

**U. S. District Court
Eastern District of Louisiana (New Orleans)
CIVIL DOCKET FOR CASE #: 2:06-cv-07804-JCZ-DEK**

Obando et al v. Belfor USA Group, Inc. et al
Assigned to: Judge Jay C. Zainey
Referred to: Magistrate Judge Daniel E. Knowles, III
Lead case: [2:06-cv-00491-JCZ-DEK](#)
Member case: [\(View Member Case\)](#)
Cause: 00:0000 Cause Code Unknown

Date Filed: 10/11/2006
Date Terminated: 12/07/2009
Jury Demand: None
Nature of Suit: 710 Labor: Fair Standards
Jurisdiction: Federal Question

Plaintiff

Orestes Daniel Obando

represented by **Nancy Picard**
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William Lurye
AFL-CIO
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TERMINATED: 07/31/2007

Plaintiff

Adan Gonzalez
On Behalf of Themselves and All Others
Similarly Situated
TERMINATED: 11/09/2010

represented by **Nancy Picard**
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LEAD ATTORNEY
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Robert H. Urann
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Ronald J. Vander Veen
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ATTORNEY TO BE NOTICED

William Lurye
(See above for address)
TERMINATED: 07/31/2007

Plaintiff

Vanda Lima
TERMINATED: 11/09/2010

represented by **Nancy Picard**
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Ronald J. Vander Veen
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William Lurye
(See above for address)
TERMINATED: 07/31/2007

Plaintiff

Sergio Luiz Alho
TERMINATED: 11/09/2010

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Ronald J. Vander Veen
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William Lurye
(See above for address)
TERMINATED: 07/31/2007

Plaintiff

Fabio Lima

represented by **Nancy Picard**
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Ronald J. Vander Veen
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William Lurye
(See above for address)
TERMINATED: 07/31/2007

Plaintiff

Jose Duarte
on behalf of themselves and all others
similarly situated
TERMINATED: 11/09/2010

represented by **Nancy Picard**
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William Lurye
(See above for address)
TERMINATED: 07/31/2007

Plaintiff

Jorge Anderson
et al

represented by **Nancy Picard**
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ATTORNEY TO BE NOTICED

Robert H. Urann
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ATTORNEY TO BE NOTICED

Ronald J. Vander Veen
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Belfor USA Group, Inc.
a Delaware Corporation

represented by **Michael David Kurtz**
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& Berkowitz (New Orleans)
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ATTORNEY TO BE NOTICED

Defendant

Ticos Construction, L.L.C.
a Tennessee Corporation

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PRO SE

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TERMINATED: 03/20/2009
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TERMINATED: 03/19/2009

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TERMINATED: 03/20/2009

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TERMINATED: 03/20/2009

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TERMINATED: 03/20/2009

Third Party Plaintiff

Belfor USA Group, Inc.
TERMINATED: 08/27/2008

represented by **Michael David Kurtz**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Erin E. Pelleteri
(See above for address)
ATTORNEY TO BE NOTICED

Steven F. Griffith , Jr.
(See above for address)
ATTORNEY TO BE NOTICED

Third Party Plaintiff

Belfor USA Group, Inc.
TERMINATED: 09/23/2008

represented by **Michael David Kurtz**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Erin E. Pelleteri
(See above for address)
ATTORNEY TO BE NOTICED

Steven F. Griffith , Jr.
(See above for address)
ATTORNEY TO BE NOTICED

Third Party Plaintiff

Belfor USA Group, Inc.

represented by **Michael David Kurtz**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Erin E. Pelleteri
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Katie L. Dysart
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ATTORNEY TO BE NOTICED

Steven F. Griffith , Jr.
(See above for address)
ATTORNEY TO BE NOTICED

V.

Third Party Defendant

Guaranteed Fence &Gate, LLC
TERMINATED: 09/23/2008

Third Party Defendant

**Construction Management Services,
USA, LLC**
TERMINATED: 08/27/2008

represented by **Jack Kenneth Whitehead , Jr.**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Third Party Defendant

Ticos Construction, L.L.C.

represented by **Ticos Construction, L.L.C.**
(See above for address)
PRO SE

Michael Thomas Tusa , Jr.
(See above for address)
TERMINATED: 03/20/2009
LEAD ATTORNEY

Andre Jude Lagarde
(See above for address)
TERMINATED: 03/19/2009

Ashley Brooke Robinson
(See above for address)
TERMINATED: 03/20/2009

Brad P. Scott
(See above for address)
TERMINATED: 03/20/2009

Clarence F. Favret , III
(See above for address)
TERMINATED: 03/20/2009

Third Party Defendant

Expro Services, Inc.

Third Party Defendant

M2/Royal Construction, Inc.

represented by **M2/Royal Construction, Inc.**
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PRO SE

Counter Claimant

Guaranteed Fence &Gate, LLC

represented by **Scott G. Wolfe , Jr.**
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Counter Claimant

Ticos Construction, L.L.C.
TERMINATED: 06/24/2009

represented by **Ticos Construction, L.L.C.**
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PRO SE

Michael Thomas Tusa , Jr.
(See above for address)
TERMINATED: 03/19/2009
LEAD ATTORNEY

Andre Jude Lagarde
(See above for address)
TERMINATED: 03/19/2009

Clarence F. Favret , III
(See above for address)
TERMINATED: 03/19/2009

V.

Counter Defendant

Belfor USA Group, Inc.
TERMINATED: 06/24/2009

represented by **Michael David Kurtz**
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ATTORNEY TO BE NOTICED

Erin E. Pelleteri
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ATTORNEY TO BE NOTICED

Steven F. Griffith , Jr.
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/11/2006	<u>1</u>	COMPLAINT against Belfor USA Group, Inc., Ticos Construction, L.L.C. (Filing fee \$ 350.) filed by Orestes Daniel Obando, Adan Gonzalez. (Attachments: # <u>1</u> Civil Cover Sheet)(blg,) (Entered: 10/16/2006)

10/11/2006	<u>2</u>	Summons Issued as to Belfor USA Group, Inc., Ticos Construction, L.L.C. (blg,) (Entered: 10/16/2006)
11/01/2006	<u>3</u>	AMENDED COMPLAINT against Belfor USA Group, Inc. filed by all plaintiffs.(Lurye, William) (Entered: 11/01/2006)
11/02/2006	<u>4</u>	SUMMONS Returned Executed; Ticos Construction, L.L.C. served on 10/25/2006, answer due 11/14/2006. (Lurye, William) (Entered: 11/02/2006)
11/08/2006	<u>5</u>	Request of Summons Issued as to Belfor USA Group, Inc. filed by all plaintiffs re <u>3</u> Amended Complaint. (cab,) (Entered: 11/13/2006)
11/08/2006	<u>6</u>	Summons Issued as to Belfor USA Group, Inc.. (cab,) (Entered: 11/13/2006)
11/16/2006	<u>7</u>	SUMMONS Returned Executed; Belfor USA Group, Inc. served on 11/1/2006, answer due 11/21/2006. (Lurye, William) (Entered: 11/16/2006)
11/16/2006	<u>8</u>	EXPARTE/CONSENT MOTION for Robert Alvarez to Appear Pro Hac Vice (Filing fee \$5.) by all plaintiffs. (Attachments: # <u>1</u> Affidavit)(jtd) (Entered: 11/26/2006)
11/16/2006	<u>9</u>	EXPARTE/CONSENT MOTION for Ronald J. Vander Veen to Appear Pro Hac Vice (Filing fee \$5.) by all plaintiffs. (Attachments: # <u>1</u> Affidavit)(jtd) (Entered: 11/26/2006)
11/16/2006	<u>10</u>	EXPARTE/CONSENT MOTION for Jose A. Sandoval to Appear Pro Hac Vice (Filing fee \$5.) by all plaintiffs. (Attachments: # <u>1</u> Affidavit)(jtd) (Entered: 11/26/2006)
11/16/2006	<u>11</u>	EXPARTE/CONSENT MOTION for Gregory J. McCoy to Appear Pro Hac Vice (Filing fee \$5.) by all plaintiffs. (Attachments: # <u>1</u> Affidavit)(jtd) (Entered: 11/26/2006)
11/21/2006	<u>12</u>	ORDER granting <u>8</u> Motion for Robert Alvarez to Appear Pro Hac Vice. Signed by Judge Stanwood R. Duval Jr. on 11/20/06. (jtd) (Entered: 11/26/2006)
11/21/2006	<u>13</u>	ORDER granting <u>9</u> Motion for Ronald Vander Veen to Appear Pro Hac Vice. Signed by Judge Stanwood R. Duval Jr. on 11/20/06. (jtd) (Entered: 11/26/2006)
11/21/2006	<u>14</u>	ORDER granting <u>10</u> Motion for Jose Sandoval to Appear Pro Hac Vice. Signed by Judge Stanwood R. Duval Jr. on 11/20/06. (jtd) (Entered: 11/26/2006)
11/21/2006	<u>15</u>	ORDER granting <u>11</u> Motion for Gregory J. McCoy to Appear Pro Hac Vice. Signed by Judge Stanwood R. Duval Jr. on 11/20/06. (jtd) (Entered: 11/26/2006)
12/01/2006	<u>16</u>	SUMMONS Returned Executed; Belfor USA Group, Inc. served on 11/28/2006, answer due 12/18/2006. (ala) (Entered: 12/07/2006)
12/26/2006	<u>17</u>	Notice of Related Case(s) by Belfor USA Group, Inc. of related case(s) 06-491. (Griffith, Steven) (Entered: 12/26/2006)
12/26/2006	<u>18</u>	MOTION to Consolidate Cases by Belfor USA Group, Inc.. Motion Hearing set for 1/24/2007 09:30 AM before Judge Stanwood R. Duval Jr.. (Attachments: # <u>1</u> Notice of Hearing # <u>2</u> Memorandum in Support # <u>3</u> Exhibit A to Memo in Support# <u>4</u> Exhibit B to Memo in Support# <u>5</u> Exhibit C to Memo in Support)(Griffith, Steven) (Entered: 12/26/2006)
12/26/2006	<u>19</u>	EXPARTE/CONSENT First MOTION for Extension of Time to Answer re <u>3</u> Amended Complaint by Belfor USA Group, Inc.. (Attachments: # <u>1</u> Proposed Order)(Griffith, Steven) (Entered: 12/26/2006)
12/27/2006	<u>20</u>	ORDER granting <u>19</u> Motion for Extension of Time to Answer as to Belfor USA Group, Inc. answer due 1/16/2007.. Signed by Judge Stanwood R. Duval Jr. on 12/27/2006. (cab) (Entered: 12/27/2006)
01/29/2007	<u>21</u>	MOTION for Leave to File <i>Second Amended FLSA Collective and State Wage and Hour Class Action Complaint and Jury Demand</i> by Vanda Lima, Sergio Alho, Fabio Lima, Jose Duarte, Orestes Daniel Obando, Adan Gonzalez. Motion(s) referred to Karen Wells Roby. Motion Hearing set for 2/14/2007 11:00 AM before Magistrate Judge Karen Wells Roby. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Notice

		of Hearing February 14, 2007 at 11 a.m.# <u>3</u> Memorandum in Support Brief in Support# <u>4</u> Proposed Pleading Second Amended FLSA Collective and State Wage and Hour Class Action Complaint and Jury Demand)(Lurye, William) (Entered: 01/29/2007)
02/01/2007	<u>22</u>	ERROR: WRONG EVENT SELECTED. – EXPARTE/CONSENT MOTION to Appoint Counsel by Vanda Lima, Sergio Alho, Fabio Lima, Jose Duarte, Orestes Daniel Obando, Adan Gonzalez. (Attachments: # <u>1</u> Proposed Order)(Lurye, William) Modified on 2/1/2007 (blg,). REDOCKETED BY CLERK DOC <u>24</u> . (Entered: 02/01/2007)
02/01/2007	<u>23</u>	EXPARTE/CONSENT MOTION to Continue <i>Hearing on Plaintiffs' Motion to Amend</i> by Belfor USA Group, Inc.. Motion(s) referred to Karen Wells Roby. Motion Hearing set for 2/28/2007 11:00 AM before Magistrate Judge Karen Wells Roby. (Attachments: # <u>1</u> Proposed Order)(Griffith, Steven) (Entered: 02/01/2007)
02/01/2007	<u>24</u>	EXPARTE/CONSENT MOTION for Julie Richard–Spencer to Appear as Additional Counsel of Record by all plaintiffs. (Attachments: # <u>1</u> Proposed Order)(blg) (Entered: 02/02/2007)
02/01/2007	<u>25</u>	Correction of Docket Entry by Clerk re <u>22</u> MOTION to Appoint Counsel; Wrong event selected. Redocketed by Clerk as <u>24</u> MOTION to Appear as Counsel of Record. (blg) (Entered: 02/02/2007)
02/05/2007	<u>26</u>	ORDER Setting/Resetting Oral Hearing on <u>21</u> MOTION for Leave to File <i>Second Amended FLSA Collective and State Wage and Hour Class Action Complaint and Jury Demand</i> : Motion Hearing re–set for 2/28/2007 11:00 AM before Magistrate Judge Karen Wells Roby. Signed by Judge Karen Wells Roby on 2/5/07.(ala,) (Entered: 02/05/2007)
02/09/2007	<u>27</u>	NOTICE by all plaintiffs <i>CONSENT TO FILE SUIT UNDER THE FAIR LABOR STANDARDS ACT</i> . (Attachments: # <u>1</u> Exhibit Consents to Sue# <u>2</u> Affidavit Consents to Sue)(Lurye, William) (Entered: 02/09/2007)
02/09/2007	<u>28</u>	EXPARTE/CONSENT MOTION to Continue <i>Hearing on Motion for Leave to File Second Amended Complaint</i> by Vanda Lima, Sergio Alho, Fabio Lima, Jose Duarte, Orestes Daniel Obando, Adan Gonzalez. Motion(s) referred to Karen Wells Roby. (Attachments: # <u>1</u> Proposed Order)(Lurye, William) (Entered: 02/09/2007)
02/15/2007	<u>29</u>	ORDER Setting/Resetting Hearing on <u>21</u> MOTION for Leave to File <i>Second Amended FLSA Collective and State Wage and Hour Class Action Complaint and Jury Demand</i> :, Order granting: <u>28</u> MOTION to Continue <i>Hearing on Motion for Leave to File Second Amended Complaint</i> filed by Adan Gonzalez, Vanda Lima, Sergio Alho, Jose Duarte, Fabio Lima, Orestes Daniel Obando. Motion Hearing re–set for 3/7/2007 11:00 AM before Magistrate Judge Karen Wells Roby.. Signed by Judge Karen Wells Roby on 2/15/07.(ala,) (Entered: 02/16/2007)
02/16/2007	<u>30</u>	ORDER granting <u>24</u> Motion to Appear as to Julie Richard–Spencer. Signed by Judge Stanwood R. Duval Jr. on 2/16/07. (blg) (Entered: 02/16/2007)
02/27/2007	<u>31</u>	RESPONSE to Motion filed by Belfor USA Group, Inc. re <u>21</u> MOTION for Leave to File <i>Second Amended FLSA Collective and State Wage and Hour Class Action Complaint and Jury Demand</i> . (Griffith, Steven) (Entered: 02/27/2007)
03/05/2007	<u>32</u>	EXPARTE/CONSENT MOTION for Leave to File <i>Reply to Defendant's Response to Plaintiff's Motion to File Second Amended Complaint</i> by Vanda Lima, Sergio Alho, Fabio Lima, Jose Duarte, Orestes Daniel Obando, Adan Gonzalez. Motion(s) referred to Karen Wells Roby. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Proposed Pleading Plaintiffs' Reply to Defendant's Response to Plaintiffs' Motion to File Second Amended Complaint# <u>3</u> Exhibit 1)(Lurye, William) Modified on 3/6/2007 (blg,). (Entered: 03/05/2007)
03/05/2007	<u>33</u>	ORDER Setting/Resetting Oral Hearing on <u>21</u> MOTION for Leave to File <i>Second Amended FLSA Collective and State Wage and Hour Class Action Complaint and Jury Demand</i> : Motion Hearing set for 3/7/2007 11:00 AM before Magistrate Judge Karen Wells Roby.. Signed by Judge Karen Wells Roby on 3/5/07.(ala,) (Entered: 03/05/2007)

03/06/2007	<u>34</u>	ORDER granting <u>32</u> Motion for Leave to File. Signed by Judge Karen Wells Roby on 3/6/07. (ala,) (Entered: 03/07/2007)
03/06/2007	<u>35</u>	REPLY to Response to Motion filed by all plaintiffs re <u>21</u> MOTION for Leave to File <i>Second Amended FLSA Collective and State Wage and Hour Class Action Complaint and Jury Demand</i> . (Attachments: # <u>1</u> Exhibit)(ala,) (Entered: 03/07/2007)
03/07/2007	<u>41</u>	Minute Entry for proceedings held before Judge Karen Wells Roby : Motion Hearing held on 3/7/2007 re <u>21</u> MOTION for Leave to File <i>Second Amended FLSA Collective and State Wage and Hour Class Action Complaint and Jury Demand</i> filed by Adan Gonzalez, Vanda Lima, Sergio Alho, Jose Duarte, Fabio Lima, Orestes Daniel Obando. (ala,) (Entered: 03/14/2007)
03/08/2007	<u>36</u>	ORDER denying <u>18</u> Motion to Consolidate Cases. Signed by Judge Stanwood R. Duval Jr. on 3/8/07. (blg) (Entered: 03/08/2007)
03/09/2007	<u>37</u>	NOTICE by all plaintiffs <i>PLAINTIFFS SECOND CONSENT TO FILE SUIT UNDER THE FAIR LABOR STANDARD ACT</i> . (Attachments: # <u>1</u> Consents to sue)(Lurye, William) (Entered: 03/09/2007)
03/09/2007	<u>38</u>	ORDER TRANSFERRING CASE. Case transferred to Judge Jay C. Zainey and Daniel E. Knowles, III for all further proceedings. Judge Stanwood R. Duval, Jr, Karen Wells Roby no longer assigned to case. Signed by Judge Stanwood R. Duval Jr. on 3/8/07.(blg) (Entered: 03/12/2007)
03/13/2007	<u>39</u>	NOTICE by all plaintiffs <i>THIRD NOTICE OF CONSENT TO FILE SUIT UNDER THE FAIR LABOR STANDARD ACT</i> . (Attachments: # <u>1</u> Consent to Sue)(Lurye, William) (Entered: 03/13/2007)
03/13/2007	<u>40</u>	RE-NOTICE of Hearing on Motion filed by all plaintiffs re <u>21</u> MOTION for Leave to File <i>Second Amended FLSA Collective and State Wage and Hour Class Action Complaint and Jury Demand</i> . Motion Hearing set for 4/4/2007 11:00 AM before Magistrate Judge Daniel E. Knowles III. (Lurye, William) Modified on 3/14/2007 (gbw,). (Entered: 03/13/2007)
03/14/2007	<u>43</u>	ORDER Case consolidated with 2:06-cv-00491-JCZ-DEK. Signed by Judge Jay C. Zainey on 3/13/07.(gbw,) (Entered: 03/19/2007)
03/16/2007	<u>42</u>	ORDER Setting/Resetting Oral Hearing on <u>21</u> MOTION for Leave to File <i>Second Amended FLSA Collective and State Wage and Hour Class Action Complaint and Jury Demand</i> : Motion Hearing set for 4/4/2007 11:00 AM before Magistrate Judge Daniel E. Knowles III. Signed by Judge Daniel E. Knowles III on 3/15/07.(ala,) (Entered: 03/16/2007)
06/18/2007	<u>44</u>	ORDER TRANSFERRING CASE. Case transferred to Judge G. Thomas Porteous, Jr for all further proceedings. Judge Jay C. Zainey no longer assigned to case. Signed by Judge Jay C. Zainey on 6/15/07.(dmg,) (Entered: 06/18/2007)
04/04/2008	<u>45</u>	ORDER TRANSFERRING CASE. Case transferred to Judge Jay C. Zainey for all further proceedings. Judge G. Thomas Porteous, Jr no longer assigned to case. Signed by Judge Helen G. Berrigan on 4/1/08.(gec,) (Entered: 04/04/2008)
08/27/2008	<u>46</u>	ORDER granting Motion to dismiss third party claims by Belfor USA Inc against Construction Management Services USA LLC. Signed by Judge Jay C. Zainey on 8/27/08.(gbw,) (Entered: 08/28/2008)
09/10/2008	<u>47</u>	ORDER & REASONS granting motion to consolidate case 08-3736 with 06-491 and 06-7804. Signed by Judge Jay C. Zainey on 9/9/08.(gbw,) (Entered: 09/10/2008)
09/23/2008	<u>48</u>	ORDERED that Belfor's claims against Guaranteed Fence and Guaranteed Fence's claims against Belfor are DISMISSED WITH PREJUDICE. Signed by Judge Jay C. Zainey on 9/22/08.(gec,) (Entered: 09/24/2008)
01/16/2009	<u>49</u>	ORDER consolidating master case 06-491 and the other consolidated matters with member case 08-949. Signed by Judge Jay C. Zainey on 1/15/09.(gec,) (Entered: 01/16/2009)

06/22/2009	<u>50</u>	JUDGMENT entered in favor of Belfor USA Group, Inc. against Moises Augusto et al. Signed by Judge Jay C. Zainey on 6/22/09.(gbw,) (Additional attachment(s) added on 6/23/2009: # <u>1</u> Main Document) (gbw,). (Entered: 06/23/2009)
06/23/2009	<u>51</u>	Correction of Docket Entry by Clerk re <u>50</u> Judgment. Attached blank image of document. Clerk took corrective action. (gbw,) (Entered: 06/23/2009)
06/24/2009	<u>52</u>	ORDER granting Motion to Dismiss filed by Belfor USA Group, Inc. The complaint in C.A. 08-949 is DISMISSED w/o prej; FURTHER ORDERED that Ticos' counterclaim against Belfor in C.A. 06-7804 is DISMISSED w/o prej.. Signed by Judge Jay C. Zainey.(gbw,) (Entered: 06/25/2009)
10/28/2009	<u>53</u>	ORDER granting Motion for entry of judgment by Belfor USA Group, Inc.; Claims of Rosy Martinez and Sergio Ferreira de Oliveira are dismissed w/prej, each party to bear its own costs. Signed by Judge Jay C. Zainey on 10/27/09.(gbw,) (Entered: 10/28/2009)
12/07/2009	<u>54</u>	Minute Entry for proceedings held before Judge Jay C. Zainey: Status Conference held on 12/3/2009. ORDERED that Clerk shall designate the Obando (06-7804) and Nava (08-3736) matters CLOSED for administrative purposes. FURTHER ORDERED that Clerk shall designate the Xavier matter (06-491) CLOSED for administrative purposes.(gbw,) (Entered: 12/07/2009)
11/09/2010	<u>55</u>	ORDER granting Joint Motion to Dismiss plaintiffs as stated in the document.. Signed by Judge Jay C. Zainey on 11/9/2010.(gbw,) (Entered: 11/09/2010)
01/05/2011	<u>56</u>	JUDGMENT that all claims in the captioned lawsuit are dismissed with prej, subject to the Court's continuing jurisdiction over the parties and settlement.. Signed by Judge Jay C. Zainey on 1/5/2011.(gbw,) (Entered: 01/06/2011)