

**U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:01-cv-00801-KMM**

Garcia, et al v. United States, et al
Assigned to: Judge K. Michael Moore
Demand: \$0

Case in other court: 02-14963-G
02-14963-GG
03-11570-GG
03-11570-GG

Cause: 28:2201 Declaratory Judgment

Date Filed: 02/23/2001
Date Terminated: 07/11/2002
Jury Demand: None
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: U.S. Government Defendant

Plaintiff

Jorge Garcia

represented by **Donald W. Hardeman , Jr.**
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Plaintiff

Susan Garcia

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Plaintiff

Nelson Ruiz

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Richard Alan Warren
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Plaintiff

Osvaldo E. Cueli

represented by **Donald W. Hardeman , Jr.**
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Richard Joseph Suarez
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V.

Defendant

United States

represented by **Joanna B. Goger**
United States Department of Justice
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Defendant

United States Army Corps of Engineers

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas Neal McAliley
(See above for address)
TERMINATED: 03/19/2002
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Defendant

Assistant Secretary of the Army (Civil Works)
Joseph W. Westphal, in his official capacity

represented by **Joanna B. Goger**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas Neal McAliley
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TERMINATED: 03/19/2002
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Defendant**Federal Defendants'****Amicus****Madeleine Fortin**

represented by **Samuel Alberto Danon**
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Amicus**Raymond E. Woodard**

represented by **Samuel Alberto Danon**
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Date Filed	#	Docket Text
02/23/2001	<u>1</u>	COMPLAINT filed; FILING FEE \$150.00 RECEIPT # 837202; A-7; JJO (Former Deputy Clerk) (Entered: 02/26/2001)
02/23/2001		Magistrate identification: Magistrate Judge John J. O'Sullivan (Former Deputy Clerk) (Entered: 02/26/2001)
02/23/2001	<u>2</u>	SUMMONS(ES) issued for United States by serving the U.S. Attorney (Former Deputy Clerk) (Entered: 02/26/2001)
02/23/2001	<u>3</u>	SUMMONS(ES) issued for United States, by serving the U.S. Attorney General (Former Deputy Clerk) (Entered: 02/26/2001)
02/23/2001	<u>4</u>	SUMMONS(ES) issued for U.S. Army Corps (Former Deputy Clerk) (Entered: 02/26/2001)
02/23/2001	<u>5</u>	SUMMONS(ES) issued for Assistant Secretary (Former Deputy Clerk) (Entered: 02/26/2001)
03/12/2001	<u>6</u>	NOTICE of Pendency of Other Action. by United States, U.S. Army Corps, Assistant Secretary (Former Deputy Clerk) (Entered: 03/13/2001)
03/16/2001	<u>7</u>	CLERK'S ORDER of Reassignment. Case reassigned to Judge Lenore C. Nesbitt (Former Deputy Clerk) (Entered: 03/19/2001)
03/16/2001		Magistrate identification: Magistrate Judge Andrea M. Simonton (Former Deputy Clerk) (Entered: 03/19/2001)
03/23/2001	<u>8</u>	ORDER REFERRING PRE-TRIAL matters to Magistrate Judge Andrea M. Simonton for a report and recommendation when appropriate in accordance with Title 28 U.S.C. 636(b) (1)(A) and (B) (Signed by Judge K. M. Moore on 3/22/01) CCAP [EOD Date: 3/26/01] (sn, Deputy Clerk) (Entered: 03/26/2001)

04/12/2001	<u>9</u>	NOTICE of filing affidavit of service by Jorge Garcia, Susan Garcia, Nelson Ruiz, Osvaldo E. Cueli (nt, Deputy Clerk) (Entered: 04/13/2001)
04/12/2001	<u>10</u>	RETURN OF SERVICE executed for United States, U.S. Army Corps, Secretary of Army on 2/27/01 Answer due on 3/19/01 for Secretary of Army, for U.S. Army Corps, for United States (nt, Deputy Clerk) (Entered: 04/13/2001)
05/01/2001	<u>11</u>	ANSWER to Complaint by U.S. Army Corps, Secretary of Army (Attorney T. Neal McAliley) (cj, Deputy Clerk) (Entered: 05/02/2001)
09/18/2001	<u>12</u>	MOTION by Osvaldo E. Cueli for preliminary injunction (cj, Deputy Clerk) (Entered: 09/19/2001)
09/18/2001	<u>13</u>	AFFIDAVIT by Osvaldo E. Cueli Re: [12-1] motion for preliminary injunction (cj, Deputy Clerk) (Entered: 09/19/2001)
09/18/2001	<u>14</u>	MOTION by Jorge Garcia, Susan Garcia, Osvaldo E. Cueli for summary judgment (cj, Deputy Clerk) (Entered: 09/19/2001)
09/19/2001	<u>15</u>	UNOPPOSED MOTION by United States, U.S. Army Corps, Secretary of Army to extend time to respond to Plaintiffs' motions for preliminary injunction and summary judgment (wc, Deputy Clerk) (Entered: 09/20/2001)
09/19/2001		Motion(s) referred: [15-1] motion to extend time to respond to Plaintiffs' motions for preliminary injunction and summary judgment referred to Magistrate Judge Andrea M. Simonton (wc, Deputy Clerk) (Entered: 09/20/2001)
09/24/2001	<u>16</u>	ORDER granting [15-1] motion to extend time to respond to Plaintiffs' motions for preliminary injunction and summary judgment Response to motion reset to 10/22/01 for [14-1] motion for summary judgment (Signed by Magistrate Judge Andrea M. Simonton on 9/21/01) [EOD Date: 9/25/01] (cj, Deputy Clerk) (Entered: 09/25/2001)
10/17/2001	<u>17</u>	NOTICE of filing Administrative Record and certification of the Administrative Record (7 volumes sent to Magistrate Judge Simonton) by United States (cj, Deputy Clerk) (Entered: 10/19/2001)
10/18/2001	<u>18</u>	UNOPPOSED MOTION by United States, U.S. Army Corps, Secretary of Army to extend time to respond to plaintiffs motions for preliminary injunction and summary judgment (cj, Deputy Clerk) (Entered: 10/19/2001)
10/18/2001	<u>19</u>	ORDER transferring case to Judge Joan A. Lenard (Signed by Judge William J. Zloch on 10/17/01) [EOD Date: 10/19/01] (nt, Deputy Clerk) (Entered: 10/19/2001)
10/18/2001		CASE reassigned to Judge Joan A. Lenard (nt, Deputy Clerk) (Entered: 10/19/2001)
10/23/2001	<u>20</u>	ORDER granting [18-1] motion to extend time to respond to plaintiffs motions for preliminary injunction and summary judgment (Signed by Magistrate Judge Andrea M. Simonton on 10/22/01) [EOD Date: 10/23/01] (Former Deputy Clerk) (Entered: 10/23/2001)
10/29/2001	<u>21</u>	MOTION by United States, U.S. Army Corps, Secretary of Army for leave to file a single consolidated brief regarding summary judgment and preliminary injunction issues (Former Deputy Clerk) (Entered: 10/30/2001)
10/29/2001	<u>22</u>	CONSOLIDATED OPPOSITION by United States, U.S. Army Corps, Secretary of Army to [14-1] motion for summary judgment, [12-1] motion for preliminary injunction (Former Deputy Clerk) (Entered: 10/30/2001)
10/29/2001	<u>22</u>	CROSS MOTION by United States, U.S. Army Corps, Secretary of Army for summary judgment (Former Deputy Clerk) (Entered: 10/30/2001)

11/07/2001	<u>23</u>	UNOPPOSED MOTION by Jorge Garcia, Susan Garcia, Nelson Ruiz, Osvaldo E. Cueli to extend time to reply to defendants' response to motions for summary judgment and preliminary injunction and to respond to defendants' cross-motion for summary judgment (Former Deputy Clerk) (Entered: 11/09/2001)
11/16/2001	<u>24</u>	ORDER transferring case to the calendar of Judge K. Michael Moore (Signed by Judge Joan A. Lenard on 11/16/01) [EOD Date: 11/19/01] (tb, Deputy Clerk) (Entered: 11/19/2001)
11/16/2001		CASE reassigned to Judge K. M. Moore (Former Deputy Clerk) (Entered: 12/03/2001)
11/30/2001	<u>25</u>	ORDER granting [23-1] motion to extend time to reply to defendants' response to motions for summary judgment and preliminary injunction and to respond to defendants' cross-motion for summary judgment Response to motion reset to 12/13/01 for [22-1] cross motion for summary judgment (Signed by Judge K. M. Moore on 11/30/01) [EOD Date: 12/3/01] (sn, Deputy Clerk) (Entered: 12/03/2001)
12/12/2001	<u>26</u>	MOTION by Jorge Garcia, Susan Garcia, Nelson Ruiz, Osvaldo E. Cueli to extend time to reply to defendants' response to motions for summary judgment and preliminary injunction and to respond to defendants' cross-motion for summary judgment (lk, Deputy Clerk) (Entered: 12/13/2001)
12/13/2001	<u>27</u>	ORDER REFERRING CASE (PRE-TRIAL) to Magistrate Judge John J. O'Sullivan (Signed by Judge K. M. Moore on 12/13/01) CCAP [EOD Date: 12/14/01] (lk, Deputy Clerk) (Entered: 12/14/2001)
12/14/2001	<u>28</u>	ORDER granting [26-1] motion to extend time to reply to defendants' response to motions for summary judgment and preliminary injunction and to respond to defendants' cross-motion for summary judgment Reply to Response to Motion reset to 1/7/02 for [14-1] motion for summary judgment (Signed by Judge K. M. Moore on 12/13/01) [EOD Date: 12/17/01] (lk, Deputy Clerk) (Entered: 12/17/2001)
01/07/2002	<u>29</u>	MOTION by Jorge Garcia, Susan Garcia, Nelson Ruiz, Osvaldo E. Cueli for Hearing on [14-1] motion for summary judgment, [12-1] motion for preliminary injunction (lk, Deputy Clerk) (Entered: 01/08/2002)
01/07/2002	<u>30</u>	REPLY by Jorge Garcia, Susan Garcia, Nelson Ruiz, Osvaldo E. Cueli to response to [12-1] motion for preliminary injunction (lk, Deputy Clerk) (Entered: 01/08/2002)
01/07/2002	<u>31</u>	REPLY by Jorge Garcia, Susan Garcia, Nelson Ruiz, Osvaldo E. Cueli to response to [14-1] motion for summary judgment (lk, Deputy Clerk) (Entered: 01/08/2002)
01/07/2002	<u>31</u>	RESPONSE by Jorge Garcia, Susan Garcia, Nelson Ruiz, Osvaldo E. Cueli to [22-1] cross motion for summary judgment (lk, Deputy Clerk) (Entered: 01/08/2002)
01/07/2002	<u>32</u>	MOTION by Madeleine Fortin, Raymond E. Woodard for leave to file to file Brief of Amici Curiae in support of plaintiffs' motions for preliminary injunction and summary judgment (lk, Deputy Clerk) (Entered: 01/08/2002)
01/07/2002	<u>32</u>	RESPONSE by Jorge Garcia, Susan Garcia, Nelson Ruiz, Osvaldo E. Cueli in opposition to [22-1] cross motion for summary judgment (lk, Deputy Clerk) (Entered: 01/08/2002)
01/07/2002	<u>33</u>	MEMORANDUM OF LAW by Madeleine Fortin, Raymond E. Woodard in support of [32-1] motion for leave to file to file Brief of Amici Curiae in support of plaintiffs' motions for preliminary injunction and summary judgment (lk, Deputy Clerk) (Entered: 01/08/2002)
01/07/2002	<u>34</u>	BRIEF OF AMICI CURIAE by Madeleine Fortin, Raymond E. Woodard in support of [14-1] motion for summary judgment, [12-1] for preliminary injunction (lk, Deputy Clerk) (Entered: 01/08/2002)

01/07/2002	<u>35</u>	NOTICE OF FILING APPENDIX to: [34-1] support memorandum by Madeleine Fortin, Raymond E. Woodard (lk, Deputy Clerk) (Entered: 01/08/2002)
01/14/2002	<u>36</u>	UNOPPOSED MOTION by United States, U.S. Army Corps, Secretary of Army to enlarge time to file reply brief in support of cross motion for summary judgment (sn, Deputy Clerk) (Entered: 01/15/2002)
01/16/2002	<u>37</u>	ORDER granting [36-1] motion to enlarge time to file reply brief in support of cross motion for summary judgment Reply to Response to Motion reset to 1/30/02 for [22-1] cross motion for summary judgment (Signed by Judge K. M. Moore on 1/16/02) [EOD Date: 1/17/02] (sn, Deputy Clerk) (Entered: 01/17/2002)
01/18/2002	<u>38</u>	ORDER granting [32-1] motion for leave to file to file Brief of Amici Curiae in support of plaintiffs' motions for preliminary injunction and summary judgment (Signed by Judge K. M. Moore on 1/18/02) [EOD Date: 1/22/02] (lk, Deputy Clerk) (Entered: 01/22/2002)
01/22/2002	<u>39</u>	RESPONSE by United States, U.S. Army Corps, Secretary of Army in opposition to [32-1] motion for leave to file to file Brief of Amici Curiae in support of plaintiffs' motions for preliminary injunction and summary judgment (lk, Deputy Clerk) (Entered: 01/23/2002)
01/29/2002	<u>40</u>	ORDER OF REFERENCE Referring Motion(s) [12-1] motion for preliminary injunction referred to Magistrate Judge John J. O'Sullivan (signed by Judge K. M. Moore on 1/29/02) [EOD Date: 1/30/02] (lk, Deputy Clerk) (Entered: 01/30/2002)
01/30/2002	<u>41</u>	REPLY by United States, U.S. Army Corps, Secretary of Army to response to [22-1] cross motion for summary judgment (lk, Deputy Clerk) (Entered: 01/31/2002)
01/30/2002	<u>42</u>	UNOPPOSED MOTION by United States, U.S. Army Corps, Secretary of Army for leave to file page limitation for reply brief (lk, Deputy Clerk) (Entered: 01/31/2002)
02/01/2002	<u>43</u>	ORDER granting [42-1] motion for leave to file page limitation for reply brief (Signed by Judge K. M. Moore on 2/1/02) [EOD Date: 2/4/02] (lk, Deputy Clerk) (Entered: 02/04/2002)
02/01/2002	<u>44</u>	ORDER granting nunc pro tunc [21-1] motion for leave to file a single consolidated brief regarding summary judgment and preliminary injunction issues (Signed by Judge K. M. Moore on 2/1/02) [EOD Date: 2/4/02] (lk, Deputy Clerk) (Entered: 02/04/2002)
02/21/2002	<u>45</u>	ORDER OF REFERENCE Referring Motion(s) [22-1] cross motion for summary judgment referred to Magistrate Judge John J. O'Sullivan, [14-1] motion for summary judgment referred to Magistrate Judge John J. O'Sullivan (signed by Judge K. M. Moore on 2/20/02) [EOD Date: 2/22/02] (lk, Deputy Clerk) (Entered: 02/22/2002)
02/27/2002	<u>46</u>	ORDER granting [29-1] motion for Hearing on [14-1] motion for summary judgment, [12-1] motion for preliminary injunction Motion hearing before Magistrate Judge John J. O'Sullivan set for 10:00 3/15/02 for [22-1] cross motion for summary judgment, set for 10:00 3/15/02 for [14-1] motion for summary judgment, set for 10:00 3/15/02 for [12-1] motion for preliminary injunction (Signed by Magistrate Judge John J. O'Sullivan on 2/27/02) [EOD Date: 3/1/02] (Former Deputy Clerk) (Entered: 03/01/2002)
03/06/2002	<u>47</u>	MOTION by Madeleine Fortin, Raymond E. Woodard for Stephen M. Nickelsburg to appear pro hac vice (lk, Deputy Clerk) (Entered: 03/07/2002)
03/06/2002		Filing Fee Paid; FILING FEE \$ 75.00 RECEIPT # 858657 (lk, Deputy Clerk) (Entered: 03/07/2002)
03/06/2002	<u>48</u>	DECLARATION of Stephen M. Nickelsburg by Madeleine Fortin, Raymond E. Woodard Re: [47-1] motion for Stephen M. Nickelsburg to appear pro hac vice (lk, Deputy Clerk) (Entered: 03/07/2002)

03/07/2002	<u>49</u>	ORDER granting [47-1] motion for Stephen M. Nickelsburg to appear pro hac vice (Signed by Judge K. M. Moore on 3/7/02) [EOD Date: 3/8/02] (lk, Deputy Clerk) (Entered: 03/08/2002)
03/15/2002	<u>50</u>	Minutes of motions for summary judgment held before Magistrate Judge John J. O'Sullivan on 3/15/02; Court Reporter Name or Tape #: Kim Mesfun (lk, Deputy Clerk) (Entered: 03/18/2002)
03/15/2002		Motion hearing re: [22-1] cross motion for summary judgment Motion hearing held, [14-1] motion for summary judgment Motion hearing held (lk, Deputy Clerk) (Entered: 03/18/2002)
03/19/2002	<u>51</u>	NOTICE of withdrawal of counsel by United States, U.S. Army Corps, Secretary of Army (lk, Deputy Clerk) (Entered: 03/20/2002)
05/07/2002	<u>52</u>	REPORT AND RECOMMENDATIONS of Magistrate Judge John J. O'Sullivan recommending that [22-1] cross motion for summary judgment be DENIED, [14-1] motion for summary judgment be GRANTED IN PART, [12-1] motion for preliminary injunction be DENIED. See order for details. Motion no longer referred. Signed on: 5/8/02 Objections to R and R due by 5/17/02 CCAP (Former Deputy Clerk) (Entered: 05/10/2002)
05/24/2002	<u>53</u>	OBJECTION by Federal Defendants' to [52-1] report and recommendations (sk, Deputy Clerk) (Entered: 05/28/2002)
05/24/2002	<u>54</u>	MOTION by Federal Defendants' for leave to file /enlarge page limit of objections to report and recommendation (See DE 53 objections to report and recommendation) (sk, Deputy Clerk) (Entered: 05/28/2002)
05/30/2002	<u>55</u>	Transcript filed re: Preliminary Injunction held 3/15/02 before Judge John O'Sullivan Pages: 1-48 (nc, Deputy Clerk) (Entered: 05/30/2002)
05/31/2002	<u>56</u>	ORDER granting [54-1] motion for leave to file /enlarge page limit of objections to report and recommendation (Signed by Judge K. M. Moore on 5/31/02) [EOD Date: 6/3/02] (sk, Deputy Clerk) (Entered: 06/03/2002)
06/10/2002	<u>57</u>	RESPONSE by Jorge Garcia, Susan Garcia, Nelson Ruiz, Osvaldo E. Cueli to Objections to [52-1] report and recommendations (sk, Deputy Clerk) (Entered: 06/11/2002)
06/10/2002	<u>58</u>	MOTION by Madeleine Fortin, Raymond E. Woodard for leave to file brief of amici curiae by Madeleine Fortin, Raymond E. Woodard in support of REPORT AND RECOMMENDATIONS of Magistrate Judge John J. O'Sullivan recommending that [22-1] cross motion for summary judgment be DENIED, [14-1] motion for summary judgment be GRANTED IN PART, [12-1] motion for preliminary injunction be DENIED; and in opposition to defendant's objecitons thereto (proposed pleading in Docketing Section, Team 3) (sk, Deputy Clerk) (Entered: 06/11/2002)
06/10/2002	<u>59</u>	MEMORANDUM by Madeleine Fortin, Raymond E. Woodard in support of [58-1] motion for leave to file brief of amici curiae by Madeleine Fortin, Raymond E. Woodard in support of REPORT AND RECOMMENDATIONS of Magistrate Judge John J. O'Sullivan recommending that [22-1] cross motion for summary judgment be DENIED, [14-1] motion for summary judgment be GRANTED IN PART, [12-1] motion for preliminary injunction be DENIED; and in opposition to defendant's objecitons thereto (sk, Deputy Clerk) (Entered: 06/11/2002)
06/11/2002	<u>60</u>	ORDER granting [58-1] motion for leave to file brief of amici curiae by Madeleine Fortin, Raymond E. Woodard in support of REPORT AND RECOMMENDATIONS of Magistrate Judge John J. O'Sullivan recommending that [22-1] cross motion for summary judgment be DENIED, [14-1] motion for summary judgment be GRANTED IN PART, [12-1] motion

		for preliminary injunction be DENIED; and in opposition to defendant's objections thereto (Signed by Judge K. M. Moore on 6/11/02) [EOD Date: 6/12/02] (sk, Deputy Clerk) (Entered: 06/12/2002)
06/11/2002	61	Brief of amici curiae Madeleine Fortin, Raymond E. Woodard in support of [52-1] report and recommendations, and in opposition to [53-1] objection (sk, Deputy Clerk) (Entered: 06/12/2002)
07/05/2002	62	ORDER adopting [52-1] report and recommendations granting in part, denying in part [14-1] motion for summary judgment, denying [22-1] cross motion for summary judgment, mootng [12-1] motion for preliminary injunction (Signed by Judge K. M. Moore on 7/5/02) [EOD Date: 7/8/02] CCAP (sk, Deputy Clerk) (Entered: 07/08/2002)
07/10/2002	63	MOTION by Osvaldo E. Cueli for final judgment against the USA, etc., (sk, Deputy Clerk) (Entered: 07/11/2002)
07/11/2002	64	ORDER adopting [52-1] report and recommendations granting in part, denying in part [14-1] motion for summary judgment, denying [22-1] cross motion for summary judgment, denying [12-1] motion for preliminary injunction dismissing /closing case (Signed by Judge K. M. Moore on 7/11/02) [EOD Date: 7/12/02] CCAP (sk, Deputy Clerk) (Entered: 07/12/2002)
07/11/2002		CASE CLOSED. Case and Motions no longer referred to Magistrate. (sk, Deputy Clerk) (Entered: 07/12/2002)
07/11/2002		Certified copies of Notice of Appeal, Docket, and Order under appeal to USCA: [73-1] appeal by Federal Defendants' (Former Deputy Clerk) (Entered: 09/09/2002)
07/23/2002	65	AFFIDAVIT by Osvaldo E. Cueli Re: net worth (sk, Deputy Clerk) (Entered: 07/24/2002)
07/23/2002	66	MOTION by Osvaldo E. Cueli for attorney fees , and to Tax Costs (sk, Deputy Clerk) (Entered: 07/24/2002)
08/06/2002	67	MOTION with memorandum in support by Federal Defendants' to stay briefing of EAJA claim to 10/1/02 (sk, Deputy Clerk) (Entered: 08/07/2002)
08/07/2002	68	ORDER OF REFERENCE Referring Motion(s) [66-1] motion for attorney fees referred to Magistrate Judge John J. O'Sullivan, [66-2] motion to Tax Costs referred to Magistrate Judge John J. O'Sullivan (signed by Judge K. M. Moore on 8/7/02) [EOD Date: 8/8/02] (sk, Deputy Clerk) (Entered: 08/08/2002)
08/15/2002	69	RESPONSE by Osvaldo E. Cueli to [67-1] motion to stay briefing of EAJA claim to 10/1/02 (sk, Deputy Clerk) (Entered: 08/16/2002)
08/21/2002	70	NOTICE of Change of Address of Attorney by Jorge Garcia, Susan Garcia, Nelson Ruiz, Osvaldo E. Cueli (ra, Deputy Clerk) (Entered: 08/22/2002)
08/22/2002	71	REPLY by Federal Defendants' to opposition to [67-1] motion to stay briefing of EAJA claim to 10/1/02 (cj, Deputy Clerk) (Entered: 08/23/2002)
08/23/2002	72	ORDER granting in part [67-1] motion to stay briefing of EAJA claim to 10/1/02 Response to motion reset to 10/1/02 for [66-1] motion for attorney fees, reset to 10/1/02 for [66-2] motion to Tax Costs (Signed by Judge K. M. Moore on 8/23/02) [EOD Date: 8/26/02] (tb, Deputy Clerk) (Entered: 08/26/2002)
09/04/2002	73	NOTICE OF APPEAL by Federal Defendants' of [64-2] order EOD Date: 7/12/02; Filing Fee: \$ FEE NOT REQUIRED; Copies to USCA and Counsel of Record. (Former Deputy Clerk) (Entered: 09/09/2002)

09/16/2002	<u>74</u>	TRANSCRIPT INFORMATION FORM re: [73-1] appeal by Federal Defendants' received on 09/16/02 from Court Reporter. (Returned to Court Reporter Coordinator) (ga, Deputy Clerk) (Entered: 09/18/2002)
09/18/2002		NOTICE of Receipt of Notice of Appeal Transmittal Letter from USCA on 9/11/02 Re: [73-1] appeal by Federal Defendants' USCA NUMBER: 02-14963-G (Former Deputy Clerk) (Entered: 09/19/2002)
09/19/2002	<u>75</u>	MOTION by Federal Defendants' to extend time to 11/1/02 to respond to motion(s) for attorneys' fees and to tax costs (sk, Deputy Clerk) (Entered: 09/20/2002)
09/20/2002	<u>76</u>	NOTICE of attorney appearance for United States, U.S. Army Corps, Secretary of Army by Joanna B. Goger (sk, Deputy Clerk) (Entered: 09/23/2002)
09/25/2002	<u>77</u>	ORDER granting [75-1] motion to extend time to 11/1/02 to respond to motion(s) for attorneys' fees and to tax costs (Signed by Judge K. M. Moore on 9/24/02) [EOD Date: 9/26/02] (sk, Deputy Clerk) (Entered: 09/26/2002)
10/23/2002	<u>78</u>	SECOND MOTION by Federal Defendants' to extend time to respond to plaintiffs' motion for attorney's fees and to tax costs against defendants (cj, Deputy Clerk) (Entered: 10/24/2002)
10/28/2002	<u>79</u>	ORDER granting [78-1] motion to extend time to respond to plaintiffs' motion for attorney's fees and to tax costs against defendants Response to motion reset to 12/2/02 for [66-1] motion for attorney fees, reset to 12/2/02 for [66-2] motion to Tax Costs (Signed by Magistrate Judge John J. O'Sullivan on 9/25/02) [EOD Date: 10/29/02] (cj, Deputy Clerk) (Entered: 10/29/2002)
11/25/2002	<u>80</u>	THIRD UNOPPOSED MOTION by United States to extend time to respond to motion for attorney's fees and to tax costs against defendants (cj, Deputy Clerk) (Entered: 11/26/2002)
11/27/2002	<u>81</u>	ORDER granting [80-1] motion to extend time to respond to motion for attorney's fees and to tax costs against defendants Response to motion reset to 1/6/03 for [66-1] motion for attorney fees, reset to 1/6/03 for [66-2] motion to Tax Costs (Signed by Magistrate Judge John J. O'Sullivan on 11/27/02) [EOD Date: 12/2/02] (cj, Deputy Clerk) (Entered: 12/02/2002)
12/04/2002	<u>82</u>	Certificate of readiness transmitted to USCA Re: [73-1] appeal by Federal Defendants' USCA NUMBER: 02-14963-GG (Former Deputy Clerk) (Entered: 12/05/2002)
12/04/2002		Transmitted record on appeal to U.S. Court of Appeals (Miami Office consisting of 2 volumes of pleadings, 1 volume of transcripts, and 6 accordion folders containing docket entries 17 and 35: [73-1] appeal by Federal Defendants' USCA #02-14963-GG. (Former Deputy Clerk) (Entered: 12/05/2002)
12/13/2002		ACKNOWLEDGMENT of receipt by U.S.C.A. of: certificate of readiness on 12/09/02; U.S.C.A. # 02-14963-GG (ga, Deputy Clerk) (Entered: 12/13/2002)
01/03/2003	<u>83</u>	RESPONSE by Osvaldo E. Cueli in opposition to [66-1] motion for attorney fees, [66-2] motion to Tax Costs (cj, Deputy Clerk) (Entered: 01/06/2003)
01/13/2003	<u>84</u>	REPLY by Osvaldo E. Cueli to response to [66-1] motion for attorney fees, [66-2] motion to Tax Costs (nt, Deputy Clerk) (Entered: 01/14/2003)
01/13/2003	<u>85</u>	SUPPLEMENT by Osvaldo E. Cueli to: [66-1] motion for attorney fees, [66-2] motion to Tax Costs (nt, Deputy Clerk) (Entered: 01/14/2003)
01/23/2003	<u>86</u>	RESPONSE by Federal Defendants' in opposition to [85-1] supplement to motion for attorney's fees and to tax costs against defendants (cj, Deputy Clerk) (Entered: 01/24/2003)

01/23/2003	<u>87</u>	REPORT AND RECOMMENDATIONS of Magistrate Judge John J. O'Sullivan recommending that [66-1] motion for attorney fees be denied; Plaintiff's supplement D.E.#85 be Denied. Motion no longer referred. Signed on: 1/23/03 Objections to R and R due by 2/3/03 CCAP (lk, Deputy Clerk) (Entered: 01/27/2003)
02/03/2003	<u>88</u>	OBJECTION by Osvaldo E. Cueli to [87-1] report and recommendations (cj, Deputy Clerk) (Entered: 02/04/2003)
02/12/2003	<u>89</u>	RESPONSE by Federal Defendants' in opposition to [88-1] objection (cj, Deputy Clerk) (Entered: 02/13/2003)
02/21/2003	<u>90</u>	ORDER adopting [87-1] report and recommendations denying [66-1] motion for attorney fees, denying [66-2] motion to Tax Costs (Signed by Judge K. M. Moore on 2/21/03) [EOD Date: 2/24/03] CCAP (cj, Deputy Clerk) (Entered: 02/24/2003)
03/12/2003	<u>91</u>	NOTICE of legislation and corps; intent to issue record of decision by Federal Defendants' (cj, Deputy Clerk) (Entered: 03/13/2003)
03/21/2003	<u>92</u>	NOTICE OF APPEAL by Osvaldo E. Cueli of [90-1] order EOD Date: 2/24/03; Filing Fee: \$ 105.00; Receipt #: 879534 Copies to USCA and Counsel of Record. (Former Deputy Clerk) Modified on 03/26/2003 (Entered: 03/26/2003)
04/02/2003	<u>94</u>	Transcript Information Form re: as to Osvaldo E. Cueli [92-1] appeal by Osvaldo E. Cueli . No transcript requested. (Former Deputy Clerk) (Entered: 04/08/2003)
04/04/2003	<u>93</u>	NOTICE of issuance of record of decision and notice of motion to vacate filed in the 11th Circuit by Federal Defendants' (cj, Deputy Clerk) (Entered: 04/07/2003)
04/10/2003		NOTICE of Receipt of Notice of Appeal Transmittal Letter from USCA on 3/28/03 Re: [92-1] appeal by Osvaldo E. Cueli USCA NUMBER: 03-11570-GG (ga, Deputy Clerk) (Entered: 04/10/2003)
04/10/2003	<u>95</u>	Certificate of readiness transmitted to USCA Re: [92-1] appeal by Osvaldo E. Cueli USCA NUMBER: 03-11570-GG (Former Deputy Clerk) (Entered: 04/11/2003)
04/10/2003		Transmitted record on appeal to U.S. Court of Appeals (Miami Office) consisting of 1 volume of pleadings: [92-1] appeal by Osvaldo E. Cueli USCA #03-11570-GG. (Former Deputy Clerk) (Entered: 04/11/2003)
04/15/2003	<u>96</u>	MANDATE OF USCA (certified copy)remanding to the district court with instructions to dismiss the case as moot with each party bearing its own costs and fees pursuant to appellants' motion to vacate the judgment73-1] appeal by Federal Defendants' Mandate Issued Date: 04/10/03; USCA Appeal #: 02-14963-GG; Copy to Judge. (ga, Deputy Clerk) (Entered: 04/16/2003)
04/17/2003		Record on appeal as to Federal Defendants' returned from U.S. Court of Appeals: [73-1] appeal by Federal Defendants' USCA #: 02-14963-GG (ga, Deputy Clerk) (Entered: 04/18/2003)
04/18/2003		ACKNOWLEDGMENT of receipt by U.S.C.A. of: certificate of readiness on 4/14/03; U.S.C.A. # 03-11570-GG (ga, Deputy Clerk) (Entered: 04/18/2003)
05/02/2003	<u>97</u>	ORDER of dismissal from USCA (certified copy) dismissing [92-1] appeal pursuant to the appellant's motion for voluntary dismissal the above referenced appeal was duly entered dismissed on April 28, 2003 USCA #: 03-11570-GG USCA Order Date: 4/28/03 (hh, Deputy Clerk) (Entered: 05/02/2003)

08/15/2003		Record on appeal returned from U.S. Court of Appeals: consisting of 1 volume of pleadings [92-1] appeal by Osvaldo E. Cueli USCA #: 03-11570-GG (ga, Deputy Clerk) (Entered: 08/20/2003)
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