

CLOSED,STANDARD

**United States District Court  
Eastern District of Pennsylvania (Philadelphia)  
CIVIL DOCKET FOR CASE #: 2:07-cv-00445-MMB**

MOCANU v. MUELLER et al  
Assigned to: HONORABLE MICHAEL M. BAYLSON  
Cause: 8:1446 Petition for Naturalization Hearing

Date Filed: 02/01/2007  
Date Terminated: 03/20/2008  
Jury Demand: None  
Nature of Suit: 890 Other Statutes: Other  
Statutory Actions  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**VICTOR MOCANU**

represented by **DAVID KAPLAN**  
ORLOW, KAPLAN & HOHENSTEIN,  
LLP  
620 CHESTNUT STREET  
SUITE 656  
PHILADELPHIA, PA 19106  
215-922-1183  
Email: [davidkaplan@orlow.com](mailto:davidkaplan@orlow.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**JAMES J. ORLOW**  
ORLOW & ORLOW PC  
POBOX 40017  
620 CHESTNUT ST., SUITE 656  
PHILADELPHIA, PA 19106  
215-922-1183  
Email: [jorlow@orlow.com](mailto:jorlow@orlow.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**ROBERT S. MUELLER**  
*DIRECTOR FEDERAL BUREAU OF  
INVESTIGATIONS  
TERMINATED: 02/08/2008*

represented by **COLIN MICHAEL F.X. CHERICO**  
US ATTORNEY'S OFFICE  
615 CHESTNUT STREET  
13TH FL  
PHILADELPHIA, PA 19106  
215-861-8788  
Email: [colin.cherico@usdoj.gov](mailto:colin.cherico@usdoj.gov)  
*TERMINATED: 02/08/2008*  
*LEAD ATTORNEY*

**ELIZABETH J. STEVENS**  
US DEPT OF JUSTICE  
POBOX 878  
BEN FRANKLIN STATION  
WASHINGTON, DC 20044  
202-616-9752  
Fax: 202-233-0397  
Email: [elizabeth.stevens@usdoj.gov](mailto:elizabeth.stevens@usdoj.gov)  
*TERMINATED: 02/08/2008*  
*LEAD ATTORNEY*

**VIRGINIA A. GIBSON**  
HOGAN LOVELLS US LLP  
1835 MARKET ST  
PHILADELPHIA, PA 19103

267-675-4635  
Email: [virginia.gibson@hoganlovells.com](mailto:virginia.gibson@hoganlovells.com)  
*TERMINATED: 02/08/2008*

**Defendant**

**UNKNOWN US FEDERAL  
GOVERNMENT AGENCY OR  
AGENCIES**

represented by **COLIN MICHAEL F.X. CHERICO**  
(See above for address)  
*TERMINATED: 02/08/2008*  
*LEAD ATTORNEY*

**ELIZABETH J. STEVENS**  
(See above for address)  
*TERMINATED: 02/08/2008*  
*LEAD ATTORNEY*

**VIRGINIA A. GIBSON**  
(See above for address)  
*TERMINATED: 02/08/2008*

**Defendant**

**MICHAEL CHERTOFF**  
*SECRETARY OF THE DEPARTMENT  
OF HOMELAND SECURITY*

represented by **COLIN MICHAEL F.X. CHERICO**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**ELIZABETH J. STEVENS**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**VIRGINIA A. GIBSON**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**EMILIO GONZALEZ**  
*DIRECTOR U.S. CITIZENSHIP AND  
IMMIGRATION SERVICES*

represented by **COLIN MICHAEL F.X. CHERICO**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**ELIZABETH J. STEVENS**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**VIRGINIA A. GIBSON**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**DONALD MONICA**  
*DISTRICT DIRECTOR, U.S.  
CITIZENSHIP AND IMMIGRATION  
SERVICES, PHILA.*

represented by **COLIN MICHAEL F.X. CHERICO**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**ELIZABETH J. STEVENS**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**VIRGINIA A. GIBSON**  
(See above for address)

## ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/01/2007	<u>1</u>	COMPLAINT against ROBERT S. MUELLER, UNKNOWN US FEDERAL GOVERNMENT AGENCY OR AGENCIES, MICHAEL CHERTOFF, EMILIO GONZALEZ, DONALD MONICA ( Filing fee \$ 350 receipt number 936463.), filed by VICTOR MOCANU.(cw, ) (Entered: 02/02/2007)
02/01/2007		Summons Issued as to ROBERT S. MUELLER, MICHAEL CHERTOFF, EMILIO GONZALEZ, DONALD MONICA, One Given to U.S. Attorney and Five Forwarded To: Counsel on 2/2/07 (cw, ) (Entered: 02/02/2007)
02/01/2007	<u>2</u>	Disclosure Statement Form pursuant to FRCP 7.1 by VICTOR MOCANU.(cw, ) (britb, ). (Entered: 02/02/2007)
02/02/2007	<u>3</u>	Acceptance of Service by U.S. Attorney, Re: accepted summons and complaint for ROBERT S. MUELLER on 2/2/2007, answer due 4/3/2007; MICHAEL CHERTOFF on 2/2/2007, answer due 4/3/2007; EMILIO GONZALEZ on 2/2/2007, answer due 4/3/2007; DONALD MONICA on 2/2/2007, answer due 4/3/2007. (kw, ) (britb, ). (Entered: 02/05/2007)
03/29/2007	<u>4</u>	MOTION to Dismiss for Lack of Jurisdiction filed by ROBERT S. MUELLER, UNKNOWN US FEDERAL GOVERNMENT AGENCY OR AGENCIES, MICHAEL CHERTOFF, EMILIO GONZALEZ, DONALD MONICA.Memorandum, Certificate of Service.(CHERICO, COLIN) (Entered: 03/29/2007)
06/28/2007	<u>5</u>	Petitioner's Opposition to Government Motion to Dismiss filed by VICTOR MOCANU. Certificate of Service. (stb, ) (Entered: 06/28/2007)
10/04/2007	<u>6</u>	NOTICE of Hearing:PRETRIAL TELEPHONE CONFERENCE SET FOR 11/14/2007 04:45 PM IN JUDGE'S CHAMBERS BEFORE HONORABLE MICHAEL M. BAYLSON; PLAINTIFF'S COUNSEL TO INITIATE. (Attachments: # <u>1</u> # <u>2</u> )(ltm, ) (Entered: 10/04/2007)
10/04/2007	<u>7</u>	MEMORANDUM AND ORDER THAT DEFTS' MOTION TO DISMISS IS DENIED. SIGNED BY JUDGE MICHAEL M. BAYLSON ON 10/3/07. 10/5/07 ENTERED AND COPIES E-MAILED: COPIES FAXED BY CHAMBERS ON 10/4/07.(kw, ) (Entered: 10/05/2007)
11/02/2007	<u>8</u>	AMENDED NOTICE of Hearing:PRETRIAL TELEPHONE CONFERENCE SET FOR 11/20/2007 04:30 PM IN JUDGE'S CHAMBERS BEFORE HONORABLE MICHAEL M. BAYLSON; PLAINTIFF'S COUNSEL TO INITIATE.(ltm, ) (Entered: 11/02/2007)
11/16/2007	<u>9</u>	ANSWER to Complaint by ROBERT S. MUELLER, UNKNOWN US FEDERAL GOVERNMENT AGENCY OR AGENCIES, MICHAEL CHERTOFF, EMILIO GONZALEZ, DONALD MONICA with Affirmative Defenses, Certificate of Service. (CHERICO, COLIN) Modified on 11/19/2007 (nd). (Entered: 11/16/2007)
11/26/2007	<u>10</u>	SCHEDULING ORDER THAT DISCOVERY DUE BY 1/15/2008. JUDGE STRAWBRIDGE WILL CONTACT COUNSEL AS TO WHETHER SETTLEMENT DISCUSSIONS HAVE TAKEN PLACE AND TO SCHEDULE A SETTLEMENT CONFERENCE. DISPOSITIVE MOTIONS DUE BY 1/31/2008. TRIAL POOL SET FOR 3/3/2008.SIGNED BY JUDGE MICHAEL M. BAYLSON ON 11/26/07. 11/27/07 ENTERED AND COPIES FAXED.(rf, ) (Entered: 11/27/2007)
11/27/2007	<u>11</u>	NOTICE of Hearing: TELEPHONE CONFERENCE RE: CASE STATUS AND POSSIBLE SETTLEMENT CONFERENCE DATE SET FOR 11/30/2007 09:15 AM BEFORE MAGISTRATE JUDGE DAVID R. STRAWBRIDGE. COUNSEL FOR PLAINTIFF DIRECTED TO INITIATE THE CALL.(lds, ) (Entered: 11/27/2007)
11/27/2007		Set/Reset Hearings: TELEPHONE CONFERENCE RE: CASE STATUS AND POSSIBLE SETTLEMENT CONFERENCE DATE SET FOR 11/30/2007 AT

		9:30 AM BEFORE MAGISTRATE JUDGE DAVID R. STRAWBRIDGE. COUNSEL FOR PLAINTIFF DIRECTED TO INITIATE THE CALL.(md) (Entered: 11/28/2007)
11/29/2007	12	Minute Entry/Report of Pretrial Telephone Conference for proceedings held before Judge MICHAEL M. BAYLSON on 11/20/07. (kw, ) (Entered: 11/30/2007)
12/10/2007	13	Minute Entry, re: A Telephone Conference for proceedings held before MAGISTRATE JUDGE DAVID R. STRAWBRIDGE on 11/30/07. (kw, ) (Entered: 12/11/2007)
12/21/2007	<u>14</u>	MEMORANDUM ORDER THAT THE COURT WILL HOLD A PRETRIAL CONFERENCE ON ALL THREE CASES ON 1/8/2008 AT 4:00 P.M. IN COURTROOM 3A. SIGNED BY HONORABLE MICHAEL M. BAYLSON ON 12/21/07. 12/24/07 ENTERED AND COPIES E-MAILED.(kw, ) (Entered: 12/24/2007)
12/21/2007		Set/Reset Hearings: PRETRIAL CONFERENCE SET FOR 1/8/2008 04:00 PM BEFORE HONORABLE MICHAEL M. BAYLSON. (kw, ) (Entered: 12/26/2007)
01/09/2008	15	Minute Entry, re: Argument regarding delaying processing naturalization application held before HONORABLE MICHAEL M. BAYLSON on 1/8/08. Hearing scheduled for 1/22/08. (kw, ) (Entered: 01/09/2008)
01/10/2008	<u>16</u>	NOTICE by VICTOR MOCANU <i>Entry of Appearance by David Kaplan for Plaintiff, and Certificate of Service</i> (ORLOW, JAMES) (Entered: 01/10/2008)
01/11/2008	17	TRANSCRIPT of Proceedings held on 1/8/08. (ESR) (See Original filing in 07-4747, Paper #10) (kw, ) (Entered: 01/14/2008)
01/14/2008	<u>18</u>	MOTION for Summary Judgment filed by VICTOR MOCANU.Plaintiff's Motion for Summary Judgment, Memorandum of Law in Support of his Motion for Summary Judgment, Certificate of Service and Order.(ORLOW, JAMES) (Entered: 01/14/2008)
01/14/2008	<u>19</u>	MEMORANDUM AND ORDER THAT BY 1/15/07, PARTIES IN MOCANU, CUSUMANO, BARIKBIN, & ELISSAINT SHALL FILE CROSS-MOTIONS FOR SUMMARY JUDGMENT. PARTIES IN ZHANG & NEWTON SHALL FILE CROSS-MOTIONS FOR SUMMARY JUDGMENT BEFORE 10:00 A.M. ON 1/22/08. THE COURT WILL HOLD A HEARING ON THESE CROSS-MOTIONS FOR SUMMARY JUDGMENT ON 1/22/08 AT 10:00 A.M. IN COURTROOM 3A, ETC. SIGNED BY HONORABLE MICHAEL M. BAYLSON ON 1/11/08. 1/15/08 ENTERED AND COPIES E-MAILED: COPIES MAILED AND FAXED BY CHAMBERS ON 1/11/08.(kw, ) (Entered: 01/15/2008)
01/15/2008	<u>20</u>	MOTION for Summary Judgment filed by ROBERT S. MUELLER, UNKNOWN US FEDERAL GOVERNMENT AGENCY OR AGENCIES, MICHAEL CHERTOFF, EMILIO GONZALEZ, DONALD MONICA.Memorandum, Certificate of Service.(CHERICO, COLIN) (Entered: 01/15/2008)
01/18/2008	<u>21</u>	Supplemental Memorandum of Law In Further Support of the Government's Motion for Summary Judgment With Exhibits A through D Attached by ROBERT S. MUELLER, UNKNOWN US FEDERAL GOVERNMENT AGENCY OR AGENCIES, MICHAEL CHERTOFF, EMILIO GONZALEZ, DONALD MONICA, Certificate of Service. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D) (CHERICO, COLIN) Modified on 1/22/2008 (nd). (Entered: 01/18/2008)
01/23/2008	<u>22</u>	NOTICE of Appearance by ELIZABETH J. STEVENS on behalf of ROBERT S. MUELLER, UNKNOWN US FEDERAL GOVERNMENT AGENCY OR AGENCIES, MICHAEL CHERTOFF, EMILIO GONZALEZ, DONALD MONICA with Certificate of Service(STEVENS, ELIZABETH) (Entered: 01/23/2008)
01/24/2008	23	TRANSCRIPT of joint hearing held on 1/22/08. (ESR) (kw, ) (Entered: 01/25/2008)

01/25/2008	<u>24</u>	MEMORANDUM AND ORDER THAT BRIEFS ARE DUE BY 2/1/08 ON THE ABOVE-STATED LEGAL ISSUES & ALSO ON THE LACK OF AVAILABILITY OF INFORMATION ON THE USCIS WEBSITE. PLFF'S COUNSEL SHOULD COOPERATE & TRY TO FILE A SINGLE BRIEF. THE PRELIMINARY INJUNCTION ENJOINING DEFTS FROM RESOLVING ANY OF THESE CASES IS VACATED AS TO PLFF JEAN ELISSAINT, C.A. #07-4747, BUT CONTINUED AS TO ALL OTHER PLFFS, UNTIL 2/8/08, OR FURTHER ORDER, ETC. SIGNED BY HONORABLE MICHAEL M. BAYLSON ON 1/25/08. 1/28/08 ENTERED AND COPIES E-MAILED: COPIES MAILED AND FAXED BY CHAMBERS ON 1/25/08.(kw, ) (Entered: 01/28/2008)
02/01/2008	<u>25</u>	Plaintiff's Brief and Statement of Issues in Support of Request for Review filed by VICTOR MOCANU.Plaintiffs Brief and Certificate of Service.(ORLOW, JAMES) (Entered: 02/01/2008)
02/01/2008	<u>26</u>	Defendant's Response to Request for Review of Plaintiff re <u>25</u> Plaintiff's Brief and Statement of Issues in Support of Request for Review <i>Pursuant to the Court's Order of January 25, 2008, and certificate of service</i> filed by ROBERT S. MUELLER, UNKNOWN US FEDERAL GOVERNMENT AGENCY OR AGENCIES, MICHAEL CHERTOFF, EMILIO GONZALEZ, DONALD MONICA. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(STEVENS, ELIZABETH) (Entered: 02/01/2008)
02/06/2008	<u>27</u>	Praecipe to File Certification of Supplement to the Administrative Record (ARCIS) and Memorandum Regarding Revised National Security Adjudication and Reporting Requirements by ROBERT S. MUELLER, UNKNOWN US FEDERAL GOVERNMENT AGENCY OR AGENCIES, MICHAEL CHERTOFF, EMILIO GONZALEZ, DONALD MONICA. (GIBSON, VIRGINIA) (Entered: 02/06/2008)
02/08/2008	<u>28</u>	MEMORANDUM AND ORDER THAT THE MOTIONS FOR SUMMARY JUDGMENT ARE GRANTED IN PART AND DENIED IN PART. THE GOVERNMENT'S MOTIONS TO DISMISS ARE DENIED. THE COURT WILL HOLD A HEARING ON 3/18/2008 AT 10:00 AM IN COURTROOM 3A. SIGNED BY HONORABLE MICHAEL M. BAYLSON ON 2/8/2008. 2/11/2008 ENTERED AND COPIES E-MAILED AND FAXED BY CHAMBERS.(mbh, ) (Entered: 02/11/2008)
02/15/2008	<u>29</u>	Emergency MOTION to Stay re <u>28</u> Memorandum & Opinion,, Set Hearings, <i>Injunctive Order Pending Appeal</i> filed by UNKNOWN US FEDERAL GOVERNMENT AGENCY OR AGENCIES, MICHAEL CHERTOFF, EMILIO GONZALEZ, DONALD MONICA.Certificate of Service.(STEVENS, ELIZABETH) (Entered: 02/15/2008)
02/20/2008	<u>30</u>	RESPONSE in Opposition re <u>29</u> Emergency MOTION to Stay re <u>28</u> Memorandum & Opinion,, Set Hearings, <i>Injunctive Order Pending Appeal</i> Emergency MOTION to Stay re <u>28</u> Memorandum & Opinion,, Set Hearings, <i>Injunctive Order Pending Appeal</i> filed by VICTOR MOCANU. (ORLOW, JAMES) (Entered: 02/20/2008)
02/21/2008	<u>31</u>	NOTICE of Hearing: ORAL ARGUMENT SET FOR 2/27/2008 10:00 AM IN COURTROOM 3A BEFORE HONORABLE MICHAEL M. BAYLSON WITH RESPECT TO THE GOVERNMENT'S EMERGENCY MOTION TO STAY AND THE PLAINTIFFS' OPPOSITION.(ltn, ) (Entered: 02/21/2008)
02/21/2008	32	Minute Entry, re: Argument held before HONORABLE MICHAEL M. BAYLSON on 1/22/08. Hearing regarding the delay in processing naturalization applications, et al. Witness called & sworn. Court Reporter: ESR. (kw, ) (Entered: 02/21/2008)
02/28/2008	<u>33</u>	MEMORANDUM AND ORDER THAT PARAGRAPHS 7, 8, &10 OF THE COURT'S ORDER DATED 2/8/08 SHALL BE REVISED, ETC. PARTIES SHALL FILE REPORTS NO LATER THAN 3/31/08 AS TO THEIR POSITION. THE COURT WILL SCHEDULE A HEARING AS MAY BE NECESSARY OR APROPRIATE. DEFTS' EMERGENCY MOTION FOR STAY PENDING APPEAL IS DENIED WITHOUT PREJUDICE. SIGNED BY HONORABLE MICHAEL M. BAYLSON ON 2/28/08. 2/2808 ENTERED AND COPIES E-MAILED: COPIES MAILED AND FAXED BY CHAMBERS ON

		2/27/08.(kw, ) (Entered: 02/28/2008)
03/03/2008	34	Minute Entry, re: Argument regarding Court's Order and Government's emergency motion to stay plffs' opposition held before HONORABLE MICHAEL M. BAYLSON on 2/27/08. Motion is denied as moot. Court Reporter: ESR. (kw, ) (Entered: 03/04/2008)
03/20/2008	<u>35</u>	STIPULATION AND ORDER TO DISMISS THIS ACTION UNDER RULE 41(a)(1) OF THE FEDERAL RULES OF CIVIL PROCEDURE. THE CASE HAS BECOME MOOT BECAUSE MR. MOCANU WAS NATURALIZED ON 3/12/08. SIGNED BY HONORABLE MICHAEL M. BAYLSON ON 3/20/08. 3/21/08 ENTERED AND COPIES E-MAILED: COPIES FAXED BY CHAMBERS ON 3/20/08.(kw, ) (Entered: 03/21/2008)