



United States Court of Appeals for the Eleventh Circuit

56 Forsyth Street, NW
Atlanta, GA 30303
(404) 335-6100

02-14963 Jorge Garcia v. USA

CLOSED

Date Appeal Docketed: 2002-09-11

Lead Case: -

Agency:

Nature of Suit: Other: Statutory Actions

Case Type:

Docket Clerk/Case Handler: Unknown (GG)

Docket Clerk Phone:

District Court Information

Docket Number: 01-00801-CV-KMM

Judge: K. Michael Moore

Docket Date: 2001-02-23

District: Florida-Southern

Office: SFL-Miami

Notice of Appeal Date: 2002-09-04

Secondary Case Information

Docket Number:

Judge: John J. O'Sullivan

Docket Date:

Related Cases

Number	Style	Relation	Status
03-11570-GG	Jorge Garcia v. USA	Related	Closed

Pending Motions

No Pending Motions

JORGE GARCIA,
SUSAN GARCIA,
NELSON RUIZ,
OSVALDO E. CUELI,

Plaintiffs-Appellees,

versus

UNITED STATES OF AMERICA,
UNITED STATES ARMY CORPS
OF ENGINEERS,
ASSISTANT SECRETARY OF THE
ARMY (CIVIL WORKS), Joseph W.
Westphal, in his official capacity,
FEDERAL DEFENDANTS,

Defendants-Appellants.

Party Information

Appellant

United States of America

Address Not On File
Appellant Brief Filed filed on 10/29/2002
Record Excerpts filed on 10/29/2002
Reply Brief Filed filed on 01/28/2003
E-Brief Tendered: Reply filed on 02/03/2003
Supplemental Authority for Appellant filed on 03/10/2003
Fees: Not Required on / /

U.S. Army Corps of Engineers

Address Not On File
No Briefing Information Found.
Fees: Not Required on / /

Assistant Secretary of the Army (Civil Works)

Address Not On File
No Briefing Information Found.
Fees: Not Required on / /

Federal Defendants

Address Not On File
No Briefing Information Found.
Fees: Not Required on / /

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No Briefing Information Found.

Appellee Attorney

E-Brief Tendered: Appellant filed on 10/29/2002

No Briefing Information Found.

No Briefing Information Found.

Richard Alan Warren

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E-Brief Tendered: Appellee filed on 12/06/2002
Appellee Brief Filed filed on 12/10/2002
Supplemental Authority for Appellee filed on 03/25/2003

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Docket Activity

File Date	Entry	Party
/ /	Fee Status: Not Required for Assistant Secretary of the Army (Civil Works)	Assistant Secretary of the Army (Civil Works)
/ /	Fee Status: Not Required for Federal Defendants	Federal Defendants
/ /	Fee Status: Not Required for United States Army Corps of Engineers	U.S. Army Corps of Engineers
/ /	Fee Status: Not Required for United States of America	United States of America
09/13/02	Briefing Notice Issued	
09/14/02	DKT7CIV (Docketing 7) issued. cc: Clarence Maddox cc: Sansonetti, Thomas L. cc: Lewis, Guy A. cc: Suarez, Richard J. cc: Warren, Richard Alan cc: McAliley, T. Neal cc: Danon, Samuel A. To: Clifford, Matthew S. cc: Shuey, David F	
09/16/02	Transcript Order Form (requested 3/15/02) already on file as of 5/30/02.	
09/18/02	Probable Jurisdiction Noted: Appellant-Assistant Secretary of the Army (Civil Works),	Assistant Secretary of the Army (Civil Works)
09/20/02	Appearance Form Submitted: Ellen J. Durkee	Ellen J. Durkee
09/20/02	Appearance Form Submitted: John A. Bryson	John A. Bryson
09/20/02	Civil Appeal Statement Form: Appellant-Assistant Secretary of the Army (Civil Works), (Atty: John A. Bryson) all appellants	Assistant Secretary of the Army (Civil Works)
09/23/02	Appearance Form Submitted: Richard Alan Warren	Richard Alan Warren
09/30/02	Appearance Form Submitted: Samuel A. Danon	Samuel A. Danon
10/02/02	Motion to Intervene of 8.5 Square Mile Legal Defense Foundation, et al.	
10/04/02	MOT1 (Motion - 10 Day Letter) issued. cc: Bryson, John A. cc: Durkee, Ellen J. cc: Warren, Richard Alan cc: Danon, Samuel A.	
10/11/02	Over the Phone Extension to File Appellant Brief Granted by WMT Until 10/28/02.	
10/15/02	Response to Motion for Leave to Intervene:	
10/18/02	Response to Motion to Intervene: Appellee-Cueli, Osvaldo E. (Atty: Richard Alan Warren)	Osvaldo E. Cueli
10/21/02	Reply of 8.5 Square Mile Area Legal Defense Foundation, et al. to Response to Motion for Leave to Intervene	

10/24/02	The motion to intervene in this appeal filed by 8.5 Square Mile Area Legal Foundation, Inc., et al., is CARRIED WITH THE CASE. FMH	
10/24/02	MOT2 (Motion - Court Action) issued. cc: Bryson, John A. cc: Durkee, Ellen J. cc: Warren, Richard Alan To: Danon, Samuel A.	
10/29/02	E-Brief Tendered: Appellant by Ellen J. Durkee for Jorge Garcia, Susan Garcia, Nelson Ruiz and Osvaldo E. Cueli.	Jorge Garcia
10/29/02	Appellant Brief Filed: Appellants-United States of America, et al. (Atty: Ellen J. Durkee)	United States of America
10/29/02	Record Excerpts: Appellants-United States of America, et al.(Atty: Ellen J. Durkee)	United States of America
11/13/02	Attorney Changed for: Assistant Secretary of the Army (Civil Works) From: John A. Bryson 202-514-2740 To: Durkee, Ellen J..	Assistant Secretary of the Army (Civil Works)
11/13/02	Attorney Changed for: United States Army Corps of Engineers From: John A. Bryson 202-514-2740 To: Durkee, Ellen J..	U.S. Army Corps of Engineers
11/13/02	Attorney Changed for: United States of America From: John A. Bryson 202-514-2740 To: Durkee, Ellen J..	United States of America
11/26/02	Over the Phone Extension to File Appellee Brief Granted by asw Until 12-9-02: Appellee Attorney-Warren, Richard Alan	Richard Alan Warren
12/06/02	E-Brief Tendered: Appellee by Richard Alan Warren.	Osvaldo E. Cueli
12/09/02	Certificate of Readiness	
12/09/02	Unopposed Motion of Intervenor Applicants 8.5 Square Mile Area Legal Defense.. for Leave to Lodge Brief for Intervenor Applicants: Intervenor Attorney-Danon, Samuel A.	Samuel A. Danon
12/10/02	Appellee Brief Filed: Appellee-Cueli, Osvaldo E. (Atty: Richard Alan Warren)	Osvaldo E. Cueli
12/16/02	Motion to file Intervenor Lodged brief as an over-length Amicus Curiae brief, Alternatively, for leave to file an Out of Time Amicus Curiae Brief: Intervenor: Intervenor Attorney-Danon, Samuel A.	Samuel A. Danon
12/17/02	Record on Appeal	
12/17/02	Exhibits	
12/20/02	MOT2 (Motion - Court Action) issued. cc: Bryson, John A. cc: Durkee, Ellen J. cc: Warren, Richard Alan To: Shepherd, Frank	
12/20/02	Motion for Extension to File Reply Brief: Appellants-United States of America,et al., (Atty: Ellen J. Durkee)	United States of America
12/20/02	Letter issued returning motion and proposed amicus brief UNFILED. The brief are not in compliance with 11th Cir. R to Atty Frank Shepherd	
12/31/02	Appellants' motion for extension of time to file their reply brief up to and including January 27, 2003 is GRANTED. RLA	
12/31/02	MOT2 (Motion - Court Action) issued. cc: Bryson, John A. cc: Durkee, Ellen J. cc: Warren, Richard Alan	
12/31/02	Motion to File Amicus Brief of Pacific Legal Foundation and the Dade County Farm Bureau in Support of Appellees and Leave to File Out of Time	
01/28/03	Reply Brief Filed: Appellant-United States of America, (Atty: Ellen J. Durkee)	United States of America

02/03/03	E-Brief Tendered: Reply by Ellen J. Durkee.	United States of America
02/06/03	The motion for leave to file an amici curiae brief, and to file that brief out of time, filed by the Pacific Legal Foundation and the Dade County Farm Bureau, is DENIED. CRW	
02/06/03	MOT2 (Motion - Court Action) issued. cc: Bryson, John A. cc: Durkee, Ellen J. cc: Warren, Richard Alan cc: Shepherd, Frank	
03/10/03	Supplemental Authority for Appellant: Appellant-United States of America, (Atty: Ellen J. Durkee)	United States of America
03/25/03	Supplemental Authority for Appellee: Appellee-Cueli, Osvaldo E. (Atty: Richard Alan Warren)	Osvaldo E. Cueli
04/01/03	Motion filed by Appellants to continue oral argument scheduled for April 7, 2003 is DENIED. All parties including the the Government shall be prepared to advise the court at oral argument what their position is as to the proper resolution of this case.	
04/01/03	Motion filed by Appellants to continue oral argument scheduled for April 7, 2003. (Atty: John A. Bryson)	Federal Defendants
04/04/03	Response to Motion to vacate judgment below: (Atty: Richard Alan Warren)	Osvaldo E. Cueli
04/04/03	Motion to Vacate Judgement below and Remand with instructions to dismiss as moot with each party bearin their won costs and fees, or in the alternative for reversal of the judgement based on law: (Atty: Ellen J. Durkee)	Assistant Secretary of the Army (Civil Works)
04/07/03	Oral Argument Scheduled: 04/07/03	
04/10/03	Ellen J. Durkee argued for Appellant; Richard Alan Warren argued for Appellee	
04/10/03	The appellants' motion to vacate judgment below and remand with instructions to dismiss the case as moot with each party bearing its own costs and fees is granted. All other pending motions are rendered moot by this determination. RB/PAK/FULLAM	
04/10/03	DIS-4 (Dismissal 4 Letter) issued. cc: Bryson, John A. cc: Durkee, Ellen J. cc: Warren, Richard Alan To: Clarence Maddox	
04/10/03	WRAP-1 (Wrappers w/ addresses) issued. To: Fullam, John P.	
04/10/03	CASE CLOSED	
04/16/03	REC3 (Record - Return) issued. To: Clarence Maddox	
02/13/04	REC3 (Letter returning record to district court) issued. To:Clarence Maddox	