

CLOSED, MEMBER

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:93-cv-03985-GEL

Abedin, et al v. Immigration Service
Assigned to: Judge Gerard E. Lynch
Demand: \$0
Lead case: [1:92-cv-08199-GEL](#)
Member case: ([View Member Case](#))
Cause: 28:1331 Fed. Question: Other

Date Filed: 06/11/1993
Date Terminated: 12/22/2003
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: U.S. Government Defendant

Plaintiff**MD. Jainai Abedin**

represented by **Robert A. Murtha, JR.**
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Plaintiff**Essam Abouzeid**

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*LEAD ATTORNEY***Plaintiff****Saied Ahmed Siddiqui**represented by **Robert A. Murtha, Jr.**
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*LEAD ATTORNEY***Plaintiff****Mohammad Yaqoob**represented by **Robert A. Murtha, Jr.**
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V.

Defendant**Immigration And Naturalization Service**

Date Filed	#	Docket Text
06/11/1993		CASE REFERRED TO Judge Conboy (jl) (Entered: 06/15/1993)
06/11/1993	1	COMPLAINT filed; Summons issued and Notice pursuant to 28 U.S.C. 636(c); FILING FEE \$ 120.00 RECEIPT # 193962 (jl) (Entered: 06/15/1993)
06/14/1993	2	Affidavit of service as to Immigration Service by cert. mail c/o Janet Reno, Attorney Gen., U.S. Dept. of Just., Wash., D.C. on 6/11/93 Answer due on 7/1/93 for Immigration Service (sc) (Entered: 06/16/1993)
06/14/1993	2	Affirmation of service as to Immigration Service by M. Bermudez, U.S. Attys-SDNY on 6/11/93 Answer due on 7/1/93 for Immigration Service (sc) (Entered: 06/16/1993)
06/14/1993	2	Affidavit of service as to Immigration Service by Judith Mendez, Leg. Tech., Imm & Natz Service on 6/11/93 Answer due on 7/1/93 for Immigration Service (sc) (Entered: 06/16/1993)
06/29/1993	3	Notice of asgmt _ to Judge Kenneth Conboy Copy of notice and judge's rules mailed to Attorney(s) of record: Robert A. Murtha Jr., Robert A. Murtha JR.. (jl) (Entered: 06/29/1993)
06/29/1993		**Remove referral flag- case no longer referred. (dcap) (Entered: 01/18/2000)
07/08/1993	4	INITIAL PRETRIAL CONFERENCE NOTICE, set pretrial conference for 11:45 9/20/93 (signed by Judge Kenneth Conboy) (mk) (Entered: 07/09/1993)

08/11/1993	5	STIPULATION and ORDER, reset answer due for 9/20/93 for Immigration Service (signed by Judge Kenneth Conboy). (mk) (Entered: 08/12/1993)
08/24/1993		Consolidated Member Case. Lead Case Number: 1:92cv8199. (emil) (Entered: 12/20/1999)
08/24/1993		Consolidated Member Case . Lead Case Number: 92 3985 (mk) (Entered: 08/31/1993)
08/24/1993		STIPULATION and ORDER FOR CONSOLIDATION, consolidating cases 92 civ 8199 KC & 93 civ 3985 KC purs. to FRCP 42(a) & the parties will adhere to a common timetable to be established at the 9-20-93 pretrial conference (signed by Judge Kenneth Conboy). (Orig. fld. in 92 civ 8199 KC) (mk) (Entered: 08/31/1993)
09/24/1993	6	PRETRIAL SCHEDULING ORDER setting Deadline for filing of Govt's motion to dismiss 10/18/93 ; Response to motion deadline 11/15/93 ; Rejoinder by 11-29-93 (by Judge Kenneth Conboy) ; Copies mailed (mk) (Entered: 09/24/1993)
09/24/1993	5	STIPULATION and ORDER, reset answer due for 10/20/93 for Immigration Service (signed by Judge Kenneth Conboy). (mk) (Entered: 09/24/1993)
10/21/1993		STIPULATION and ORDER, reset answer due for 11/17/93 for Immigration Service (signed by Judge Kenneth Conboy). (Orig. fld. in 92 civ 8199 KC) (mk) Modified on 10/22/1993 (Entered: 10/22/1993)
01/20/1994	7	Notice of reasgmt _ to Judge Allen G. Schwartz Copy of notice and judge's rules mailed to Attorney(s) of record: Robert A. Murtha Jr., Robert A. Murtha JR.. (dg) (Entered: 01/20/1994)
01/26/1994		STIPULATION and ORDER, reset answer due for 4/1/94 for Immigration Service (signed by Judge Allen G. Schwartz). (Orig. fld. in 92 civ 8199 AGS) (mk) Modified on 01/28/1994 (Entered: 01/28/1994)
04/21/1994		STIPULATION and ORDER, by and between attorney's for the parties extending time for the Government's time to answer the complaint and amended complaint in, 93 Civ.3985 (AGS), is extended to ten (10) days after the Court's disposition of the Government's 4/12/94 motion to dismiss the complaint, pursuant to Fed. R. Civ. P. 12(b) (1) and (b)(6), or, in the alternative, for summary judgment, pursuant to Fed. R. Civ. P. 56. (signed by Judge Allen G. Schwartz). Original document is filed in 92 (Civ. 8199) (pl) (Entered: 04/29/1994)
05/24/1994		Filed Memo_Endorsement on letter from Robert A. Murtha, Jr. dated 5/23/94, reset pltf's opposition to deft's motion to dismiss & for summ jmgmt filing deadline for , and Def't's Reply to Response to Motion reset for 9/5/94 , and Motion hearing set for 9/30/94... SO ORDERED, SCHWARTZ, J. (signed by Judge Allen G. Schwartz) (Orig. fld. in 92 civ 8199 AGS) (mk) (Entered: 05/31/1994)
07/29/1994		Filed Memo_Endorsement on letter by Robert A. Murtha, Jr. dated 7/27/94, reset Plaintiffs' opposition to motion filing deadline for set for 8/15/94 , reset Goverments' reply to opposition brief due for 9/19/94 , Return date to Goverments Motion for Summary Judgement for 10/14/94 Fld as doc#27 in case #92 cv 8199 (signed by Judge Allen G. Schwartz) (pl) (Entered: 08/10/1994)

08/12/1994		STIPULATION and ORDER, to amend caption by including the names of two additional plaintiffs, Rafique Uddin and Safar Uddin fld. as Doc # 28 in case #92 cv 8199 (signed by Judge Allen G. Schwartz). (pl) (Entered: 08/16/1994)
10/28/1994		STIPULATION and ORDER, for leave to file a 2nd Amended Complaint (signed by Judge Allen G. Schwartz). (Original filed in 92ccv8199(AGS), document # 37). (jr) (Entered: 11/01/1994)
03/20/1995		REPLY MEMORANDUM OF LAW by Immigration and Naturalization Service in further support of its re: motion to dismiss the complaints, or in the alternative, for summary judgment, and in opposition to plaintiffs' cross-motion for summary judgment. (Night Deposit on 3/20/95 at 9:05 p.m.) (Original document filed in Lead Case No. 92Cv.3985(AGS), Doc. #42) (ae) (Entered: 03/23/1995)
03/20/1995		RESPONSE by Immigration and Naturalization Service to Re: Plaintiffs' Rule 3(g) Statement in support of their cross-motion for summary judgment. (Night Deposit on 3/20/95 at 9:06 p.m.) (Original document filed in Lead Case #92Cv.8199 (AGS), Doc. #41) (ae) (Entered: 03/23/1995)
06/26/1995		SUPPLEMENTAL DECLARATION of James A. O'Brien by Immigration and Naturalization Svc., Re: Personal knowledge; Note: Orig. doc. fld. in lead case no. 92 Civ 8199 (AGS) (ls) (Entered: 06/29/1995)
06/30/1995		REPLY MEMORANDUM by plttfs TO Deft's Opposition To the Cross-Motion AND IN FURTHER SUPPORT of the Cross-Motion and Other and Further Relief; * Note: Orig. doc. fld. in lead case no. 92 civ 8199 (AGS) (ls) Modified on 07/07/1995 (Entered: 07/07/1995)
06/05/1996		Case closed (ae) (Entered: 06/06/1996)
06/05/1996	8	JUDGMENT, ORDERED, ADJUDGED AND DECREED: That for the reasons set forth in the Court's Opinion (76353) and Order of 3/29/96 defendant's motion to dismiss or for summary judgment is denied and plaintiffs' motion for summary judgment is granted to the extent set forth herein. Defendnat is ordered to vacate the denials of plaintiffs' application for SAW status and readjudicate plaintiffs' applications in accordance with the principals set forth in the Opinion (76353) and Order of 3/29/96. Specifically, defendant is ordered to (1) provide plaintiffs with competent interpreters, (2) consider each plaintiff's application individually, without reference to a fraud profile based on ethnicity or national origin, and (3) afford plaintiffs the opportunity to rebut adverse evidence, without raising an irrebuttable presumption of fraud based on their employers' fraud in other cases, and further, ORDERED, that the above-entitled consolidated action is closed and removed from the Court's active docket. JAMES M. PARKISON; Mailed copies and notice of right to appeal. (ae) (Entered: 06/06/1996)
04/10/1997		ORDER, (see below)...FOR THE FOREGOING REASONS, DEFT'S MOTION FOR A STAY PENDING APPEAL IS DENIED. , PLTFFS' CROSS-MOTION FOR A "DATE CERTAIN" FOR DEFT'S COMPLAINE W/ THE JDGMT. IS DENIED W/O PREJUDICE TO RENEWAL...SO ORDERED... (signed by Judge Allen G. Schwartz); Copies mailed *Note: orig. doc. fld. in case no. 92 civ 8199 (AGS) (ls) (Entered: 04/10/1997)

12/20/1999		Case reopened purs. to Mandate from USCA, 2nd Circuit entered in lead case #92 CV 8199, doc. #79. (emil) (Entered: 12/20/1999)
01/10/2001		Order of discontinuance of action without costs to either party and without prejudice to restore the action to the calendar of the undersigned if the settlement is not effecutated within 90 days; The Clerk of the Court is directed to forward a copy of this order to counsel for all parties; (signed by Judge Allen G. Schwartz); (original docmt dktd in case no. 92 cv 8199, docmt #80) (djc) (Entered: 01/10/2001)
01/10/2001		Case closed. (djc) (Entered: 01/10/2001)
10/17/2003		ORDER; that cases 92cv8199, 93cv3985, 96cv8002, 96cv9751, 97cv5706, 5904, 98cv6186 previously assigned to Judge Schwartz and closed, will be reopened and assigned to another District Judge . (signed by Chief Judge Michael B. Mukasey); orig. document docketed in 92cv8199 as document #82. (pl) (Entered: 10/17/2003)
10/17/2003		Case reopened. (pl) (Entered: 10/17/2003)
10/17/2003	9	Notice of Case reassignment to Judge Gerard E. Lynch . Copy of notice and judge's rules mailed to Attorney(s) of record: Robert A. Murtha Jr., Robert A. Murtha JR.. (gf) (Entered: 10/22/2003)
12/22/2003		STIPULATION AND ORDER OF SETTLEMENT AND DISMISSAL; that actions 92cv8199, 93cv3985, 96cv8002, 96cv9751, 97cv5706, 97cv5904, and 98cv6186 is dismissed with prejudice with respect to each plaintiff without costs or attorneys fees to either party. (Signed by Judge Gerard E. Lynch on 12/9/2003) Original document filed under case no. 92cv8199 (GEL), doc. # 86.(kkc,) (Entered: 12/29/2003)

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