

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:10-cv-02029-NGG**

Tsamcho v. Napolitano et al
Assigned to: Judge Nicholas G. Garaufis
Cause: 05:702 Administrative Procedure Act

Date Filed: 05/05/2010
Date Terminated: 03/01/2013
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: U.S. Government Defendant

Plaintiff

Lhakpa Tsamcho

*on behalf of herself and all other similarly
situated individuals*

represented by **Jane Greengold Stevens**
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TERMINATED: 09/28/2010
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V.

Defendant

Janet Napolitano

*in her official capacity as Secretary of the
Department of Homeland Security*

represented by **Scott Dunn**
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Civil Division
Eastern District of New York
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Brooklyn, NY 11201-1820
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ATTORNEY TO BE NOTICED

Defendant

Alejandro Mayorkas
*in his official capacity as Director of the
 United States Citizenship and
 Immigration Services*

represented by **Scott Dunn**
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

Donald Neufeld
*in his official capacity as Associate
 Director of the Service Center Operations
 Directorate of the United States
 Citizenship and Immigration Services*

represented by **Scott Dunn**
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

David L. Roark
*in his official capacity as Director of the
 Texas Service Center of the United States
 Citizenship and Immigration Services*

represented by **Scott Dunn**
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

Gerard Heinauer
*in his official capacity as Director of the
 Nebraska Service Center of the United
 States Citizenship and Immigration
 Services*

represented by **Scott Dunn**
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/05/2010	<u>1</u>	COMPLAINT against Gerard Heinauer, Alejandro Mayorkas, Janet Napolitano, Donald Neufeld, David L. Roark Disclosure Statement on Civil Cover Sheet completed -no., filed by Lhakpa Tsamcho. (Attachments: # <u>1</u> Civil Cover Sheet) (Bowens, Priscilla) (Entered: 05/06/2010)
05/10/2010	<u>2</u>	NOTICE of Appearance by Jason Parkin on behalf of Lhakpa Tsamcho (aty to be noticed) (Parkin, Jason) (Entered: 05/10/2010)
05/10/2010	<u>3</u>	NOTICE of Appearance by Jane Greengold Stevens on behalf of Lhakpa Tsamcho (aty to be noticed) (Stevens, Jane) (Entered: 05/10/2010)
05/11/2010	<u>4</u>	SUMMONS Returned Executed by Lhakpa Tsamcho. Janet Napolitano served on 5/5/2010, answer due 7/6/2010. (Parkin, Jason) (Entered: 05/11/2010)
05/11/2010	<u>5</u>	SUMMONS Returned Executed by Lhakpa Tsamcho. Alejandro Mayorkas served on 5/5/2010, answer due 7/6/2010. (Parkin, Jason) (Entered: 05/11/2010)
05/11/2010	<u>6</u>	SUMMONS Returned Executed by Lhakpa Tsamcho. Donald Neufeld served on 5/5/2010, answer due 7/6/2010. (Parkin, Jason) (Entered: 05/11/2010)
05/11/2010	<u>7</u>	SUMMONS Returned Executed by Lhakpa Tsamcho. David L. Roark served on 5/5/2010, answer due 7/6/2010. (Parkin, Jason) (Entered: 05/11/2010)
05/11/2010	<u>8</u>	SUMMONS Returned Executed by Lhakpa Tsamcho. Gerard Heinauer served on 5/5/2010, answer due 7/6/2010. (Parkin, Jason) (Entered: 05/11/2010)
05/11/2010	<u>9</u>	SUMMONS Returned Executed by Lhakpa Tsamcho. (Parkin, Jason) (Entered: 05/11/2010)

05/11/2010	<u>10</u>	CERTIFICATE OF SERVICE by Lhakpa Tsamcho re <u>1</u> <i>Complaint on Attorney General of the United States</i> (Parkin, Jason) (Entered: 05/11/2010)
05/14/2010	<u>11</u>	NOTICE of Appearance by Scott Dunn on behalf of Gerard Heinauer, Alejandro Mayorkas, Janet Napolitano, Donald Neufeld, David L. Roark (aty to be noticed) (Dunn, Scott) (Entered: 05/14/2010)
07/09/2010	<u>12</u>	MOTION for Extension of Time to File Response/Reply to the <i>Complaint requesting an additional sixty days</i> by Janet Napolitano. (Dunn, Scott) (Entered: 07/09/2010)
07/15/2010	<u>13</u>	ORDER granting <u>12</u> Motion for Extension of Time to File Response by sixty days. Ordered by Judge Nicholas G. Garaufis on 7/09/2010. (Lee, Tiffeny) (Entered: 07/15/2010)
09/23/2010	<u>14</u>	MOTION to Withdraw as Attorney for <i>Plaintiffs</i> by Lhakpa Tsamcho. (Parkin, Jason) (Entered: 09/23/2010)
09/23/2010	<u>15</u>	DECLARATION re <u>14</u> MOTION to Withdraw as Attorney for <i>Plaintiffs</i> by Lhakpa Tsamcho (Attachments: # <u>1</u> Exhibit A) (Parkin, Jason) (Entered: 09/23/2010)
09/28/2010	<u>16</u>	ORDER granting <u>14</u> Motion to Withdraw as Attorney. Attorney Jason Parkin terminated. Ordered by Judge Nicholas G. Garaufis on 9/23/2010. (Lee, Tiffeny) (Entered: 09/28/2010)
10/26/2010	<u>17</u>	NOTICE of Appearance by Jennifer Beth Magida on behalf of Lhakpa Tsamcho (aty to be noticed) (Magida, Jennifer) (Entered: 10/26/2010)
11/04/2011	<u>18</u>	STATUS REPORT in response to the <i>Court's directive</i> by Janet Napolitano (Dunn, Scott) (Entered: 11/04/2011)
02/29/2012	<u>19</u>	ORDER OF DISCONTINUANCE: The action is hereby discontinued, without prejudice to the right to reopen the action of the settlement is not consummated. So Ordered by Judge Nicholas G. Garaufis on 2/28/2012. (Lee, Tiffeny) (Entered: 03/01/2012)
09/11/2012	<u>20</u>	ORDER REOPENING CASE: This putative class action was discontinued by the court without judicial approval of the settlement reportedly negotiated between the individual Plaintiff and Defendants. (See Nov. 4, 2011 Status Report (Docket Entry # 18).) As judicial approval is required for a class settlement, the Clerk of Court is ordered to reopen this case. The parties have never made a motion for class certification or supplied the court with the terms of this reported settlement. The parties shall jointly file a letter establishing a briefing schedule for class certification motions, submission of class notice to the court for approval, and availability for a fairness hearing on the reported settlement. So Ordered by Judge Nicholas G. Garaufis on 9/11/2012. (Lee, Tiffeny) (Entered: 09/11/2012)
09/12/2012	<u>21</u>	Letter to Hon. N Garaufis in response to <i>Court's directive to submit schedule for motion for class certification</i> by Lhakpa Tsamcho (Stevens, Jane) (Entered: 09/12/2012)
10/12/2012	<u>22</u>	Letter to inform the Court that the parties be permitted until November 1, 2012 to notify the Court that a settlement has been approved OR to inform the Court of status of settlement (on consent) by Gerard Heinauer, Alejandro Mayorkas, Janet Napolitano, Donald Neufeld, David L. Roark (Dunn, Scott) (Entered: 10/12/2012)
10/16/2012	<u>23</u>	ORDER, Application to be permitted until November 1, 2012 to notify the court that the settlement has been approved or to inform the court of the status of the settlement is Granted. (Ordered by Judge Nicholas G. Garaufis on 10/16/2012) (Piper, Francine) (Entered: 10/16/2012)
11/07/2012	<u>24</u>	Letter with attached <i>Stipulation and Agreement of Class Action Settlement, signed by both parties</i> by Gerard Heinauer, Alejandro Mayorkas, Janet Napolitano, Donald Neufeld, David L. Roark (Attachments: # <u>1</u> Stipulation and Agreement of Class Action Settlement) (Dunn, Scott) Modified to motion on 1/10/2013 (Lee, Tiffeny). (Entered: 11/07/2012)

01/10/2013	<u>25</u>	PRELIMINARY APPROVAL ORDER of the Class Action Settlement. Fairness Hearing set for 2/6/2013 at 10:30 AM in Courtroom 4D South before Judge Nicholas G. Garaufis. So Ordered by Judge Nicholas G. Garaufis on 1/09/2013. (Lee, Tiffeny) (Entered: 01/10/2013)
01/10/2013		SCHEDULING ORDER: The court recently issued a Preliminary Approval Order of the Class Action Settlement, in which it scheduled a Fairness Hearing for February 6, 2013, at 10:30 a.m. (See Dkt. 25.) At the request of the parties, the Fairness Hearing is hereby RESCHEDULED for February 25, 2013, at 11:30 a.m. Ordered by Judge Nicholas G. Garaufis on 1/10/2013. (Edelman, Keith) (Entered: 01/10/2013)
02/19/2013	<u>26</u>	Letter to inform Court that mailings and publication requirements have been completed by Gerard Heinauer, Alejandro Mayorkas, Janet Napolitano, Donald Neufeld, David L. Roark (Dunn, Scott) (Entered: 02/19/2013)
02/25/2013		Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Fairness Hearing held on 2/25/2013 re <u>24</u> Motion for Approval of Settlement. No individuals objected to the Stipulation and Agreement of Class Action Settlement. (Court Reporter Judi Johnson) (Edelman, Keith) (Entered: 02/25/2013)
03/01/2013	<u>27</u>	Final Approval Order of Class Action Settlement and Judgment. So Ordered by Judge Nicholas G. Garaufis on 2/25/2013. (Lee, Tiffeny) (Entered: 03/01/2013)