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ATTORNEYS FOR DEFENDANTS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOSE BAUTISTA-PEREZ, OSCAR  
GUARDADO-GONZALEZ, DENIS  
CABALLERO-ESPINOZA, JOSE  
ALVARADO-MENJIVAR, OSCAR RENE  
RAMOS, MARIA SALAZAR, JOSE  
BENJAMIN QUINTEROS, AND MARIA  
JOSEFA CRUZ, Individually and on behalf of all  
others similarly situated,

Plaintiffs,

vs.

MICHAEL B. MUKASEY, Attorney General  
and MICHAEL CHERTOFF, Secretary of  
Homeland Security,

Defendants.

Case No.: C 07-4192 TEH

**STIPULATION AND ~~PROPOSED~~ ORDER  
REGARDING DISCOVERY AND MOTION  
SCHEDULE**

1           WHEREAS on August 21, 2008, the Court issued an Order directing the parties to meet and  
2 confer and submit to the Court a stipulation and proposed Order setting out a schedule for discovery on  
3 class certification issues, Plaintiffs' motion for class certification, merits discovery, and further merit  
4 proceedings within 14 days of the date of the Order;

5           WHEREAS on August 26 and 29, 2008, the parties met and conferred pursuant to the Court's  
6 August 21, 2008 Order;

7           WHEREAS the parties have jointly agreed upon the following schedule, as a result of their  
8 meet and confer process:

9           1.       By no later than August 29, 2008, Plaintiffs will provide Defendants with copies of the  
10 documents set forth in the meet and confer letter from Linda M. Dardarian to Brian Mizoguchi, dated  
11 August 6, 2008 (hereinafter "August 6 letter") they seek Defendants to authenticate. Defendants will  
12 use best efforts to authenticate such documents so provided by no later than September 12, 2008.

13           2.       Defendants will use best efforts to provide Plaintiffs with reliable estimates of the  
14 following, by no later than September 12, 2008:

15               a.       The number of Honduran nationals who have applied to register or re-register  
16 for TPS Honduras since August 16, 2001;

17               b.       The number of Nicaraguan nationals who have applied to register or re-register  
18 for TPS Nicaragua since August 16, 2001;

19               c.       The number of El Salvadoran nationals who have applied to register or re-  
20 register for TPS El Salvador since August 16, 2001.

21           3.       By September 12, 2008, Defendants will provide Plaintiffs with a copy of the 2001,  
22 2002, 2003, 2004 and 2006 annual reports submitted by the Attorney General of the United States, the  
23 Secretary of Homeland Security for the United States and/or the United States Department of  
24 Homeland Security to the Committees on the Judiciary of the House of Representatives and of the  
25 Senate. If Defendants have possession of the 2005 and 2007 annual reports on or before September  
26 12, 2008, they will produce those reports to Plaintiffs by that date as well.

27           4.       The parties will make best efforts to finalize and submit to the Court a Stipulated  
28 Protective Order by September 12, 2008.

1           5.       Defendants will use best efforts to provide Plaintiffs with the information and  
2 documents responsive to the remaining class certification discovery items set forth in the August 6,  
3 2008 letter by no later than October 17, 2008. These items include but are not limited to responses to  
4 Plaintiffs' First Set of Requests for Admissions, Nos. 1, 20-35.

5           6.       Depending on the nature of Defendants' responses to Plaintiffs' class certification  
6 discovery requests, Plaintiffs may seek to take depositions pursuant to Federal Rule 30(b)(6) of  
7 persons most knowledgeable about the commonality of Defendants' policies, practices and procedures  
8 regarding the TPS application, registration, and re-registration process, the collection of biometric  
9 information, and the estimated numbers of persons from Nicaragua, Honduras and El Salvador who  
10 have applied to register or re-register for TPS from August 16, 2001 to the present.

11          7.       Defendant expects to serve upon plaintiffs discovery requests relating to their  
12 anticipated class certification motion by September 12, 2008, and may seek to take depositions of the  
13 plaintiffs/putative class representatives.

14          8.       At such time as may be appropriate, Defendant may file a motion to dismiss for lack of  
15 jurisdiction.

16          9.       Plaintiffs will file their motion for class certification in the Fall of 2008, and schedule it  
17 for hearing by no later than December 29, 2008.

18          10.      After the Court rules on Plaintiffs' Motion for Class Certification, the parties will  
19 engage in merits discovery. The parties expect to identify their specific discovery requests after they  
20 have had an opportunity to review the Court's ruling.

21          11.      The parties estimate that merits discovery will be completed by October 2009.

22          12.      Plaintiffs anticipate that after conclusion of merits discovery, they will file a motion for  
23 summary judgment on Defendants' liability to the class for charging fees in excess of the amount  
24 allowed by 8 U.S.C. § 1254a(c)(1)(B). Defendants anticipate filing a cross motion for summary  
25 judgment on Defendants' liability.

26          13.      The parties anticipate that if the case is not resolved through dispositive motions, the  
27 case will be ready for trial on the merits in early 2010.

28           IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD

1 Dated: September 4, 2008

JONATHAN M. KAUFMAN  
THE LAW OFFICES OF JONATHAN M. KAUFMAN

2  
3 LINDA M. DARDARIAN  
HEATHER MILLS  
4 GOLDSTEIN, DEMCHAK, BALLER, BORGAN &  
DARDARIAN

5 By: /S/ Linda M. Dardarian  
6 Linda M. Dardarian  
Attorneys For Plaintiffs

7 Dated: September 4, 2008

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10 CHIEF, CIVIL DIVISION

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15 U.S. DEPARTMENT OF JUSTICE, CIVIL DIVISION

16 JEANNE E. DAVIDSON  
DIRECTOR

17 /s/Brian A. Mizoguchi  
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18 SENIOR TRIAL COUNSEL  
COMMERCIAL LITIGATION BRANCH  
19 CIVIL DIVISION  
DEPARTMENT OF JUSTICE

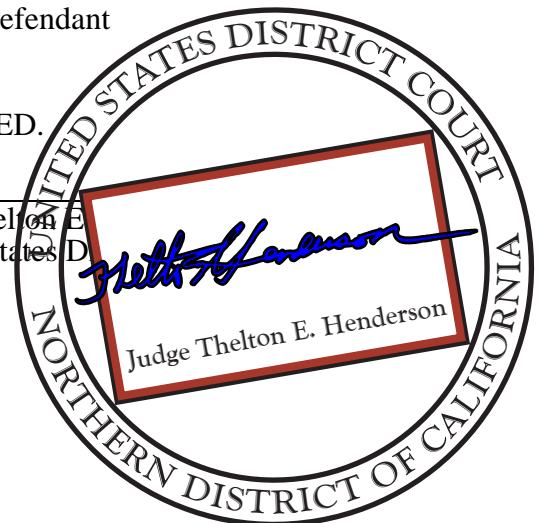
20  
21 Attorneys For Defendant

22 **ORDER**

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24 DATED: 09/08/08

25 Hon. Thelton E.  
United States D



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**SIGNATURE ATTESTATION**

I, Linda M. Dardarian, hereby attest that I have on file all holographic signatures of any signatures indicated by a “conformed” signature (/S/) within this efiled document.

Dated: September 4, 2008

By: /S/ Linda M. Dardarian  
Linda M. Dardarian  
Attorney For Plaintiffs