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ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VIRGINIA MILANES, OMAR MIGUEL FARFAN, :
MANUEL ALBERTO MARTINEZ, ANDRES :
GIOVANNY SANCHEZ, NANCY CASTRO, and :
MARGOTH PEREZ DE CHALAMPA, on behalf of :
themselves and all other similarly situated individuals, :

Plaintiffs, :

JANET NAPOLITANO,¹ in her official capacity as :
Secretary of the Department of Homeland Security, :
ALEJANDRO MAYORKAS, in his official capacity as :
Director of the United States Citizenship and :
Immigration Services, ANDREA QUARANTILLO, in :
her official capacity as District Director of the New :
York City District of the United States Citizenship and :
Immigration Services, ERIC H. HOLDER, JR., in his :
official capacity as Attorney General of the United :
States, and ROBERT S. MUELLER, III, in his official :
capacity as Director of the Federal Bureau of :
Investigation, :

Defendants. :

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ECF Case

08 Civ. 2354 (LMM)

**STIPULATION AND ORDER OF
DISMISSAL**

Plaintiffs Virginia Milanes, Omar Miguel Farfan, Manuel Alberto Martinez, Andres
Giovanny Sanchez, Nancy Castro, and Margoth Perez De Chalampa (collectively, "Plaintiffs"),
and Defendants Janet Napolitano, in her official capacity as Secretary of the Department of
Homeland Security; Alejandro Mayorkas, in his official capacity as Director of the United States
Citizenship and Immigration Services; Andrea Quarantillo, in her official capacity as District
Director of the New York City District of USCIS; Eric H. Holder, Jr., in his official capacity as
Attorney General of the United States; and Robert S. Mueller, III, in his official capacity as
Director of the Federal Bureau of Investigation (collectively, "Defendants"), by and through their

¹ Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Janet Napolitano,
Alejandro Mayorkas and Eric H. Holder, Jr., are automatically substituted for their predecessors
as defendants in this case.

ccm 8/20/10

counsel, hereby enter into this Stipulation and Order of Dismissal ("Stipulation of Dismissal"), as of the date it is executed by all the parties hereto and effective upon order of the Court.

WHEREAS, on March 6, 2008, Plaintiffs, on behalf of themselves and all other similarly situated individuals, commenced the above-captioned civil action (the "Action") against Defendants seeking class certification, and declaratory and injunctive relief.

WHEREAS, on September 11, 2008, this Court entered judgment dismissing this action.

WHEREAS, on September 24, 2008, Plaintiffs filed a notice of appeal from the judgment to the United States Court of Appeals for the Second Circuit.

WHEREAS, by Mandate issued on January 26, 2010, the United States Court of Appeals for the Second Circuit vacated the judgment in part, and remanded the case to this Court to consider the merits of Plaintiffs' class certification motion.

WHEREAS, the parties agree to settlement of this Action in order (i) to avoid the substantial expense, inconvenience, and distraction of protracted litigation; (ii) to obtain dismissal of this Action, with prejudice, with the parties waiving any right to further appeal, except if the case is reinstated pursuant to the terms of the Agreement of Settlement and Release (the "Settlement Agreement")

WHEREAS, the parties, by their counsel, have executed a Settlement Agreement, annexed hereto as Exhibit A.

IT IS HEREBY ORDERED, pursuant to this Stipulation of Dismissal, that:

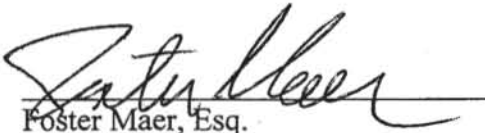
1. The above-referenced action be, and hereby is, held in abeyance until July 29, 2011.
2. On July 29, 2011, in the event that plaintiffs have not sought reinstatement of this action pursuant to paragraphs 22 through 27 of the Settlement Agreement, the

above-captioned action shall be dismissed with prejudice, and plaintiffs waive any rights they may have to further appeal in this above-captioned Action.

Dated: New York, New York
September 17, 2010

For Plaintiffs:

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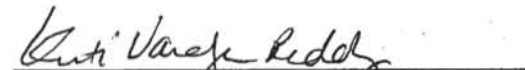
SO ORDERED:
DATED: 9/20/10



HONORABLE LAWRENCE M. MCKENNA
UNITED STATES DISTRICT JUDGE

For Defendants:

PREET BHARARA
United States Attorney for the Southern
District of New York



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