

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**ALIAN ASECIO, ARACELIS VELEZ CRUZ,
DENISE NIEVES, YARITZA DE JESUS LOPEZ,
ROSA RIVERA, ANGEL LAURIANO MUÑOZ DE JESUS,
BETHZAIDA CRESPO VICENTE, and IRIS OTERO,
on behalf of themselves and all similarly situated individuals,
Plaintiffs,**

v.

CIV. NO. 18-40111-TSH

**FEDERAL EMERGENCY MANAGEMENT AGENCY,
WILLIAM BROCK LONG, THOMAS VAN ESSEN,
and ALEJANDRO DE LA CAMPA,
Defendants.**

SECOND CONTINUATION OF TEMPORARY RESTRAINING ORDER

The Plaintiffs are all individuals who evacuated Puerto Rico in the aftermath of Hurricane Maria, which struck the island on September 20, 2018 causing catastrophic damage. The Federal Emergency Management Agency (“FEMA”) has been providing assistance to thousands of residents of Puerto Rico displaced by Maria, including the named Plaintiffs. In May, FEMA announced that as of June 30, 2018, it would discontinue Transitional Shelter Assistance (“TSA”) for such evacuees.¹ The Plaintiffs have filed suit against the Defendants seeking to prevent the termination of benefits under the TSA program for themselves and other similarly situated persons. They have asserted claims for relief for Deprivation of their Fifth Amendment Due Process Rights (Count I), and Violation of the Administrative Procedure Act, 5

¹ In simple terms, the TSA program provides direct funding to hotels and motels, which serve as shelters for individuals and families who are forced to evacuate their damaged or destroyed homes due to a natural disaster.

U.S.C. §§ 706(2)(A) and (B), 5 U.S. C. § 706(1)(Counts II--IV). Plaintiffs also seek a Declaratory Judgment (Count V).

To give the parties an opportunity to fully brief the important and complex issues raised by Plaintiffs' Complaint and corresponding motion for preliminary injunction, I previously issued an Order extending the Temporary Restraining Order ("TRO") entered by Judge Sorokin on June 30, 2018. *See Continuation of Temporary Restraining Order*, dated July 3, 2018 (Docket No. 11). In that Order, I stated that unless I determined that a further hearing was necessary, I expected to issue a ruling on Plaintiffs' motion for injunctive relief by the end of business on Monday, July 23, 2018. Accordingly, I extended the TRO until midnight July 23, 2018 (which enable Plaintiffs and the class to stay until checkout time on July 24, 2018).

Having reviewed the parties' submissions, I find that a further hearing is necessary. That hearing will take place on Wednesday, August 1, 2018 at 10:00 a.m. I do not expect to hold an evidentiary hearing, however, if either party feels that presenting witnesses or other evidence would assist them in presenting their case, they should so advise the other party and the Court by July 23, 2018. I expect to issue my Order by August 6, 2018. Accordingly, the TRO entered by Judge Sorokin shall remain in place until least midnight August 6, 2018 (*i.e.*, enabling Plaintiffs and the class to stay until checkout time on August 7, 2018).

So Ordered:

Dated: July 19, 2018 3:35 p.m.

/s/ Timothy S. Hillman
TIMOTHY S. HILLMAN
DISTRICT JUDGE