgment by Arnaldo Giammarco. (Wishnie, Michael) (Entered: 03/10/2014)
03/11/2014	22	ORDER granting <u>21</u> Motion for Extension of Time until March 27, 2014 to file a response to the Government's Motion to Dismiss, or, in the Alternative, Motion for Summary Judgment. Signed by Judge Vanessa L. Bryant on 3/11/14. (LaLone, L.) (Entered: 03/11/2014)
03/11/2014		Set/Reset Deadlines as to <u>18</u> MOTION to Dismiss MOTION for Summary Judgment. Responses due by 3/27/2014 (LaLone, L.) (Entered: 03/11/2014)
03/27/2014	<u>23</u>	Cross MOTION for Summary Judgment by Arnaldo Giammarco.Responses due by 4/17/2014 (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Material Facts 56(a)1 Statement, # <u>3</u> A. Giammarco Declaration, # <u>4</u> L. Giammarco Declaration, # <u>5</u> E. Giammarco Declaration, # <u>6</u> Song Declaration and Exhibits A–L, # <u>7</u> Appendix)(Wishnie, Michael) (Entered: 03/27/2014)
03/27/2014	<u>24</u>	Memorandum in Opposition re <u>18</u> MOTION to Dismiss MOTION for Summary Judgment filed by Arnaldo Giammarco. (Attachments: # <u>1</u> Statement of Material Facts 56(a)2, # <u>2</u> A. Giammarco Declaration, # <u>3</u> L. Giammarco Declaration, # <u>4</u> E. Giammarco Declaration, # <u>5</u> Song Declaration and Exhibits A–L, # <u>6</u> Appendix)(Wishnie, Michael) (Entered: 03/27/2014)
04/11/2014	<u>25</u>	MOTION for Extension of Time to File Response/Reply as to <u>23</u> Cross MOTION for Summary Judgment until April 22, 2014 by Rand Beers, James Comey, Alejandro Mayorkas. (Ikari, Carolyn) (Entered: 04/11/2014)
04/14/2014	26	ORDER granting <u>25</u> Motion for Extension of Time until April 22, 2014 for the Defendants to File Response/Reply as to the Plaintiff's <u>23</u> Cross MOTION for Summary Judgment. Signed by Judge Vanessa L. Bryant on 4/14/14. (Ives, D) (Entered: 04/14/2014)
04/14/2014		Set/Reset Deadlines as to <u>23</u> Cross MOTION for Summary Judgment. Responses due by 4/22/2014. See order 26 (LaLone, L.) (Entered: 04/14/2014)

04/14/2014		Set/Reset Deadlines as to <u>23</u> Cross MOTION for Summary Judgment. Responses due by 4/22/2014. See order 26 . (LaLone, L.) (Entered: 04/15/2014)
04/22/2014	<u>27</u>	Memorandum in Opposition re <u>23</u> Cross MOTION for Summary Judgment filed by Rand Beers, James Comey, Alejandro Mayorkas. (Attachments: # <u>1</u> Statement of Material Facts, # <u>2</u> Exhibit 18 Warrant application, # <u>3</u> Exhibit 19 Rap sheet)(Ikari, Carolyn) (Entered: 04/22/2014)
04/22/2014	<u>28</u>	REPLY to Response to <u>18</u> MOTION to Dismiss MOTION for Summary Judgment filed by Rand Beers, James Comey, Alejandro Mayorkas. (Ikari, Carolyn) (Entered: 04/22/2014)
04/25/2014	<u>29</u>	Consent MOTION for Extension of Time until 5/9/2014 TO FILE REPLY BRIEF IN SUPPORT OF PLAINTIFFS CROSS-MOTION FOR SUMMARY JUDGMENT by Arnaldo Giammarco. (Wishnie, Michael) (Entered: 04/25/2014)
04/28/2014	30	ORDER granting <u>29</u> Motion for Extension of Time until 5/9/2014 for the Plaintiff to file a reply in further support of motion. Signed by Judge Vanessa L. Bryant on 4/28/14. (Ives, D) (Entered: 04/28/2014)
04/28/2014	<u>31</u>	SUMMONS Returned Executed by Arnaldo Giammarco. Rand Beers served on 11/15/2013, answer due 1/14/2014; James Comey served on 11/15/2013, answer due 1/14/2014; Alejandro Mayorkas served on 11/15/2013, answer due 1/14/2014. (Wishnie, Michael) Modified on 4/29/2014 to change event (Grady, B.). (Entered: 04/28/2014)
05/03/2014	<u>32</u>	REPLY to Response to <u>23</u> Cross MOTION for Summary Judgment filed by Arnaldo Giammarco. (Wishnie, Michael) (Entered: 05/03/2014)
09/17/2014	33	<p>ORDER: Order <i>sua sponte</i> DISMISSING Plaintiff's <u>1</u> complaint for lack of subject matter jurisdiction, as Plaintiff's claim constitutes a challenge to an order of removal and therefore may only be heard by the appropriate court of appeals under 8 U.S.C. § 1252(a)(5).</p> <p>The Court may <i>sua sponte</i> raise a challenge to subject matter jurisdiction at any time. <i>Transatlantic Marine Claims Agency, Inc. v. Ace Shipping Corp.</i>, 109 F.3d 105, 107–108 (2d Cir. 1997). The REAL ID Act of 2005 divests federal district courts of subject matter jurisdiction to review challenges to removal orders. <i>See</i> 8 U.S.C. § 1252(a)(5). The Second Circuit has ruled that this jurisdictional bar precludes district courts from hearing both direct and indirect challenges to removal orders. <i>Delgado v. Quarantillo</i>, 643 F.3d 52, 55 (2d Cir. 2011). Here, Plaintiff asks the Court to compel Defendants to adjudicate his naturalization application <i>nunc pro tunc</i>, and if this application is approved, Plaintiff's removal order would be invalid. The adjudication of his naturalization application is thus a necessary prerequisite to Plaintiff's ultimate goal of challenging his removal from the U.S. <i>See Delgado</i>, 645 F.3d at 55. Even if the relief sought from the Court would not directly invalidate Plaintiff's removal, the "substance of the relief" Plaintiff seeks is "inextricably linked" to his removal order and therefore the Court does not have jurisdiction over those claims. <i>Id.</i>; <i>see also, e.g., Bici v. Napolitano</i>, 2012 WL 642781, at *2 (D. Conn. Feb. 28, 2012); <i>Nieto–Ayala v. Holder</i>, 2011 WL 3918156, at *4 (S.D.N.Y. Aug. 30, 2011).</p> <p>The <u>1</u> complaint is DISMISSED without prejudice to filing a motion to vacate by 10/8/2014 that is supported by a memorandum of law establishing that this Court has jurisdiction. Should a motion to vacate be filed, Defendants shall file any opposition within 14 days of the filing of such motion.</p> <p>Signed by Judge Vanessa L. Bryant on 9/17/14.(De Palma, C) (Entered: 09/17/2014)</p>
09/17/2014	34	ORDER denying as moot Defendants' <u>18</u> Motion to Dismiss or, in the alternative, Motion for Summary Judgment; and denying as moot Plaintiff's <u>23</u> Cross-Motion for Summary Judgment. See the Court's Order at Docket 33 . Signed by Judge Vanessa L. Bryant on 9/17/14. (De Palma, C) (Entered: 09/17/2014)
09/17/2014		JUDICIAL PROCEEDINGS SURVEY: The following link to the confidential survey requires you to log into CM/ECF for SECURITY purposes. Once in CM/ECF you will be prompted for the case number. Although you are receiving this survey through CM/ECF, it is hosted on an independent website called SurveyMonkey. Once in SurveyMonkey, the survey is located in a secure account. The survey is not docketed

		and it is not sent directly to the judge. To ensure anonymity, completed surveys are held up to 90 days before they are sent to the judge for review. We hope you will take this opportunity to participate, please click on this link:  <a href="https://ecf.ctd.uscourts.gov/cgi-bin/Dispatch.pl?survey">https://ecf.ctd.uscourts.gov/cgi-bin/Dispatch.pl?survey</a> (LaLone, L.) (Entered: 09/18/2014)
10/08/2014	<u>35</u>	MOTION to Vacate by Arnaldo Giammarco. (Attachments: # <u>1</u> Memorandum in Support)(Wishnie, Michael) (Entered: 10/08/2014)
10/22/2014	<u>36</u>	Memorandum in Opposition re <u>35</u> MOTION to Vacate filed by Rand Beers, Alejandro Mayorkas. (Ikari, Carolyn) (Entered: 10/22/2014)
11/05/2014	<u>37</u>	REPLY to Response to <u>35</u> MOTION to Vacate filed by Arnaldo Giammarco. (Wishnie, Michael) (Entered: 11/05/2014)
11/11/2014	<u>38</u>	NOTICE OF APPEAL by Arnaldo Giammarco. Filing fee \$ 505, receipt number 0205-3417379. (Wishnie, Michael) (Entered: 11/11/2014)
11/13/2014		Request from USCA for record made via email regarding <u>38</u> Notice of Appeal. (Grady, B.) (Entered: 11/13/2014)
11/13/2014		Emailed Record on Appeal consisting of document <u>38</u> to US Court of Appeals, re: <u>38</u> Notice of Appeal. (Grady, B.) (Entered: 11/13/2014)
12/28/2014	<u>39</u>	Index to Record on Appeal by Arnaldo Giammarco re <u>38</u> Notice of Appeal, Appeal Record Sent to USCA, USCA Request, <u>6</u> Electronic Filing Order, 34 Order on Motion to Dismiss,, Order on Motion for Summary Judgment,, <u>1</u> Complaint, <u>7</u> Electronic Summons Issued, 33 Order,,,,,, <u>10</u> Electronic Service Documents, <u>27</u> Memorandum in Opposition to Motion, <u>21</u> Consent MOTION for Extension of Time until March 27, 2014 to file a response to the Government's Motion to Dismiss, or, in the Alternative, Motion for Summary Judgment, <u>2</u> Docket Annotation, 20 Scheduling Order, <u>19</u> Report of Rule 26(f) Planning Meeting, <u>8</u> Electronic Summons Issued, <u>5</u> Protective Order, 22 Order on Motion for Extension of Time, <u>25</u> MOTION for Extension of Time to File Response/Reply as to <u>23</u> Cross MOTION for Summary Judgment until April 22, 2014, <u>14</u> MOTION for Leave to Appear Law Student Interns Attorney Sung Jin, Steven Seigel, Elizabeth Song, Sam Thypin-Bermeo., 17 Order on Motion for Extension of Time, <u>37</u> Reply to Response to Motion, <u>9</u> Electronic Summons Issued, <u>36</u> Memorandum in Opposition to Motion, <u>18</u> MOTION to Dismiss MOTION for Summary Judgment , 15 Order on Motion to Appear, 30 Order on Motion for Extension of Time, 13 Order on Motion for Order, <u>29</u> Consent MOTION for Extension of Time until 5/9/2014 TO FILE REPLY BRIEF IN SUPPORT OF PLAINTIFFS CROSS-MOTION FOR SUMMARY JUDGMENT, <u>4</u> Order Re: Chambers Practices, <u>35</u> MOTION to Vacate , <u>16</u> Consent MOTION for Extension of Time until February 21, 2014 to respond to the Complaint, <u>31</u> Affidavit of Service, <u>28</u> Reply to Response to Motion, <u>12</u> Joint MOTION for Scheduling Order, <u>3</u> Electronic Filing Order, 26 Order on Motion for Extension of Time to File Response/Reply to Motion, <u>23</u> Cross MOTION for Summary Judgment , <u>24</u> Memorandum in Opposition to Motion, <u>32</u> Reply to Response to Motion, <u>11</u> Notice of Appearance. For docket entries without a hyperlink, contact the court to arrange for the document(s) to be made available to you. (Wishnie, Michael) (Entered: 12/28/2014)
10/07/2015	<u>40</u>	NOTICE by Arnaldo Giammarco re <u>35</u> MOTION to Vacate (Attachments: # <u>1</u> Exhibit Second Circuit Order)(Wishnie, Michael) (Entered: 10/07/2015)
11/04/2015	<u>41</u>	NOTICE by Arnaldo Giammarco, re: <u>35</u> Motion to Vacate (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B)(Wishnie, Michael) Modified on 11/5/2015 to link to document (Grady, B.). Modified on 11/5/2015 to create association (Grady, B.). (Entered: 11/04/2015)
11/09/2015	42	ORDER granting Plaintiff's <u>35</u> Motion to Vacate. Upon a closer review of <i>Delgado v. Quarantillo</i> , 643 F.3d 52 (2d Cir. 2011), the Court finds the case arguably distinguishable from the present matter, insofar as the plaintiff in that case was already deportable and subject to a "lifetime bar on admission" prior to her filing her Form I-212 application. <i>Id.</i> at 54. Here, Plaintiff's naturalization application long predated both the removal proceedings and the conduct underlying them. In addition, the lifetime bar on admission to which the plaintiff in <i>Delgado</i> was subject is not



		applicable here. Accordingly, it is not certain that any action taken with respect to Plaintiff's naturalization application will render the removal order "invalid," such that the application is inextricably linked to the removal order. <i>Id.</i> at 55. Accordingly, Plaintiff's motion is GRANTED and the Court retains subject matter jurisdiction over this case. Signed by Judge Vanessa L. Bryant on 11/9/2015. (Nadler, S.) (Entered: 11/09/2015)
11/11/2015	<u>43</u>	MOTION for Leave to Appear Law Student Interns Attorney Jonathan Hurley, Aaron Korthuis, Claire Simonich. by Arnaldo Giammarco. (Wishnie, Michael) (Entered: 11/11/2015)
11/12/2015	44	ORDER granting Plaintiff's <u>43</u> Motion for Law Student Interns to Appear. Signed by Judge Vanessa L. Bryant on 11/12/2015. (Nadler, S.) (Entered: 11/12/2015)
11/18/2015	<u>47</u>	MANDATE of USCA dated 11/18/2015 withdrawing <u>38</u> Notice of Appeal (Grady, B.) (Entered: 11/23/2015)
11/20/2015	<u>45</u>	NOTICE of Appearance by Jason Parkin on behalf of Arnaldo Giammarco (Parkin, Jason) (Entered: 11/20/2015)
11/20/2015	<u>46</u>	Joint STATUS REPORT <i>and Proposed Scheduling Order</i> by Arnaldo Giammarco. (Wishnie, Michael) (Entered: 11/20/2015)
11/23/2015	48	AMENDED SCHEDULING ORDER: The parties shall refile their prior dispositive motions and briefs by <b>11/25/2015</b> . Supplemental briefing, not to exceed 10 pages per party, shall be filed on or before <b>12/7/2015</b> . Signed by Judge Vanessa L. Bryant on 11/23/2015.(Nadler, S.) (Entered: 11/23/2015)
11/24/2015		Set Deadlines/Hearings: Dispositive Motions due by 12/7/2015 (Blue, A.) (Entered: 11/24/2015)
11/24/2015	<u>49</u>	MOTION to Dismiss , MOTION for Summary Judgment by Rand Beers, James Comey, Alejandro Mayorkas.Responses due by 12/15/2015 (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Material Facts Not in Dispute, # <u>3</u> Exhibit #1 – 10, # <u>4</u> Exhibit #11 – 17 and 200–201, # <u>5</u> Appendix of Historical Statutes and Regulations)(Ikari, Carolyn) (Entered: 11/24/2015)
11/25/2015	<u>50</u>	Cross MOTION for Summary Judgment by Arnaldo Giammarco.Responses due by 12/16/2015 (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Material Facts Rule 56(a)(1) Statement, # <u>3</u> A. Giammarco Declaration, # <u>4</u> L. Giammarco Declaration, # <u>5</u> E. Giammarco Declaration, # <u>6</u> Song Declaration and Exhibits A–L, # <u>7</u> Appendix)(Wishnie, Michael) (Entered: 11/25/2015)
11/25/2015	<u>51</u>	Memorandum in Opposition re <u>49</u> MOTION to Dismiss MOTION for Summary Judgment filed by Arnaldo Giammarco. (Attachments: # <u>1</u> Statement of Material Facts Rule 56(a)(2) Statement, # <u>2</u> A. Giammarco Declaration, # <u>3</u> L. Giammarco Declaration, # <u>4</u> E. Giammarco Declaration, # <u>5</u> Song Declaration and Exhibits A–L, # <u>6</u> Appendix)(Wishnie, Michael) (Entered: 11/25/2015)
12/02/2015	<u>52</u>	Memorandum in Opposition re <u>50</u> Cross MOTION for Summary Judgment filed by Rand Beers, James Comey, Alejandro Mayorkas. (Attachments: # <u>1</u> Statement of Material Facts, # <u>2</u> Exhibit 18, # <u>3</u> Exhibit 19)(Ikari, Carolyn) (Entered: 12/02/2015)
12/02/2015	<u>53</u>	REPLY to Response to <u>49</u> MOTION to Dismiss MOTION for Summary Judgment ( <i>N.B. mirror image pleading to doc. #52</i> ) filed by Rand Beers, James Comey, Alejandro Mayorkas. (Ikari, Carolyn) (Entered: 12/02/2015)
12/03/2015	<u>54</u>	REPLY to Response to <u>50</u> Cross MOTION for Summary Judgment filed by Arnaldo Giammarco. (Wishnie, Michael) (Entered: 12/03/2015)
12/07/2015	<u>55</u>	Supplemental RESPONSE re <u>50</u> Cross MOTION for Summary Judgment , <u>49</u> MOTION to Dismiss MOTION for Summary Judgment filed by Arnaldo Giammarco. (Wishnie, Michael) (Entered: 12/07/2015)
03/17/2016	<u>56</u>	ORDER DENYING Defendants' <u>49</u> Motion to Dismiss, or in the alternative, for Summary Judgment and GRANTING Plaintiff's <u>50</u> Cross–Motion for Summary Judgment. See attached Memorandum of Decision. The Clerk is directed to enter judgment in favor of Plaintiff and to remand this matter, in accordance with the Memorandum of Decision. Signed by Judge Vanessa L. Bryant on 3/17/2016. (Nadler,

		S.) (Entered: 03/17/2016)
03/17/2016	57	VACATED ORDER TO SHOW CAUSE: By <b>3/22/2016</b> , the parties are ORDERED to show cause why the State of Connecticut or an entity thereof need not be joined as a necessary party to this action. Signed by Judge Vanessa L. Bryant on 3/17/2016.(Nadler, S.) Modified on 3/22/2016 (Fernandez, C.). (Entered: 03/17/2016)
03/17/2016	58	ORDER VACATING 57 Order to Show Cause. This entry was in error. Signed by Judge Vanessa L. Bryant on 3/17/2016.(Nadler, S.) (Entered: 03/17/2016)
03/22/2016	<u>59</u>	JUDGMENT entered in favor of Arnaldo Giammarco against Alejandro Mayorkas, James Comey, Rand Beers.  For Appeal Forms please go to the following website: <a href="http://www.ctd.uscourts.gov/forms/all-forms/appeals_forms">http://www.ctd.uscourts.gov/forms/all-forms/appeals_forms</a> Signed by Clerk on 03/22/16.(Fernandez, C.) (Entered: 03/22/2016)
05/12/2016	<u>60</u>	NOTICE OF APPEAL as to <u>56</u> Order on Motion to Dismiss,, Order on Motion for Summary Judgment,, by Rand Beers, Alejandro Mayorkas. (Ikari, Carolyn) (Entered: 05/12/2016)
10/25/2016	<u>61</u>	MANDATE of USCA dated 10/25/2016 granting a voluntary Dismissal of <u>60</u> Notice of Appeal. (Shafer, J.) (Entered: 10/25/2016)
11/17/2016	<u>62</u>	MOTION for Extension of Time until 12/24/16 To Petition for Attorney's Fees by Arnaldo Giammarco. (Wishnie, Michael) (Entered: 11/17/2016)
11/21/2016	63	ORDER granting <u>62</u> Motion for Extension of Time for good cause shown under Local Rule of Civil Procedure 7(b). Plaintiff's application for attorney's fees and expenses is due December 27, 2016. Signed by Judge Vanessa L. Bryant on 11/21/2016. (Hudson, C) (Entered: 11/21/2016)
03/24/2017	<u>64</u>	STIPULATION of Dismissal of Plaintiff by Rand Beers, James Comey, Alejandro Mayorkas. (Ikari, Carolyn) (Entered: 03/24/2017)
03/27/2017	65	ORDER DISMISSING CASE. Pursuant to Rule 41(a)(1), Fed. R. Civ. P., and the party stipulation, this case is hereby dismissed with prejudice, each party to bear its own costs and attorney's fees. The Court retains jurisdiction solely to enforce the terms of the Settlement Agreement. Signed by Judge Vanessa L. Bryant on 03/26/17.(Fernandez, C.) (Entered: 03/27/2017)