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8 UNITED STATES DISTRICT COURT
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA
 AT SACRAMENTO

10 DR. FA' AFOUINA AFATO, et al,

No. 2:10-CV-0060-FCD-EFB

11 Plaintiffs,

12 STIPULATION AND ORDER TO HOLD
 CASE IN ABEYANCE PENDING FURTHER
 AGENCY ACTION

13 v.

14 HILLARY CLINTON, et al,

15 Defendants.

16 **A. Stipulation.**

17 The parties have conferred and stipulate and agree as follows. The Department of
 18 Homeland Security has reopened the Plaintiff's I-612 Waiver Application and will be reissuing
 19 a decision. The Plaintiffs will be given an opportunity to supplement their original application.
 20 If the Department of Homeland Security makes a favorable recommendation, DHS will
 21 forward the complete waiver application, including all supporting documents and supplemental
 22 filings, to the Department of State for review. The Department of State will review all the
 23 materials and make a new determination based on the entire record, and a balancing of the

STIPULATION AND ORDER TO
 HOLD CASE IN ABEYANCE – 1
 E.D. Cal. No. 10-60-FCD-EFB

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1 hardship proof with the program and policy objectives. If the State Department needs
2 additional information in order to makes its recommendation, it will request additional
3 evidence from Dr. Afato. This process may take several months.

4 Plaintiffs have served their first written discovery requests and Defendants have
5 responded. Plaintiffs believe that the discovery responses are inadequate and/or incomplete and
6 intend to file a motion to compel regarding these issues. However, the ongoing agency review
7 action may result in a favorable decision, making further discovery and litigation unnecessary.
8 In the event the new decision is adverse, the parties anticipate amendment of the pleadings.
9 The parties therefore believe that it is in the best interests of all parties for this matter be stayed
10 for 120 days to permit the agency to review the materials and make a new decision.

11 Respectfully submitted this 27th day of January, 2011.

12 /s/ Devin T. Theriot-Orr

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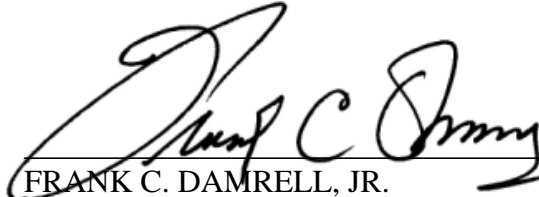
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1 **B. Order.**

2 Based on the stipulation and agreement of the parties, the current case schedule is
3 STRICKEN and this case is STAYED for 120 days to permit the agency to adjudicate the
4 reopened waiver application. The parties shall file a status report by Friday, May 27, 2011.

5 Dated this 27th day of January, 2011.

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8 FRANK C. DAMRELL, JR.
9 UNITED STATES DISTRICT JUDGE
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