

CLOSED, MJSELECT

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:92-cv-01258-SJ**

Hatian Centers, et al v. McNary, et al
Assigned to: Senior-Judge Sterling Johnson, Jr
Demand: \$0
Cause: 08:1329 Writ of Mandamus to Adjudicate Visa Petiti

Date Filed: 03/17/1992
Date Terminated: 02/22/1994
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: U.S. Government Defendant

Plaintiff**Haitian Centers Council, Inc.**

represented by **Lucas Guttentag**
American Civil Liberties Union
Foundation
Immigrants' Rights Project
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Michael Ratner
Center for Constitutional Rights
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Plaintiff**National Coalition for Haitian Refugees,
Inc.**

represented by **Lucas Guttentag**
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Michael Ratner
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Plaintiff**Immigration Law Clinic of the Jerome
N. Frank Legal Services Organization**

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Michael Ratner

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Plaintiff

Dr. Frantz Guerrier

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Michael Ratner

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Plaintiff

Pascual Henry

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Michael Ratner

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Plaintiff

Lauriton Guneau

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Plaintiff

Medilieu Sorel St. Fleur

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Plaintiff

Dieu Renel

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Plaintiff

Milot Baptiste

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Plaintiff

Jean Doe

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Michael Ratner
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Plaintiff

Roges Noel

*On behalf of themselves and all others
similarly situated;*

represented by **Lucas Guttentag**
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LEAD ATTORNEY
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Michael Ratner
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Plaintiff

A. Iris Vilnor

*On behalf of herself and all others similar
situated;*

represented by **Lucas Guttentag**
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LEAD ATTORNEY
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Michael Ratner

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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Plaintiff****Mireille Berger**represented by **Lucas Guttentag**

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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Michael Ratner**

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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Plaintiff****Yvrose Pierre**represented by **Lucas Guttentag**

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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Michael Ratner**

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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Plaintiff****Mathieu Noel***On behalf of themselves and all others
similarly situated;*represented by **Lucas Guttentag**

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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Michael Ratner**

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V.

Defendant**Gene McNary***Commissioner, Immigration and
Naturalization Service*represented by **Scott Dunn**

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Defendant

William P. Barr
*Attorney General; Immigration and
 Naturalization Service;*

represented by **Scott Dunn**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

James Baker, III
Secretary of State;

represented by **Scott Dunn**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Robert Kramek
Rear Admiral

represented by **Scott Dunn**
 (See above for address)
LEAD ATTORNEY
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Defendant

Admiral Kime

represented by **Scott Dunn**
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ATTORNEY TO BE NOTICED

Defendant

**Commandants, United States Coast
 Guard**

represented by **Scott Dunn**
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Defendant

**Commander, U.S. Naval Base,
 Guantanamo Bay**

represented by **Scott Dunn**
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Date Filed	#	Docket Text
03/17/1992		Magistrate Chrein has been selected by random selection to handle any matters that may be referred in this case. (Francis, Jackie) (Entered: 03/18/1992)
03/17/1992	2	MOTION by plaintiffs for Harold Hongju Koh to appear pro hac vice , Motion hearing [2-1] motion . Affidavit attached. (Yuen, Sui May) (Entered: 03/19/1992)

03/17/1992	3	AFFIRMATION of Harold Hongju Koh in Support of Order to Show Cause for a Temporary Restraining Order, expedited discovery and Preliminary injunction filed. (Yuen, Sui May) (Entered: 03/19/1992)
03/17/1992	4	AFFIDAVITS and AFFIRMATION by Hatian Centers, National Coalition, Immigration Law, Frantz Guerrier, Pascual Henry, Lauriton Guneau, Medilieu Sorel St. Fleur, Dieu Renel, Milot Baptiste, Jean Doe, Roges Noel, A. Iris Vilnor, Mireille Berger, Yvrose Pierre, Mathieu Noel Re: in SUPPORT of plaintiffs' MOTION for a Temporary Restraining Order and Preliminary Injunction filed. (Yuen, Sui May) (Entered: 03/19/1992)
03/18/1992	1	COMPLAINT filed and summons(es) issued for Gene McNary, William P. Barr, James Baker III, Robert Kramek, Kime, Commandants, US Coas, U.S. Naval Base FILING FEE \$ 120.00 RECEIPT # 138354 (Francis, Jackie) (Entered: 03/18/1992)
03/20/1992	5	ORDER, that dft must opposition papers to plaintiff's application for a temporary restraining order by 3/20/92; and any reply by dfts by 3/23/92. (signed by Judge Sterling Johnson Jr., 3/18/92) (Yuen, Sui May) (Entered: 03/20/1992)
03/23/1992	6	Calendar entry: before Judge Johnson on 3/17/92. Case called. All counsel present. Order to show cause for Tro and preliminary injunction hearing held. Motion hearing continued to 3/18/92 at 4:15. (Yuen, Sui May) (Entered: 03/23/1992)
03/23/1992	7	Calendar entry: before Judge Johnson on 3/18/92. Case called. All counsel present. Order to show cause for TRO and Preliminary Injunction hearing held. Decision reserved. Govt's to submit response papers by 3/20/92. (Yuen, Sui May) (Entered: 03/23/1992)
03/24/1992	8	REPLY by Hatian Centers, National Coalition, Immigration Law, Frantz Guerrier, Pascual Henry, Lauriton Guneau, Medilieu Sorel St. Fleur, Dieu Renel, Milot Baptiste, Jean Doe, Roges Noel, A. Iris Vilnor, Mireille Berger, Yvrose Pierre, Mathieu Noel to response to dfts' memorandum in opposition to plaintiffs' motions for temporary restraining order and expedited discovery. (Yuen, Sui May) (Entered: 03/25/1992)
03/24/1992	9	EXHIBITS IN SUPPORT OF PLAINTIFF'S REPLY TO DFTS' MEMORANDUM IN OPPOSITION TO PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND TO DFT'S OPPOSITION TO PLAINTIFF'S MOTION FOR DISCOVERY filed. (Yuen, Sui May) (Entered: 03/25/1992)
03/24/1992	10	AFFIRMATION OF Michael Ratner and request for immediate order preventing harassment of plaintiffs filed. (Yuen, Sui May) (Entered: 03/25/1992)
03/27/1992	11	Calendar entry: before Judge Nickerson on 3/17/92. Case called. All counsel present. Plaintiff is directed to file complaint and have a Judge selected randomly. Court finds no urgency in the petition. (Yuen, Sui May) (Entered: 03/27/1992)
03/27/1992	12	MEMORANDUM by Gene McNary, William P. Barr, James Baker III, Robert Kramek, Kime, Commandants, US Coas, Commander, U.S. Nava in opposition to plaintiff's emergency request for immediate order preventing harassment of

		plaintiffs. (Yuen, Sui May) (Entered: 03/30/1992)
03/27/1992	13	MEMORANDUM-DECISION AND ORDER: that dft are TEMPORARILY RESTRAINED FROM : (a) denying plaintiff service organization access to their clients for the purposes of providing them legal counsel, advocacy, and representation; (b) interviewing, screening, any Haitian citizen currently being detained on Guantanamo. It is Ordered that expedited discovery be granted - (i) dfts' must produce documents for inspection and copying by 3/31/92; and (ii) plaintiffs are granted leave to serve and depose dfts on 4/1/92 at 9:00; and it is further Ordered that dfts or their attorneys show cause on 4/1/92, why an order should not be entered granting plaintiffs' request for preliminary injunction. (signed by Judge Sterling Johnson Jr., 3/27/92) (for more details, see ORDER) (Yuen, Sui May) (Entered: 03/31/1992)
03/31/1992	14	REPLY by Hatian Centers, National Coalition, Immigration Law, Frantz Guerrier, Pascual Henry, Lauriton Guneau, Medilieu Sorel St. Fleur, Dieu Renel, Milot Baptiste, Jean Doe, Roges Noel, A. Iris Vilnor, Mireille Berger, Yvrose Pierre, Mathieu Noel to response to dfts' Memorandum in Opposition to plaintiffs' emergency request for immediate order preventing harassment of plaintiffs filed. (Yuen, Sui May) (Entered: 03/31/1992)
03/31/1992	15	NOTICE of attorney appearance for Hatian Centers, National Coalition, Immigration Law, Frantz Guerrier, Pascual Henry, Lauriton Guneau, Medilieu Sorel St. Fleur, Dieu Renel, Milot Baptiste, Jean Doe, Roges Noel, A. Iris Vilnor, Mireille Berger, Yvrose Pierre, Mathieu Noel BY LUCAS GUTTENTAG. (Yuen, Sui May) (Entered: 03/31/1992)
04/01/1992	16	MEMORANDUM by Hatian Centers, National Coalition, Immigration Law, Frantz Guerrier, Pascual Henry, Lauriton Guneau, Medilieu Sorel St. Fleur, Dieu Renel, Milot Baptiste, Jean Doe, Roges Noel, A. Iris Vilnor, Mireille Berger, Yvrose Pierre, Mathieu Noel in support of their MOTION for a Preliminary Injunction filed. EXHIBITS 30-67 attached. (Yuen, Sui May) (Entered: 04/01/1992)
04/03/1992	17	MEMORANDUM by Gene McNary, William P. Barr, James Baker III, Robert Kramek, Kime, Commandants, US Coas, Commander, U.S. Nava in opposition to plaintiff's motion for Provisional Class Certification filed. (Yuen, Sui May) (Entered: 04/06/1992)
04/03/1992	18	Plaintiffs' proposed FINDINGS OF FACT AND CONCLUSIONS OF LAW. (Yuen, Sui May) (Entered: 04/06/1992)
04/04/1992	19	Dfts' proposed FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND ORDER filed. (Yuen, Sui May) (Entered: 04/06/1992)
04/06/1992	20	Dft's RESPONSE to plaintiffs' proposed Findings of Fact, Conclusion of Law. (Yuen, Sui May) (Entered: 04/06/1992)
04/06/1992	21	Declaration of Captain Paul Blayney Chief, Operations Division, U.S. Coast Guard Atlantic Area. (Yuen, Sui May) (Entered: 04/06/1992)
04/06/1992	22	TRANSCRIPT filed for telephone conference for dates of 3/28/92 (Yuen, Sui May) (Entered: 04/06/1992)

04/07/1992	23	MEMORANDUM AND ORDER : that the dfts are preliminarily enjoined from (a) denying plaintiff service organizations access to their clients for the purpose of providing them legal counsel, advocacy, and representation when scheduled for interviews; (b) interviewing, screening, or subjecting to exclusion or asylum proceedings any Haitian Citizen currently being detained on Guantanamo; and (c) repatriating any Haitian alien being detained on Guantanamo. (signed by Judge Sterling Johnson Jr., 4/6/93) (Yuen, Sui May) (Entered: 04/08/1992)
04/08/1992	24	NOTICE OF APPEAL by Gene McNary, William P. Barr, James Baker III, Robert Kramek, Kime, Commandants, US Coas, Commander, U.S. Nava . Notice of appeal and certified copy of docket sent appealing [23-1] order. NO FEE. Aff of service attached. C of A notified. (Gonzalez, Mary) (Entered: 04/08/1992)
04/08/1992	25	MEMORANDUM AND ORDER : that the govt's motion to stay the execution of the preliminary injunction ordered by this Court dtd 4/6/93 id DENIED. (signed by Judge Sterling Johnson Jr., 4/8/92) (Yuen, Sui May) (Entered: 04/08/1992)
04/08/1992	26	Calendar entry:Before Judge Johnson on 4/8/92 at 2:00p.m. Case called for motion hearing. . Counsel for all sides present via telephone except AUSA Scott Dunn. Deft's motion to stay preliminary injunction heard. Decision reserved. The court later denied deft's motion in a written order. (Dobkin, David) (Entered: 04/09/1992)
04/13/1992	27	UNDERTAKING ON INJUNCTION (Yuen, Sui May) (Entered: 04/14/1992)
04/15/1992	28	Plaintiff's RESPONSE to dfts' memorandum in opposition to plaintiff's emergency request for immediate order preventing harassment of plaintiffs filed. (Yuen, Sui May) (Entered: 04/15/1992)
04/15/1992	29	TRANSCRIPT filed for dates of 3/18/92 (Yuen, Sui May) (Entered: 04/15/1992)
04/15/1992	30	Letter dtd 4/7/92 from Law Clerk T. Davis to all counsels advising that the Memorandum and Order of 4/6/92 had several clerical and typographical errors. Corrected copy attached. (Yuen, Sui May) (Entered: 04/15/1992)
04/17/1992	31	Letter dtd 4/17/92 from AUSA S. Dunn to Judge Johnson, the dfts will submit their objections to plaintiffs' discovery requests by 4/20/92. (Yuen, Sui May) (Entered: 04/20/1992)
04/20/1992	32	MOTION by Gene McNary, William P. Barr, James Baker III, Robert Kramek, Kime, Commandants, US Coas, Commander, U.S. Nava for sanctions , Motion hearing [32-1] motion (Yuen, Sui May) (Entered: 04/20/1992)
04/20/1992	33	MEMORANDUM by Gene McNary, William P. Barr, James Baker III, Robert Kramek, Kime, Commandants, US Coas, Commander, U.S. Nava in support of [32-1] motion for sanctions (Yuen, Sui May) (Entered: 04/20/1992)
04/20/1992	34	MEMORANDUM by Gene McNary, William P. Barr, James Baker III, Robert Kramek, Kime, Commandants, US Coas, Commander, U.S. Nava in opposition to plaintiff's motion to expedite discovery. (Yuen, Sui May) (Entered: 04/20/1992)
04/20/1992	35	MOTION by Gene McNary, William P. Barr, James Baker III, Robert Kramek, Kime, Commandants, US Coas, Commander, U.S. Nava to dismiss , Motion hearing [35-1] motion (Yuen, Sui May) (Entered: 04/20/1992)

04/20/1992	36	GOVT EXHIBITS filed. (Yuen, Sui May) (Entered: 04/20/1992)
04/20/1992	37	TRANSCRIPT filed for hearing before Judge Johnson for dates of 4/1/92. C/R : Gene Rudolph. (Yuen, Sui May) (Entered: 04/20/1992)
04/20/1992	38	ORDER filed at the USCA on 4/21/92 that the motion for stay pending appeal and expedition is DENIED so ordered by the USCA. Appeal is expedited. Appellant shall serve and file abrief on 4/17/92. Appellee shall file a brief by 4/24/92. Any reply brief shall be filed by 4/29/92. Argument shall be heard during the week of 5/4/92 on 5/7 or 5/8/92 subject to approval of presiding judge of that panel. Ackn mailed. Judge notified. USCA # 92-6090. (Gonzalez, Mary) (Entered: 04/21/1992)
04/21/1992	40	NOTICE OF APPEAL by Gene McNary, William P. Barr, James Baker III, Robert Kramek, Kime, Commandants, US Coas, Commander, U.S. Nava Defendants/Appellants. Notice of appeal and certified copy of docket sent appealing [39-1] order. NO FEE. Aff of service attached. C of A notified. (Gonzalez, Mary) (Entered: 04/23/1992)
04/22/1992	39	ORDER : to clarify the relief granted in the Memorandum and Order of 4/6/92 : it is ORDERED that the govt is enjoined from : (a) denying the Haitian Service Organizations immediate access, on Guantanamo, to any member of the class of Screened in Plaintiffs subject to resonable time, place and manner limitations. (b) interviewing, screening, or subject to exclusion or asylum proceedings any Screened In Plaintiff who has been denied an opportunity to communicate with counsel; and (c) repatriating any member of class of Screened In Plaintiffs who was subjected to a second interview at which time s/he was screened out, until such time as such individual is afforded an opportunity to communicate with the Haitian Service Organizations and given another interview . Notwithstanding paragraphs (b) and (c), the govt may, at any time, transport members of the Screened In Plaintiff class to the mainland U.S. in accordance with the govt's representations to this Court. (signed by Judge Sterling Johnson Jr., 4/15/92) (Yuen, Sui May) (Entered: 04/22/1992)
04/22/1992	41	MEMORANDUM AND ORDER : that the govt's application to stay the enforcement of paragraph "(a)" of the Order of 4/15/92 is denied. (signed by Judge Sterling Johnson Jr., 4/16/92) (Yuen, Sui May) (Entered: 04/24/1992)
04/23/1992	42	REPLY by Hatian Centers, National Coalition, Immigration Law, Frantz Guerrier, Pascual Henry, Lauriton Guneau, Medilieu Sorel St. Fleur, Dieu Renel, Milot Baptiste, Jean Doe, Roges Noel, A. Iris Vilnor, Mireille Berger, Yvrose Pierre, Mathieu Noel TO RESPONSE TO PLAINTIFFS' SECOND REQUEST FOR EXPEDITED DISCOVERY. (Yuen, Sui May) (Entered: 04/24/1992)
04/23/1992	43	Letter dtd 4/22/92 from P. Cappuccio to Judge Johnson re : incident that occurred at Guantanamo that relates to the preliminary injunction order. (for more details, see letter) (Yuen, Sui May) (Entered: 04/24/1992)
04/23/1992	49	Letter dtd 4/22/92 from Harold Koh to Francis Lorson requesting that this letter be transmit to the full Court for its consideration re : stay pending appeal. (Yuen, Sui May) (Entered: 04/30/1992)
04/24/1992	44	Letter dtd 4/22/92 from Harold Koh to Judge Johnson re : refugee. (for more details, see letter) (Yuen, Sui May) (Entered: 04/24/1992)

04/27/1992	45	TRANSCRIPT filed for dates of 4/16/92 (Yuen, Sui May) (Entered: 04/27/1992)
04/27/1992	46	Copy letter dtd 4/18/92 from Harold Koh to Judge Johnson in response to the argument made upon the record by dft-applicants in support of their latest motion for stay of the Court's 4/6/92 Order. (for more details, see letter) (Yuen, Sui May) (Entered: 04/27/1992)
04/27/1992	47	Copy MEMORANDUM by Gene McNary, William P. Barr, James Baker III, Robert Kramek, Kime, Commandants, US Coas, Commander, U.S. Nava in opposition to plaintiff's motion for temporary restraining order. (Yuen, Sui May) (Entered: 04/27/1992)
04/27/1992	48	Letter dtd 4/24/92 from Michael Ratner, counsel for plaintiffs, to Judge Johnson enclosing papers requesting the immediate issuance of a temporary restraining order pending a hearing on a request for a preliminary injunction. (Copies attached) Also attached Affirmation by Michael Ratner in Support of Order to Show Cause for Temporary Restraining Order. (Yuen, Sui May) (Entered: 04/28/1992)
04/28/1992	50	Letter dtd 4/22/92 from Francis Lorson to Kenneth Starr enclsing order re this case. (Order attached) (Yuen, Sui May) (Entered: 04/30/1992)
04/28/1992	51	NOTICE of filing by dfts. Attached are Declaration of Dudley Sipprelle re : Marie Zette (Yuen, Sui May) (Entered: 04/30/1992)
04/28/1992	53	Letter dtd 4/28/92 from Scott Dunn to Judge Johnson in response to Harold Koh's letter of 4/28/92. (Yuen, Sui May) (Entered: 04/30/1992)
04/29/1992	52	Letter dtd 4/28/92 from Harold Koh to Judge Johnson requesting immediate rule on their request for an injuunction pending the appeal. (Yuen, Sui May) (Entered: 04/30/1992)
04/29/1992	54	MOTION by Gene McNary, William P. Barr, James Baker III, Robert Kramek, Kime, Commandants, US Coas, Commander, U.S. Nava for protective order , Motion hearing [54-1] motion (Yuen, Sui May) (Entered: 04/30/1992)
05/01/1992	55	MEMORANDUM AND ORDER : "In light of the U.S. Supreme Court's recent stay of the preliminary injunction this court issued on 4/6/92, and clarified on 4/15/92, I am declining to sign the plaintiffs' application for a temporary restraining order at this time. The plaintiffs are hereby granted leave to renew their application following the disposition of the expedited appeal by the U.S. Court of Appeals for the Second Circuit. So Ordered." (signed by Judge Sterling Johnson Jr., 4/27/92) (Yuen, Sui May) (Entered: 05/01/1992)
05/04/1992	56	MEMORANDUM by Hatian Centers, National Coalition, Immigration Law, Frantz Guerrier, Pascual Henry, Lauriton Guneau, Medilieu Sorel St. Fleur, Dieu Renel, Milot Baptiste, Jean Doe, Roges Noel, A. Iris Vilnor, Mireille Berger, Yvrose Pierre, Mathieu Noel in OPPOSITION to [54-1] motion for protective order. (Yuen, Sui May) (Entered: 05/05/1992)
05/08/1992	57	Calendar entry: before Judge Johnson on 4/21/92. Case called. All counsel present via telephone except AUSA S. Dunn. Telephone conference held. (Yuen, Sui May) (Entered: 05/08/1992)

05/13/1992	58	TRANSCRIPT filed for telephone conference for dates of 5/1/92 (Yuen, Sui May) (Entered: 05/14/1992)
05/14/1992		Certified and transmitted record on appeal to U.S. Court of Appeals: [40-1] appeal, [24-1] appeal . Acknowledgment requested. Please note that AUSA SCOTT DUNN HAND DELIVERED THE RECORD ON 5/14/92, to the USCA. This was indicated on the Clerk's Certificate. (Gonzalez, Mary) (Entered: 05/14/1992)
05/20/1992	59	Acknowledgment from USCA received. (Gonzalez, Mary) (Entered: 05/20/1992)
05/28/1992	60	Letter dtd 5/28/92 from Harold Koh to Judge Johnson enclosing the immediate issuance of a temporary restraining order pending a hearing on a request for a preliminary injunction. Order to Show Cause for a temporary restraining order w/ exhibits A-I attached , but UNSIGNED. (Yuen, Sui May) (Entered: 05/29/1992)
06/01/1992	61	ATTACHMENTS IN SUPPORT of dfts' opposition to the entry of injunctive relief respecting the new executive order. (Yuen, Sui May) (Entered: 06/01/1992)
06/01/1992	62	Dfts' OPPOSITION to the entry of injunctive relief respecting the new executive order. (Yuen, Sui May) (Entered: 06/01/1992)
06/02/1992	63	Documents enclosed in an envelop - Attach to end of exhibit 88. Submitted by Simpson Thacher & Bartlett. (Yuen, Sui May) (Entered: 06/02/1992)
06/02/1992	64	Plaintiffs REPLY to dfts'oppoosition to plaintiffs' order to show cause filed. (Yuen, Sui May) (Entered: 06/03/1992)
06/03/1992	65	Letter dtd 6/2/92 from Michael Ratner to Judge Johnson in response to dfts' letter of 5/22/92, seeking to quash the deposition subpoenas of Dr. paul Effler and Dr. Sonia Hutchins. (Yuen, Sui May) (Entered: 06/03/1992)
06/08/1992	67	NOTICE OF APPEAL by Hatian Centers, National Coalition, Immigration Law, Frantz Guerrier, Pascual Henry, Lauriton Guneau, Medilieu Sorel St. Fleur, Dieu Renel, Milot Baptiste, Jean Doe, Roges Noel, A. Iris Vilnor, Mireille Berger, Yvrose Pierre, Mathieu Noel Defendants/Appellants Fee Paid \$ 105.00 Receipt # 140939. Notice of appeal and certified copy of docket sent appealing [66-1] order . Ackn of serice attached. C of A notified. (Gonzalez, Mary) (Entered: 06/09/1992)
06/09/1992	66	ORDER dated 6/5/92 order that the relief sought by plaintiffs on order to show cause for a temporary restraining order pursuant to F.R. Civ. P. 65 restraining the Govt. repatriating any Haitian to Haiti, is denied. (signed by Judge Sterling Johnson Jr.) (Dobkin, David) (Entered: 06/09/1992)
06/11/1992	68	MEMORANDUN AND ORDER : that the govt's request that plaintiffs not be permitted to depose Doctors Effler and Hutchins of the Centers for Disease Control, and that the subpoenas be quashed is DENIED. (signed by Judge Sterling Johnson Jr., 6/8/92) (Yuen, Sui May) (Entered: 06/11/1992)
06/15/1992	69	MANDATE OF USCA dtd 6/10/92 Re: [67-1] appeal. Judgment of District Court is affirmed as modified in accordance with the opinion of USCA. Judge notified. Acknowledgment returned to USCA. USCA#92-6090 and 92-6104. Issued as Mandate 6/11/92. (McGee, Maryann) (Entered: 06/15/1992)

07/30/1992	70	ORDER : In accordance with the 7/29/92 decision of the Court of Appeals for the 2nd Circuit reversing this court's decision in Memorandum and Order dtd 6/5/92 and remanding the case to this court with instructions to enter an injunction, it is Ordered, that the dfts are preliminarily enjoined from returning to Haiti any interdicted Haitian whose life or freedom would be threatened on account of his or her race, religion, nationality, membership in a particular social group, or political opinion. (signed by Judge Sterling Johnson Jr., 7/29/92) (Yuen, Sui May) (Entered: 07/30/1992)
08/04/1992	71	MANDATE OF USCA (certified copy) Re: [67-1] appeal, [40-1] appeal, [24-1] appeal. The Order of the District Court is REVERSED and REMAND with direction to grant the injunction requested by plaintiffs. Majority opinions attached with dissents in a separate opinion. Issued as mandate on 7/29/92. Judge notified . Ackn mailed. USCA # 92-6144. (See document for further details). (Gonzalez, Mary) (Entered: 08/04/1992)
08/05/1992	72	MANDATE(ORDER) filed at the USCA on 7/30/92 the motion of the United Staes to recall and stay this Court's mandate, it is ORDERED that the injunction issued 7/29/92 by the District Court in conformity with our mandate is stayed for 48 hours to permit the orderly consideration of such further application for a stay as the U.S. may seek from the Supreme Court or a Justice therof. Judge Walker would grant the motion for a stay in full. Judge notified. Ackn mailed. USCA # 92-6144. (Gonzalez, Mary) (Entered: 08/05/1992)
08/10/1992		Record on appeal returned from U.S. Court of Appeals: [67-1] appeal, [40-1] appeal, [24-1] appeal (Gonzalez, Mary) (Entered: 08/10/1992)
08/17/1992	73	Letter dtd 8/3/92 from Clerk Lorson from the Supreme Court to Judge Starr enclosing order of 8/1/92. (Copy of order attached.) (Yuen, Sui May) (Entered: 08/17/1992)
08/25/1992	74	ORDER, endorsed on the letter dtd 8/18/92 from Joseph Tringali to Judge Johnson, set pretrial conference for 9:30 9/15/92 (signed by Judge Sterling Johnson Jr., 8/24/92) (Yuen, Sui May) (Entered: 08/25/1992)
09/03/1992	75	STIPULATION AND ORDER, to withdraw dft's [32-1] motion for sanctions (signed by Judge Sterling Johnson Jr., undated) (Yuen, Sui May) (Entered: 09/03/1992)
09/03/1992		WITHDRAWAL of [32-1] motion for sanctions. (See document #75) (Yuen, Sui May) (Entered: 09/03/1992)
09/16/1992	76	Letter dtd 9/8/92 from AUSA S. Dunn to Judge SJ confirming that the conference scheduled for 9/15 has been adjourned to 9/22/92 at 9:30. (Yuen, Sui May) (Entered: 09/16/1992)
09/22/1992	77	Calendar entry: before Judge SJ on 9/22/92 for conference. Case called. All counsel present. Gov't to file writ of Cert. by 7/23/93; plaintiff will not amend complaint; motion to dismiss by gov't pending before the Court. Plaintiffs makes application for bifurcate trial. Gov't to submit letter brief by 9/24/92; plaintiff to respond by 9/25/92. (Yuen, Sui May) (Entered: 09/29/1992)
09/29/1992	78	Letter dtd 9/29/92 from AUSA Kito Matsumo to Judge Johnson requesting a conference on 9/30/92 to resolve discovery disputes. (Yuen, Sui May) (Entered: 09/29/1992)

		09/30/1992)
11/17/1992	79	MEMORANDUM AND ORDER : that the plaintiff's motion for bifurcation of the Guantanamo case and the Executive Order case is GRANTED. (signed by Judge Sterling Johnson Jr., 11/12/92) (Yuen, Sui May) (Entered: 11/17/1992)
11/17/1992	80	MEMORANDUM AND ORDER granting in part, denying in part of gov't [35-1] motion to dismiss. It is Ordered that the Second Claim for relief fails to state a claim is dismissed. (signed by Judge Sterling Johnson Jr., 11/12/92) (Yuen, Sui May) (Entered: 11/17/1992)
11/27/1992	81	MOTION by Hatian Centers, National Coalition, Immigration Law, Frantz Guerrier, Pascual Henry, Lauriton Guneau, Medilieu Sorel St. Fleur, Dieu Renel, Milot Baptiste, Jean Doe, Roges Noel, A. Iris Vilnor, Mireille Berger, Yvrose Pierre, Mathieu Noel for REARGUMENT on dfts' motion to dismiss plaintiffs' 4th claim for relief , Motion hearing not set (Yuen, Sui May) (Entered: 11/30/1992)
11/27/1992	82	MEMORANDUM by Hatian Centers, National Coalition, Immigration Law, Frantz Guerrier, Pascual Henry, Lauriton Guneau, Medilieu Sorel St. Fleur, Dieu Renel, Milot Baptiste, Jean Doe, Roges Noel, A. Iris Vilnor, Mireille Berger, Yvrose Pierre, Mathieu Noel in support of [81-1] motion for REARGUMENT on dfts' motion to dismiss plaintiffs' 4th claim for relief (Yuen, Sui May) (Entered: 11/30/1992)
12/17/1992	83	STIPULATION AND ORDER : that the dfts' time to answer the complaint if extended until 12/18/92. (signed by Judge Sterling Johnson Jr., 12/15/92) (Yuen, Sui May) (Entered: 12/17/1992)
12/21/1992	84	MEMORANDUM by Gene McNary, William P. Barr, James Baker III, Robert Kramek, Kime, Commandants, US Coas, Commander, U.S. Nava in opposition to [81-1] motion for REARGUMENT on dfts' motion to dismiss plaintiffs' 4th claim for relief (Yuen, Sui May) (Entered: 12/22/1992)
12/30/1992	85	ANSWER to Complaint by Gene McNary, William P. Barr, James Baker III, Robert Kramek, Kime, Commandants, US Coas, Commander, U.S. Nava (Yuen, Sui May) (Entered: 12/31/1992)
01/06/1993	86	STIPULATION AND ORDER (unsigned) extending plaintiff's time until 1/15/93 to reply to dfts' memo. in opposition to plaintiffs' motion for reargument. (Yuen, Sui May) (Entered: 01/06/1993)
01/15/1993	87	REPLY by Hatian Centers, National Coalition, Immigration Law, Frantz Guerrier, Pascual Henry, Lauriton Guneau, Medilieu Sorel St. Fleur, Dieu Renel, Milot Baptiste, Jean Doe, Roges Noel, A. Iris Vilnor, Mireille Berger, Yvrose Pierre, Mathieu Noel to response to [81-1] motion for REARGUMENT on dfts' motion to dismiss plaintiffs' 4th claim for relief (Yuen, Sui May) (Entered: 01/19/1993)
03/02/1993	88	Letter dtd 2/5/93 from L. Guttentag to Judge SJ informing that several students are scheduled to defend depositions. (Yuen, Sui May) (Entered: 03/02/1993)
03/04/1993	90	Calendar entry: before Judge Johnson on 3/4/93. Case called. All counsel present. Conference held. Bench trial scheduled for 3/8/93. (Yuen, Sui May) (Entered: 03/15/1993)

03/05/1993	89	Copy of letter brief dated 3/5/93 from S. Dunn to Judge Johnson in support of dfts' amending their witness list to include rebuttal witnesses. (Yuen, Sui May) (Entered: 03/08/1993)
03/08/1993	91	Calendar entry: before Judge Johnson on 3/8/93. Case called. All counsel present. Bench trial held. Plaintiff allowed to amend the complaint. The court will not grant a continuance. Decision read into the record on govt's motion inlimine. Bench trial continued to 3/9/93. (Yuen, Sui May) (Entered: 03/15/1993)
03/09/1993	92	Calendar entry: before Judge Johnson on 3/9/93. Case called. Bench trial continued to 3/10/93. (Yuen, Sui May) (Entered: 03/15/1993)
03/09/1993	93	TRANSCRIPT filed for conference before Judge Johnson on dates of 3/4/93. Court reporter : Sheldon Silverman. (Yuen, Sui May) (Entered: 03/15/1993)
03/10/1993	94	Calendar entry: before Judge Johnson on 3/10/93. Case called. Bench trial continued to 3/11/93. (Yuen, Sui May) (Entered: 03/15/1993)
03/11/1993	95	Calendar entry: before Judge Johnson on 3/11/93. Case called. All counsel present. Bench trial continued to 3/15/93. (Yuen, Sui May) (Entered: 03/15/1993)
03/15/1993	96	Calendar entry:Before J.Johnson Civil Cause for Bench Trial Court Repl. P.Auerbach M.Steiger Bench trial resumes Trial continued to 3/16/93 @ 9:30 (Jackson, Ramona) (Entered: 03/22/1993)
03/15/1993	99	FORM FOR DESIGNATING COMPLIANCE WITH THE EASTERN DISTRICT STUDENT PRACTICE RULE, for Student Michael Wishnie, Filed. (Roker, Michelle) (Entered: 03/22/1993)
03/16/1993	97	Calendar entry:Before J.Johnson Civil Cause for Bench Trial Ct.Rep. P.Auerbach M.Steiger Case called. Counsel for all sides pres. Bench trial resumes Bench trial continued to 3/17/93 @ 9:30 (Jackson, Ramona) (Entered: 03/22/1993)
03/17/1993	98	Letter 3/17/93 from Joseph A. Selevan to Judge Johnson, Re: See letter for details. (Piper, Francine) (Entered: 03/22/1993)
03/17/1993	101	Calendar entry: before Judge Johnson on 3/17/93 for bench trial. Case called. All counsel present. Bench trial continued to 3/18/93 at 9:30. (Yuen, Sui May) (Entered: 03/25/1993)
03/18/1993	100	AMENDED COMPLAINT by Hatian Centers, National Coalition, Frantz Guerrier, Milot Baptiste , (Answer due 9:30 9/15/92) amending [1-1] complaint (Roker, Michelle) (Entered: 03/23/1993)
03/18/1993	102	Calendar entry: before Judge Johnson on 3/18/93. Case called. All counsel present. Bench trial continued to 3/19/93. (Yuen, Sui May) (Entered: 03/25/1993)
03/19/1993	103	Calendar entry: before Judge SJ on 3/19/93. Case called. All counsel present. Bench trial held. Trial continued to 3/24/93. (Yuen, Sui May) (Entered: 03/29/1993)
03/24/1993	104	Copy of letter dtd 3/24/93 from L. Filppu to Judge SJ requesting additional time to submit findings of fact and conclusion of law. (Yuen, Sui May) (Entered: 03/29/1993)

03/25/1993	112	Calendar entry: before Judge Johnson on 3/25/93 for a bench trial. Case called. Bench trial ends. (Yuen, Sui May) (Entered: 04/30/1993)
03/26/1993	105	Plaintiff's PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW. (Yuen, Sui May) (Entered: 03/29/1993)
03/26/1993	106	Dft's PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW. (Yuen, Sui May) (Entered: 03/29/1993)
03/30/1993	107	INTERIM ORDER dated 3/26/93 that the dfts will either (a) provide the level of adequate care recommended by its own doctors at trial for all screened-in Haitian class members whose T-cell count is above 200 and whose T-cell percentage is 13 or below or; (b) medically evacuate such class members to a place (except Haiti) where adequate medical care is available within 10 days from the date of this order. (signed by Judge Sterling Johnson Jr.). (Yuen, Sui May) (Entered: 03/30/1993)
03/30/1993	108	Copy of Letter dated 3/29/93 from David J. Kline to Judge Johnson, Re: Limiting the admission of testimony as evidence. (Piper, Francine) (Entered: 03/31/1993)
04/01/1993	109	Letter dated 3/29/93 from SAUSA Scott Dunn to Judge Johnson requesting that defts be provided until 4/29/93 to file answer to amended complaint. (Greves, Liz) (Entered: 04/01/1993)
04/02/1993	110	TRANSCRIPT filed for for dates of March 25 ,1993 for a Bench Trial held before Judge Johnson. (Asreen, Wendy) (Entered: 04/02/1993)
04/28/1993	111	Letter dated April 27, 1993 from Wendy Aldridge to Sandy Nelson of the U.S. Supreme Court. Re: Forwarding documents to her filed in this action prior to the Notice of Appeal. Requests acknowledgment of receipt. (Asreen, Wendy) (Entered: 04/28/1993)
05/06/1993	113	ACKNOWLEDGEMENT receipt of case file from Sany Nelson, of U.S. Supreme Court. (Yuen, Sui May) (Entered: 05/06/1993)
05/13/1993	114	Letter dtd 5/6/93 from S. Dunn to Judge Johnson informing that dfts will file their answer by 5/13/93. Plaintiffs have consented. (Yuen, Sui May) (Entered: 05/13/1993)
05/13/1993	115	ANSWER by Gene McNary, William P. Barr, James Baker III, Robert Kramek, Kime, Commandants, US Coas, Commander, U.S. Nava to amended complaint. (Yuen, Sui May) (Entered: 05/14/1993)
05/14/1993	116	Calendar entry: before Judge Johnson on 5/14/93. Case called. All counsel present Plaintiff's motion to have terms of the Court's Interim Order expanded. Motion argued and reserved. (Yuen, Sui May) (Entered: 05/25/1993)
05/24/1993	117	Letter dtd 5/24/93 from AUSA S. Dunn to Judge Johnson in response to plaintiffs' letter of 5/21. (Yuen, Sui May) (Entered: 05/25/1993)
06/09/1993	118	MEMORANDUM AND ORDER dated 6/8/93 : that "Well-Founded Fear" Processing be permanently enjoined, held unlawful and set aside pursuant to the Administrative Procedure Act; that dft Attorney General's exercise of the statutory parole power under INA S212(d)(5) to deny Screened In Plaintiffs parole out of detention be permanently enjoined; that such "Well-Founded Fear"

		Processing, Disciplinary Proceedings, Arbitrary and Indefinite Detention, Medical Care and Camp Conditions be permanently enjoined pursuant to the Fifth Amendment of the US Constitution; and that Screened In Plaintiffs be immediately released (to anywhere) but Haiti) from such processing, proceedings, detention, medical care and camp conditions; and that dfts are permanently enjoined from denying plaintiff Haitian Service Organizations immediate access at Guantanamo, on Coast Guard Cutters, or at any other place subject to US jurisdiction to any member of the class of Screened In Plaintiffs (regardless of whether any such screedned-in plaintiffs has been furnished with an exact date and time for an interview), subject to reasonable time, place and manner limitations for the purpose of providing class members legal counsel, advocacy, and representation. (Yuen, Sui May) (Entered: 06/11/1993)
06/18/1993	119	MOTION by the dft to clarify Order of 6/8/93. Motion hearing [119-1] not set. (Yuen, Sui May) (Entered: 06/24/1993)
06/29/1993	120	Letter dtd 3/18/92 from Harold Koh to Judge Johnson re : "screened-in" Haitians. (Yuen, Sui May) (Entered: 06/29/1993)
06/29/1993	121	Letter dtd 4/21/92 from H. Koh to Judge Johnson in response to P. Cappuccio's letter of 4/20/92 opposing the expedited discovery that plaintiffs requested on 4/16/92. (Rec'd 6/29/93 from chambers). (Yuen, Sui May) (Entered: 06/29/1993)
06/29/1993	122	Letter dtd 9/21/92 from L. Filppu to Judge Johnson informing that case is not ready for trial. (Yuen, Sui May) (Entered: 06/29/1993)
06/29/1993	123	Letter dtd 9/21/92 from J. Tringali to Judge Johnson in response to dfts' letter of 9/21/92. (Yuen, Sui May) (Entered: 06/29/1993)
06/29/1993	124	Letter dtd 9/29/92 from J. Tringali to Judge Johnson in response to L. Filpu's letter of 9/24/92. (Rec'd on 6/29/93 from chambers). (Yuen, Sui May) (Entered: 06/29/1993)
06/29/1993	125	Letter dtd 10/1/92 from J. Tringali to Judge Johnson in response to L. Filppu's letter of 9/29/92 re Mr. Levine . (rec'd on 6/29/93 from chambers). (Yuen, Sui May) (Entered: 06/29/1993)
06/29/1993	126	TRANSCRIPT filed for hearing before Judge Johnson on dates of 5/29/92. Court reporter : M. Diamond. (Yuen, Sui May) (Entered: 06/29/1993)
07/20/1993	127	ORDER dated 7/9/93 granting dft's [119-1] motion to clarify Order of 6/8/93 to that this case shall not be construed as prohibiting the gov't from exercising its normal statutory enforcement powers in relation to Screened-in Plaintiffs in the US. (signed by Judge Sterling Johnson Jr.) (Yuen, Sui May) (Entered: 07/20/1993)
07/20/1993	128	Copy of letter dated 3/25/93 from David Kline to Lucas Guttentag, confirming that plaintiffs agreed to withdraw the designation of the deposition testimony of Scott Busby. (received 7/20/93). (Dobkin, David) (Entered: 07/20/1993)
07/27/1993	129	ORDER denying [81-1] motion for REARGUMENT on dfts' motion to dismiss plaintiffs' 4th claim for relief (signed by Judge Sterling Johnson Jr.) (fe) (Entered: 07/27/1993)

08/09/1993	130	NOTICE OF APPEAL by Gene McNary, William P. Barr, James Baker III, Robert Kramek, Kime, Commandants, US Coas, Commander, U.S. Nava. Notice of Appeal and certified copy of docket sent appealing [118-1] order. No fee. Appeal filed by U.S. Affidavit of service attached. USCA notified. (McGee, Maryann) (Entered: 08/09/1993)
08/26/1993		Documents on this action returned from the U.S. Supreme Court. (Asreen, Wendy) (Entered: 08/26/1993)
08/30/1993	131	NOTICE of receipt of the COMPLETE record of the case from the Supreme Court of the United States. Acknowledgment mailed to that Court. (Asreen, Wendy) (Entered: 08/30/1993)
09/03/1993	132	MANDATE OF USCA (certified copy) Re: [130-1] appeal vacating [130-1] appeal. It is Ordered that the judgment of the District Court of 7/29/92 and the Mandate issued thereunder are vacated in accordance with the opinion of the Supreme Court. It is further Ordered that the petitioners, Chris Sale, Acting Comissioner, Immigration and Naturalization Service recover from "Haitian Centers Council Inc et al \$9,100.00 for their costs expended in the Supreme Court. Acknowlegment retured to USCA. Judge notified. USCA#92-6144. This is Appellate Order. (McGee, Maryann) Modified on 09/07/1993 (Entered: 09/07/1993)
09/09/1993	133	TRANSCRIPT filed for a bench trial before Judge Johnson on dates of 3/15/93. C/R M. Steiger. (Yuen, Sui May) (Entered: 09/09/1993)
09/09/1993	134	TRANSCRIPT filed for a bench trial before Judge Johnson on dates of 3/16/93. Court reporter : M. Steiger. (Yuen, Sui May) (Entered: 09/09/1993)
09/09/1993	135	TRANSCRIPT filed for a bench trial before Judge Johnson on dates of 3/17/93. Court reporter : M. Steiger. (Yuen, Sui May) (Entered: 09/09/1993)
09/09/1993	136	TRANSCRIPT filed for a bench trial before Judge Johnson on dates of 3/18/93. Court reporter : M. Steiger. (Yuen, Sui May) (Entered: 09/09/1993)
09/09/1993	137	TRANSCRIPT filed for a bench trial before Judge Johnson on dates of 3/19/93. Court reporter : M. Steiger. (Yuen, Sui May) (Entered: 09/09/1993)
09/29/1993	138	USCA Scheduling Order: Record due 10/18/93 USCA#93-6216. Appellant's brief due 10/25/93. Appellee's brief due 11/24/93. Argument set for 12/13/93. (McGee, Maryann) (Entered: 09/29/1993)
11/01/1993	139	MANDATE OF USCA (certified copy) Re: withdrawing [48-1] appeal. Parties stipulate that the action is withdrawn, without costs and without attorneys' fees and without prejudice, subject to reinstatement by written notice to the Clerk of Court by 12/30/03. If not thus reinstated, the appeal shall be deemed withdrawn with prjudice. Issued as Mandate 10/27/93. Judge notified. Acknowledgment returned. USCA#93-6216. (McGee, Maryann) (Entered: 11/01/1993)
11/15/1993	140	MANDATE OF USCA (certified copy) Re: vacating [60-1] appeal. In accordance with the opion of the Supreme Court (113 S. CT. 2549) (1993). it is ordered that the judgment of the District Court is VACATED and the case is REMANDED to the District Court with instructions to dismiss the relevant portions of the amended complaint with prejudice. Issued as mandate on 11/4/93. Judge notified. Ackn mailed. USCA # 92-6144. (Gonzalez, Mary) (Entered: 11/15/1993)

		11/15/1993)
11/30/1993	141	USCA Order dtd 11/3/93 vacating judgment of 6/10/93 as moot. See document for further details. Acknowledgment mailed to USCA. Judge notified. USCA#92-6090(L) and 92-6104 (McGee, Maryann) Modified on 12/03/1993 (Entered: 12/03/1993)
12/09/1993	142	CORRECTED USCA Order dtd 11/3/93 that the judgment of 6/10/92 is vacated as moot. See document for further details. USCA#92-6090(L) and 92-6104. Acknowledgment returned to USCA. Judge notified. (McGee, Maryann) Modified on 12/09/1993 (Entered: 12/09/1993)
12/23/1993	143	ORDER dated 12/17/93 that the Sixth and Seventh Claims for Relief of the Amended Complaint are dismissed with prejudice. (signed by Judge Sterling Johnson Jr.). (Yuen, Sui May) (Entered: 12/23/1993)
01/03/1994	144	USCA Order dtd 12/29/93 that it is stipulated that the appeal is withdrawn without prejudice and without costs. This is subject to reinstatement by writted notice to the clerk of the Court by 2/28/94. If not thus reinstated, the appeal shall be deeed withdrawn with prejudice. Acknowledgment returned to USCA. Judge notified. USCA#93-6216. (McGee, Maryann) (Entered: 01/04/1994)
01/18/1994	146	JOINT MOTION fro preliminary approval of settlement agreement and for approval of notice to class of fairness hearing. Motion hearing not set. (Exhibits A,B annexed). (Yuen, Sui May) (Entered: 01/20/1994)
01/19/1994	145	ORDER dated 1/11/94 that the final paragraph of the Order dtd 12/17/93 is amended to "Ordered, that the Sixth Claim and Paragraph 90 of the Seventh Claim for Relief of the Amended Complaint are hereby dismissed with prejudice." (signed by Judge Sterling Johnson Jr.). (Yuen, Sui May) (Entered: 01/19/1994)
01/19/1994	147	Calendar entry:before Judge Johnson on 1/19/94. Case called. All counsel present. The Court granted the [146-1] joint motion for preliminary approval of settlement agreement and for approval of notice to class of fairness hearing. Hearing scheduled for 2/18/94 at 12:00. (Yuen, Sui May) (Entered: 01/20/1994)
02/08/1994	148	Joseph F. Tringali's AFFIDAVIT in accordance with paragraph 4 of the Court's 1/18/94 Order Preliminarily Approving Settlement and Directing Notice to Class, which required that proof of publication of the proposed settlement must be filed with the Clerk of Court by a rpresentative of the plaintiffs. (Exhibits annexed). (Yuen, Sui May) (Entered: 02/14/1994)
02/22/1994	149	Calendar entry: Before Judge Johnson Case called. All parties present. Settlement Agreement; case settled; case discontinued without prejudice; order issued. (Virno (Entered: 02/23/1994)
02/22/1994	150	STIPULATION ORDER APPROVING CLASS ACTION SETTLEMENT AGREEMENT dtd. 2/22/94. (signed by Judge Sterling Johnson Jr.) (Virno (Entered: 02/23/1994)
02/22/1994		Case closed (Virno (Entered: 02/23/1994)
03/31/1994	151	Letter dtd 2/6/94 from Fred Saintelus to Clerk's Office regarding the problems that made him leave Haiti. (Yuen, Sui May) (Entered: 03/31/1994)

04/04/1994	152	Letter dtd 2/10/94 from Esta Lamy to Clerk regarding Notice of Hearing. (Yuen, Sui May) (Entered: 04/04/1994)
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