

STAYED, CLOSED, CASREF, ECF

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:08-cv-02354-LMM -KNF**

Milanes et al v. Chertoff et al
Assigned to: Judge Lawrence M. McKenna
Referred to: Magistrate Judge Kevin Nathaniel Fox
Cause: 05:0701 Maritime Subsidy Board

Date Filed: 03/06/2008
Date Terminated: 07/29/2011
Jury Demand: Plaintiff
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: U.S. Government Defendant

Plaintiff

Virginia Milanes

*on behalf of themselves and all others
similarly situated individuals*

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V.

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Defendant

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Date Filed	#	Docket Text
03/06/2008	<u>1</u>	COMPLAINT against Andrea Quarantillo, Michael B. Mukasey, Robert S. Mueller, III, Michael Chertoff, Emilio Gonzalez. (Filing Fee \$ 350.00, Receipt Number 644032)Document filed by Virginia Milanese, Omar Miguel Farfan,

		Manuel Alberto, Martinez, Andres Giovanni Sanchez, Nancy Castro, Margoth Perez De Chalampa.(laq) (mbe). (Entered: 03/10/2008)
03/06/2008		SUMMONS ISSUED as to Andrea Quarantillo, Michael B. Mukasey, Robert S. Mueller, III, Michael Chertoff, Emilio Gonzalez. (laq) (Entered: 03/10/2008)
03/06/2008	<u>2</u>	NOTICE OF APPEARANCE by Jackson Chin on behalf of Virginia Milanes, Omar Miguel Farfan, Manuel Alberto, Martinez, Andres Giovanni Sanchez, Nancy Castro, Margoth Perez De Chalampa. (laq) (Entered: 03/10/2008)
03/06/2008	<u>3</u>	NOTICE OF APPEARANCE by Foster S. Maer on behalf of Virginia Milanes, Omar Miguel Farfan, Manuel Alberto, Martinez, Andres Giovanni Sanchez, Nancy Castro, Margoth Perez De Chalampa. (laq) (Entered: 03/10/2008)
03/06/2008	<u>4</u>	NOTICE OF APPEARANCE by Jose-Luis Perez on behalf of Virginia Milanes, Omar Miguel Farfan, Manuel Alberto, Martinez, Andres Giovanni Sanchez, Nancy Castro, Margoth Perez De Chalampa. (laq) (Entered: 03/10/2008)
03/06/2008		Magistrate Judge Kevin N. Fox is so designated. (laq) (Entered: 03/10/2008)
03/06/2008		Case Designated ECF. (laq) (Entered: 03/10/2008)
03/10/2008	<u>5</u>	NOTICE OF APPEARANCE by Michael David Sant'Ambrogio on behalf of Virginia Milanes, Omar Miguel Farfan, Manuel Alberto, Martinez, Andres Giovanni Sanchez, Nancy Castro, Margoth Perez De Chalampa (Sant'Ambrogio, Michael) (Entered: 03/10/2008)
03/10/2008	<u>6</u>	NOTICE OF APPEARANCE by Jason David Parkin on behalf of Virginia Milanes, Omar Miguel Farfan, Manuel Alberto, Martinez, Andres Giovanni Sanchez, Nancy Castro, Margoth Perez De Chalampa (Parkin, Jason) (Entered: 03/10/2008)
03/10/2008	<u>7</u>	NOTICE OF APPEARANCE by Jane Greengold Stevens on behalf of Virginia Milanes, Omar Miguel Farfan, Manuel Alberto, Martinez, Andres Giovanni Sanchez, Nancy Castro, Margoth Perez De Chalampa (Stevens, Jane) (Entered: 03/10/2008)
04/02/2008	<u>8</u>	NOTICE OF APPEARANCE by Alan H. Levine on behalf of Virginia Milanes (Levine, Alan) (Entered: 04/02/2008)
04/02/2008	<u>9</u>	NOTICE OF APPEARANCE by Richard William Slack on behalf of Virginia Milanes, Omar Miguel Farfan, Manuel Alberto, Martinez, Andres Giovanni Sanchez, Nancy Castro, Margoth Perez De Chalampa (Slack, Richard) (Entered: 04/02/2008)
04/02/2008	<u>10</u>	NOTICE OF APPEARANCE by James W. Quinn on behalf of Virginia Milanes, Omar Miguel Farfan, Manuel Alberto, Martinez, Andres Giovanni Sanchez, Nancy Castro, Margoth Perez De Chalampa (Quinn, James) (Entered: 04/02/2008)
04/03/2008	<u>11</u>	ENDORSED LETTER addressed to Judge Lawrence M. McKenna from Foster Maer dated 4/3/08 re: plaintiff requts permission to file a combined brief of no more than 50 pages. ENDORSEMENT: granted. So Ordered. (Signed by Judge Lawrence M. McKenna on 4/3/08) (pl) (Entered: 04/03/2008)
04/03/2008		Minute Entry for proceedings held before Judge Lawrence M. McKenna: All parties present. The Court present. The Court establishes a briefing schedule for preliminary discovery as to plaintiffs motion (unfiled) by Order To Show Cause, as follows: Plaintiffs to serve request upon Defendants for expedited discovery by 4:00 p.m. on 4/4/08; Defendants to respond to Court (copy of Plaintiff) by 1:00 p.m. on 4/10/08 "why expedited discovery should not be granted". Next Court conference set for 4/11/087 at 2:00 p.m..in re: expedited discovery issues, et al. No transcript taken. (pl) Modified on 4/23/2008 (pl). Modified on 4/23/2008 (pl). (Entered: 04/07/2008)
04/07/2008	<u>12</u>	NOTICE OF APPEARANCE by Kirti Vaidya Reddy on behalf of Andrea Quarantillo, Michael B. Mukasey, Robert S. Mueller, III, Michael Chertoff, Emilio Gonzalez (Reddy, Kirti) (Entered: 04/07/2008)

04/07/2008	<u>13</u>	NOTICE OF APPEARANCE by Robert William Yalen on behalf of Andrea Quarantillo, Michael B. Mukasey, Robert S. Mueller, III, Michael Chertoff, Emilio Gonzalez (Yalen, Robert) (Entered: 04/07/2008)
04/11/2008		MEMORANDUM TO THE DOCKET CLERK: Court addresses preliminary issues on the record prior to hearing oral argument on Plaintiffs Motion to Compel Discovery, as follows: As to briefing schedule outlined in the 4/10/08 letter to the Court from AUSA Robert Yalen, the Government will file motions by 5/23/08, which Govt. Motions shall include a motion for an Order to Deny Class Certification of all Plaintiffs and to Dismiss the Complaint in its entirety. See Transcript. Oral argument held and concluded to Plaintiffs' Motion, by Order Show Cause, to Compel Discovery of Defendants. All parties present (Court Reporter: Christine Sellin present). Judges decision: The Court grants the Plaintiffs motion , by Order to Show Cause. The letter of the Government dated 4/10/08 is memo- endorsed by the Court, as follows: the Government is to produce the FBI Administrative record to Plaintiffs counsel within fifteen days from today; the CIS Administrative record is to be produced to Plaintiffs counsel within thirty days from today; Government is to produce A Files of all Plaintiffs in this case w2ithin fifteen days. The Government is to produce the Yakubova Case file within fifteen days from today (with the condition that the parties will first engage on consent in a written Confidentiality Order to be signed by the Court). See transcript. So Ordered. See transcript. (rw) Modified on 4/23/2008 (pl). Modified on 4/23/2008 (pl). (Entered: 04/15/2008)
04/21/2008	<u>14</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement). Referred to Magistrate Judge Kevin Nathaniel Fox. (Signed by Judge Lawrence M. McKenna on 4/21/08) (js) (Entered: 04/22/2008)
04/23/2008	<u>15</u>	ENDORSED LETTER addressed to Judge Lawrence M. McKenna from Kirti Vaidya Reddy dated 4/22/08 re: Counsel for defendant requests the Court's permission to file its administrative records with the Clerk of Court by manually filing a hard copy and computer disks, rather than through the ECF system. ENDORSEMENT: Granted. So Ordered. (Signed by Judge Lawrence M. McKenna on 4/23/08) (js) (Entered: 04/23/2008)
04/28/2008	16	TRANSCRIPT of proceedings held on 4/11/2008 before Judge Lawrence M. McKenna. (ama) (Entered: 04/28/2008)
05/08/2008	<u>17</u>	STIPULATED PROTECTIVE ORDER: Regarding procedures to be followed that shall govern the handling of confidential material. (Signed by Judge Lawrence M. McKenna on 5/8/2008) (jpo) (Entered: 05/08/2008)
05/13/2008	<u>18</u>	MEMORANDUM AND ORDER: First, the Court has neither ruled that all discovery is permissible notwithstanding the normal restrictions on going outside of the administrative record on APA issues, nor left that issues to Judge Fox to rule on as an abstract question. The administrative record rule is to be respected, but the Court recognizes as well that there may be exceptions in this case as to particular factual issues, not all of which can be foreseen. The Court expects and party seeking discovery beyond the FBI and USCIS administrative records, The Yakubova production and the A files to show that the discovery it seeks is necessary for a particular reason, e.g., to fill a gap in an administrative record, or to obtain and explanation, or probe an explanation, for delay. Hopefully, counsel can meet and agree in such cases, but, if not, the issues will be presented to Judge Fox. (Signed by Judge Lawrence M. McKenna on 5/13/2008) (jfe) (Entered: 05/13/2008)
05/19/2008	<u>19</u>	ENDORSED LETTER addressed to Judge Lawrence M. McKenna from Richard W. Slack dated 5/15/2008, Plaintiff respectfully requests that the court deny defendants request to vacate the briefing schedule previously set by the Court, also that the Court adopt the following schedule: Fact Discovery in connection with Motion for Preliminary Injunction completed by May 27, 2008. The parties will disclose any expert and the subject of their testimony by May 30, 2008. The parties shall conduct any depositions of fact and expert witness for purpose of the Preliminary Injunction hearing by June 12, 2008. Plaintiff shall serve their Opposition to Defendants Motion to dismiss and reply to Defendants Opposition to

		plaintiffs' Motion for Preliminary Injunction and Class Certification no later than June 16, 2008. The parties shall be ready for a hearing on the Motion for Preliminary Injunction on or after June 18, 2008. ENDORSEMENT: Defendants' motion for an extension until 6/6/2008 to file their opposition to plaintiffs' motion for a preliminary injunction and class certification and defendants' motion for dismissal and remand is granted. The schedule proposed above in this letter is adopted with the exception, that each date in it is moved one week into the future. So Ordered,(Signed by Judge Lawrence M. McKenna on 5/19/2008) (jfe) (Entered: 05/19/2008)
05/22/2008	20	Certification of Administrative Record (FBI). Document filed by Robert S. Mueller, III. (cd) (Entered: 05/23/2008)
05/23/2008	<u>21</u>	ORDER, a telephonic conference will be held on 5/28/08, at 10:30 am, to be initiated by counsel to plaintiff to (212)805-6705. (Telephone Conference set for 5/28/2008 at 10:30 AM before Magistrate Judge Kevin Nathaniel Fox.) (Signed by Magistrate Judge Kevin Nathaniel Fox on 5/23/08) (cd) (Entered: 05/27/2008)
05/28/2008	22	CIS Administrative Record for Backlog in processing Naturalization Applications. (Volume 6). (pl) Modified on 5/28/2008 (pl). (Entered: 05/28/2008)
05/28/2008	23	CIS Administrative Record for 2002 Change in scope of FBI name checks Naturalization Process. (Volume 1). (pl) Modified on 5/28/2008 (pl). (Entered: 05/28/2008)
05/28/2008	24	CIS Administrative Record for Backlog in processing Naturalization Applications. (Volume 4). (pl) Modified on 5/28/2008 (pl). (Entered: 05/28/2008)
05/28/2008	25	CIS Administrative Record for Backlog in processing Naturalization Applications. (Volume 5). (pl) Modified on 5/28/2008 (pl). (Entered: 05/28/2008)
05/28/2008	26	CIS Administrative Record for Backlog in processing Naturalization Applications. (Volume 3). (pl) Modified on 5/28/2008 (pl). (Entered: 05/28/2008)
05/28/2008	27	CIS Administrative Record for 2002 Change in scope of FBI name checks Naturalization Process. (Volume 2). (pl) (Entered: 05/28/2008)
05/28/2008	28	CIS Administrative Record for Backlog in processing Naturalization Applications. (Volume 8). (pl) Modified on 5/28/2008 (pl). (Entered: 05/28/2008)
05/28/2008	29	CIS Administrative Record for Backlog in processing Naturalization Applications. (Volume 7). (pl) (Entered: 05/28/2008)
05/28/2008	30	CIS Administrative Record for Backlog in processing Naturalization Applications. (Volume 10). (pl) Modified on 5/28/2008 (pl). (Entered: 05/28/2008)
05/28/2008	31	CIS Administrative Record for Backlog in processing Naturalization Applications. (Volume 9). (pl) Modified on 5/28/2008 (pl). (Entered: 05/28/2008)
05/28/2008	32	CIS Administrative Record for Backlog in processing Naturalization Applications. (Volume 2). (pl) Modified on 5/28/2008 (pl). (Entered: 05/28/2008)
05/28/2008	33	CIS Administrative Record for Backlog in processing Naturalization Applications. (Volume 12). (pl) Modified on 5/28/2008 (pl). (Entered: 05/28/2008)
05/28/2008	<u>34</u>	ORDER: (1) on or before May 30, 2008, Gregory Smith shall certify that a copy of the complete and accurate administrative record has been provided to the plaintiffs; (2) on or before June 2, 2008, the defendants shall provide data responsive to the plaintiffs' discovery demands in hard copy format, as discussed during the conference, and thereafter, supplement that disclosure with the data maintained in an electronic format with the understanding that the electronic data will be provided to the plaintiffs on a rolling basis; (3) on or before June 9, 2008, the defendants must respond completely to the plaintiffs' outstanding discovery demands; and (4) on or before June 2, 2008, the plaintiffs shall respond to the defendants' outstanding discovery demands. (Signed by Magistrate Judge Kevin Nathaniel Fox on 5/28/08) (rw) (Entered: 05/28/2008)
05/28/2008	35	LETTER addressed to J. Michael McMahon, Clerk of Court from Tomoko Onozawa dated 5/22/08 re: Government submits for filing with the Clerk of Court,

		the administrative record for this case comprised of the documents that are set forth in this letter. Document filed by U.S. Department of Justice.(pl) Modified on 5/29/2008 (pl). (Entered: 05/29/2008)
05/28/2008		Minute Entry for proceedings held before Magistrate Judge Kevin Nathaniel Fox: Telephone Conference held on 5/28/2008. (cd) (Entered: 06/02/2008)
06/05/2008	<u>36</u>	ENDORSED LETTER addressed to Judge Lawrence M. McKenna and Magistrate Judge Kevin. Fox from Robert William Yalen dated 6/3/08 re: The Government submits this letter to request certain modifications to the upcoming schedule in this case as follows: Government to complete production of Hard-Copy Documents due by 6/6/08 (all hard copy documents except those of Scharfen); 6/10/08 (hard copy documents of Scharfen); Service of Privilege Log for Hard Copy Documents due by 6/9/08 (for hard copy documents except those of Scharfen); 6/10/08 (for hard copy documents of Scharfen); Government to provide Plaintiffs with dates for Completion of Production of Documents from Eletronic-Sources due by 6/9/08; Disclosures of Expert Witnesses due by 6/6/08 (no change); Government's Papers due by 6/13/08; Government's Response to Interrogatories No. 5 and 6 to USCIS due by 6/9/08 (no change); Completion of depositions 6/27/08; Plaintiffs' papers due by 7/2/08; date when parties shall be ready for a preliminary injunction hearing 7/7/08. ENDORSEMENT: The above schedule is approved &so ordered. The preliminary injunction hearing will be held on 7/9/08 at 9:30 a.m. (and extended to 7/10/08 (to be set), if necessary). (Signed by Judge Lawrence M. McKenna on 6/5/08) (tro) (Entered: 06/06/2008)
06/11/2008	<u>37</u>	ENDORSED LETTER addressed to Judge Lawrence M. McKenna from Robert William Yalen dated 6/11/08 re: Counsel for the Government request a one-week extension for the service of their papers and to submit a 75-page memorandum of law with papers. ENDORSEMENT: The government's time to serve &file the responsive submissions is extended to 6/19/08 at 1PM; the plaintiffs' time to serve &file its reply submissions is extended to 7/8 at 1PM. Page limitations for such submissions are waived. (Signed by Judge Lawrence M. McKenna on 6/11/08) (tro) (Entered: 06/12/2008)
06/19/2008	<u>38</u>	MOTION to Dismiss <i>in Part and Remand in Part, or in the Alternative for Summary Judgment</i> . Document filed by Andrea Quarantillo, Michael B. Mukasey, Robert S. Mueller, III, Michael Chertoff, Emilio Gonzalez.(Yalen, Robert) (Entered: 06/19/2008)
06/19/2008	<u>39</u>	MEMORANDUM OF LAW in Support re: <u>38</u> MOTION to Dismiss <i>in Part and Remand in Part, or in the Alternative for Summary Judgment. and in Opposition to Plaintiffs' Motions for a Preliminary Injunction and Class Certification</i> . Document filed by Andrea Quarantillo, Michael B. Mukasey, Robert S. Mueller, III, Michael Chertoff, Emilio Gonzalez. (Yalen, Robert) (Entered: 06/19/2008)
06/19/2008	<u>40</u>	DECLARATION of Michael A. Cannon in Support re: <u>38</u> MOTION to Dismiss <i>in Part and Remand in Part, or in the Alternative for Summary Judgment..</i> Document filed by Andrea Quarantillo, Michael B. Mukasey, Robert S. Mueller, III, Michael Chertoff, Emilio Gonzalez. (Yalen, Robert) (Entered: 06/19/2008)
06/19/2008	<u>41</u>	DECLARATION of David J. Keevis in Support re: <u>38</u> MOTION to Dismiss <i>in Part and Remand in Part, or in the Alternative for Summary Judgment..</i> Document filed by Andrea Quarantillo, Michael B. Mukasey, Robert S. Mueller, III, Michael Chertoff, Emilio Gonzalez. (Yalen, Robert) (Entered: 06/19/2008)
06/19/2008	<u>42</u>	DECLARATION of Robert William Yalen in Support re: <u>38</u> MOTION to Dismiss <i>in Part and Remand in Part, or in the Alternative for Summary Judgment..</i> Document filed by Andrea Quarantillo, Michael B. Mukasey, Robert S. Mueller, III, Michael Chertoff, Emilio Gonzalez. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C (part 1), # <u>4</u> Exhibit C part 2, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F part 1, # <u>8</u> Exhibit F part 2)(Yalen, Robert) (Entered: 06/19/2008)
06/19/2008	<u>43</u>	RULE 56.1 STATEMENT. Document filed by Andrea Quarantillo, Michael B. Mukasey, Robert S. Mueller, III, Michael Chertoff, Emilio Gonzalez. (Yalen, Robert) (Entered: 06/19/2008)

06/24/2008	<u>44</u>	ENDORSED LETTER addressed to Judge Lawrence M. McKeena from Robert William Yalen dated 6/23/08 re: that the parties requests that the Court enter an order modifying the current schedule so as to permit depositions to be taken through 7/2/08. This extension would not modify any other deadlines in the case. ENDORSEMENT: Granted. So Ordered. (Signed by Judge Lawrence M. McKenna on 6/24/08) (pl) (Entered: 06/24/2008)
07/10/2008	<u>45</u>	MOTION for Malick W. Ghachem to Appear Pro Hac Vice. Document filed by Virginia Milanese, Omar Miguel Farfan, Manuel Alberto, Martinez, Andres Giovanni Sanchez, Nancy Castro, Margoth Perez De Chalampa.(dle) (Entered: 07/11/2008)
07/11/2008	47	SUPPLEMENT TO CIS ADMINISTRATIVE RECORD FOR BACKLONG IN PROCESSING NATURALIZATION APPLICATIONS filed by Donald Neufeld. (pl) (Entered: 07/14/2008)
07/14/2008	<u>48</u>	ORDER granting <u>45</u> Motion for Malick W. Ghachem to Appear Pro Hac Vice. (Signed by Judge Lawrence M. McKenna on 7/9/08) (rw) (Entered: 07/14/2008)
07/14/2008		Transmission to Attorney Admissions Clerk. Transmitted re: <u>48</u> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (rw) (Entered: 07/14/2008)
07/15/2008	49	UNSIGNED ORDER TO SHOW CAUSE: Defendants shall show cause as to why an order Granting a preliminary Injunction, and class certification should not be issued, set forth herein. Oral Argument held July 15, 2008. See transcript. (jpo) (Entered: 07/16/2008)
07/15/2008		MEMORANDUM TO THE DOCKET CLERK: All parties present. Oral argument held and concluded of plaintiffs' motion, by order to show cause, for a preliminary injunction granting miscellaneous rewlief as to..; (dj) (Entered: 07/16/2008)
07/18/2008	<u>50</u>	REPLY MEMORANDUM OF LAW in Support re: <u>38</u> MOTION to Dismiss <i>in Part and Remand in Part, or in the Alternative for Summary Judgment..</i> Document filed by Andrea Quarantillo, Michael B. Mukasey, Robert S. Mueller, III, Michael Chertoff, Emilio Gonzalez. (Yalen, Robert) (Entered: 07/18/2008)
07/18/2008	<u>51</u>	REPLY AFFIRMATION of David J. Keevis in Support re: <u>38</u> MOTION to Dismiss <i>in Part and Remand in Part, or in the Alternative for Summary Judgment..</i> Document filed by Andrea Quarantillo, Michael B. Mukasey, Robert S. Mueller, III, Michael Chertoff, Emilio Gonzalez. (Attachments: # <u>1</u> Exhibit)(Yalen, Robert) (Entered: 07/18/2008)
07/18/2008	<u>52</u>	REPLY AFFIRMATION of Kirti Vaidya Reddy in Support re: <u>38</u> MOTION to Dismiss <i>in Part and Remand in Part, or in the Alternative for Summary Judgment..</i> Document filed by Andrea Quarantillo, Michael B. Mukasey, Robert S. Mueller, III, Michael Chertoff, Emilio Gonzalez. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Yalen, Robert) (Entered: 07/18/2008)
07/21/2008		CASHIERS OFFICE REMARK on <u>48</u> Order on Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 07/10/2008, Receipt Number 656441. (jd) (Entered: 07/21/2008)
08/05/2008	53	TRANSCRIPT of proceedings held on 7/16/08 before Judge Lawrence M. McKenna. (ama) (Entered: 08/05/2008)
08/07/2008	<u>54</u>	MEMO ENDORSED on DEFENDANTS' REPLY MEORANDUM OF LAW IN FURTHER SUPPORT OF THEIR MOTION TO DISMISS IN PART AND REMAND IN PART, OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT. ENDORSEMENT: For the reasons set forth on the record on 8/7/2008, plaintiffs' motion for preliminary injunction motion for dismissal under F.R.C.P. 12(a)(6) is granted as to all claims in the complaint without prejudice to the continued pursuit by the named plaintiffs putative class members was one not yet naturalized of their naturalization proceedings. Defendants' motion for remand is denied and defendants' motion for summary judgment (not reached) is denied as moot. So ordered. (Signed by Judge Lawrence M. McKenna on 8/7/2008) (jpo) (Entered: 08/07/2008)

08/07/2008		MEMORANDUM TO THE DOCKET CLERK: Post-motion conference held on oral argument of Plaintiffs' and defendants' Motions (see Doc. #38). Court issues a decision from the bench – Memorandum endorsed. See transcript. (dj) (Entered: 08/08/2008)
08/14/2008	<u>55</u>	ENDORSED LETTER addressed to Judge Lawrence M. McKenna from Tomoko Onozawa dated 8/13/08 re: The parties jointly propose the corrections to the transcript indicated on the attached Exhibit A. The Government proposes the additional correction listed on the attached Exhibit B; Plaintiff do not agree to this additional correction. ENDORSEMENT: All proposed corrections including that on exhibit B. Are approved. So Ordered. (Signed by Judge Lawrence M. McKenna on 8/14/08) (js) (Entered: 08/14/2008)
08/19/2008	<u>56</u>	MOTION for Reconsideration re: <u>54</u> Order on Motion to Dismiss,.. Document filed by Virginia Milanes, Omar Miguel Farfan, Manuel Alberto, Martinez, Andres Giovanni Sanchez, Nancy Castro, Margoth Perez De Chalampa.(Slack, Richard) (Entered: 08/19/2008)
08/19/2008	<u>57</u>	MEMORANDUM OF LAW in Support re: <u>56</u> MOTION for Reconsideration re; <u>54</u> Order on Motion to Dismiss,.. Document filed by Virginia Milanes, Omar Miguel Farfan, Manuel Alberto, Martinez, Andres Giovanni Sanchez, Nancy Castro, Margoth Perez De Chalampa. (Slack, Richard) (Entered: 08/19/2008)
08/22/2008	<u>58</u>	ENDORSED LETTER addressed to Judge Lawrence M. McKenna from Kirti Vaidya Reddy dated 8/21/2008 re: Counsel respectfully request that the deadline for its service of an opposition to the motion for reconsideration be set for September 3, 2008. ENDORSEMENT: Plaintiff's application for expedited briefing is denied. Defendant's response to plaintiff's motion is to be filed by 9/3/08. Plaintiff's may have until 9/10/08 to reply (but may, of course reply earlier) if the Court finds that a hearing and/or oral argument is needed, it will so notify all counsel. So Ordered. (Signed by Judge Lawrence M. McKenna on 8/22/2008) (jfe) Modified on 9/16/2008 (jfe). (Entered: 08/22/2008)
09/03/2008	<u>59</u>	MEMORANDUM OF LAW in Opposition re: <u>56</u> MOTION for Reconsideration re; <u>54</u> Order on Motion to Dismiss,.. Document filed by Andrea Quarantillo, Michael B. Mukasey, Robert S. Mueller, III, Michael Chertoff, Emilio Gonzalez. (Yalen, Robert) (Entered: 09/03/2008)
09/04/2008	60	TRANSCRIPT of proceedings held on 8/07/08 before Judge Lawrence M. McKenna. (ama) (Entered: 09/04/2008)
09/05/2008	<u>61</u>	MEMORANDUM OF LAW in Support re: 49 Order to Show Cause – Unsigned. Document filed by Virginia Milanes, Omar Miguel Farfan, Manuel Alberto, Martinez, Andres Giovanni Sanchez, Nancy Castro, Margoth Perez De Chalampa. (Slack, Richard) (Entered: 09/05/2008)
09/05/2008	<u>62</u>	DECLARATION of Foster S. Maer in Support re: <u>61</u> Memorandum of Law in Support. Document filed by Virginia Milanes, Omar Miguel Farfan, Manuel Alberto, Martinez, Andres Giovanni Sanchez, Nancy Castro, Margoth Perez De Chalampa. (Slack, Richard) (Entered: 09/05/2008)
09/05/2008	<u>63</u>	DECLARATION of Andres Giovanni Sanchez in Support re: <u>61</u> Memorandum of Law in Support. Document filed by Virginia Milanes, Omar Miguel Farfan, Manuel Alberto, Martinez, Andres Giovanni Sanchez, Nancy Castro, Margoth Perez De Chalampa. (Slack, Richard) (Entered: 09/05/2008)
09/05/2008	<u>64</u>	DECLARATION of Nancy Castro in Support re: <u>61</u> Memorandum of Law in Support. Document filed by Virginia Milanes, Omar Miguel Farfan, Manuel Alberto, Martinez, Andres Giovanni Sanchez, Nancy Castro, Margoth Perez De Chalampa. (Slack, Richard) (Entered: 09/05/2008)
09/05/2008	<u>65</u>	DECLARATION of Arturo Vargas in Support re: <u>61</u> Memorandum of Law in Support. Document filed by Virginia Milanes, Omar Miguel Farfan, Manuel Alberto, Martinez, Andres Giovanni Sanchez, Nancy Castro, Margoth Perez De Chalampa. (Slack, Richard) (Entered: 09/05/2008)
09/05/2008	<u>66</u>	DECLARATION of Omar M. Farfan in Support re: <u>61</u> Memorandum of Law in Support. Document filed by Virginia Milanes, Omar Miguel Farfan, Manuel

		Alberto, Martinez, Andres Giovanni Sanchez, Nancy Castro, Margoth Perez De Chalampa. (Slack, Richard) (Entered: 09/05/2008)
09/05/2008	<u>67</u>	DECLARATION of Manuel Alberto Martinez in Support re: <u>61</u> Memorandum of Law in Support. Document filed by Virginia Milanes, Omar Miguel Farfan, Manuel Alberto, Martinez, Andres Giovanni Sanchez, Nancy Castro, Margoth Perez De Chalampa. (Slack, Richard) (Entered: 09/05/2008)
09/05/2008	<u>68</u>	DECLARATION of Virginia Milanes in Support re: <u>61</u> Memorandum of Law in Support. Document filed by Virginia Milanes, Omar Miguel Farfan, Manuel Alberto, Martinez, Andres Giovanni Sanchez, Margoth Perez De Chalampa, Michael Chertoff. (Slack, Richard) (Entered: 09/05/2008)
09/05/2008	<u>69</u>	AFFIDAVIT of Margoth Perez De Chalampa in Support re: <u>61</u> Memorandum of Law in Support. Document filed by Virginia Milanes, Omar Miguel Farfan, Manuel Alberto, Martinez, Andres Giovanni Sanchez, Nancy Castro, Margoth Perez De Chalampa. (Slack, Richard) (Entered: 09/05/2008)
09/05/2008	<u>70</u>	DECLARATION of Michael D. Sant'Ambrogio in Support re: <u>61</u> Memorandum of Law in Support. Document filed by Virginia Milanes, Omar Miguel Farfan, Manuel Alberto, Martinez, Andres Giovanni Sanchez, Nancy Castro, Margoth Perez De Chalampa. (Attachments: # <u>1</u> Part 2, # <u>2</u> Part 3, # <u>3</u> Part 4, # <u>4</u> Part 5, # <u>5</u> Part 6)(Slack, Richard) (Entered: 09/05/2008)
09/05/2008	<u>71</u>	DECLARATION of Michael D. Sant'Ambrogio in Support re: <u>61</u> Memorandum of Law in Support, <u>70</u> Declaration in Support,. Document filed by Virginia Milanes, Omar Miguel Farfan, Manuel Alberto, Martinez, Andres Giovanni Sanchez, Nancy Castro, Margoth Perez De Chalampa. (Attachments: # <u>1</u> Part 8, # <u>2</u> Part 9)(Slack, Richard) (Entered: 09/05/2008)
09/08/2008		Transmission to Judgments and Orders Clerk. Transmitted re: <u>54</u> Order on Motion to Dismiss, to the Judgments and Orders Clerk. (jpo) (Entered: 09/08/2008)
09/10/2008	<u>72</u>	MEMORANDUM AND ORDER: Reinstatements of Counts I and II having been denied, there is no adequate ground for reconsideration of the denial of preliminary injunction. Motion for reconsideration denied. (Signed by Judge Lawrence M. McKenna on 9/10/2008) (jfe) (Entered: 09/10/2008)
09/11/2008	<u>73</u>	CLERK'S JUDGMENT That for the reasons stated in the Court's Memo Endorsed Order dated August 7, 2008, plaintiffs motions for a preliminary injunction and for class certification are denied; defendants motion for dismissal is granted under Fed. R. Civ. P. 12(b)(6) as to all claims in the complaint (without prejudice to the continued pursuit by the named plaintiffs and putative class members who have not yet been naturalized at their naturalization proceedings); defendants motion for remand is denied; and defendants motion for summary judgment (not reached) is denied as moot. (Signed by J. Michael McMahon, clerk on 9/11/08) (Attachments: # <u>1</u> notice of right to appeal)(ml) (Entered: 09/11/2008)
09/24/2008	<u>74</u>	NOTICE OF APPEAL from <u>73</u> Clerk's Judgment. Document filed by Virginia Milanes, Omar Miguel Farfan, Manuel Alberto Martinez, Andres Giovanni Sanchez, Nancy Castro, Margoth Perez De Chalampa. Filing fee \$ 455.00, receipt number E 664036. (tp) (Entered: 09/25/2008)
09/25/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>74</u> Notice of Appeal,. (tp) (Entered: 09/25/2008)
09/25/2008		Transmission of Notice of Appeal to the District Judge re: <u>74</u> Notice of Appeal. (tp) (Entered: 09/25/2008)
10/23/2008	<u>75</u>	TRANSCRIPT of proceedings (CORRECTED) held on 8/7/08 before Judge Lawrence M. McKenna. (ja) (Entered: 10/31/2008)
11/10/2008	<u>76</u>	Appeal Record Sent to USCA (Index). Notice that the Original index to the record on Appeal for <u>74</u> Notice of Appeal, filed by Andres Giovanni Sanchez, Omar Miguel Farfan, Nancy Castro, Margoth Perez De Chalampa, Manuel Alberto, Martinez, Virginia Milanes USCA Case Number 08-47749, 3 Copies of the index, Certified Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (tp) (nd). (Entered: 11/10/2008)

11/17/2008

First Supplemental ROA Sent to USCA (Electronic File). Certified Supplemental Indexed record on Appeal Electronic Files for 11 Endorsed Letter, 43 Rule 56.1 Statement filed by Michael Chertoff, Robert S. Mueller, III, Andrea Quarantillo, Michael B. Mukasey, Emilio Gonzalez, 42 Declaration in Support of Motion, filed by Michael Chertoff, Robert S. Mueller, III, Andrea Quarantillo, Michael B. Mukasey, Emilio Gonzalez, 7 Notice of Appearance filed by Andres Giovanni Sanchez, Omar Miguel Farfan, Nancy Castro, Margoth Perez De Chalampa, Manuel Alberto, Martinez, Virginia Milanes, 58 Endorsed Letter, Set Motion and RRDeadlines/Hearings,,,,, 44 Endorsed Letter, Set Deadlines/Hearings,, 72 Order on Motion for Reconsideration, 52 Reply Affirmation in Support of Motion, filed by Michael Chertoff, Robert S. Mueller, III, Andrea Quarantillo, Michael B. Mukasey, Emilio Gonzalez, 37 Endorsed Letter, Set Deadlines/Hearings,,,,, 66 Declaration in Support filed by Andres Giovanni Sanchez, Omar Miguel Farfan, Nancy Castro, Margoth Perez De Chalampa, Manuel Alberto, Martinez, Virginia Milanes, 50 Reply Memorandum of Law in Support of Motion, filed by Michael Chertoff, Robert S. Mueller, III, Andrea Quarantillo, Michael B. Mukasey, Emilio Gonzalez, 15 Endorsed Letter, Set Deadlines/Hearings,, 56 MOTION for Reconsideration re: 54 Order on Motion to Dismiss,,. filed by Andres Giovanni Sanchez, Omar Miguel Farfan, Nancy Castro, Margoth Perez De Chalampa, Manuel Alberto, Martinez, Virginia Milanes, 57 Memorandum of Law in Support of Motion, filed by Andres Giovanni Sanchez, Omar Miguel Farfan, Nancy Castro, Margoth Perez De Chalampa, Manuel Alberto, Martinez, Virginia Milanes, 5 Notice of Appearance filed by Andres Giovanni Sanchez, Omar Miguel Farfan, Nancy Castro, Margoth Perez De Chalampa, Manuel Alberto, Martinez, Virginia Milanes, 13 Notice of Appearance filed by Michael Chertoff, Robert S. Mueller, III, Andrea Quarantillo, Michael B. Mukasey, Emilio Gonzalez, 48 Order on Motion to Appear Pro Hac Vice, 21 Order, Set Deadlines/Hearings,, 67 Declaration in Support, filed by Andres Giovanni Sanchez, Omar Miguel Farfan, Nancy Castro, Margoth Perez De Chalampa, Manuel Alberto, Martinez, Virginia Milanes, 63 Declaration in Support, filed by Andres Giovanni Sanchez, Omar Miguel Farfan, Nancy Castro, Margoth Perez De Chalampa, Manuel Alberto, Martinez, Virginia Milanes, 54 Order on Motion to Dismiss,, 68 Declaration in Support, filed by Andres Giovanni Sanchez, Michael Chertoff, Omar Miguel Farfan, Margoth Perez De Chalampa, Manuel Alberto, Martinez, Virginia Milanes, 12 Notice of Appearance filed by Michael Chertoff, Robert S. Mueller, III, Andrea Quarantillo, Michael B. Mukasey, Emilio Gonzalez, 65 Declaration in Support filed by Andres Giovanni Sanchez, Omar Miguel Farfan, Nancy Castro, Margoth Perez De Chalampa, Manuel Alberto, Martinez, Virginia Milanes, 61 Memorandum of Law in Support filed by Andres Giovanni Sanchez, Omar Miguel Farfan, Nancy Castro, Margoth Perez De Chalampa, Manuel Alberto, Martinez, Virginia Milanes, 38 MOTION to Dismiss *in Part and Remand in Part, or in the Alternative for Summary Judgment.* filed by Michael Chertoff, Robert S. Mueller, III, Andrea Quarantillo, Michael B. Mukasey, Emilio Gonzalez, 69 Affidavit in Support, filed by Andres Giovanni Sanchez, Omar Miguel Farfan, Nancy Castro, Margoth Perez De Chalampa, Manuel Alberto, Martinez, Virginia Milanes, 40 Declaration in Support of Motion, filed by Michael Chertoff, Robert S. Mueller, III, Andrea Quarantillo, Michael B. Mukasey, Emilio Gonzalez, 8 Notice of Appearance filed by Virginia Milanes, 62 Declaration in Support filed by Andres Giovanni Sanchez, Omar Miguel Farfan, Nancy Castro, Margoth Perez De Chalampa, Manuel Alberto, Martinez, Virginia Milanes, 34 Order,,, 55 Endorsed Letter, Set Deadlines/Hearings,, 1 Complaint, filed by Andres Giovanni Sanchez, Omar Miguel Farfan, Nancy Castro, Margoth Perez De Chalampa, Manuel Alberto, Martinez, Virginia Milanes, 10 Notice of Appearance filed by Andres Giovanni Sanchez, Omar Miguel Farfan, Nancy Castro, Margoth Perez De Chalampa, Manuel Alberto, Martinez, Virginia Milanes, 19 Endorsed Letter, Set Deadlines/Hearings,,,,,,,,, 45 MOTION for Malick W. Ghachem to Appear Pro Hac Vice. filed by Andres Giovanni Sanchez, Omar Miguel Farfan, Nancy Castro, Margoth Perez De Chalampa, Manuel Alberto, Martinez, Virginia Milanes, 36 Endorsed Letter, Set Deadlines/Hearings,,,,,,,,, 64 Declaration in Support filed by Andres Giovanni Sanchez, Omar Miguel Farfan, Nancy Castro, Margoth Perez De Chalampa, Manuel Alberto, Martinez, Virginia Milanes, 59 Memorandum of Law in Opposition to Motion filed by Michael Chertoff, Robert S. Mueller, III, Andrea Quarantillo, Michael B. Mukasey, Emilio Gonzalez, 70 Declaration in Support, filed by Andres Giovanni Sanchez, Omar Miguel Farfan, Nancy Castro, Margoth Perez De Chalampa, Manuel Alberto, Martinez, Virginia Milanes, 9 Notice of

		Appearance filed by Andres Giovanni Sanchez, Omar Miguel Farfan, Nancy Castro, Margoth Perez De Chalampa, Manuel Alberto, Martinez, Virginia Milanes, <u>71</u> Declaration in Support, filed by Andres Giovanni Sanchez, Omar Miguel Farfan, Nancy Castro, Margoth Perez De Chalampa, Manuel Alberto, Martinez, Virginia Milanes, <u>41</u> Declaration in Support of Motion, filed by Michael Chertoff, Robert S. Mueller, III, Andrea Quarantillo, Michael B. Mukasey, Emilio Gonzalez, <u>39</u> Memorandum of Law in Support of Motion, filed by Michael Chertoff, Robert S. Mueller, III, Andrea Quarantillo, Michael B. Mukasey, Emilio Gonzalez, <u>17</u> Protective Order, <u>6</u> Notice of Appearance filed by Andres Giovanni Sanchez, Omar Miguel Farfan, Nancy Castro, Margoth Perez De Chalampa, Manuel Alberto, Martinez, Virginia Milanes, <u>18</u> Order,, <u>74</u> Notice of Appeal, filed by Andres Giovanni Sanchez, Omar Miguel Farfan, Nancy Castro, Margoth Perez De Chalampa, Manuel Alberto, Martinez, Virginia Milanes, <u>73</u> Clerk's Judgment,, <u>14</u> Order Referring Case to Magistrate Judge, <u>51</u> Reply Affirmation in Support of Motion, filed by Michael Chertoff, Robert S. Mueller, III, Andrea Quarantillo, Michael B. Mukasey, Emilio Gonzalez USCA Case Number 08-4749, were transmitted to the U.S. Court of Appeals. (tp) (Entered: 11/17/2008)
01/29/2010	<u>77</u>	MANDATE of USCA (Certified Copy) as to <u>74</u> Notice of Appeal, filed by Andres Giovanni Sanchez, Omar Miguel Farfan, Nancy Castro, Margoth Perez De Chalampa, Manuel Alberto, Martinez, Virginia Milanes USCA Case Number 08-4749-cv. Ordered, Adjudged and Decreed that the judgments of the District Court is VACATED in part and the case is REMANDED. Catherine O'Hagan Wolfe, Clerk USCA. Issued As Mandate: 1/26/2010. (nd) (Entered: 01/29/2010)
01/29/2010		Transmission of USCA Mandate/Order to the District Judge re: <u>77</u> USCA Mandate,. (nd) (Entered: 01/29/2010)
02/04/2010	<u>78</u>	ENDORSED LETTER addressed to Judge Lawrence M. McKenna from Tomoko Onozawa dated 2/3/2010 re: The parties jointly respectfully request that the Court schedule the forthcoming status conference for a date convenient to the Court on or after March 15, 2010. ENDORSEMENT: Conference scheduled for 3/19/10 at 3:00 P.M. So ordered. (Signed by Judge Lawrence M. McKenna on 2/4/2010) (tve) (Entered: 02/04/2010)
04/09/2010	<u>79</u>	ENDORSED LETTER addressed to Judge Lawrence M. McKenna from Tomoko Onozawa dated 4/8/2010 re: The parties to the above-referenced matter jointly request an adjournment of the status conference scheduled for April 9, 2010. ENDORSEMENT: Conference adjourned to 4/28/10 at 3 p.m. So ordered. (Signed by Judge Lawrence M. McKenna on 4/9/2010) (tve) (Entered: 04/09/2010)
04/29/2010	<u>80</u>	ENDORSED LETTER addressed to Judge Lawrence M. McKenna from Tomoko Onozawa, Kirti Vaidya Reddy and Robert William Yalen dated 4/28/2010 re: The parties jointly request an adjournment of the status conference scheduled for 4/28/2010 at 3 p.m. ENDORSEMENT: Conference adjourned to 5/14/10 at 10:30 A.M. So ordered. (Signed by Judge Lawrence M. McKenna on 4/29/2010) (tve) Modified on 4/30/2010 (ae). (Entered: 04/29/2010)
05/14/2010	<u>81</u>	ENDORSED LETTER: addressed to Judge Lawrence M. McKenna from Tomoko Onozawa dated 5/13/2010 re: The parties to the above referenced matter jointly request an adjournment of the status conference scheduled for tomorrow, May 14, 2010, at 10:30 a.m. ENDORSEMENT: Conference adjourned to 6/16/2010 at 4:00 p.m. So Ordered.) (Signed by Judge Lawrence M. McKenna on 5/14/2010) (js) Modified on 5/21/2010 (js). (Entered: 05/14/2010)
06/17/2010	<u>82</u>	ENDORSED LETTER addressed to Judge Lawrence M. McKenna from Kirti Vaidya Reddy dated 6/16/10 re: counsel requests an adjournment of the status conference scheduled for today, June 16, 2010 to July 29, 2010 at 3:00 p.m. ENDORSEMENT: So Ordered. (Status Conference set for 7/29/2010 at 03:00 PM before Judge Lawrence M. McKenna.) (Signed by Judge Lawrence M. McKenna on 6/17/10) (dj) (Entered: 06/17/2010)
07/30/2010	<u>83</u>	ENDORSED LETTER addressed to Judge Lawrence M. McKenna from Tomoko Onozawa, Kirti Vaidy Reddy, Robert Willian Yalen dated 7/28/2010 re: The parties to the above-referenced matter jointly request a final adjournment of the status conference scheduled for tomorrow, July 29, 2010, at 3:00 p.m. This is the parties' sixth joint request for an adjournment of the status conference. The

		adjournment will permit plaintiffs to review and discuss the form and substance of proposed settlement documents drafted by the Government. ENDORSEMENT: Conference adjourned to 9/10/10 at 3:00 p.m. So Ordered. (Signed by Judge Lawrence M. McKenna on 7/30/2010) (rw) (Entered: 07/30/2010)
09/13/2010	<u>84</u>	ENDORSED LETTER addressed to Judge Lawrence M. McKenna from Kirti Vaidya Reddy dated 9/10/2010 re: Requesting an adjournment of the status conference scheduled for September 10, 2010. ENDORSEMENT: Granted. So Ordered. (Signed by Judge Lawrence M. McKenna on 9/13/2010) (jpo) (Entered: 09/13/2010)
09/20/2010	<u>85</u>	STIPULATION AND ORDER OF DISMISSAL that the action be, and hereby is, held in abeyance until 7/29/11. On 7/29/11, in the event that plaintiffs have not sought reinstatement of this action pursuant to paragraphs 22 through 27 of the Settlement Agreement, the action shall be dismissed with prejudice, and plaintiffs waive any rights they may have to further appeal in this Action. (Signed by Judge Lawrence M. McKenna on 9/20/10) (cd) (Entered: 09/20/2010)
09/23/2010	<u>86</u>	MOTION for Jason Parkin to Withdraw as Attorney <i>for Plaintiffs</i> . Document filed by Manuel Alberto, Nancy Castro, Margoth Perez De Chalampa, Omar Miguel Farfan, Martinez, Virginia Milanes, Andres Giovanni Sanchez.(Parkin, Jason) (Entered: 09/23/2010)
09/23/2010	<u>87</u>	DECLARATION of Jason Parkin in Support re: <u>86</u> MOTION for Jason Parkin to Withdraw as Attorney <i>for Plaintiffs</i> .. Document filed by Manuel Alberto, Nancy Castro, Margoth Perez De Chalampa, Omar Miguel Farfan, Martinez, Virginia Milanes, Andres Giovanni Sanchez. (Attachments: # <u>1</u> Exhibit A)(Parkin, Jason) (Entered: 09/23/2010)
09/24/2010	<u>88</u>	ORDER granting <u>86</u> Motion to Withdraw as Attorney. Attorney Jason David Parkin terminated. (Signed by Judge Lawrence M. McKenna on 9/24/10) (jmi) (Entered: 09/24/2010)
07/11/2011	<u>89</u>	ENDORSED LETTER addressed to Judge Lawrence M. McKenna from Kirti Vaidya Reddy dated 7/1/11 re: counsel for defendant writes respectfully to request dismissal of the above-referenced action. As USCIS has completed its reporting obligations pursuant to the terms of the Agreement of Settlement and Release and plaintiffs have not sought reinstatement, the action should be dismissed with prejudice. ENDORSEMENT: The above action is dismissed with prejudice as of 7/29/11. So Ordered. (Signed by Judge Lawrence M. McKenna on 7/11/11) (pl) (Entered: 07/11/2011)