

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JAN 10 2008

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

RAYMING CHANG, *et al.*,

Plaintiffs,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

Civ. Action No. 02-02010 (EGS)(AK)

ORDER

Upon due consideration of the Motion of Defendant District of Columbia For An Order Providing For Expungement Of Plaintiffs' Arrest Records And Precluding Defendants From Opposing Plaintiff's Motion For Orders Permitting Plaintiffs To Deny Having Been Arrested And/Or For The Sealing Of Their D.C. Superior Court Arrest Records and the record herein, it is this 9TH day of January, 2008,

ORDERED that:

1. The District of Columbia shall provide for the expungement of the *Chang* Plaintiffs arrest records relating to the September 27, 2002 arrests that are maintained by the District of Columbia within ten days of the last of these events: entry of final judgment by this Court regarding all Plaintiffs' claims herein; disposition of all appeals; denial of any appeal or petitions for writ of certiorari to the Supreme Court of the United States;

2. The District of Columbia shall restrict access to the September 27, 2002 arrest records of the *Chang* Plaintiffs to the arrestees, their counsel, and counsel for

any party in this case or in *Barham v. Ramsey*, 02cv2283 (EGS). This access should be limited to that reasonably needed for the prosecution or defense of the matters relating to the litigation of this case or *Barham*.

3. The arrests of the *Chang* Plaintiffs on September 27, 2002 are hereby declared null and void. Each of the *Chang* Plaintiffs (RayMing Chang, Leanne Lee, Chris Zarconi, and Young Choi) are authorized to deny the occurrence of his or her arrest that day, without being subject to any penalty of perjury, fraud, or other offense premised upon misrepresentation or deception in response to any query, whether posed orally or in writing. This Court shall retain jurisdiction of this case for the limited purpose of enforcing the rights of the *Chang* Plaintiffs under this paragraph;

4. Counsel for the *Chang* Plaintiffs will file with the Clerk of the Court, under seal, paper copies of draft orders, one for each *Chang* Plaintiff, bearing the case caption and stating as follows:

ORDER

The arrest of [insert name, date of birth, and social security number] on September 27, 2002, in the District of Columbia is hereby declared null and void. [Mr. or Ms. insert last name] is authorized to deny the occurrence of his or her arrest that day, without being subject to any penalty of perjury, fraud, or other offense premised upon misrepresentation or deception in response to any query, whether posed orally or in writing.

So Ordered on this ____ day of _____, 2008.

EMMET G. SULLIVAN
United States District Judge

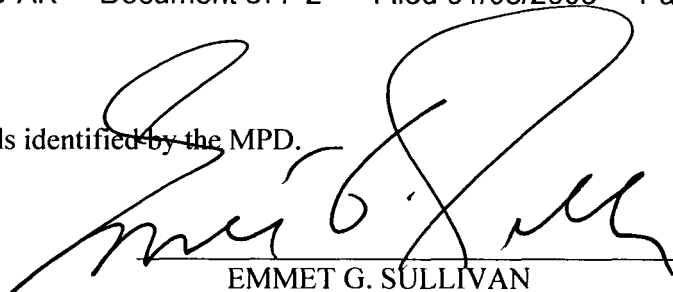
When signed, the Clerk will file the orders under seal, and mail certified copies to counsel for Plaintiffs;

5. The District of Columbia is to use its best efforts to procure the expungement of the September 27, 2002 arrest records of any Pershing Park case Plaintiff in the possession of the United States Government (including, but not limited to, the Federal Bureau of Investigation), any state or local government within ten days of the last of these events: entry of final judgment by this Court regarding all Plaintiffs' claims herein, disposition of all appeals; denial of any appeal or petitions for writ of certiorari to the Supreme Court of the United States;

6. The District of Columbia is to inform the *Chang* Plaintiffs, through counsel, if they are unable to procure the expungement of the *Chang* Plaintiffs' arrest records maintained by the United States government and/or other state or local law enforcement agencies for any reason. If they are unable to procure such expungement, the District of Columbia is directed to describe, in writing, the agencies that maintain records, the types of records maintained, the reasons for the failure to expunge, and the steps taken by the District to have the records expunged.

7. The Metropolitan Police Department ("MPD") shall, upon the commencement of its efforts to expunge the records of the *Chang* Plaintiffs, provide the FBI with a list of individuals arrested in Pershing Park by the MPD on September 27, 2002 whose arrest records are to be expunged. Upon receipt of the list, the FBI shall expunge from its records and databases all records pertaining to the arrest on September

27, 2002 of the individuals identified by the MPD.



EMMET G. SULLIVAN
United States District Judge

Serve on:
All Counsel of Record