

BENCH, CLOSED

**U.S. District Court [LIVE]
Eastern District of TEXAS (Lufkin)
CIVIL DOCKET FOR CASE #: 9:93-cv-00063-JH**

Hernandez v. Reno
Assigned to: Judge John Hannah, Jr
Demand: \$0
Case in other court: 95-40186
95-40186
Cause: 05:702 Administrative Procedure Act

Date Filed: 04/30/1993
Date Terminated: 12/30/1997
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: U.S. Government Defendant

Plaintiff

Adan Arturo Hernandez
*Individually and on behalf of all persons
similarly situated*

represented by **Richard S Fischer**
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LEAD ATTORNEY
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V.

Defendant

Janet Reno
*In her official capacity as Attorney
General of the United States*

represented by **Alexander H Shapiro**
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Office of Immigration Litigation
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Date Filed	#	Docket Text
04/30/1993		Filing Fee Paid; FILING FEE \$ 120.00 RECEIPT # 60699 (mll) (Entered: 04/30/1993)
04/30/1993	1	Original Complaint filed (mll) (Entered: 04/30/1993)
04/30/1993	2	Motion by Adan Arturo Hernandez to certify class action (mll) (Entered: 04/30/1993)
04/30/1993	3	Affidavit by Richard S Fischer Re: [2-1] motion to certify class action (mll) (Entered: 04/30/1993)

04/30/1993	4	Motion for appointment of Patricia Rodewald as process server and order thereon. (signed by Clerk of Court) (mll) (Entered: 04/30/1993)
04/30/1993	5	In compliance with Article One of the Civil Justice Expense and Delay Reduction Plan, and after a review of the pleadings, this action has been assigned to track 3 for case management purposes. cc:pltf 4-30-93 (mll) (Entered: 04/30/1993)
04/30/1993		Copy file forwarded to Judge Parker (mll) (Entered: 04/30/1993)
04/30/1993		Summons(es) issued for Janet Reno (mll) (Entered: 04/30/1993)
05/17/1993	6	Return of service executed as to Janet Reno 5/6/93 through personal service on US Atty, Tyler, Texas; Answer due on 6/7/93 for Janet Reno (mll) (Entered: 05/18/1993)
05/17/1993	7	Return of service executed as to Janet Reno 5/10/93 by cert mail (mll) (Entered: 05/18/1993)
05/17/1993	8	Affidavit by Janet Reno Re: [7-1] executed service, [6-1] executed service (mll) (Entered: 05/18/1993)
07/06/1993	9	Answer to Original Complaint by Janet Reno (mll) (Entered: 07/07/1993)
07/06/1993	10	Response by Janet Reno in opposition to [2-1] motion to certify class action (mll) (Entered: 07/07/1993)
07/06/1993		In compliance with Article One of the Civil Justice Expense and Delay Reduction Plan, and after a review of the pleadings, this action has been assigned to track 3 for case management purposes. cc:dft 7-7-93 (mll) (Entered: 07/07/1993)
07/15/1993	11	Notice of disclosure by Adan Arturo Hernandez (mll) (Entered: 07/15/1993)
07/20/1993	12	MANAGEMENT CONFERENCE set at 11:00 10/6/93 (mpt) (Entered: 07/20/1993)
07/20/1993	12	Notice of Management Conference: set at 11:00 on 10/6/93 (mpt) (Entered: 07/20/1993)
08/02/1993	13	Notice of Hearing: 8/30/93 at 11:00 in Lufkin, TX re: Class Certification (mpt) (Entered: 08/03/1993)
08/09/1993	14	Notice of disclosure by Janet Reno (mll) (Entered: 08/09/1993)
08/30/1993		Hearing held before Chief Judge Robert M. Parker (mpt) (Entered: 08/31/1993)
08/30/1993	15	Minutes of class certification hearing: Court Orders that both parties shall submit a motion for summary judgment on 12-15-93. Management conference is cancelled. (mpt) (Entered: 08/31/1993)
08/30/1993	16	Exhibit list by Adan Arturo Hernandez (mpt) (Entered: 08/31/1993)
10/13/1993	17	Transcript of hearing on class certification before Judge Robert M Parker 8-30-93 at 11:00 a.m. in Lufkin, Texas (mll) (Entered: 10/13/1993)
12/15/1993	18	Motion by Adan Arturo Hernandez for leave to file motion and supporting memorandum in excess of fifteen pages (pad) (Entered: 12/16/1993)
12/15/1993	19	Motion by Janet Reno for leave to file motion to dismiss and supporting in excess of fifteen pages (pad) (Entered: 12/16/1993)
12/15/1993	22	Motion by Adan Arturo Hernandez with memorandum in support for summary judgment (mll) (Entered: 12/23/1993)
12/22/1993	20	Order granting [18-1] motion for leave to file motion and supporting memorandum in excess of fifteen pages (signed by Chief Judge Robert M. Parker) cc:attys 12-23-93 (mll) (Entered: 12/23/1993)
12/22/1993	21	Order granting [18-1] motion for leave to file motion and supporting memorandum in excess of fifteen pages, and that said motion be filed as of 12-15-93 (signed by Chief Judge Robert M. Parker) cc:attys 12-23-93 (mll) (Entered: 12/23/1993)

12/27/1993	23	Motion by Janet Reno to extend time to file reply brief . (mll) (Entered: 12/28/1993)
01/03/1994	24	Order granting [23-1] motion to extend time to file reply brief; reply briefs are now due 1-6-94 (signed by Chief Judge Robert M. Parker) cc:attys 1-4-94 (mll) (Entered: 01/04/1994)
01/06/1994	25	Response by Janet Reno to [22-1] motion for summary judgment and memorandum in support (mll) (Entered: 01/06/1994)
01/06/1994	26	Motion by Janet Reno for leave to file Reply Brief in excess of 15 pages (mll) (Entered: 01/06/1994)
01/06/1994	27	Motion by Adan Arturo Hernandez for leave to file Memorandum in excess of 15 pages (mll) (Entered: 01/06/1994)
01/06/1994	31	Response by Adan Arturo Hernandez to [29-1] motion to dismiss case for lack of jurisdiction, [29-2] motion for summary judgment (pad) (Entered: 04/22/1994)
04/12/1994	28	Order granting [19-1] motion for leave to file motion to dismiss and supporting in excess of fifteen pages, denying [2-1] motion to certify class action. ORDERED that the APA does not preclude this Court's jurisdiction over the issues presented. ORDERED that dft is permanently enjoined from promulgating or enforcing any regulations or procedures that would require an alien w/Family Unity status to apply separately for a work permit. ORDERED that dft's motion for sum jgm on the vased on same relationship &\$60 fee issues are grated, and pla will take nothing on those actions. ORDERED that the ptys are to submit any motions &affidavits on the issue of atty fees within 30 days, set notice of compliance due for 5/12/94 (signed by Chief Judge Robert M. Parker) cc:pla &dft on 4/14/94 (pad) (Entered: 04/14/1994)
04/12/1994	29	Motion by Janet Reno to dismiss case for lack of jurisdiction , or in the alternative for summary judgment (pad) (Entered: 04/14/1994)
04/12/1994	30	Memorandum by Janet Reno in support of [29-1] motion to dismiss case for lack of jurisdiction, [29-2] motion for summary judgment (pad) (Entered: 04/14/1994)
04/12/1994		Terminated document dft's motion to dismiss or in the alternative for summary judgment, per 4/12/94 order (pad) (Entered: 04/14/1994)
04/25/1994	32	Order, transferring case to Judge John Hannah. (signed by Chief Judge Robert M. Parker) cc:pla &dft on 4/26/94 (pad) (Entered: 04/26/1994)
04/25/1994		Case reassigned to Judge John Hannah Jr. (pad) (Entered: 04/26/1994)
04/25/1994	33	Motion by Adan Arturo Hernandez to alter or amend [28-1] order set notice of compliance due for 5/12/94 , or in the alternative, for reconsideration and set aside of [28-1] order set notice of compliance due for 5/12/94 (pad) (Entered: 04/26/1994)
05/06/1994	34	Motion by Janet Reno to extend time to file reply brief (pad) (Entered: 05/11/1994)
05/12/1994	35	Order granting [34-1] motion to extend time to file reply brief (signed by Judge John Hannah Jr.) cc:pla &dft on 5/13/94 (pad) (Entered: 05/13/1994)
12/23/1994	36	ORDER denying [33-2] motion for reconsideration and set aside of [28-1] order set notice of compliance due for 5/12/94. It is further ORDERED that the government's response to the extent it urges alteration of amendment of the judgment, is hereby DENIED. (signed by Judge John Hannah Jr.) cc : parties 12/27/,94 (former empl) (Entered: 12/27/1994)
02/17/1995	37	Notice of appeal by Adan Arturo Hernandez (notice of appeal and docket sheet sent to Fifth Circuit) Appeal record due on 3/20/95 (former empl) (Entered: 02/21/1995)
02/17/1995		USCA appeal fee: \$105.00 ; #69001 [37-1] appeal (former empl) (Entered: 03/17/1995)
02/21/1995		Terminated document (former empl) (Entered: 02/21/1995)

02/21/1995	39	Notice of appeal by Janet Reno Fee Status: waived (notice of appeal and docket sheet sent to Fifth Circuit) Appeal record due on 3/23/95 (pad) (Entered: 02/23/1995)
02/23/1995	38	ORDER of DISMISSAL ORDERED that this lawsuit is DISMISSED. IT IS FURTHER ORDERED That all motions by either pty not previously ruled on are hereby DENIED. (signed by Judge John Hannah Jr.) cc : ptys 02/23/95 (former empl) (Entered: 02/23/1995)
02/23/1995		Case closed (former empl) (Entered: 02/23/1995)
03/02/1995	40	Amended and/or Supplemental Notice of appeal by Adan Arturo Hernandez Fee Status: pd (notice of appeal and docket sheet sent to Fifth Circuit) Appeal record due on 4/3/95 (pad) (Entered: 03/03/1995)
03/02/1995		USCA appeal fee: Paid \$105.00; rcpt #69014 [40-1] appeal (pad) (Entered: 03/03/1995)
03/16/1995		Notice of Docketing ROA from USCA Re: [39-1] appeal USCA NUMBER: 95-40186 (former empl) (Entered: 03/16/1995)
03/21/1995		Certified and transmitted record on appeal to U.S. Court of Appeals: [40-1] appeal, [39-1] appeal, [37-1] appeal (pad) (Entered: 03/21/1995)
03/27/1995		Notice of Docketing ROA from USCA Re: [40-1] appeal USCA NUMBER: 95-40186 (pad) (Entered: 03/27/1995)
03/29/1995	41	Amended Notice of appeal by Janet Reno Fee Status: waived (notice of appeal and docket sheet sent to Fifth Circuit) (pad) (Entered: 03/30/1995)
03/30/1995		Transmitted supplemental record on appeal: [40-1] appeal, [39-1] appeal, [37-1] appeal (pad) (Entered: 03/30/1995)
09/06/1996	42	ORDER wherein ptys are ordered to submit briefs to the Court w/in 30 days of entry of this order on the issue of the reasonableness of the fee assessed by the INS as outlined in the opinion remanding this case on that issue by the 5th Circuit Court of Appeals. set notice of compliance due for 10/7/96 for Janet Reno, for Adan Arturo Hernandez to submit briefs to ct (signed by Judge John Hannah Jr.) cc: attys & JH (former empl) (Entered: 09/06/1996)
09/24/1996	43	MOTION by Janet Reno to modify Ct's Order of 9/6/96 scheduling the ptys' filing of briefs on the issue of the reasonableness of the fee assessed by the INS as outlined in the opinion remanding this case on that issue by 5th Circuit Court of Appeals. (former empl) (Entered: 09/24/1996)
09/30/1996	44	ORDER granting [43-1] motion to modify Ct's Order of 9/6/96 wherein ptys are to submit briefs to Ct w/in 30 days of the issuance of the mandate by 5th Cir Ct of Appeals on the issue of the reasonableness of the fee assessed by the INS as outlined in the opinion remanding this case on that issue by the 5th Cir. (signed by Judge John Hannah Jr.) cc: attys & JH (former empl) (Entered: 09/30/1996)
11/19/1996	45	5th CIRCUIT PUBLISHED OPINION as to appeal #95-40186. (former empl) (Entered: 11/21/1996)
11/19/1996	46	Certified copy of judgment of USCA Re: [41-1] appeal, [40-1] appeal #95-40186 that the judgment of the district court in this cause is affirmed as modified and affirmed in part, reversed in part and the cause is remanded to the district court for further proceedings in accordance with the opinion of this Court. East party is to bear its own costs on appeal. Issued as mandate 11/15/96. cc: JH 11/21/96 (former empl) (Entered: 11/21/1996)
11/19/1996		Record on appeal returned from U.S. Court of Appeals: [41-1] appeal, [39-1] appeal, [37-1] appeal; 1 vol of the record, 1 vol of transcript and 1 envelope of exhibits (former empl) (Entered: 11/21/1996)
11/19/1996		Case reopened (former empl) (Entered: 11/22/1996)
11/21/1996		Notice of Mailing of entire case file: 2 vols of the record, 1 vol of transcript and 1 envelope of exhibits (former empl) (Entered: 11/21/1996)

12/09/1996	47	2nd Unopposed MOTION by Janet Reno to modify briefing schedule (former empl) (Entered: 12/09/1996)
12/11/1996	48	ORDER granting [47-1] motion to modify briefing schedule, reset briefs due to court for 2/17/97 on the issue of the reasonableness of the fee assessed by the INS as outlined in the opinion remanding this case on that issue by the 5th Circuit Court of Appeals (signed by Judge John Hannah Jr.) cc: attys &JH (former empl) (Entered: 12/11/1996)
02/11/1997	49	MOTION by Janet Reno to modify briefing schedule set out in Order of December 11, 1996 (former empl) (Entered: 02/11/1997)
02/13/1997	50	ORDER granting [49-1] motion to modify briefing schedule set out in Order of December 11, 1996. Prys are to submit briefs to the Ct by 3/19/97 on the issue of the reasonableness of the fee assessed by the INS as outlined in the opinion remanding this case on that issue by 5th Circuit Ct of Appeals set notice of compliance due for 3/19/97 for Janet Reno, for Adan Arturo Hernandez (signed by Judge John Hannah Jr.) cc: attys &JH (former empl) (Entered: 02/13/1997)
03/11/1997	51	UNOPPOSED MOTION by Janet Reno to modify briefing schedule (bst) (Entered: 03/11/1997)
03/17/1997	52	ORDER granting [51-1] motion to modify briefing schedule wherein prys are to submit briefs to Court by 4/18/97 on the issue of the reasonableness of the fee assessed by the INS as outlined in opinion remanding this case on that issue by 5th Cir Court of Appeals. set notice of compliance due for 4/18/97 for Janet Reno, Adan Arturo Hernandez (signed by Judge John Hannah Jr.) cc: attys &JH (former empl) (Entered: 03/17/1997)
04/10/1997	53	Unopposed MOTION by Janet Reno to modify briefing schedule (former empl) (Entered: 04/10/1997)
04/16/1997	54	ORDER granting [53-1] motion to modify briefing schedule wherein the prys are to submit briefs to ct by 6/17/97 on the issue of reasonableness of the fee assessed by the INS as outlined in the opinion remanding this case on that issue by the 5th Cir Court of Appeals. reset notice of compliance due for 6/17/97 for Janet Reno, for Adan Arturo Hernandez (signed by Judge John Hannah Jr.) cc: attys &JH (former empl) (Entered: 04/16/1997)
06/13/1997	55	MOTION by Adan Arturo Hernandez to modify briefing schedule (former empl) (Entered: 06/13/1997)
06/30/1997	56	ORDER granting [55-1] motion to modify briefing schedule. The prys are to submit briefs to the Court by 10/15/97 on the issue of the reasonableness of the fee assessed by the INS as outlined in the opinion remanding this case on that issue by the 5th Circuit Ct of Appeals set brief due for 10/15/97 (signed by Judge John Hannah Jr.) cc: attys &JH (former empl) (Entered: 06/30/1997)
10/15/1997	57	Unopposed MOTION by Janet Reno to modify briefing schedule (former empl) (Entered: 10/15/1997)
10/17/1997	58	ORDER granting [57-1] motion to modify briefing schedule, set brief due for 10/22/97 on the issue of the reasonableness of the fee assessed by the INS as outlined in the opinion remanding this case on that issue by the Fifth Circuit Court of Appeals (signed by Judge John Hannah Jr.) cc attys on 10-17-97 (bst) (Entered: 10/17/1997)
10/22/1997	59	MOTION by Adan Arturo Hernandez & Janet Reno for preliminary approval of stipulated settlement & ntc to class (former empl) (Entered: 10/22/1997)
10/22/1997	59	MOTION by Adan Arturo Hernandez, Janet Reno for setting fairness hearing (former empl) (Entered: 10/22/1997)
10/30/1997	60	ORDER granting [59-1] motion for preliminary approval of stipulated settlement & ntc to class, proposed settlement agreement due by 11/14/97 for all parties , Fairnes Hearing set for 12/22/97 , and Response to settlement agreement due by 12/5/97 for all parties (signed by Judge John Hannah Jr) cc attys 10/30/97 (djh) (Entered: 10/30/1997)

12/18/1997	61	JOINT MOTION by Adan Arturo Hernandez, Janet Reno for class certification (djh) Modified on 12/19/1997 (Entered: 12/19/1997)
12/22/1997		Settlement conference before Judge John Hannah Jr. held (pad) (Entered: 12/29/1997)
12/22/1997	62	Minutes Re: [0-0] settlement conference by Judge John Hannah Jr. on 12/22/97 (Ct rep/ECRO: Ron Mason) (pad) (Entered: 12/29/1997)
12/30/1997		ORDER granting [61-1] joint motion for class certification. It is hereby ORDERED that the class is certified as follows: (A) all persons who (1) applied for and were granted benefits under the Family Unity Program, Section 301 of the Immigration Act of 1990, as amended, on or after October 1, 1991, and (2) paid a separate application fee to obtain a work authorization document under the Family Unity Program prior to the effective date of the Agreement; and (B) all persons who initially apply for benefits under the Family Unity Program, Section 301 of the Immigration Act of 1990, as amended, on or after the effective date of this Agreement (signed by Judge John Hannah Jr) cc: attys, JH, 12/30/97 (djh) (Entered: 12/30/1997)
12/30/1997	63	ORDER granting [61-1] joint motion for class certification. It is hereby ORDERED that the class is certified as follows: (A) all persons who (1) applied for and were granted benefits under the Family Unity Program, Section 301 of the Immigration Act of 1990, as amended, on or after October 1, 1991, and (2) paid a separate application fee to obtain a work authorization document under the Family Unity Program prior to the effective date of the Agreement; and (B) all persons who initially apply for benefits under the Family Unity Program, Section 301 of the Immigration Act of 1990, as amended, on or after the effective date of this Agreement (signed by Judge John Hannah Jr) cc: attys, JH 12/30/97 (djh) (Entered: 12/30/1997)
12/30/1997	64	ORDER that the stipulated settlement agreement preliminarily approved on 10/28/97, is finally approved, and the instant action is DISMISSED w/prejudice as set forth in paragraph VI.A of the settlement agreement OB Ref: Vol 19 Pg 28 (signed by Judge John Hannah Jr) cc: attys, JH, 12/30/97 (djh) (Entered: 12/30/1997)
12/30/1997		Case closed (djh) (Entered: 12/30/1997)
01/09/1998		Received Bill of costs from pltf (former empl) (Entered: 01/09/1998)
02/09/1998	65	ORDER wherein Adan Arturo Hernandez have judgment over and against Janet Reno, in her official capacity as Attorney General of the United States, for the costs of this case in the amount of \$1,5000.00 OB Ref: V19,P87 (signed by Judge John Hannah Jr.) cc: attys &JH cc: attys &JH (former empl) Modified on 02/09/1998 (Entered: 02/09/1998)
02/09/1998	66	Text not available. (Entered: 02/09/1998)