

HAITIAN REFUGEE CENTER, INC.,

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Plaintiff,

v.

CASE NO. 91-2635-CIV-ATKINS

JAMES BAKER, III, et al.,

Defendants.

D.C.
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S.D. FLA. - MIAMI

OMNIBUS ORDER

THIS CAUSE comes before the court on various motions relating to the Temporary Restraining Order entered by The Honorable Donald L. Graham on November 19, 1991, which precludes defendants from repatriating Haitians presently on board U.S. vessels and on land under United States' control. The motions are the following: (1) Defendants' November 20, 1991 Motion for Emergency Hearing and to Shorten Notice Time Pursuant to Rule 65(b); (2) Defendants' November 20, 1991 Motion to Vacate Temporary Restraining Order or to Stay Such Order Pending Appeal; (3) Defendants' November 20, 1991 Motion for Leave to File Memo in Excess of Twenty Pages; and (4) Plaintiff's November 21, 1991 Motion to Expedite Discovery.

Upon consideration of the motions and relevant law, it is ORDERED AND ADJUDGED as follows: (1) Defendants' Motion for Emergency Hearing and to Shorten Notice Time Pursuant to Rule 65(b) is denied; (2) Defendants' Motion to Vacate Temporary Restraining Order or to Stay Such Order Pending Appeal is denied; (3) Defendants' Motion for Leave to File Memo in Excess of Twenty Pages is granted; and (4) Plaintiff's Motion to Expedite Discovery is granted. Accordingly, the Temporary Restraining Order entered on November 19, 1991 remains in effect.

With respect to Plaintiff's Motion to Expedite Discovery, it

is further ORDERED AND ADJUDGED as follows: (1) The depositions scheduled for the evening of November 21, 1991 and throughout the day on November 22, 1991 shall proceed, with the defendants producing the witnesses requested and complying with the Notice to Produce Duces Tecum; (2) Defendants shall provide the means for plaintiff's counsel, court reporters and translators to interview and take the depositions of persons aboard the Coast Guard cutters and at Guantanamo Naval Base on Friday, November 22, 1991; (3) Consistent with security measures, defendants shall not restrict plaintiff's counsel from interviewing persons aboard the Coast Guard cutters and at Guantanamo Base and from taking the depositions of any persons plaintiff's counsel requests after interview; and (4) Defendants shall comply with plaintiff's Notice to Produce Duces Tecum no later than 5:00 p.m. on November 22, 1991.

Finally, it is ORDERED AND ADJUDGED that a hearing on the appropriateness of granting continuing or further injunctive relief will be held on Wednesday, November 27, 1991, at 3:00 p.m. in Courtroom 4, Federal Courthouse Square, 301 North Miami Avenue, Miami, Florida. Each side will have thirty minutes to argue.

The court reminds the parties of the briefing schedule set forth in the November 19, 1991 Temporary Restraining Order, which remains in effect. No later than Monday, November 25, 1991, at 9:00 a.m., plaintiff's counsel shall file a memorandum of law discussing the elements required for a temporary restraining order, addressing in particular whether plaintiff has standing to file

suit on behalf of the Haitians that have been intercepted by the United States Coast Guard. Within two days of the filing of plaintiff's memorandum, defendants' counsel shall file a responsive memorandum. Immediately upon filing the memoranda in the Clerk's office, copies shall be delivered by hand to the opposing counsel and the chambers of the undersigned.

DONE AND ORDERED at Miami, Florida, this 21st day of November, 1991.


SENIOR UNITED STATES DISTRICT JUDGE

cc: Ira J. Kurzban, Esq.
Dexter Lee, AUSA