

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LIZBETH LUZ ROSALES, et al.,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., et al.,

Defendants.

Civil Action No. 1:21-cv-1874 (APM)

JOINT STATUS REPORT

Pursuant to this Court's July 19, 2021 Minute Order, the Parties met and conferred via telephone on July 22, 2021. The Parties were unable to come to an agreement, therefore, the Parties' report their respective positions regarding Plaintiffs' revised, putative class definition below:

PLAINTIFFS' POSITION

Plaintiffs' counsel initially proposed and briefed a class definition that would have excluded all pending DV-2021 cases in this District pursuant to certain Plaintiffs' desires.¹ Plaintiffs' counsel has revised their proposed class definition to accommodate efficiency and equity and to ease the burden on Defendants. Plaintiffs' revised proposed class definition does not exclude cases active in this District. Plaintiffs' revised proposed class definition is:

Individuals who have been selected as DV-2021 selectees through the U.S. Department of State's FY2021 Diversity Visa Lottery, and their derivative beneficiaries, who have also submitted their initial DS-260 applications as of the date of class certification, but have not yet been issued immigrant visas.

¹ Certain Plaintiffs asked Counsel to be left out of the proposed class because Defendants' position heretofore has been to create delays in every way possible and those Plaintiffs were rightly concerned that any involvement in a class action could further delay their adjudications.

This proposed class definition treats all similarly situated class members the same, regardless of pending litigation. Unlike Defendants, Plaintiffs rely on their previously filed briefs for their arguments that proposed class representatives and counsel satisfy Rule 23. ECF 106, 110.

Plaintiffs note that Defendants' footnote 3 is misleading because it quotes Charles Kuck, not counsel for Plaintiffs or the proposed class.

When this case was still in the Northern District of California, Plaintiffs' counsel proposed a class definition that would have excluded DV-2021 cases in this District to accommodate aforementioned Plaintiffs' desires; however, Defendants in that case—the same Defendants as in this case—failed to provide their position on Plaintiffs' proposed class definition despite repeated attempts to obtain their position. Defendants only affirmed that they would oppose the creation of a class action. Plaintiffs' email exchange with Defendants is attached. Exhibit C. Once claims from other visa category applicants were dismissed, this case was transferred to this District for efficiency and Plaintiffs proposed the updated class definition.

Plaintiffs' counsel in all known Diversity Visa-2021 cases before this—and other—courts have conferred with each other to reach a mutual understanding. Emails are attached as exhibits conferring with Nicollete Glazer, representing the *Filazapovich* plaintiffs, and Charles Kuck, representing the *Goh* plaintiffs, as well as Taher Kameli, who represents DV-2021 plaintiffs in the Northern District of Illinois. Plaintiffs' email conferences with Glazer and Kuck regarding their desire (or lack thereof) to be part of the proposed class predated Glazer and Kuck's communications with Defendants that misrepresented their exclusion from discussions. Exhibits D, E.

Plaintiffs are, indeed, diverse, but diversity does not equate to unworkability. Any class protecting DV-2021 interests must protect the interests of all selectees, lest selectees who were the

first to be documentarily qualified lose their position to selectees later in the established numerical queue. Relief does not have to be precisely the same for all plaintiffs (here, for example, *Rosales* plaintiffs deserve prioritized adjudication for bringing Defendants’ misconduct to the Court); all Plaintiffs ask this Court is for a fair chance at having their visas adjudicated in their established numerical order. Defendants complain that such a solution is inequitable despite continuing to act inequitably for all Plaintiffs and proposed class members. The relief the proposed class seeks is for Defendants to, once again, do their jobs and adjudicate visas.

Counsel for *Rosales* has always communicated with counsel for *Goh* and *Filazapovich*. Plaintiffs did not include such counsel in emails only concerning *Rosales* merely to avoid entangling other Plaintiffs’ counsel after they had already expressed their desire to be left out of the class.

Plaintiffs’ proposed class definition is significantly fairer to all class members than Defendants’ inaction. Plaintiffs are not asking this Court to force Defendants to issue visas—a distinction between consular issuance and adjudication that Defendants again fail to grasp—but to grant class certification in such a way that would restore Plaintiffs to their rightful position. That is, Plaintiffs who submit their paperwork and have an acceptable visa number will be interviewed and issued a visa, if they meet the requirements that already exist. Plaintiffs are not asking this Court to enjoin those requirements. Class certification would not abrogate the doctrine of consular nonreviewability.

Plaintiffs have adopted Defendants’ suggestions on how Plaintiffs could adjust their class definition to satisfy Defendants – including adding in a temporal limit on when class members must have filed the DS-260 (“at the time of class certification), and removing the language that members “have been selected to receive an immigrant visa.” Nevertheless, Defendants’ position

below suggests that there is no definition which would please them. This Court ordered the parties to confer and come to a mutually agreeable class definition. Plaintiffs have attempted to do so; defendants have not.

DEFENDANTS' POSITION

Fully briefed and pending before this Court is Plaintiffs' Motion for Class Certification (ECF Nos. 101, 106 and 116). Yet, due to proffered class counsel's desire to have both a DV-21 class simultaneously active with a separate 24,000 plaintiff case (*Goodluck v. Biden*, 1:21-cv-01530-APM), Plaintiffs' drafted class definition was designed to exclude all cases active in the District of Columbia, thus excluding their very own case here when it was transferred.² At the outset, and as stated in Defendants' Opposition to Plaintiffs' Motion for Class Certification, Defendants are concerned with the adequacy of class counsel. ECF No. 106 at 20-21 (assessing adequacy of representation boils down to whether "the named plaintiffs and their counsel have any conflicts of interest with other class members."). If the Court grants Plaintiffs' Motion for Class Certification, Defendants must insist that any class definition treat all similarly situated class members the same regardless of whether there is already active litigation regarding any Plaintiffs' claims. Though Plaintiffs guise their definition as one that will treat all putative class members similarly, they plainly state above that "[r]elief does not have to be precisely the same for all

² The briefed *Rosales* putative class definition is:

Diversity Visa Class: Individuals who have been selected to receive an immigrant visa through the U.S. Department of State's FY2021 Diversity Visa Lottery and their derivative beneficiaries who have not yet been issued their immigrant visas, ***excluding any plaintiff in pending litigation within the U.S. District Court for the District of Columbia.***

Rosales v. Biden, Civ. A. No. 21-0261 (N.D. Cal.), ECF No. 101 at 2 (June 22, 2021) (emphasis added).

plaintiffs” and that “the *Rosales* plaintiffs deserve prioritized adjudication” over other absent putative class members.³ *See* Rule 1.7(a) of the Model Rules of Professional Conduct (An attorney’s duty of loyalty requires that he must not “represent a client if the representation involves a concurrent conflict of interest.”).

Here, the primary step to reaching even this basic understanding between the Parties is thwarted because the various Plaintiffs’ counsel in the multiple DV-21 cases before this Court have not meaningfully engaged with each other in an effort to reach a similar understanding amongst themselves by crafting a definition that would protect the equities due absent DV-21 lottery selectees.⁴ As a fundamental aspect of any Federal Rule of Civil Procedure 23(b)(2) class is that any relief must be fair to all class members, without regard to whether they are named as Plaintiffs or absent, it is impossible for the Defendants to agree to a class definition that would fail

³ Looking to Plaintiffs’ Ex. D, it is clear that there is no desire to treat a DV-21 putative class the same. Instead, Ex. D demonstrates clear preferential treatment to named plaintiffs over absentee DV-21 selectees. *See* Ex. D (*Goh* counsel discussing with *Rosales* counsel how there is “no advantage to a class, especially since our case is up on final judgement, and **his order benefits every plaintiff**. It also seems to me that **actual plaintiffs** will be very upset if a class action is entered and “class members” start getting visas ahead of original plaintiffs.”) (emphasis added).

⁴ Counsel for *Filazapovich* noted this morning “that prior to today we had no notice and have not been involved in the ‘crafting’ of this proposed new class definition. Not having had a chance to discuss this matter with our clients we do not agree or consent to the proposal as currently formulated. Please inform the Court that we do not waive or forfeit any right of any of our DV2021 clients to state a formal position, including but not limited to filing objections, should a request to amend the current *Rosales v Biden* class definition is made.” Ex. A, July 23, 2021, 11:07 AM EST E-Mail from Ms. Glazer, Esq (Defendants’ thread providing revised, proposed class definition to *Filazapovich* and *Goh* counsel). Similarly, this afternoon counsel for *Goh* confirmed “that we have not been consulted in any class certification process or class definition, nor are our clients at thus time agreeable to such an action. We will of course consult our clients should anything come of this conversation. *Goh* Plaintiffs take the position that a final decision in *Goh* is a universal order and does not require a limiting class action.” Ex. A, July 23, 2021, 1:58 PM EST E-mail from Mr. Kuck, Esq. (thread following Ms. Glazer’s E-mail). Mr. Kuck proceeded to confirm again this afternoon that “[t]here was never any follow-up from *Rosales* counsel” regarding the revised class definition. Ex. B, July 23, 2021, 4:26 PM EST E-mail from Mr. Kuck Esq.

to provide such treatment to DV-21 lottery selectees regardless of whether they are named Plaintiffs.

As Plaintiffs' counsel are all aware, in every instance wherein individual requests for relief have been presented to the Defendants, it has been the Defendants' consistent position that any relief must be fair to all similarly situated DV-21 lottery selectees, and that no unwarranted advantage should be granted to any particular selectee that advances their interests above those of any other DV-21 lottery selectee. Therefore, it is Defendants' position that all of the parties to the DV-21 litigation before this Court, who all bring indistinguishable allegations in their various complaints, must be involved in any discussion of class certification. Yet, despite Defendants' repeated requests that all counsel in the various DV-21 cases be involved in these negotiations, Plaintiffs' counsel in this captioned matter have tellingly refused to consider treating absent putative "class members" equitably, insisting instead that this court ought to advance their paying clients to the front of the queue at the expense of those less fortunate selectees who did not, or could not, hire these counsel.

What's more, the lack of agreement amongst the various DV-21 litigants as to the class definition, identification of class representatives, and adequacy of class counsel gives Defendants significant pause as to whether or not the requirements of Rule 23 on the adequacy of representatives can or have been met. Plaintiffs' counsel in this captioned matter apparent unwillingness to coordinate with other DV-21 Plaintiffs' counsel, amplifies rather than alleviates, the obvious concerns that the proposed class counsel would continue to maximize benefits to the parties they represent at the expense of the class members.

This repeated refusal of Plaintiffs to acknowledge that a class action brought under Rule 23(b)(2) must be fair to all class members exacerbates the Parties' ability to resolve the many

issues Defendants perceive with the sweeping class definition Plaintiffs now propose. The current redrafted and revised class definition offered by the *Rosales* Plaintiffs would be:

Individuals who have been selected as DV-2021 selectees through the U.S. Department of State's FY2021 Diversity Visa Lottery, and their derivative beneficiaries, who have also submitted their initial DS-260 applications as of the date of class certification, but have not yet been issued immigrant visas.

Ex. A, July 23, 2021, 6:01AM EST E-Mail from Mr. Morrison, Esq. (E-mail with the revised, proposed definition). However, as drafted, this definition remains unworkable. First, Defendants note that although the class definition would sweep in all DV-21 lottery selectees, it fails to account for the unique factual circumstances involved with regard to the timing of their applications, the submission of required paperwork, and individualized adjudications at post (e.g., when their DV-21 lottery number became current in the Visa Bulletin, when they became documentarily qualified, what the limiting conditions at the designated post might be, the effect of COVID-19 on the country they are located, and the effect of COVID-19 on consular operations and visa processing). Furthermore, by connecting the proposed class to the issuance of a visa, the class fails to account for late submissions, or a decision by a consular officer to refuse to issue a visa. Indeed, as still drafted, those selectees whose visas are denied because they are ineligible to receive a visa, even under 8 U.S.C. § 1182(a), would remain members of this class. What's more, this sweeping definition continues to fail to meet Defendants' concerns regarding commonality and typicality. ECF No. 106 at 13-20 (discussing commonality and typicality).

Despite Plaintiffs' assertions that they sought to resolve these objections long ago, they continue to ignore many of straightforward and detailed objections Defendants included in their class certification opposition. *See generally* ECF No. 106. Contrary to Plaintiffs' implication that the failure to craft an adequate definition is somehow Defendants' fault, it is Plaintiffs' continued insistence on a definition that does not account for these concerns that dooms the ability of

Defendants to agree to a virtually identical definition here. Quite simply, it is not Defendants' job to do Plaintiffs' work for them, and Plaintiffs' dismissal of Defendants well-founded concerns leaves Plaintiffs with only themselves to blame.

For these reasons stated here and in Defendants' Opposition to Plaintiffs' Motion for Class Certification (ECF No. 106), the Defendants oppose Plaintiffs' revised, redrafted class definition.⁵

⁵ If discussions regarding a proposed class definition continue, Defendants note the importance of coordination between all the parties to *Goh*, *Filzapovich*, *Goodluck*, and *Rosales* in conferring amongst themselves to craft an acceptable class definition, to identify the common question a class action would answer, and to identify those class representatives and counsel their clients will best advance their interests.

Dated: July 23, 2021
Venice, CA

Respectfully submitted,

/s/ Rafael Urena

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With permission

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Counsel for the Defendants

From: [Charles Kuck](#)
To: [Nicolette Glazer](#); [Alsterberg, Cara E. \(CIV\)](#); [Curtis Lee Morrison](#); [Attorneys](#); [Rafael Urena, Esq.](#)
Cc: [Carilli, Joseph \(USADC\)](#); [Duffey, Thomas \(USADC\)](#); [Weiland, William H. \(CIV\)](#); [Bateman, William C \(CIV\)](#); [Kisor, Colin \(CIV\)](#); aaron@immigrationissues.com; [Jeff Joseph](#)
Subject: Re: DV2021 Cases - J. Mehta (DDC) - Rosales - Goodluck - Goh - Filazapovich
Date: Friday, July 23, 2021 1:58:10 PM

Thank your copying us on your response. We echo Ms Glazer's response and confirm that we have not been consulted in any class certification process or class definition, nor are our clients at thus time agreeable to such an action. We will of course consult our clients should anything come of this conversation. Goh Planitiffs take the position that a final decision in Goh is a universal order and does not require a limiting class action.

Please excuse the typos. I sent this from my phone.

Charles H. Kuck
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From: Nicolette Glazer <nicolette@glazerandglazer.com>
Sent: Friday, July 23, 2021 11:07:01 AM
To: Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov>; Curtis Lee Morrison <curtis@curtismorrisonlaw.com>; Attorneys <attorneys@curtismorrisonlaw.com>; Rafael Urena, Esq. <ru@urenaesq.com>
Cc: Carilli, Joseph (USADC) <Joseph.Carilli@usdoj.gov>; Duffey, Thomas (USADC) <Thomas.Duffey@usdoj.gov>; Weiland, William H. (CIV) <William.H.Weiland@usdoj.gov>; Bateman, William C (CIV) <William.C.Bateman@usdoj.gov>; Kisor, Colin (CIV) <Colin.Kisor@usdoj.gov>; aaron@immigrationissues.com <aaron@immigrationissues.com>; Charles Kuck <CKuck@immigration.net>; Jeff Joseph <jeff@immigrationissues.com>
Subject: RE: DV2021 Cases - J. Mehta (DDC) - Rosales - Goodluck - Goh - Filazapovich

[EXTERNAL]

Dear Ms. Alsterberg,

I greatly appreciate your looping us into this conversation. On behalf of the Filazapovich plaintiffs (and the other DV2021 plaintiffs our firm represents) please note that prior to today we had no notice and have not been involved in the “crafting” of this proposed new class definition. Not having had a chance to discuss this matter with our clients we do not agree or consent to the proposal as currently formulated. Please inform the Court that we do not waive or forfeit any right of any of our DV2021 clients to state a formal position, including but not limited to filing objections, should a request to amend the current Rosales v Biden class definition is made.

Regards,

Nicolette Glazer Esq.

Certified Specialist in Immigration and Nationality Law
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From: Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov>

Sent: Friday, July 23, 2021 7:05 AM

To: Curtis Lee Morrison <curtis@curtismorrisonlaw.com>; Attorneys

<attorneys@curtismorrisonlaw.com>; Rafael Urena, Esq. <ru@urenaesq.com>

Cc: Carilli, Joseph (USADC) <Joseph.Carilli@usdoj.gov>; Duffey, Thomas (USADC)

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Nicolette Glazer <nicolette@glazerandglazer.com>; aaron@immigrationissues.com;

ckuck@immigration.net; jeff@immigrationissues.com

Subject: RE: DV2021 Cases - J. Mehta (DDC) - Rosales - Goodluck - Goh - Filazapovich

Counsel,

Adding back *Goh* and *Filazapovich* counsel. Our clients have reviewed your revised, proposed definition sent this morning at 6:01 AM EST. The definition continues to be unworkable under Rule 23 for the broad reasons relating to commonality and typicality discussed on our meet and confer phone call yesterday, as well as for the adequacy of representation concerns (meaning both the named class representatives and putative class counsel – given the objections of the other Plaintiffs’ counsel to your putting yourselves forward as class counsel) that we also raised.

In terms of specifics, Defendants agree that your revised definition would mean that DV 2021 selectees who wish to add a derivative applicant after submitting their own DS-260 would have to unlock their case to complete/amend the DS-260, moving their case to an earlier processing stage, and removing the eligibility for scheduling until the application was found to be document qualified again (assuming it was in the first instance). Therefore, there is this additional flaw, and Defendants are unsure how to resolve that linguistic issue for Plaintiffs.

And as agreed on our call yesterday, Defendants will be sending you our section of the JSR at 12 PM EST, we will expect your section at 3 PM EST, you will receive our final section at 5 PM EST, and you will provide us with the opportunity to see any edits/changes made to the JSR before you file. And you will not be cleared to file with our signature block until we have affirmatively signed off.

Thank you,
Cara

Cara E. Alsterberg

Tel. 202.532.4667

Cara.E.Alsterberg@usdoj.gov

From: Curtis Lee Morrison <curtis@curtismorrisonlaw.com>

Sent: Friday, July 23, 2021 6:00 AM

To: Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov>

Cc: Rafael Urena, Esq. <ru@urenaesq.com>; Attorneys <attorneys@curtismorrisonlaw.com>; Carilli, Joseph (USADC) <JCarilli@usa.doj.gov>; Duffey, Thomas (USADC) <TDuffey@usa.doj.gov>; Weiland, William H. (CIV) <William.H.Weiland@usdoj.gov>; Bateman, William C (CIV) <William.C.Bateman@usdoj.gov>; Kisor, Colin (CIV) <Colin.Kisor@usdoj.gov>

Subject: Re: DV2021 Cases - J. Mehta (DDC) - Rosales - Goodluck - Goh - Filazapovich

Hi Cara,

There is anxiety amongst DV-2021 selectees that State could use our proposed class definition to eliminate those from class who resubmitted DS-260 after class certification because a child was born or following a marriage. A quick fix to this potential ambiguity would be to add the word “initial” as below. Or if your client prefers, after considering the logistics, we are ok dropping the temporal clause altogether.

Here's the revised proposal:

Individuals who have been selected as DV-2021 selectees through the U.S. Department of State's FY2021 Diversity Visa Lottery, and their derivative beneficiaries, who have also submitted their initial DS-260 applications as of the date of class certification, but have not yet been issued immigrant visas.

--

Curtis Morrison
714-661-3446

On Jul 22, 2021, at 10:05 PM, Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov> wrote:

Understood. We will get back to you when we receive our client's response.

Thank you,
Cara

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From: Curtis Lee Morrison <curtis@curtismorrisonlaw.com>
Sent: Thursday, July 22, 2021 3:48 PM
To: Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov>; Rafael Urena, Esq. <ru@urenaesq.com>; Attorneys <attorneys@curtismorrisonlaw.com>
Cc: Carilli, Joseph (USADC) <JCarilli@usa.doj.gov>; Duffey, Thomas (USADC) <TDuffey@usa.doj.gov>; Weiland, William H. (CIV) <William.H.Weiland@usdoj.gov>; Bateman, William C (CIV) <William.C.Bateman@usdoj.gov>; Kisor, Colin (CIV) <Colin.Kisor@usdoj.gov>
Subject: Re: DV2021 Cases - J. Mehta (DDC) - Rosales - Goodluck - Goh - Filazapovich

Cara,

Please find the proposed revised definition below:

Individuals who have been selected as DV-2021 selectees through the U.S. Department of State's FY2021 Diversity Visa Lottery, and their derivative beneficiaries, who have also submitted their DS-260 applications as of the date of class certification, but have not yet been issued immigrant visas.

Also, so there's no surprise, we intend to attach an exhibit in tomorrow's JSR our attempt over a month ago to get defendant's position on our class definition before we even filed the pending second renewed motion for class certification with the existing definition that your client now finds problematic. Our attempt was ignored.

Sincerely,

Curtis Lee Morrison

Law Office of Curtis Morrison

Law Office of Rafael Urena (Of Counsel)

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From: Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov>
Sent: Thursday, July 22, 2021 7:50 AM
To: Curtis Lee Morrison <curtis@curtismorrisonlaw.com>; Rafael Urena, Esq. <ru@urenaesq.com>; Attorneys <attorneys@curtismorrisonlaw.com>
Cc: Carilli, Joseph (USADC) <Joseph.Carilli@usdoj.gov>; Duffey, Thomas (USADC) <Thomas.Duffey@usdoj.gov>; Weiland, William H. (CIV) <William.H.Weiland@usdoj.gov>; Bateman, William C (CIV) <William.C.Bateman@usdoj.gov>; Kisor, Colin (CIV) <Colin.Kisor@usdoj.gov>
Subject: RE: DV2021 Cases - J. Mehta (DDC) - Rosales - Goodluck - Goh - Filazapovich

Counsel,

We are available at 3 PM EST for a meet and confer. We would appreciate if you would send round the conference line. Also, we think it would be beneficial if you invited the other Plaintiffs' counsel to join the call as our discussion will impact their Plaintiffs.

Thank you,
Cara

Cara E. Alsterberg
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From: Curtis Lee Morrison <curtis@curtismorrisonlaw.com>
Sent: Thursday, July 22, 2021 2:20 AM
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Subject: Re: DV2021 Cases - J. Mehta (DDC) - Rosales - Goodluck - Goh - Filazapovich

Sorry - I meant we are available anytime after 1 pm EST.

Curtis

On Jul 22, 2021, at 7:01 AM, Curtis Lee Morrison <curtis@curtismorrisonlaw.com> wrote:

Cara,

Also, we are available anytime tomorrow after 1 PM PST for a meet and confer call.

Curtis

On Jul 21, 2021, at 9:19 PM, Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov> wrote:

Adding back counsel from the previous chain.

Thank you, we will send this to our clients and get back to you. Please provide us times that you would be available for a meet and confer phone call.

And would you please clarify what you mean in item #4 regarding “consolidated litigation”? Are you asserting that Goodluck, Goh and Filazapovich, amongst others, will not be a part of this class?

Thank you,
Cara

Cara E. Alsterberg
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From: Curtis Lee Morrison <curtis@curtismorrisonlaw.com>
Sent: Wednesday, July 21, 2021 3:04 PM
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Subject: Re: DV2021 Cases - J. Mehta (DDC) - Rosales - Goodluck - Goh - Filazapovich

Cara,

Thanks for that clarification. Find answers below to take back to your clients. Also, I think we should do a call to make this a legitimate meet and confer.

1) revised proposed class definition:
Individuals who have been selected to receive an immigrant visa through the U.S. Department of State's FY2021 Diversity Visa Lottery and their derivative beneficiaries who have submitted their DS-260 applications, but have not yet been issued their immigrant visas.

2) Rosales named plaintiffs- their names are listed on p67-71
https://drive.google.com/file/d/1CVJVS_SXH_wN9royZw8EmT3cYEaGs19A/view?usp=drivesdk

3) Class counsel:

RAFAEL UREÑA
CURTIS LEE MORRISON
KRISTINA GHAZARYAN
ABADIR BARRE
JONATHAN AFTALION
JANA AL-AKHRAS

MORRISON URENA, L.C.

4) This is not "consolidated litigation," and generally speaking, class definitions do not resolve claims, stipulated settlements do. We aren't there yet.

The only claims that are brought by the revised class are the same ones found in the Rosales second amended complaint, linked above.

--

Curtis Morrison
714-661-3446

On Jul 21, 2021, at 8:23 PM, Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov>

wrote:

No, that is not what Defendants are proposing. The clear import of our e-mail is that a unified DV2021 class must seek the same relief for all similarly situated DV2021 lottery winners, including all Plaintiffs in ongoing DV2021 litigation.

Please provide us with your proposed, revised class definition, identities of named plaintiffs, names of class counsel, and indicate what common classwide claims this consolidated litigation will resolve as soon as you can so that we may confer with our clients regarding whether your proposal is workable.

Thank you,
Cara

Cara E. Alsterberg
Tel. 202.532.4667
Cara.E.Alsterberg@usdoj.gov

From: Curtis Lee Morrison <curtis@curtismorrisonlaw.com>
Sent: Wednesday, July 21, 2021 2:05 PM
To: Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov>
Cc: Rafael Urena, Esq. <ru@urenaesq.com>; Attorneys <attorneys@curtismorrisonlaw.com>; aaron@immigrationissues.com; ckuck@immigration.net; jeff@immigrationissues.com; Nicolette@glazerandglazer.com; Kristina Ghazaryan <kristina@ghazaryanlaw.com>; Abadir Barre <abadir@barrelaw.com>; jafталion@gmail.com; Carilli, Joseph (USADC) <JCarilli@usa.doj.gov>; Duffey, Thomas (USADC) <TDuffey@usa.doj.gov>; Weiland, William H. (CIV) <William.H.Weiland@usdoj.gov>; Bateman, William C (CIV) <William.C.Bateman@usdoj.gov>; Kisor, Colin (CIV) <Colin.Kisor@usdoj.gov>
Subject: Re: DV2021 Cases - J. Mehta (DDC) - Rosales - Goodluck - Goh - Filazapovich

Is the government actually proposing a class definition that excluded non-plaintiffs to litigation? Am I imagining this?

--

Curtis Morrison
714-661-3446

On Jul 21, 2021, at 4:22 PM, Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov> wrote:

Counsel,

Our position is that any DV2021 class should include all DV2021 litigation. Therefore, I have added the larger group back here. We also recognize that coordinating with the different Plaintiffs may take time, so if you need more time to coordinate amongst yourselves, we will not oppose a request for an extension.

Thank you,

Cara

Cara E. Alsterberg

Tel. 202.532.4667

Cara.E.Alsterberg@usdoj.gov

From: Rafael Urena <ru@urenaesq.com>

Sent: Tuesday, July 20, 2021 8:05 PM

To: Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov>; Attorneys <attorneys@curtismorrisonlaw.com>

Cc: Carilli, Joseph (USADC) <JCarilli@usa.doj.gov>; Duffey, Thomas (USADC) <TDuffey@usa.doj.gov>; Weiland, William H. (CIV) <William.H.Weiland@usdoj.gov>; Bateman, William C (CIV) <William.C.Bateman@usdoj.gov>; Kisor, Colin (CIV) <Colin.Kisor@usdoj.gov>

Subject: Re: DV2021 Cases - J. Mehta (DDC) - Rosales - Goodluck - Goh - Filazapovich

Cara,

There is only one DV-2021 related case with a pending Motion for Class Certification before J. Mehta - *Rosales v. Biden*, 1:21-cv-01874-APM. In fact, J. Mehta's order to meet and confer on a possible stipulation was only entered in *Rosales*. We do not need an agreement with counsel in related matters to reach a stipulation in *Rosales*.

With that, will the Government require the agreement between counsel in all DV-2021 related litigation to reach a stipulation as to the *Rosales* Motion for Class Certification?

Bests,

Rafael

RAFAEL UREÑA

Law Office of Rafael Ureña New York Office

42 West St, Suite 130 Brooklyn, NY 11222

Tel: +1 (917) 204-0670

Fax: +1(929) 286-9584 Email: ru@urenaesq.com

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313 Grand Blvd #719

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Fax: +1(929) 286-9584 Email: ru@urenaesq.com Confidentiality: This email message, including any attachments, is intended solely for the use of the addressee(s) named above. This communication may contain privileged and/or confidential material. If you are not the intended recipient, you have received this communication in error, and any review, use, printing, copying, or other dissemination of this email message is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by replying to this email message and permanently delete and destroy the original message and any and all copies, including printouts and electronic copies on any computer system. Licensed to practice in NY; practice limited to Federal and Administrative Law in other jurisdictions

On Tue, Jul 20, 2021 at 3:47 PM Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov> wrote:

Counsel,

We ask that you provide us with your proposed, revised class definition which should encompass all DV2021 nationwide litigation, including the other DV2021 case in the Northern District of Illinois (*Aminjavaheri*), and all Plaintiffs in DDC. We will not stipulate to any subclasses, nor will we agree that any class members may bring additional individual claims for separate relief.

Because the Court indicated it intends to resolve a class that encompasses all current DV2021 litigation nationwide, we also recognize that you will need to coordinate amongst each other and with other Plaintiffs' counsel. Therefore, please let us know who the lead counsel for the class will be.

Along with the proposed, revised class definition we also ask you please provide us with both the common questions of law and fact, and a list of the Named Plaintiffs for the class. We recognize that you will need to file an amended operative class action complaint, with a small number of Named Plaintiffs.

Thank you,
Cara

Cara E. Alsterberg

Trial Attorney
U.S. Department of Justice, Civil Division
Office of Immigration Litigation-District Court Section
P.O. Box 868, Ben Franklin Station
Washington, DC 20044
Tel. 202.532.4667 | Fax. 202.305.7000
Cara.E.Alsterberg@usdoj.gov
Pronouns: she/her ([What's this?](#))

<image001.jpg>

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reader of this message is not the intended recipient, the reader is hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message.

From: [Charles Kuck](#)
To: [Rafael Urena](#); [Alsterberg, Cara E. \(CIV\)](#)
Cc: [Nicolette Glazer](#); [Curtis Lee Morrison](#); [Attorneys](#); [Carilli, Joseph \(USADC\)](#); [Duffey, Thomas \(USADC\)](#); [Weiland, William H. \(CIV\)](#); [Bateman, William C \(CIV\)](#); [Kisor, Colin \(CIV\)](#); aaron@immigrationissues.com; [Jeff Joseph](#)
Subject: Re: DV2021 Cases - J. Mehta (DDC) - Rosales - Goodluck - Goh - Filazapovich
Date: Friday, July 23, 2021 4:26:49 PM

With all due respect, that email from me was the first email. There was never any follow up from Rosales counsel on this in response.

Please excuse the typos. I sent this from my phone.

Charles H. Kuck
Managing Partner
365 Northridge Road
Suite 300
Atlanta, GA 30350
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Direct Dial: (404) 949-8154
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From: Rafael Urena <ru@urenaesq.com>
Sent: Friday, July 23, 2021 3:11:55 PM
To: Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov>
Cc: Charles Kuck <CKuck@immigration.net>; Nicolette Glazer <nicolette@glazerandglazer.com>; Curtis Lee Morrison <curtis@curtismorrisonlaw.com>; Attorneys <attorneys@curtismorrisonlaw.com>; Carilli, Joseph (USADC) <Joseph.Carilli@usdoj.gov>; Duffey, Thomas (USADC) <Thomas.Duffey@usdoj.gov>; Weiland, William H. (CIV) <William.H.Weiland@usdoj.gov>; Bateman, William C (CIV) <William.C.Bateman@usdoj.gov>; Kisor, Colin (CIV) <Colin.Kisor@usdoj.gov>; aaron@immigrationissues.com <aaron@immigrationissues.com>; Jeff Joseph <jeff@immigrationissues.com>
Subject: Re: DV2021 Cases - J. Mehta (DDC) - Rosales - Goodluck - Goh - Filazapovich

[EXTERNAL]

Cara,

Please find attached the draft of the JSR with the Plaintiffs' position.

We have also included exhibits of emails between the *Rosales* counsel and counsel for *Goh*, *Filazapovich*, and *Aminjavaheri* that rebut the assertion that counsel "have not engaged with each other in an effort to reach a similar understanding amongst themselves."

Do Defendants wish to continue with the fabricated ruse or will they amend their portion of the JSR?

Bests,

Rafa



RAFAEL UREÑA

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New York Office**

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286-9584 Email: ru@urenaesq.com

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Administrative Law in other jurisdictions

On Fri, Jul 23, 2021 at 11:45 AM Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov> wrote:

Ms. Glazer and Mr. Kuck,

Defendants will forward the as-filed joint status report in *Rosales v. Biden* to you both. If you decide to file responses to it with the Court, Defendants will not object to you doing so. However, the mechanics of such a filing (whether jointly among yourselves or separately filed, and under your individual docket numbers or in some other fashion) is up to you.

As part of Defendants' section of the JSR, we will use your e-mails below as exhibits.

Thank you,

Cara

Cara E. Alsterberg

Tel. 202.532.4667

Cara.E.Alsterberg@usdoj.gov

From: Charles Kuck <CKuck@immigration.net>

Sent: Friday, July 23, 2021 1:58 PM

To: Nicolette Glazer <nicolette@glazerandglazer.com>; Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov>; Curtis Lee Morrison <curtis@curtismorrisonlaw.com>; Attorneys <attorneys@curtismorrisonlaw.com>; Rafael Urena, Esq. <ru@urenaesq.com>

Cc: Carilli, Joseph (USADC) <JCarilli@usa.doj.gov>; Duffey, Thomas (USADC) <TDuffey@usa.doj.gov>; Weiland, William H. (CIV) <William.H.Weiland@usdoj.gov>; Bateman, William C (CIV) <William.C.Bateman@usdoj.gov>; Kisor, Colin (CIV) <Colin.Kisor@usdoj.gov>; aaron@immigrationissues.com; Jeff Joseph <jeff@immigrationissues.com>

Subject: Re: DV2021 Cases - J. Mehta (DDC) - Rosales - Goodluck - Goh - Filzapovich

Thank your copying us on your response. We echo Ms Glazer's response and confirm that we have not been consulted in any class certification process or class definition, nor are our clients at thus time agreeable to such an action. We will of course consult our clients should anything come of this conversation. Goh Planitiffs take the position that a final decisión in Goh is a universal order and does not require a limiting class action.

Please excuse the typos. I sent this from my phone.

Charles H. Kuck

Managing Partner

365 Northridge Road

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From: Nicolette Glazer <nicolette@glazerandglazer.com>
Sent: Friday, July 23, 2021 11:07:01 AM
To: Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov>; Curtis Lee Morrison <curtis@curtismorrisonlaw.com>; Attorneys <attorneys@curtismorrisonlaw.com>; Rafael Urena, Esq. <ru@urenaesq.com>
Cc: Carilli, Joseph (USADC) <Joseph.Carilli@usdoj.gov>; Duffey, Thomas (USADC) <Thomas.Duffey@usdoj.gov>; Weiland, William H. (CIV) <William.H.Weiland@usdoj.gov>; Bateman, William C (CIV) <William.C.Bateman@usdoj.gov>; Kisor, Colin (CIV) <Colin.Kisor@usdoj.gov>; aaron@immigrationissues.com <aaron@immigrationissues.com>; Charles Kuck <CKuck@immigration.net>; Jeff Joseph <jeff@immigrationissues.com>
Subject: RE: DV2021 Cases - J. Mehta (DDC) - Rosales - Goodluck - Goh - Filazapovich

[EXTERNAL]

Dear Ms. Alsterberg,

I greatly appreciate your looping us into this conversation. On behalf of the Filazapovich plaintiffs (and the other DV2021 plaintiffs our firm represents) please note that prior to today we had no notice and have not been involved in the “crafting” of this proposed new class definition. Not having had a chance to discuss this matter with our clients we do not agree or consent to the proposal as currently formulated. Please inform the Court that we do not waive or forfeit any right of any of our DV2021 clients to state a formal position, including but not limited to filing objections, should a request to amend the current Rosales v Biden class definition is made.

Regards,

Nicolette Glazer Esq.

Certified Specialist in Immigration and Nationality Law
State Bar of California, Board of Legal Specialization
Direct Line: (310) 735-3478

Law Offices of Larry R Glazer

Main office: 1999 Avenue of the Stars, 11th Floor, Century City, CA 90067

Support Office: 79125 Corporate Center Dr. #6351, La Quinta, CA 92253

Tel: (310) 407-5353 / Fax: (310) 407-5354

www.GlazerandGlazer.com / www.LOLRG.com / [Download the LOLRG Litigation App](#)

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From: Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov>
Sent: Friday, July 23, 2021 7:05 AM
To: Curtis Lee Morrison <curtis@curtismorrisonlaw.com>; Attorneys <attorneys@curtismorrisonlaw.com>; Rafael Urena, Esq. <ru@urenaesq.com>
Cc: Carilli, Joseph (USADC) <Joseph.Carilli@usdoj.gov>; Duffey, Thomas (USADC) <Thomas.Duffey@usdoj.gov>; Weiland, William H. (CIV) <William.H.Weiland@usdoj.gov>; Bateman, William C (CIV) <William.C.Bateman@usdoj.gov>; Kisor, Colin (CIV) <Colin.Kisor@usdoj.gov>; Nicolette Glazer <nicolette@glazerandglazer.com>; aaron@immigrationissues.com; ckuck@immigration.net; jeff@immigrationissues.com
Subject: RE: DV2021 Cases - J. Mehta (DDC) - Rosales - Goodluck - Goh - Filazapovich

Counsel,

Adding back *Goh* and *Filazapovich* counsel. Our clients have reviewed your revised, proposed definition sent this morning at 6:01 AM EST. The definition continues to be unworkable under Rule 23 for the broad reasons relating to commonality and typicality discussed on our meet and confer phone call yesterday, as well as for the adequacy of representation concerns (meaning both the named class representatives and putative class counsel – given the objections of the other Plaintiffs’ counsel to your putting yourselves forward as class counsel) that we also raised.

In terms of specifics, Defendants agree that your revised definition would mean that DV 2021 selectees who wish to add a derivative applicant after submitting their own DS-260 would have to unlock their case to complete/amend the DS-260, moving

their case to an earlier processing stage, and removing the eligibility for scheduling until the application was found to be document qualified again (assuming it was in the first instance). Therefore, there is this additional flaw, and Defendants are unsure how to resolve that linguistic issue for Plaintiffs.

And as agreed on our call yesterday, Defendants will be sending you our section of the JSR at 12 PM EST, we will expect your section at 3 PM EST, you will receive our final section at 5 PM EST, and you will provide us with the opportunity to see any edits/changes made to the JSR before you file. And you will not be cleared to file with our signature block until we have affirmatively signed off.

Thank you,

Cara

Cara E. Alsterberg

Tel. 202.532.4667

Cara.E.Alsterberg@usdoj.gov

From: Curtis Lee Morrison <curtis@curtismorrisonlaw.com>
Sent: Friday, July 23, 2021 6:00 AM
To: Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov>
Cc: Rafael Urena, Esq. <ru@urenaesq.com>; Attorneys <attorneys@curtismorrisonlaw.com>; Carilli, Joseph (USADC) <JCarilli@usa.doj.gov>; Duffey, Thomas (USADC) <TDuffey@usa.doj.gov>; Weiland, William H. (CIV) <William.H.Weiland@usdoj.gov>; Bateman, William C (CIV) <William.C.Bateman@usdoj.gov>; Kisor, Colin (CIV) <Colin.Kisor@usdoj.gov>
Subject: Re: DV2021 Cases - J. Mehta (DDC) - Rosales - Goodluck - Goh - Filazapovich

Hi Cara,

There is anxiety amongst DV-2021 selectees that State could use our proposed class definition to eliminate those from class who resubmitted DS-260 after class certification because a child was born or following a marriage. A quick fix to this potential ambiguity would be to add the word "initial" as below. Or if your client prefers, after considering the logistics, we are ok dropping the temporal clause altogether.

Here's the revised proposal:

Individuals who have been selected as DV-2021 selectees through the U.S. Department of State's FY2021 Diversity Visa Lottery, and their derivative beneficiaries, who have also submitted their initial DS-260 applications as of the date of class certification, but have not yet been issued immigrant visas.

--

Curtis Morrison

714-661-3446

On Jul 22, 2021, at 10:05 PM, Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov> wrote:

Understood. We will get back to you when we receive our client's response.

Thank you,

Cara

Cara E. Alsterberg

Tel. 202.532.4667

Cara.E.Alsterberg@usdoj.gov

From: Curtis Lee Morrison <curtis@curtismorrisonlaw.com>

Sent: Thursday, July 22, 2021 3:48 PM

To: Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov>; Rafael Urena, Esq. <ru@urenaesq.com>; Attorneys <attorneys@curtismorrisonlaw.com>

Cc: Carilli, Joseph (USADC) <JCarilli@usa.doj.gov>; Duffey, Thomas (USADC) <TDuffey@usa.doj.gov>; Weiland, William H. (CIV) <William.H.Weiland@usdoj.gov>; Bateman, William C (CIV) <William.C.Bateman@usdoj.gov>; Kisor, Colin (CIV)

<Colin.Kisor@usdoj.gov>

Subject: Re: DV2021 Cases - J. Mehta (DDC) - Rosales - Goodluck - Goh - Filazapovich

Cara,

Please find the proposed revised definition below:

Individuals who have been selected as DV-2021 selectees through the U.S. Department of State’s FY2021 Diversity Visa Lottery, and their derivative beneficiaries, who have also submitted their DS-260 applications as of the date of class certification, but have not yet been issued immigrant visas.

Also, so there’s no surprise, we intend to attach an exhibit in tomorrow’s JSR our attempt over a month ago to get defendant’s position on our class definition before we even filed the pending second renewed motion for class certification with the existing definition that your client now finds problematic. Our attempt was ignored.

Sincerely,

Curtis Lee Morrison

Law Office of Curtis Morrison

Law Office of Rafael Urena (Of Counsel)

P.O. Box 80844, Rancho Santa Margarita, CA 92688

313 Grand Blvd., #719, Venice, CA 90294

Phone: +1-714-661-3446

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<i>Nepali:</i>	Diben / Kriti	<i>Bulgarian:</i>	Jovan	<i>Russian:</i>	Tatevik / Kristina / Gulnaz
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<i>German:</i>	Gulnaz	<i>Montenegrin:</i>	Jovan	<i>Arabic:</i>	Mohammed / Othman / Houssine
<i>Italian:</i>	Florian	<i>Serbian:</i>	Jovan	<i>Urdu:</i>	Mohammed

Albanian: [Florian](#)
Polish: [Tatevik](#)

Somali: [Abadir](#)

Hindi: [Mohammed](#)

The Law Office of Curtis Morrison welcomes and appreciates reviews, and we would love it if you shared with us your family reunions and landing in the USA



From: Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov>
Sent: Thursday, July 22, 2021 7:50 AM
To: Curtis Lee Morrison <curtis@curtismorrisonlaw.com>; Rafael Urena, Esq. <ru@urenaesq.com>; Attorneys <attorneys@curtismorrisonlaw.com>
Cc: Carilli, Joseph (USADC) <Joseph.Carilli@usdoj.gov>; Duffey, Thomas (USADC) <Thomas.Duffey@usdoj.gov>; Weiland, William H. (CIV) <William.H.Weiland@usdoj.gov>; Bateman, William C (CIV) <William.C.Bateman@usdoj.gov>; Kisor, Colin (CIV) <Colin.Kisor@usdoj.gov>
Subject: RE: DV2021 Cases - J. Mehta (DDC) - Rosales - Goodluck - Goh - Filazapovich

Counsel,

We are available at 3 PM EST for a meet and confer. We would appreciate if you would send round the conference line. Also, we think it would be beneficial if you invited the other Plaintiffs' counsel to join the call as our discussion will impact their Plaintiffs.

Thank you,

Cara

Cara E. Alsterberg

Tel. 202.532.4667

Cara.E.Alsterberg@usdoj.gov

From: Curtis Lee Morrison <curtis@curtismorrisonlaw.com>

Sent: Thursday, July 22, 2021 2:20 AM
To: Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov>
Cc: Attorneys <attorneys@curtismorrisonlaw.com>; Rafael Urena, Esq. <ru@urenaesq.com>; Carilli, Joseph (USADC) <JCarilli@usa.doj.gov>; Duffey, Thomas (USADC) <TDuffey@usa.doj.gov>; Weiland, William H. (CIV) <William.H.Weiland@usdoj.gov>; Bateman, William C (CIV) <William.C.Bateman@usdoj.gov>; Kisor, Colin (CIV) <Colin.Kisor@usdoj.gov>
Subject: Re: DV2021 Cases - J. Mehta (DDC) - Rosales - Goodluck - Goh - Filazapovich

Sorry - I meant we are available anytime after 1 pm EST.

Curtis

On Jul 22, 2021, at 7:01 AM, Curtis Lee Morrison <curtis@curtismorrisonlaw.com> wrote:

Cara,

Also, we are available anytime tomorrow after 1 PM PST for a meet and confer call.

Curtis

On Jul 21, 2021, at 9:19 PM, Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov> wrote:

Adding back counsel from the previous chain.

Thank you, we will send this to our clients and get back to you. Please provide us times that you would be available for a meet and confer phone call.

And would you please clarify what you mean in item #4 regarding “consolidated litigation”? Are you asserting that Goodluck, Goh and Filazapovich, amongst others, will not be a part of this class?

Thank you,

Cara

Cara E. Alsterberg

Tel. 202.532.4667

Cara.E.Alsterberg@usdoj.gov

From: Curtis Lee Morrison <curtis@curtismorrisonlaw.com>
Sent: Wednesday, July 21, 2021 3:04 PM
To: Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov>
Cc: Rafael Urena, Esq. <ru@urenaesq.com>; Attorneys <attorneys@curtismorrisonlaw.com>; Carilli, Joseph (USADC) <JCarilli@usa.doj.gov>; Duffey, Thomas (USADC) <TDuffey@usa.doj.gov>; Weiland, William H. (CIV) <William.H.Weiland@usdoj.gov>; Bateman, William C (CIV) <William.C.Bateman@usdoj.gov>; Kisor, Colin (CIV) <Colin.Kisor@usdoj.gov>
Subject: Re: DV2021 Cases - J. Mehta (DDC) - Rosales - Goodluck - Goh - Filazapovich

Cara,

Thanks for that clarification. Find answers below to take back to your clients. Also, I think we should do a call to make this a legitimate meet and confer.

1) revised proposed class definition:

Individuals who have been selected to

receive an immigrant visa through the U.S. Department of State's FY2021 Diversity Visa Lottery and their derivative beneficiaries

who have submitted their DS-260 applications, but have not yet been issued their immigrant visas.

2) Rosales named plaintiffs- their names are listed on p67-71

https://drive.google.com/file/d/1CVJVS_SXH_wN9royZw8EmT3cYEaGsl9A/view?usp=drivesdk

3) Class counsel:

RAFAEL UREÑA

CURTIS LEE MORRISON

KRISTINA GHAZARYAN

ABADIR BARRE

JONATHAN AFTALION

JANA AL-AKHRAS

MORRISON URENA, L.C.

4) This is not “consolidated litigation,” and generally speaking, class definitions do not resolve claims, stipulated settlements do. We aren’t there yet.

The only claims that are brought by the revised class are the same ones found in the Rosales second amended complaint, linked above.

--

Curtis Morrison

714-661-3446

On Jul 21, 2021, at 8:23 PM, Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov> wrote:

No, that is not what Defendants are proposing. The clear import of our e-mail is that a unified DV2021 class must seek the same relief for all similarly situated DV2021

lottery winners, including all Plaintiffs in ongoing DV2021 litigation.

Please provide us with your proposed, revised class definition, identities of named plaintiffs, names of class counsel, and indicate what common classwide claims this consolidated litigation will resolve as soon as you can so that we may confer with our clients regarding whether your proposal is workable.

Thank you,

Cara

Cara E. Alsterberg

Tel. 202.532.4667

Cara.E.Alsterberg@usdoj.gov

From: Curtis Lee Morrison <curtis@curtismorrisonlaw.com>
Sent: Wednesday, July 21, 2021 2:05 PM
To: Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov>
Cc: Rafael Urena, Esq. <ru@urenaesq.com>; Attorneys <attorneys@curtismorrisonlaw.com>; aaron@immigrationissues.com; ckuck@immigration.net; jeff@immigrationissues.com; Nicolette@glazerandglazer.com; Kristina Ghazaryan <kristina@ghazaryanlaw.com>; Abadir Barre <abadir@barrelaw.com>; jaftalion@gmail.com; Carilli, Joseph (USADC) <JCarilli@usa.doj.gov>; Duffey, Thomas (USADC) <TDuffey@usa.doj.gov>; Weiland, William H. (CIV) <William.H.Weiland@usdoj.gov>; Bateman, William C (CIV) <William.C.Bateman@usdoj.gov>; Kisor, Colin (CIV) <Colin.Kisor@usdoj.gov>
Subject: Re: DV2021 Cases - J. Mehta (DDC) - Rosales - Goodluck - Goh - Filazapovich

Is the government actually proposing a class definition that excluded non-plaintiffs to litigation? Am I imagining this?

--

Curtis Morrison

714-661-3446

On Jul 21, 2021, at 4:22 PM, Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov> wrote:

Counsel,

Our position is that any DV2021 class should include all DV2021 litigation. Therefore, I have added the larger group back here. We also recognize that coordinating with the different Plaintiffs may take time, so if you need more time to coordinate amongst yourselves, we will not oppose a request for an extension.

Thank you,

Cara

Cara E. Alsterberg

Tel. 202.532.4667

Cara.E.Alsterberg@usdoj.gov

From: Rafael Urena <ru@urenaesq.com>

Sent: Tuesday, July 20, 2021 8:05 PM

To: Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov>; Attorneys <attorneys@curtismorrisonlaw.com>

Cc: Carilli, Joseph (USADC) <JCarilli@usa.doj.gov>; Duffey, Thomas (USADC) <TDuffey@usa.doj.gov>; Weiland, William H. (CIV) <William.H.Weiland@usdoj.gov>; Bateman, William C (CIV) <William.C.Bateman@usdoj.gov>; Kisor, Colin (CIV) <Colin.Kisor@usdoj.gov>

Subject: Re: DV2021 Cases - J. Mehta (DDC) - Rosales - Goodluck - Goh - Filazapovich

Cara,

There is only one DV-2021 related case with a pending Motion for Class Certification before J. Mehta - *Rosales v. Biden*, 1:21-cv-01874-APM. In fact, J. Mehta's order to meet and confer on a possible stipulation was only entered in *Rosales*. We do not need an agreement with counsel in related matters to reach a stipulation in *Rosales*.

With that, will the Government require the agreement between counsel in all DV-2021 related litigation to reach a stipulation as to the *Rosales* Motion for Class Certification?

Bests,

Rafael

RAFAEL UREÑA

Law Office of Rafael Ureña New York Office

42 West St, Suite 130 Brooklyn, NY 11222

Tel: +1 (917) 204-0670

Fax: +1(929) 286-9584 Email: ru@urenaesq.com

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313 Grand Blvd #719

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On Tue, Jul 20, 2021 at 3:47 PM Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov> wrote:

Counsel,

We ask that you provide us with your proposed, revised class definition which should encompass all DV2021 nationwide litigation, including the other DV2021 case in the Northern District of Illinois (*Aminjavaheri*), and all Plaintiffs in DDC. We will not stipulate to any subclasses, nor will we agree that any class members may bring additional individual claims for separate relief.

Because the Court indicated it intends to resolve a class that encompasses all current DV2021 litigation nationwide, we also recognize that you will need to coordinate amongst each other and with other Plaintiffs' counsel. Therefore, please let us know who the lead counsel for the class will be.

Along with the proposed, revised class definition we also ask you please provide us with both the common questions of law and fact, and a list of the Named Plaintiffs for the class. We recognize that you will need to file an amended operative class action complaint, with a small number of Named Plaintiffs.

Thank you,

Cara

Cara E. Alsterberg

Trial Attorney

U.S. Department of Justice, Civil Division

Office of Immigration Litigation-District Court Section

P.O. Box 868, Ben Franklin Station

Washington, DC 20044

Tel. 202.532.4667 | Fax. 202.305.7000

Cara.E.Alsterberg@usdoj.gov

Pronouns: she/her ([What's this?](#))

<image001.jpg>

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EXHIBIT C

Thursday, July 22, 2021 at 21:44:44 Central European Summer Time

Subject: RE: Activity in Case 3:21-cv-00261-EMC Jacob et al v. Biden et al Order on Motion to Certify Class
Date: Friday, June 18, 2021 at 11:21:03 PM Central European Summer Time
From: Smith, Valerie (USACAN)
To: Curtis Lee Morrison
Attachments: image001.png, image002.png, image003.png, image004.png, image005.png, image006.png, image007.png, image008.png, image009.png, image010.png, image011.png, image016.jpg, image018.jpg, image020.jpg, image022.jpg

Hi Curtis,

Thank you for providing the class definition—defendants still oppose class certification.

With regard to communications with our client representatives, those communications are privileged and will not discuss the communications that we have had with clients.

Best,
Valerie E. Smith
Assistant United States Attorney
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102
valerie.smith2@usdoj.gov
(415) 436-6985 (direct)
(415) 912-6035 (cell)

From: Curtis Lee Morrison <curtis@curtismorrisonlaw.com>
Sent: Thursday, June 17, 2021 4:50 PM
To: Smith, Valerie (USACAN) <VSmith2@usa.doj.gov>
Cc: Rafael Ureña <ru@urenaesq.com>; Abadir Barre <abadir@barrelaw.com>; Jana Al-Akhras <jana@curtismorrisonlaw.com>; Banan Al-Akhras <banan@curtismorrisonlaw.com>
Subject: Re: Activity in Case 3:21-cv-00261-EMC Jacob et al v. Biden et al Order on Motion to Certify Class

Valerie,

This is the class definition we would like your clients' position on:

All individuals who have been selected to receive an immigrant visa through the U.S. Department of State's FY2021 Diversity Visa Lottery and who have not been issued their immigrant visas, excluding any plaintiff in pending litigation within the District Court for the District of Columbia.

Also, following up on my email from Tuesday- as you represent President Biden as well, has the White House been consulted on our settlement proposal?

Sincerely,

Curtis Lee Morrison

EXHIBIT C



Law Office of Curtis Morrison
Law Office of Rafael Urena (Of Counsel)
P.O. Box 80844, Rancho Santa Margarita, CA 92688
313 Grand Blvd., #719, Venice, CA 90294
Phone: +1-714-661-3446
Email: curtis@curtismorrisonlaw.com
Web: www.curtismorrisonlaw.com



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Turkish: Ahmet	Croatian: Jovan	Armenian: Tatevik / Kristina
Nepali: Diben / Kriti	Bulgarian: Jovan	Russian: Tatevik / Kristina / Gulnaz
Kazakh: Gulnaz	Macedonian: Jovan	Spanish: Elsi / Gladis / Teresa / Angela
German: Gulnaz	Montenegrin: Jovan	Arabic: Mohammed / Othman / Houssine
Italian: Florian	Serbian: Jovan	Urdu: Mohammed
Albanian: Florian	Somali: Abadir	Hindi: Mohammed
Polish: Tatevik		

The Law Office of Curtis Morrison welcomes and appreciates reviews, and we would love it if you shared with us your family reunions and landing in the USA



From: Smith, Valerie (USACAN) <Valerie.Smith2@usdoj.gov>
Date: Thursday, June 17, 2021 at 3:03 PM
To: Curtis Lee Morrison <curtis@curtismorrisonlaw.com>
Cc: Rafael Ureña <ru@urenaesq.com>, Abadir Barre <abadir@barrelaw.com>, Jana Al-Akhras <jana@curtismorrisonlaw.com>, Banan Al-Akhras <banan@curtismorrisonlaw.com>
Subject: RE: Activity in Case 3:21-cv-00261-EMC Jacob et al v. Biden et al Order on Motion to Certify Class

Hi Curtis,

I would need to take a look at Plaintiff’s proposed class before taking a position on this issue. If you could send it to me, then I can look it over and let you know what the government’s position is on it. Without reviewing it I cannot give you a position.

As for the list of other lawsuits brought by DV2021 selectees, you are probably in a better position than I to know what cases exist. That said, I am aware of *Goodluck, Rai*, and *Goh*, but I am not currently in a position to put together an exhaustive list for you.

EXHIBIT C

Best,
Valerie E. Smith
Assistant United States Attorney
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102
valerie.smith2@usdoj.gov
(415) 436-6985 (direct)
(415) 912-6035 (cell)

From: Curtis Lee Morrison <curtis@curtismorrisonlaw.com>
Sent: Thursday, June 17, 2021 10:25 AM
To: Smith, Valerie (USACAN) <VSmith2@usa.doj.gov>
Cc: Rafael Ureña <ru@urenaesq.com>; Abadir Barre <abadir@barrelaw.com>; Jana Al-Akhras <jana@curtismorrisonlaw.com>; Banan Al-Akhras <banan@curtismorrisonlaw.com>
Subject: Re: Activity in Case 3:21-cv-00261-EMC Jacob et al v. Biden et al Order on Motion to Certify Class

Valerie,

We only have 5 days to prepare the class definition, so we are really eager to get that list of cases if government is willing to provide it?

And of course, the government's position on excluding those cases from class definition would be helpful as well.

Sincerely,

Curtis Lee Morrison

Law Office of Curtis Morrison
Law Office of Rafael Urena (Of Counsel)
P.O. Box 80844, Rancho Santa Margarita, CA 92688
313 Grand Blvd., #719, Venice, CA 90294
Phone: +1-714-661-3446

Email: curtis@curtismorrisonlaw.com

Web: www.curtismorrisonlaw.com



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Turkish:	Ahmet	Croatian:	Jovan	Armenian:	Tatevik / Kristina
Nepali:	Diben / Kriti	Bulgarian:	Jovan	Russian:	Tatevik / Kristina / Gulnaz
Kazakh:	Gulnaz	Macedonian:	Jovan	Spanish:	Elsi / Gladis / Teresa / Angela
German:	Gulnaz	Montenegrin:	Jovan	Arabic:	Mohammed / Othman / Houssine
Italian:	Florian	Serbian:	Jovan	Urdu:	Mohammed
Albanian:	Florian	Somali:	Abadir	Hindi:	Mohammed
Polish:	Tatevik				

EXHIBIT C

The Law Office of Curtis Morrison welcomes and appreciates reviews, and we would love it if you shared with us your family reunions and landing in the USA



From: Smith, Valerie (USACAN) <Valerie.Smith2@usdoj.gov>
Sent: Tuesday, June 15, 2021 9:56 AM
To: Curtis Lee Morrison <curtis@curtismorrisonlaw.com>
Subject: RE: Activity in Case 3:21-cv-00261-EMC Jacob et al v. Biden et al Order on Motion to Certify Class

Hi Curtis,

I will get back to you on this once I have discussed with my client.

Best,
Valerie E. Smith
Assistant United States Attorney
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102
valerie.smith2@usdoj.gov
(415) 436-6985 (direct)
(415) 912-6035 (cell)

From: Curtis Lee Morrison <curtis@curtismorrisonlaw.com>
Sent: Tuesday, June 15, 2021 9:13 AM
To: Smith, Valerie (USACAN) <VSmith2@usa.doj.gov>
Cc: Abadir Barre <abadir@barrelaw.com>; Jana Al-Akhras <jana@curtismorrisonlaw.com>; Kristina Ghazaryan <kristina@ghazaryanlaw.com>; Jonathan Aftalion <jonathan@curtismorrisonlaw.com>; Rafael Ureña <ru@urenaesq.com>
Subject: Re: Activity in Case 3:21-cv-00261-EMC Jacob et al v. Biden et al Order on Motion to Certify Class

Hi Valerie,

We're exploring the class definition issue and wanted to know what the government's position would be on excluding DV-2021s represented in other lawsuits, and secondly, would government be willing to provide us with list of all other lawsuits brought by DV-2021 selectees so we can properly assess that option. Thanks.

--

Curtis Morrison
714-661-3446

On Jun 10, 2021, at 5:25 PM, Smith, Valerie (USACAN) <Valerie.Smith2@usdoj.gov> wrote:

EXHIBIT C

I only have about ten minutes at that time. If that is sufficient, then I can do 3:30pm today. Otherwise, we will need to schedule something for next week.

Best,
Valerie E. Smith
Assistant United States Attorney
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102
valerie.smith2@usdoj.gov
(415) 436-6985 (direct)
(415) 912-6035 (cell)

From: Curtis Lee Morrison <curtis@curtismorrisonlaw.com>
Sent: Thursday, June 10, 2021 2:22 PM
To: Smith, Valerie (USACAN) <VSmith2@usa.doj.gov>
Cc: Abadir Barre <abadir@barrelaw.com>; Jana Al-Akhras <jana@curtismorrisonlaw.com>; Kristina Ghazaryan <kristina@ghazaryanlaw.com>; Jonathan Aftalion <jonathan@curtismorrisonlaw.com>; Rafael Ureña <ru@urenaesq.com>
Subject: Re: Activity in Case 3:21-cv-00261-EMC Jacob et al v. Biden et al Order on Motion to Certify Class

Hi Valerie,

Sorry I just got to this email. Would 3:30 PM work?

Sincerely,

Curtis Lee Morrison

Law Office of Curtis Morrison
Law Office of Rafael Urena (Of Counsel)
P.O. Box 80844, Rancho Santa Margarita, CA 92688
313 Grand Blvd., #719, Venice, CA 90294
Phone: +1-714-661-3446
Email: curtis@curtismorrisonlaw.com
Web: www.curtismorrisonlaw.com

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German:	Gulnaz	Montenegrin:	Jovan	Arabic:	Mohammed / Othman / Houssine
Italian:	Florian	Serbian:	Jovan	Urdu:	Mohammed
Albanian:	Florian	Somali:	Abadir	Hindi:	Mohammed
Polish:	Tatevik				

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[<image008.jpg>](#)

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From: Smith, Valerie (USACAN) <Valerie.Smith2@usdoj.gov>

Sent: Thursday, June 10, 2021 1:01 PM

To: Curtis Lee Morrison <curtis@curtismorrisonlaw.com>

Subject: RE: Activity in Case 3:21-cv-00261-EMC Jacob et al v. Biden et al Order on Motion to Certify Class

Hi Curtis,

I am available today at 3:00pm to discuss the Jacob matter. Please let me know if that works for you.

Valerie E. Smith
Assistant United States Attorney
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102
valerie.smith2@usdoj.gov
(415) 436-6985 (direct)
(415) 912-6035 (cell)

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From: Smith, Valerie (USACAN)
Sent: Wednesday, June 9, 2021 2:11 PM
To: Curtis Lee Morrison <curtis@curtismorrisonlaw.com>
Cc: Rafael Ureña <ru@urenaesq.com>; Banan Al-Akhras <banan@curtismorrisonlaw.com>; Philip Duclos <philip@curtismorrisonlaw.com>; Abadir Barre <abadir@barrelaw.com>; Jana Al-Akhras <jana@curtismorrisonlaw.com>; Jonathan Aftalion <jonathan@curtismorrisonlaw.com>; Christelle Meda <christelle@curtismorrisonlaw.com>; Kristina Ghazaryan <kristina@ghazaryanlaw.com>
Subject: RE: Activity in Case 3:21-cv-00261-EMC Jacob et al v. Biden et al Order on Motion to Certify Class

Hi Curtis,

I am conferring with my client and will let you know when I am ready to schedule a call.

Best,
Valerie E. Smith
Assistant United States Attorney
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102
valerie.smith2@usdoj.gov
(415) 436-6985 (direct)
(415) 912-6035 (cell)

From: Curtis Lee Morrison <curtis@curtismorrisonlaw.com>
Sent: Tuesday, June 8, 2021 5:21 PM
To: Smith, Valerie (USACAN) <VSmith2@usa.doj.gov>
Cc: Rafael Ureña <ru@urenaesq.com>; Banan Al-Akhras <banan@curtismorrisonlaw.com>; Philip Duclos <philip@curtismorrisonlaw.com>; Abadir Barre <abadir@barrelaw.com>; Jana Al-Akhras <jana@curtismorrisonlaw.com>; Jonathan Aftalion <jonathan@curtismorrisonlaw.com>; Christelle Meda <christelle@curtismorrisonlaw.com>; Kristina Ghazaryan <kristina@ghazaryanlaw.com>
Subject: Fw: Activity in Case 3:21-cv-00261-EMC Jacob et al v. Biden et al Order on Motion to Certify Class

Valerie,

Pursuant to the court's order, are you available to meet and confer with us tomorrow or Thursday to see if we can stipulate to relief for DV-2021 selectee plaintiffs, and if so, what time is good for you?

Sincerely,

Curtis Lee Morrison

Law Office of Curtis Morrison

Law Office of Rafael Urena (Of Counsel)

P.O. Box 80844, Rancho Santa Margarita, CA 92688

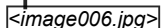
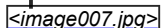
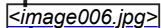
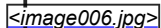
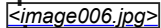
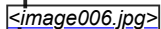
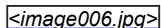
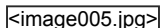
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313 Grand Blvd., #719, Venice, CA 90294

Phone: +1-714-661-3446

Email: curtis@curtismorrisonlaw.com

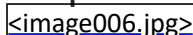
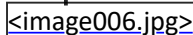
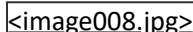
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Nepali: Diben / Kriti	Bulgarian: Jovan	Russian: Tatevik / Kristina / Gulnaz
Kazakh: Gulnaz	Macedonian: Jovan	Spanish: Elsi / Gladis / Teresa / Angela
German: Gulnaz	Montenegrin: Jovan	Arabic: Mohammed / Othman / Houssine
Italian: Florian	Serbian: Jovan	Urdu: Mohammed
Albanian: Florian	Somali: Abadir	Hindi: Mohammed
Polish: Tatevik		

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From: ECF-CAND@cant.uscourts.gov <ECF-CAND@cant.uscourts.gov>
Sent: Tuesday, June 8, 2021 4:52 PM
To: efiling@cant.uscourts.gov <efiling@cant.uscourts.gov>
Subject: Activity in Case 3:21-cv-00261-EMC Jacob et al v. Biden et al Order on Motion to Certify Class

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California Northern District

Notice of Electronic Filing

The following transaction was entered on 6/8/2021 at 4:52 PM and filed on 6/8/2021

Case Name: Jacob et al v. Biden et al

Case Number: [3:21-cv-00261-EMC](#)

Filer:

Document Number: [91](#)

Docket Text:

ORDER by Judge Edward M. Chen Granting in Part and Denying in Part [60] Defendants' Motion to Dismiss. (emcsec, COURT STAFF) (Filed on 6/8/2021)

3:21-cv-00261-EMC Notice has been electronically mailed to:

Abadir Jama Barre abadir@barrelaw.com

Curtis Lee Morrison curtis@curtismorrisonlaw.com, banan@curtismorrisonlaw.com,
lee@curtismorrisonlaw.com, philip@curtismorrisonlaw.com, ru@urenaesq.com

Jana Ahmad Al-Akhras jana@curtismorrisonlaw.com

Jonathan Joshua Aftalion Jaftalion@gmail.com

Kristina Ghazaryan kristina@ghazaryanlaw.com

Valerie Elizabeth Smith valerie.smith2@usdoj.gov, lily.c.ho-vuong@usdoj.gov, NAlmusleh@usa.doj.gov

3:21-cv-00261-EMC Please see [Local Rule 5-5](#); Notice has NOT been electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

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[STAMP CANDStamp_ID=977336130 [Date=6/8/2021] [FileNumber=18161925-0]
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2ba37926230cbd61922ab280cc0143af0e3c3a91f2fa093e1352d98f54d]]

EXHIBIT D

Friday, July 23, 2021 at 10:31:10 Pacific Daylight Time

Subject: Fwd: DV2021 Cases - J. Mehta (DDC) - Rosales - Goodluck - Goh - Filazapovich
Date: Friday, July 23, 2021 at 9:13:37 AM Pacific Daylight Time
From: Rafael Urena
To: Philip Duclos
Attachments: image003.jpg, image004.png, image005.png, image006.png, image011.jpg, image012.png, image013.png, image014.png



RAFAEL UREÑA

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----- Forwarded message -----

From: **Charles Kuck** <CKuck@immigration.net>

Date: Wed, Jul 21, 2021 at 11:59 AM

Subject: RE: DV2021 Cases - J. Mehta (DDC) - Rosales - Goodluck - Goh - Filazapovich

To: Nicolette Glazer <nicolette@glazerandglazer.com>, Curtis Lee Morrison <curtis@curtismorrisonlaw.com>

Cc: Rafael Urena, Esq. <ru@urenaesq.com>

I agree with Nicolette, I see no advantage to a class, especially since our case is up on final judgement, and his order benefits every plaintiff. It also seems to me that actual plaintiffs will be very upset if a class action is entered and "class members" start getting visas ahead of original plaintiffs. I am already hearing about it.

EXHIBIT D

Frankly, the benefit to the government of the class is that they can revert to “rank order” processing and exclude many of our plaintiffs.

Best regards,

Chuck

Charles H. Kuck
Managing Partner



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Phone: (404) 816-8611 Direct Dial: (404) 949-8154 Fax: (404) 816-8615



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EXHIBIT D

From: Nicolette Glazer <nicolette@glazerandglazer.com>
Sent: Wednesday, July 21, 2021 2:54 PM
To: Curtis Lee Morrison <curtis@curtismorrisonlaw.com>
Cc: Rafael Urena, Esq. <ru@urenaesq.com>; Charles Kuck <CKuck@immigration.net>
Subject: RE: DV2021 Cases - J. Mehta (DDC) - Rosales - Goodluck - Goh - Filazapovich

[EXTERNAL]

FYI -- Here is the complaint for the case in NDIL I got from the local AUSA. Sounds like they will move to transfer venue in that case.

What is the advantage of a consolidated class action at this point? Judge Mehta said that his view is that if he finds an APA violation then it benefits anyone affected by the unlawful action. He did that in Gomez I. He does not need a class to preserve visas for the named plaintiffs in any case in which he issues a favorable judgment/order as long as there are plaintiffs who did not get visas by the time the preservation order is issued. The only benefit of a consolidated class complaint is for the Govt.

Now, if they are willing to do a settlement only class and a stipulated judgment, then I see a benefit.

Nicolette Glazer Esq.

Certified Specialist in Immigration and Nationality Law
State Bar of California, Board of Legal Specialization

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EXHIBIT D

From: Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov>
Sent: Wednesday, July 21, 2021 11:24 AM
To: Curtis Lee Morrison <curtis@curtismorrisonlaw.com>
Cc: Rafael Urena, Esq. <ru@urenaesq.com>; Attorneys <attorneys@curtismorrisonlaw.com>; aaron@immigrationissues.com; ckuck@immigration.net; jeff@immigrationissues.com; Nicolette Glazer <nicolette@glazerandglazer.com>; Kristina Ghazaryan <kristina@ghazaryanlaw.com>; Abadir Barre <abadir@barrelaw.com>; jaftalion@gmail.com; Carilli, Joseph (USADC) <Joseph.Carilli@usdoj.gov>; Duffey, Thomas (USADC) <Thomas.Duffey@usdoj.gov>; Weiland, William H. (CIV) <William.H.Weiland@usdoj.gov>; Bateman, William C (CIV) <William.C.Bateman@usdoj.gov>; Kisor, Colin (CIV) <Colin.Kisor@usdoj.gov>
Subject: RE: DV2021 Cases - J. Mehta (DDC) - Rosales - Goodluck - Goh - Filazapovich

No, that is not what Defendants are proposing. The clear import of our e-mail is that a unified DV2021 class must seek the same relief for all similarly situated DV2021 lottery winners, including all Plaintiffs in ongoing DV2021 litigation.

Please provide us with your proposed, revised class definition, identities of named plaintiffs, names of class counsel, and indicate what common classwide claims this consolidated litigation will resolve as soon as you can so that we may confer with our clients regarding whether your proposal is workable.

Thank you,

Cara

Cara E. Alsterberg

Tel. 202.532.4667

Cara.E.Alsterberg@usdoj.gov

From: Curtis Lee Morrison <curtis@curtismorrisonlaw.com>
Sent: Wednesday, July 21, 2021 2:05 PM
To: Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov>
Cc: Rafael Urena, Esq. <ru@urenaesq.com>; Attorneys <attorneys@curtismorrisonlaw.com>; aaron@immigrationissues.com; ckuck@immigration.net; jeff@immigrationissues.com; Nicolette@glazerandglazer.com; Kristina Ghazaryan <kristina@ghazaryanlaw.com>; Abadir Barre <abadir@barrelaw.com>; jaftalion@gmail.com; Carilli, Joseph (USADC) <JCarilli@usa.doj.gov>; Duffey, Thomas (USADC) <TDuffey@usa.doj.gov>; Weiland, William H. (CIV) <William.H.Weiland@usdoj.gov>; Bateman, William C (CIV) <William.C.Bateman@usdoj.gov>; Kisor, Colin (CIV) <Colin.Kisor@usdoj.gov>
Subject: Re: DV2021 Cases - J. Mehta (DDC) - Rosales - Goodluck - Goh - Filazapovich

EXHIBIT D

Is the government actually proposing a class definition that excluded non-plaintiffs to litigation? Am I imagining this?

--

Curtis Morrison

714-661-3446

On Jul 21, 2021, at 4:22 PM, Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov> wrote:

Counsel,

Our position is that any DV2021 class should include all DV2021 litigation. Therefore, I have added the larger group back here. We also recognize that coordinating with the different Plaintiffs may take time, so if you need more time to coordinate amongst yourselves, we will not oppose a request for an extension.

Thank you,

Cara

Cara E. Alsterberg

Tel. 202.532.4667

Cara.E.Alsterberg@usdoj.gov

From: Rafael Urena <ru@urenaesq.com>

Sent: Tuesday, July 20, 2021 8:05 PM

To: Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov>; Attorneys <attorneys@curtismorrisonlaw.com>

Cc: Carilli, Joseph (USADC) <JCarilli@usa.doj.gov>; Duffey, Thomas (USADC) <TDuffey@usa.doj.gov>; Weiland, William H. (CIV) <William.H.Weiland@usdoj.gov>; Bateman, William C (CIV)

<William.C.Bateman@usdoj.gov>; Kisor, Colin (CIV) <Colin.Kisor@usdoj.gov>

Subject: Re: DV2021 Cases - J. Mehta (DDC) - Rosales - Goodluck - Goh - Filazapovich

Cara,

There is only one DV-2021 related case with a pending Motion for Class Certification before J. Mehta - *Rosales v. Biden*, 1:21-cv-01874-APM. In fact, J. Mehta's order to meet and confer on a possible stipulation was only entered in *Rosales*. We do not need an agreement with counsel in related matters to reach a stipulation in *Rosales*.

EXHIBIT D

With that, will the Government require the agreement between counsel in all DV-2021 related litigation to reach a stipulation as to the *Rosales* Motion for Class Certification?

Bests,

Rafael

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On Tue, Jul 20, 2021 at 3:47 PM Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov> wrote:

Counsel,

We ask that you provide us with your proposed, revised class definition which should encompass all DV2021 nationwide litigation, including the other DV2021 case in the Northern District of Illinois (*Aminjavaheri*), and all Plaintiffs in DDC. We will not stipulate to any subclasses, nor will we agree that any class members may bring additional individual claims for separate relief.

EXHIBIT D

Because the Court indicated it intends to resolve a class that encompasses all current DV2021 litigation nationwide, we also recognize that you will need to coordinate amongst each other and with other Plaintiffs' counsel. Therefore, please let us know who the lead counsel for the class will be.

Along with the proposed, revised class definition we also ask you please provide us with both the common questions of law and fact, and a list of the Named Plaintiffs for the class. We recognize that you will need to file an amended operative class action complaint, with a small number of Named Plaintiffs.

Thank you,

Cara

Cara E. Alsterberg

Trial Attorney

U.S. Department of Justice, Civil Division

Office of Immigration Litigation-District Court Section

P.O. Box 868, Ben Franklin Station

Washington, DC 20044

Tel. 202.532.4667 | Fax. 202.305.7000

Cara.E.Alsterberg@usdoj.gov

Pronouns: she/her ([What's this?](#))

<image001.jpg>

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EXHIBIT E

Friday, July 23, 2021 at 10:31:42 Pacific Daylight Time

Subject: Fwd: Rosales DV-2021 class action
Date: Friday, July 23, 2021 at 9:45:22 AM Pacific Daylight Time
From: Curtis Lee Morrison
To: Philip Duclos
CC: Rafael Urena, Esq.

Begin forwarded message:

From: taher@kameli.com
Date: July 21, 2021 at 11:04:30 PM GMT+2
To: Curtis Lee Morrison <curtis@curtismorrisonlaw.com>
Cc: Yucheng Wang <ywang@kamelilawgroup.com>
Subject: RE: Rosales DV-2021 class action

Hi Curtis,

Thank you for your email. In response, our position would be in opposition to inclusion in the class action. We are seeking some additional/alternate relief on behalf of the client (i.e. such as the transferring of his case to another U.S. consulate) that may set our clients apart. In addition, the plaintiffs in our case consist only of one 2021 DV selectee and his derivative family members, and we believe remaining as a singular case may better serve our client's purpose and chances at obtaining visa approval.

However, we're happy to discuss further if you think it is warranted or helpful.

Sincerely,

Taher Kameli

-----Original Message-----

From: Curtis Lee Morrison <curtis@curtismorrisonlaw.com>
Sent: Wednesday, July 21, 2021 4:43 AM
To: taher@kameli.com
Subject: Rosales DV-2021 class action

Hello Taher,

I'm co-counsel on Rosales. I'm not sure if you have followed developments since Monday's hearing, but Government has proposed we revise our Rosales class action definition to include plaintiffs in all DV litigation, including your case.

Do you have a position on that?

--

Curtis Morrison
714-661-3446