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10 Attorneys for Plaintiffs,
THE PEOPLE OF THE STATE OF CALIFORNIA,
11 and Real Party in Interest,
THE CITY AND COUNTY OF SAN FRANCISCO
12

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF SAN FRANCISCO
15 UNLIMITED JURISDICTION

16 THE PEOPLE OF THE STATE OF
CALIFORNIA, acting by and through San
17 Francisco City Attorney Dennis J. Herrera,

18 Plaintiff,

19 vs.

20 MARTIN R. GUAJARDO; CHRISTOPHER
STENDER; IMMIGRATION PRACTICE
21 GROUP, P.C.; and DOES 1 through 20,
inclusive,

22 Defendants.
23

Case No.

**DECLARATION OF JAIME HERNANDEZ IN
SUPPORT OF THE PEOPLE'S APPLICATION
FOR PRELIMINARY INJUNCTION**

24
25 I, JAIME HERNANDEZ, declare as follows:

- 26 1. I have personal knowledge of the contents of this declaration, except where indicated
27 otherwise, and I could and would testify competently thereto if called upon to do so.
28

1 2. I was born in 1959. I am originally from Tuxpan, Michoacan in Mexico.

2 3. I came to the United States in 1986, and moved to San Francisco. I became a United States
3 citizen in 2001.

4 4. Over the years, I have had various jobs in the food, hotel, and restaurant business. Now, I
5 work as a bartender. I have also worked as a dishwasher, a cook, a bus boy, and a server.

6 My Son Hector Hernandez

7 5. I have six children. The oldest is Hector Hernandez-Mancera. He is not a United States
8 citizen. He came to the United States from Mexico on July 4, 1995.

9 6. I tried to help get green cards for my children. I began helping Hector to get his green card in
10 1997. In July 2001, I helped Hector fill out an I-485 form to adjust his immigration status.

11 7. In May 2003, while the adjustment of status was still pending, Hector moved from San
12 Francisco to Concord with my ex-wife, Hilda Mancera. After Hector changed addresses, I told
13 him that he needed to update his address with the INS.

14 8. On December 6, 2006, Hector's application to adjust status was denied. We didn't find out
15 about it until October 15, 2007, because Hector had not updated his address.

16 9. On March 30, 2007, the immigration court mailed Hector a notice of removal hearing. The
17 notice was mailed to his old address in San Francisco, and neither Hector nor I were aware of
18 the hearing.

19 10. Hector did not appear at his removal hearing on June 26, 2007. The immigration judge issued
20 a removal order.

21 11. When Hector went to the immigration office in San Francisco on October 15, 2007 to renew
22 his work authorization, he was immediately detained.

23 12. When I found out that Hector was detained, I drove to San Francisco to try to help him.

24 My First Meeting with Martin Guajardo

25 13. I tried to help Hector by finding an immigration lawyer to take his case. The first lawyer I
26 went to, whose name I cannot remember, told me that there was nothing that could be done at
27

1 the moment to help Hector and that all we could do was wait to see where Hector was going to
2 be sent that night. I was not satisfied with that answer and I went to find another attorney.

3 14. I knew about attorney Martin Guajardo because he was representing my sister at the time. I
4 knew that Guajardo's office was at 555 Clay Street, close to the immigration building. I knew
5 he was expensive, but I thought that meant he was a good lawyer.

6 15. I arrived at Guajardo's office at about 5:00 p.m. on October 15, 2007, the same day I learned
7 that Hector had been detained. I waited about two hours to meet with Guajardo.

8 16. I met with Guajardo in a conference room. His building had several conference rooms, and I
9 saw Guajardo move from conference room to conference room meeting with clients.

10 17. I explained Hector's situation to Guajardo. He told me that he was not sure where Hector
11 would be sent that night, but that Guajardo believed Hector would be going somewhere in the
12 United States. Guajardo also told me that he would need \$5,000 to get Hector out of jail and
13 bring him back to San Francisco.

14 18. Guajardo made a few phone calls, and it seemed like he had a lot of connections with the
15 immigration authorities. He told me that he was calling people in the immigration office in
16 San Francisco.

17 19. I handed Guajardo my credit card. He took the card, left the conference room, then came back
18 with a receipt for \$5,000. A true and correct copy of that receipt is attached to this declaration
19 as Exhibit A.

20 Hector Was Deported to Tijuana

21 20. Late that night, Hector was deported to Tijuana. The next day, I went to Mexico to help
22 Hector. We flew to Mexico City together, and I arranged for Hector to stay with relatives. In
23 all, I was in Mexico two to three days with Hector. This whole experience was a nightmare for
24 me.

25 My Next Meeting with Guajardo

26 21. As soon as I returned to the United States, I went to see Guajardo again. He said that he
27 needed to get Hector's immigration records, but that it would take about 6 months to get them.

1 Guajardo also told me that since Hector had been deported to Mexico, Guajardo could not
2 bring him back right at that time. Guajardo told me not to worry, and that he would help bring
3 Hector back.

4 I Continued to Meet Regularly With Guajardo

- 5 22. After that, I met with Guajardo regularly, usually about once every two months. At those
6 meetings, Guajardo would tell me the same thing – that I had to be patient and there was no
7 news about Hector's case.
- 8 23. Attached as Exhibits B and C are two monthly calendars from 2008 that were given to me by
9 Guajardo's secretary. The reason that there are two is that I lost one of them (Exhibit B) for
10 awhile, and I was given a replacement (Exhibit C).
- 11 24. I met with Guajardo regularly in 2008. At the conclusion of each meeting, my next meeting
12 was scheduled. A stamp was placed in the monthly calendar indicating the date of the next
13 appointment. At most of those meetings, Guajardo and I were the only ones present.
14 Sometimes, there were other people present, but I do not know their names. They never spoke
15 at the meetings.
- 16 25. For some of these meetings, Guajardo called Hector and put him on speaker phone.
- 17 26. I now know that Guajardo stopped being a lawyer on April 17, 2008. The same day, I met
18 with Guajardo. I know this because there is a stamp on that day in page five of Exhibit B. I
19 did not know that on that day, he stopped being a lawyer. Guajardo never told me, on that day
20 or any other, that he stopped being a lawyer. No one else at his law firm ever told me that
21 either. I never received anything in writing that Guajardo was not a lawyer.
- 22 27. On page 8 of Exhibit B, which covers the month of July 2008, a secretary at Guajardo's law
23 firm placed a stamp on July 16, 2008. The stamp states "Law Office of Martin Guajardo,
24 OFFICE APPOINTMENT."
- 25 28. At some of these meetings in 2008, I asked Guajardo how much it would cost to get Hector
26 back from Mexico and get him his green card. Guajardo told me that we would discuss money
27 at a later time.

1
2 May 16, 2009 Meeting with Guajardo

3 29. I met with Guajardo on May 16, 2009. At the time, I still believed that Guajardo was an
4 attorney and was handling my case. I believe that Guajardo was the only person from his law
5 firm who was present at the meeting. It is possible that someone else from his firm was
6 present, but I am certain that Guajardo was the only person who spoke to me and discussed my
7 case with me.

8 30. At that meeting, Guajardo told me that to get Hector back into the United States and get him
9 his green card would cost \$15,000. He also told me that I needed to pay another \$5,000 that
10 day. I agreed to pay this money right away because I just wanted to get Hector back home to
11 the United States as quickly as possible.

12 31. I gave Guajardo my credit card and he came back and handed me a credit card receipt, and a
13 receipt from the "Immigration Practice Group." A true and correct copy of this document is
14 attached to this declaration as Exhibit D. I used credit cards to make the payments to Guajardo
15 because I don't have that much money in my bank account. I still have not been able to pay off
16 these credit card bills, and the amount keeps getting bigger because of interest.

17 32. Guajardo promised me that "when Hector is sitting in that chair next to you and has a green
18 card in his hand, then you will pay me [the final] \$5,000."

19 33. I did not know why Guajardo had decided to change the name of his law firm to Immigration
20 Practice Group.

21 34. Guajardo was confident that he could get Hector his green card. Guajardo told me that he
22 knew people from the U.S. Consulate in Ciudad Juarez, Mexico and that he didn't want to hold
23 up the case because of money. So, he told me he needed \$5,000 more and the total for my case
24 was going to be \$15,000.

25 35. I paid Guajardo this money because I just wanted Hector brought back to the United States,
26 and I did not want to let money stand in the way.

- 1 54. Guajardo would frequently brag about how he had brought back to the United States other
2 people who had been deported, even people with serious criminal records. Because of this, I
3 thought that since Hector had no criminal record, Guajardo would surely be able to bring him
4 back.
- 5 55. Guajardo never told me that there was an investigation against him.
- 6 56. Guajardo never told me, orally or in writing, that he resigned from the bar.
- 7 57. I never received anything in the mail that said that Guajardo was no longer licensed to practice
8 law.
- 9 58. Stender never told me, orally or in writing, that Guajardo resigned from the bar, or was no
10 longer eligible to practice law.
- 11 59. No one at Guajardo's firm ever told me, orally or in writing, that Guajardo resigned from the
12 bar, or was no longer eligible to practice law.
- 13 60. Attached as Exhibit J, are business cards that Guajardo's law firm gave me to remind of my
14 appointments with him.

15
16 I declare under penalty of perjury that the foregoing is true and correct and was executed in San
17 Francisco, California on October 8, 2010

18
19 
20 Jaime Hernandez
21
22
23
24
25
26
27
28

EXHIBIT A

DATE 4266961000547875 TIME
10/15/2007 1234 19:01:18

LAW OFFICE OF MARTIN RESENDEZ
555 CLAY ST.
SAN FRANCISCO CA 94111
415-398-3652

CREDIT SALE

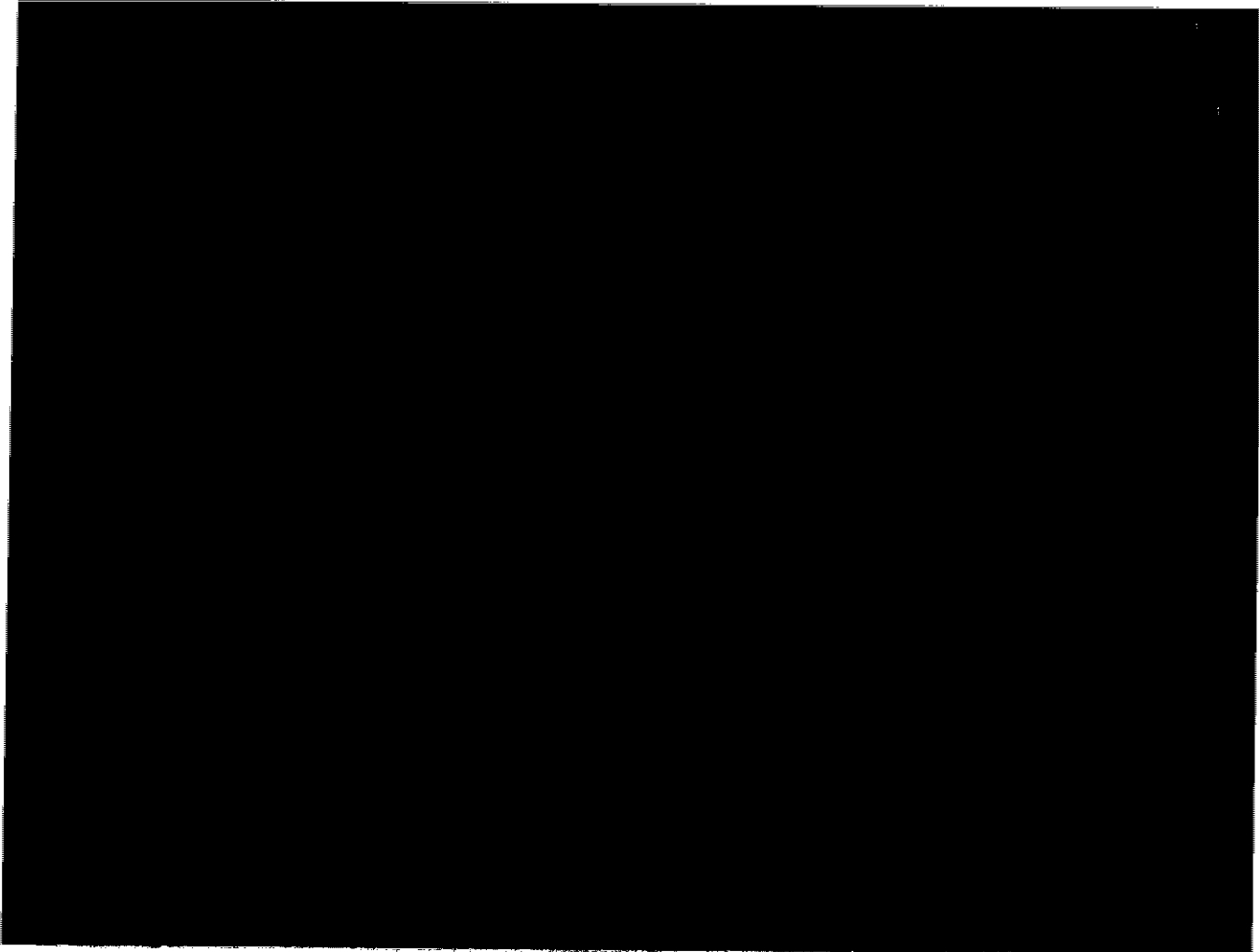
TRANS # 004
AUTH # 00521Z

MSTR ACCOUNT #
4989

SALE AMOUNT \$5000.00

CUSTOMER COPY

EXHIBIT B



2008
MONTHLY
SCHEDULER

X



60877

Designed for executive planning,

2007 December

ROW, ROW, ROW... After rowing 2,962 miles in 81 days, Tom Marden, of the United States, eased her 23-foot boat "American Pearl" to the dock at Port-du Bass on the Caribbean island of Guadeloupe on December 3, 1999. She had just rowed across the Atlantic Ocean.

NOVEMBER 2007
 4 5 6 7 8 9 10
 11 12 13 14 15 16 17
 18 19 20 21 22 23 24
 25 26 27 28 29 30

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1
						335/030

DECEMBER 2007
 2 3 4 5 6 7 8
 9 10 11 12 13 14 15
 16 17 18 19 20 21 22
 23 24 25 26 27 28 29
 30 31

2	3	4	5	6	7	8
336/029	337/028	338/027	339/026	340/025	341/024	342/023

FEBRUARY 2008
 3 4 5 6 7 8 9
 10 11 12 13 14 15 16
 17 18 19 20 21 22 23
 24 25 26 27 28 29

9	10	11	12	13	14	15
343/022	344/021	345/020	346/019	347/018	348/017	349/016

MARCH 2008
 2 3 4 5 6 7 8
 9 10 11 12 13 14 15
 16 17 18 19 20 21 22
 23 24 25 26 27 28 29
 30 31

16	17	18	19	20	21	22
350/015	351/014	352/013	353/012	354/011	355/010	356/009

23	24	25	26	27	28	29
357/008	358/007	359/006	360/005	361/004	362/003	363/002

30	31
364/001	365/000

2008 January

IT DIDN'T SOAR! On January 26, 1784, Benjamin Franklin expressed great unhappiness in a letter written to his daughter. The source of his concern? The eagle had just been chosen as the nation's symbol. He much preferred the turkey!



DECEMBER 2007	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
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31							

JANUARY 2008	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
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31							

6	006/360	7	007/359	8	008/358	9	009/357	10	010/356	11	011/355	12	012/354
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13	013/353	14	014/352	15	015/351	16	016/350	17	017/349	18	018/348	19	019/347
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20	020/346	21	021/345	22	022/344	23	023/343	24	024/342	25	025/341	26	026/340
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27	027/339	28	028/338	29	029/337	30	030/336	31	031/335
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JULY 2008
 1 2 3 4 5
 6 7 8 9 10 11 12
 13 14 15 16 17 18 19
 20 21 22 23 24 25 26
 27 28 29 30 31

2008 February

"TAKE THE 'A' TRAIN". On February 15, 1941, Duke Ellington and his orchestra recorded one of his band's all time classics. On this day, "Take the 'A' Train" became the Duke's signature song.

JANUARY 2008
 1 2 3 4 5
 6 7 8 9 10 11 12
 13 14 15 16 17 18 19
 20 21 22 23 24 25 26
 27 28 29 30 31

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Important this month						
					1	2
					032/334	033/

FEBRUARY 2008
 1 2
 3 4 5 6 7 8 9
 10 11 12 13 14 15 16
 17 18 19 20 21 22 23
 24 25 26 27 28 29

3	4	5	6	7	8	9
034/332	035/331	036/330	037/329	038/328	039/327	040/

MARCH 2008
 1 2 3 4 5 6 7 8
 9 10 11 12 13 14 15
 16 17 18 19 20 21 22
 23 24 25 26 27 28 29
 30 31

10	11	12	13	14	15	16
041/325	042/324	043/323	044/322	045/321	046/320	047/

APRIL 2008
 1 2 3 4 5
 6 7 8 9 10 11 12
 13 14 15 16 17 18 19
 20 21 22 23 24 25 26
 27 28 29 30

17	18	19	20	21	22	23
048/318	049/317	050/316	051/315	052/314	053/313	054/

MAY 2008
 1 2 3
 4 5 6 7 8 9 10
 11 12 13 14 15 16 17
 18 19 20 21 22 23 24
 25 26 27 28 29 30 31

24	25	26	27	28	29	30
055/311	056/310	057/309	058/308	059/307	060/306	

@llam

JUNE 2008
 1 2 3 4 5 6 7
 8 9 10 11 12 13 14
 15 16 17 18 19 20 21
 22 23 24 25 26 27 28
 29 30

1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

JULY 2008
 1 2 3 4 5
 6 7 8 9 10 11 12
 13 14 15 16 17 18 19
 20 21 22 23 24 25 26
 27 28 29 30 31

2008 March

SPRING HAS ARRIVED... when those little birds known as swallows return to Mission San Juan Capistrano in California. Since March 19, 1776, every year on this day, (with very few exceptions) the birds have come back to usher in spring.

FEBRUARY 2008
 S M T W T F S
 3 4 5 6 7 8 9
 10 11 12 13 14 15 16
 17 18 19 20 21 22 23
 24 25 26 27 28 29

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Important this month						1
						061/E

MARCH 2008
 S M T W T F S
 2 3 4 5 6 7 8
 9 10 11 12 13 14 15
 16 17 18 19 20 21 22
 23 24 25 26 27 28 29
 30 31

2	062/304	3	063/303	4	064/302	5	065/301	6	066/300	7	067/299	8	068/
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APRIL 2008
 S M T W T F S
 1 2 3 4 5
 6 7 8 9 10 11 12
 13 14 15 16 17 18 19
 20 21 22 23 24 25 26
 27 28 29 30

9	069/297	10	070/296	11	071/295	12	072/294	13	073/293	14	074/292	15	075/
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MAY 2008
 S M T W T F S
 4 5 6 7 8 9 10
 11 12 13 14 15 16 17
 18 19 20 21 22 23 24
 25 26 27 28 29 30 31

16	076/290	17	077/289	18	078/288	19	079/287	20	080/286	21	081/285	22	082/
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JUNE 2008
 S M T W T F S
 1 2 3 4 5 6 7
 8 9 10 11 12 13 14
 15 16 17 18 19 20 21
 22 23 24 25 26 27 28
 29 30

23	083/283	24	084/282	25	085/281	26	086/280	27	087/279	28	088/278	29	089/
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AUGUST 2008
 S M T W T F S
 3 4 5 6 7 8 9
 10 11 12 13 14 15 16
 17 18 19 20 21 22 23

2008 April

PROUD POSTAGE: Booker T. Washington was the first African-American to be pictured on a U. S. postage stamp. On April 7, 1940, his likeness was issued on a 10-cent stamp.

MARCH 2008
 2 3 4 5 6 7 8
 9 10 11 12 13 14 15
 16 17 18 19 20 21 22
 23 24 25 26 27 28 29
 30 31

APRIL 2008
 1 2 3 4 5
 6 7 8 9 10 11 12
 13 14 15 16 17 18 19
 20 21 22 23 24 25 26
 27 28 29 30

MAY 2008
 1 2 3
 4 5 6 7 8 9 10
 11 12 13 14 15 16 17
 18 19 20 21 22 23 24
 25 26 27 28 29 30 31

JUNE 2008
 1 2 3 4 5 6 7
 8 9 10 11 12 13 14
 15 16 17 18 19 20 21
 22 23 24 25 26 27 28
 29 30

JULY 2008
 1 2 3 4 5
 6 7 8 9 10 11 12
 13 14 15 16 17 18 19
 20 21 22 23 24 25 26
 27 28 29 30 31

AUGUST 2008
 1 2
 3 4 5 6 7 8 9
 10 11 12 13 14 15 16
 17 18 19 20 21 22 23
 24 25 26 27 28 29 30
 31

SEPTEMBER 2008
 1 2 3 4 5 6
 7 8 9 10 11 12 13
 14 15 16 17 18 19 20
 21 22 23 24 25 26 27

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Important this month		1	2	3	4	5
		092/274	093/273	094/272	095/271	096
6	7	8	9	10	11	12
097/269	098/268	099/267	100/266	101/265	102/264	103
13	14	15	16	17	18	19
104/262	105/261	106/260	107/259	108/258	109/257	110
20	21	22	23	24	25	26
111/255	112/254	113/253	114/252	115/251	116/250	117
27	28	29	30		Important this month	
118/248	119/247	120/246	121/245			

11:00 AM

2008 May

BREAKING BOUNDRIES. Pioneering an F-86 Sabrejet over California at an average speed of 652.337 miles per hour, Jacqueline Cochran became the first woman to fly faster than the speed of sound on May 17, 1953.

APRIL 2008
 6 7 8 9 10 11 12
 13 14 15 16 17 18 19
 20 21 22 23 24 25 26
 27 28 29 30

SUNDAY MONDAY TUESDAY
 Important this month

WEDNESDAY THURSDAY FRIDAY SATURDAY
 1 122/244 2 123/243 3 124/
 before 7 hrs

MAY 2008
 4 5 6 7 8 9 10
 11 12 13 14 15 16 17
 18 19 20 21 22 23 24
 25 26 27 28 29 30 31

4 125/241 5 126/240 6 127/239

7 128/238 8 129/237 9 130/236 10 131/

JUNE 2008
 1 2 3 4 5 6 7
 8 9 10 11 12 13 14
 15 16 17 18 19 20 21
 22 23 24 25 26 27 28
 29 30

JULY 2008

1 2 3 4 5
 6 7 8 9 10 11 12
 13 14 15 16 17 18 19
 20 21 22 23 24 25 26
 27 28 29 30 31

11 132/234 12 133/233 13 134/232

14 135/231 15 136/230 16 137/229 17 138/

AUGUST 2008

3 4 5 6 7 8 9
 10 11 12 13 14 15 16
 17 18 19 20 21 22 23
 24 25 26 27 28 29 30
 31

18 139/227 19 140/226 20 141/225

21 142/224 22 143/223 23 144/222 24 145/

SEPTEMBER 2008
 1 2 3 4 5 6
 7 8 9 10 11 12 13
 14 15 16 17 18 19 20
 21 22 23 24 25 26 27
 28 29 30

OCTOBER 2008

3 4 5 6 7 8 9 10 11
 12 13 14 15 16 17 18
 19 20 21 22 23 24 25
 26 27 28 29 30 31

25 146/220 26 147/219 27 148/218

28 149/217 29 150/216 30 151/215 31 152/

2008 June

NUMBER 7 RETIRES! Yankee Stadium in New York was sold out on June 8, 1969, as Mickey Mantle formally retired from baseball.

MAY 2008
 4 5 6 7 8 9 10
 11 12 13 14 15 16 17
 18 19 20 21 22 23 24
 25 26 27 28 29 30 31

JUNE 2008
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 8 9 10 11 12 13 14
 15 16 17 18 19 20 21
 22 23 24 25 26 27 28
 29 30

JULY 2008
 1 2 3 4 5
 6 7 8 9 10 11 12
 13 14 15 16 17 18 19
 20 21 22 23 24 25 26
 27 28 29 30 31

AUGUST 2008
 3 4 5 6 7 8 9
 10 11 12 13 14 15 16
 17 18 19 20 21 22 23
 24 25 26 27 28 29 30
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SEPTEMBER 2008
 1 2 3 4 5 6
 7 8 9 10 11 12 13
 14 15 16 17 18 19 20
 21 22 23 24 25 26 27
 28 29 30

OCTOBER 2008
 1 2 3 4
 5 6 7 8 9 10 11
 12 13 14 15 16 17 18
 19 20 21 22 23 24 25
 26 27 28 29 30 31

NOVEMBER 2008
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 2 3 4 5 6 7 8
 9 10 11 12 13 14 15
 16 17 18 19 20 21 22

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1 159/213	2 154/212	3 155/211	4 156/210	5 157/209	6 158/208	7 155

8 160/206	9 161/205	10 162/204	11 163/203	12 164/202	13 165/201	14 166
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15 167/199	16 168/198	17 169/197	18 170/196	19 171/195	20 172/194	21 173
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22 174/192	23 175/191	24 176/190	25 177/189	26 178/188	27 179/187	28 18
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29 181/185	30 182/184	Important this month				
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2008 July

THE KIDS SAY THANKS! On July 23, 1994 during the Louisiana Purchase Exposition in St. Louis Missouri, Charles E. Menches and Ernst Hanawi joined together to create the beloved ice cream cone.

JUNE 2008
 1 2 3 4 5 6 7
 8 9 10 11 12 13 14
 15 16 17 18 19 20 21
 22 23 24 25 26 27 28
 29 30

JULY 2008
 1 2 3 4 5
 6 7 8 9 10 11 12
 13 14 15 16 17 18 19
 20 21 22 23 24 25 26
 27 28 29 30 31

AUGUST 2008
 1 2
 3 4 5 6 7 8 9
 10 11 12 13 14 15 16
 17 18 19 20 21 22 23
 24 25 26 27 28 29 30
 31

SEPTEMBER 2008
 1 2 3 4 5 6
 7 8 9 10 11 12 13
 14 15 16 17 18 19 20
 21 22 23 24 25 26 27
 28 29 30

OCTOBER 2008
 1 2 3 4
 5 6 7 8 9 10 11
 12 13 14 15 16 17 18
 19 20 21 22 23 24 25
 26 27 28 29 30 31

NOVEMBER 2008
 1
 2 3 4 5 6 7 8
 9 10 11 12 13 14 15
 16 17 18 19 20 21 22
 23 24 25 26 27 28 29
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DECEMBER 2008
 1
 2 3 4 5 6
 7 8 9 10 11 12 13
 14 15 16 17 18 19 20
 21 22 23 24 25 26 27 28 29 30 31

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Important this month		1 <small>183/183</small> <small>Madison Ave. / 1000 St. Louis</small>	2 <small>184/182</small>	3	4 <small>185/181</small>	5 <small>186/180</small> <small>Madison Ave. / 1000 St. Louis</small>

6 <small>188/178</small>	7 <small>189/177</small>	8 <small>190/176</small>	9 <small>191/175</small>	10 <small>192/174</small>	11 <small>193/173</small>	12 <small>194/172</small>
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13 <small>195/171</small>	14 <small>196/170</small>	15 <small>197/169</small>	16 <small>198/168</small>	17 <small>199/167</small>	18 <small>200/166</small>	19 <small>201/165</small>
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11:00 AM

20 <small>202/164</small>	21 <small>203/163</small>	22 <small>204/162</small>	23 <small>205/161</small>	24 <small>206/160</small>	25 <small>207/159</small>	26 <small>208/158</small>
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27 <small>209/157</small>	28 <small>210/156</small>	29 <small>211/155</small>	30 <small>212/154</small>	31 <small>213/153</small>	Important this month	
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2008 August

LIVING THE DREAM: Civil Rights leader Martin Luther King, Jr., delivered his "I Have a Dream" speech on August 28, 1963, in the shadow of the Lincoln Memorial in Washington, D.C. Some 250,000 people witnessed one of the most stirring speeches of the century.

JULY 2008
 1 2 3 4 5
 6 7 8 9 10 11 12
 13 14 15 16 17 18 19
 20 21 22 23 24 25 26
 27 28 29 30 31

AUGUST 2008
 1 2
 3 4 5 6 7 8 9
 10 11 12 13 14 15 16
 17 18 19 20 21 22 23
 24 25 26 27 28 29 30
 31

SEPTEMBER 2008
 1 2 3 4 5 6
 7 8 9 10 11 12 13
 14 15 16 17 18 19 20
 21 22 23 24 25 26 27
 28 29 30

OCTOBER 2008
 1 2 3 4
 5 6 7 8 9 10 11
 12 13 14 15 16 17 18
 19 20 21 22 23 24 25
 26 27 28 29 30 31

NOVEMBER 2008
 1
 2 3 4 5 6 7 8
 9 10 11 12 13 14 15
 16 17 18 19 20 21 22
 23 24 25 26 27 28 29
 30

DECEMBER 2008
 1 2 3 4 5 6
 7 8 9 10 11 12 13
 14 15 16 17 18 19 20
 21 22 23 24 25 26 27
 28 29 30 31

JANUARY 2009
 1 2 3
 4 5 6 7 8 9 10
 11 12 13 14 15 16 17
 18

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
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Important this month

1 214/152 2 215/11

3	216/150	4	217/149	5	218/148	6	219/147	7	220/146	8	221/145	9	222/144
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10	223/143	11	224/142	12	225/141	13	226/140	14	227/139	15	228/138	16	229/137
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17	230/136	18	231/135	19	232/134	20	233/133	21	234/132	22	235/131	23	236/130
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24	237/129	25	238/128	26	239/127	27	240/126	28	241/125	29	242/124	30	243/123
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2008 September

ON TOP OF THE WORLD! Following seven previous expeditions in a period of 23 years, Commander Robert Peary's eighth attempt proved successful in the discovery of the North Pole on September 6, 1909.

AUGUST 2008
 1 2 3 4 5 6 7 8 9
 10 11 12 13 14 15 16
 17 18 19 20 21 22 23
 24 25 26 27 28 29 30
 31

SEPTEMBER 2008
 1 2 3 4 5 6
 7 8 9 10 11 12 13
 14 15 16 17 18 19 20
 21 22 23 24 25 26 27
 28 29 30

OCTOBER 2008
 1 2 3 4
 5 6 7 8 9 10 11
 12 13 14 15 16 17 18
 19 20 21 22 23 24 25
 26 27 28 29 30 31

NOVEMBER 2008
 1 2 3 4 5 6 7 8
 9 10 11 12 13 14 15
 16 17 18 19 20 21 22
 23 24 25 26 27 28 29
 30

DECEMBER 2008
 1 2 3 4 5 6
 7 8 9 10 11 12 13
 14 15 16 17 18 19 20
 21 22 23 24 25 26 27
 28 29 30 31

JANUARY 2009
 1 2 3
 4 5 6 7 8 9 10
 11 12 13 14 15 16 17
 18 19 20 21 22 23 24
 25 26 27 28 29 30 31

FEBRUARY 2009
 1 2 3 4 5 6 7
 8 9 10 11 12 13 14
 15 16 17 18 19 20 21
 22 23 24 25 26 27 28

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1 245/121 Tide gauge Tide gauge	2 246/120 Tide gauge	3 247/119	4 248/118	5 249/117	6 250/11
7 251/115 Tide gauge	8 252/114	9 253/113	10 254/112	11 255/111 Tide gauge	12 256/110	13 257/10
14 258/108	15 259/107	16 260/106	17 261/105	18 262/104	19 263/103	20 264/10
21 265/101	22 266/100 Tide gauge Tide gauge	23 267/099	24 268/098	25 269/097	26 270/096	27 271/09
28 272/094	29 273/093 Tide gauge	30 274/092 Tide gauge	Important this month			

2008 October

DID YOU HEAR THAT? On October 30, 1938, the famous broadcast of Orson Welles' "The War of the Worlds" created mayhem and panic, when listeners believed it to be a live news event.

SEPTEMBER 2008
 1 2 3 4 5 6
 7 8 9 10 11 12 13
 14 15 16 17 18 19 20
 21 22 23 24 25 26 27
 28 29 30

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Important this month			1	2	3	4
			275/091	276/090	277/089	278/088

OCTOBER 2008
 1 2 3 4
 5 6 7 8 9 10 11
 12 13 14 15 16 17 18
 19 20 21 22 23 24 25
 26 27 28 29 30 31

5	6	7	8	9	10	11
279/087	280/086	281/085	282/084	283/083	284/082	285/081

NOVEMBER 2008
 1
 2 3 4 5 6 7 8
 9 10 11 12 13 14 15
 16 17 18 19 20 21 22
 23 24 25 26 27 28 29
 30

12	13	14	15	16	17	18
286/080	287/079	288/078	289/077	290/076	291/075	292/074

JANUARY 2009
 1 2 3
 4 5 6 7 8 9 10
 11 12 13 14 15 16 17
 18 19 20 21 22 23 24
 25 26 27 28 29 30 31

19	20	21	22	23	24	25
293/073	294/072	295/071	296/070	297/069	298/068	299/067

FEBRUARY 2009
 1 2 3 4 5 6 7
 8 9 10 11 12 13 14
 15 16 17 18 19 20 21
 22 23 24 25 26 27 28

26	27	28	29	30	31
300/066	301/065	302/064	303/063	304/062	305/061

MARCH 2009
 1 2 3 4 5 6 7
 8 9 10 11 12 13 14
 15 16 17 18 19 20 21
 22 23 24 25 26 27 28

2008 November

LADY SINGS THE BLUES, Billie Holiday returned to the New York City stage at Carnegie Hall after a three year absence. This high point in jazz history occurred on November 10, 1956.

OCTOBER 2008
 1 2 3 4
 5 6 7 8 9 10 11
 12 13 14 15 16 17 18
 19 20 21 22 23 24 25
 26 27 28 29 30 31

SUNDAY MONDAY TUESDAY
 Important this month

WEDNESDAY THURSDAY FRIDAY SATURDAY

306/06
 341 Spring 11

NOVEMBER 2008
 1
 2 3 4 5 6 7 8
 9 10 11 12 13 14 15
 16 17 18 19 20 21 22
 23 24 25 26 27 28 29
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DECEMBER 2008
 1 2 3 4 5 6
 7 8 9 10 11 12 13
 14 15 16 17 18 19 20
 21 22 23 24 25 26 27
 28 29 30 31

2 307/059 3 308/058 4 309/057 5 310/056 6 311/055 7 312/054 8 313/05

JANUARY 2009
 1 2 3
 4 5 6 7 8 9 10
 11 12 13 14 15 16 17
 18 19 20 21 22 23 24
 25 26 27 28 29 30 31

9 314/052 10 315/051 11 316/050 12 317/049 13 318/048 14 319/047 15 320/04

FEBRUARY 2009
 1 2 3 4 5 6 7
 8 9 10 11 12 13 14
 15 16 17 18 19 20 21
 22 23 24 25 26 27 28

16 321/045 17 322/044 18 323/043 19 324/042 20 325/041 21 326/040 22 327/03

MARCH 2009
 1 2 3 4 5 6 7
 8 9 10 11 12 13 14
 15 16 17 18 19 20 21
 22 23 24 25 26 27 28
 29 30 31

APRIL 2009

23 328/038 24 329/037 25 330/036 26 331/035 27 332/034 28 333/033 29 334/03

1 2 3 4
 5 6 7 8 9 10 11
 12 13 14 15 16 17 18
 19 20 21 22 23 24 25

2008 December

DEEP IN THE HEART OF ... Texas became the 28th state on December 29, 1845. Its nickname, the Lone Star State, comes from the Texas state flag with one lone star. Texas comes from the Indian word, "Tejas" meaning friends, and that's why the Texas state motto is "Friendship."

NOVEMBER 2008
 1 2 3 4 5 6 7 8
 9 10 11 12 13 14 15
 16 17 18 19 20 21 22
 23 24 25 26 27 28 29
 30

DECEMBER 2008
 1 2 3 4 5 6
 7 8 9 10 11 12 13
 14 15 16 17 18 19 20
 21 22 23 24 25 26 27
 28 29 30 31

JANUARY 2009
 1 2 3
 4 5 6 7 8 9 10
 11 12 13 14 15 16 17
 18 19 20 21 22 23 24
 25 26 27 28 29 30 31

FEBRUARY 2009
 1 2 3 4 5 6 7
 8 9 10 11 12 13 14
 15 16 17 18 19 20 21
 22 23 24 25 26 27 28

MARCH 2009
 1 2 3 4 5 6 7
 8 9 10 11 12 13 14
 15 16 17 18 19 20 21
 22 23 24 25 26 27 28
 29 30 31

APRIL 2009
 1 2 3 4
 5 6 7 8 9 10 11
 12 13 14 15 16 17 18
 19 20 21 22 23 24 25
 26 27 28 29 30

MAY 2009
 1 2
 3 4 5 6 7 8 9
 10 11 12 13 14 15 16
 17 18 19 20 21 22 23

SUNDAY MONDAY TUESDAY

1 356/030 337/029

WEDNESDAY THURSDAY FRIDAY SATURDAY

3 339/028 339/027 340/026 341/025

7 342/024 8 343/023 9 344/022 10 345/021 11 346/020 12 347/019 13 348/018

14 349/017 15 350/016 16 351/015 17 352/014 18 353/013 19 354/012 20 355/011

21 356/010 22 357/009 23 358/008 24 359/007 25 360/006 26 361/005 27 362/004

28 363/003 29 364/002 30 365/001 31 366/000 Important this month

2009 January

WHAT A FAMILY! Charles Addams did what many would like to do, he created his own family. The Addams Family and their friends have been entertaining people with their ghoulish humor since 1952. The classic house, site of many a howl, was modeled on the ones in Westfield, NJ, where Addams was born on January 7, 1912.

DECEMBER 2008

1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31					

JANUARY 2009

1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31					

FEBRUARY 2009

1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31					

MARCH 2009

1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31					

APRIL 2009

1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31					

MAY 2009

1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31					

JUNE 2009

1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31					

SUNDAY MONDAY TUESDAY

Important this month

WEDNESDAY THURSDAY FRIDAY SATURDAY

4 004/361 5 005/360 6 006/359 7 007/358 8 008/357 9 009/356 10 010/355

11 011/354 12 012/353 13 013/352 14 014/351 15 015/350 16 016/349 17 017/348

18 018/347 19 019/346 20 020/345 21 021/344 22 022/343 23 023/342 24 024/341

25 025/340 26 026/339 27 027/338 28 028/337 29 029/336 30 030/335 31 031/334

10 AM / 60877

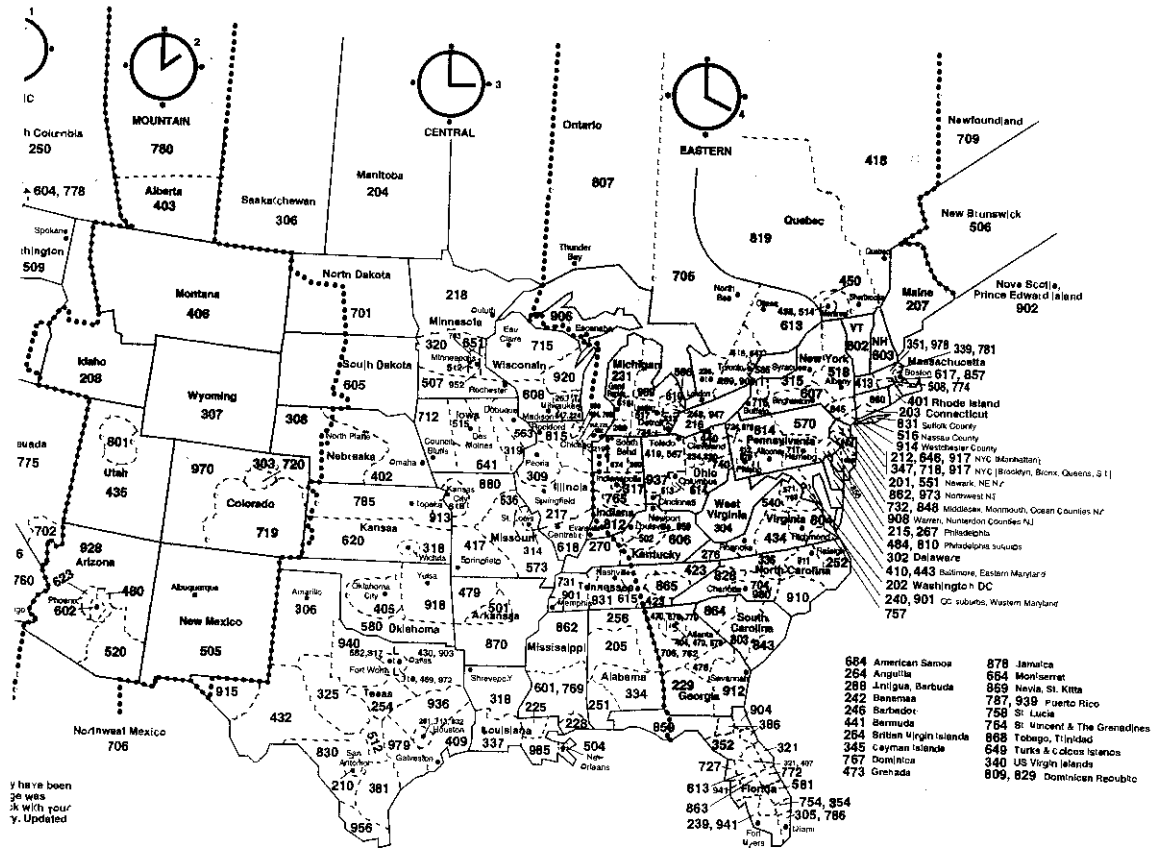
Notes

8-26-09
 10:19

3 PM

Time Zones &

Telephone Area Codes



They have been
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 y. Updated

Three Year Calendar

2007

JANUARY							FEBRUARY							MARCH							APRIL						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31					29	30					

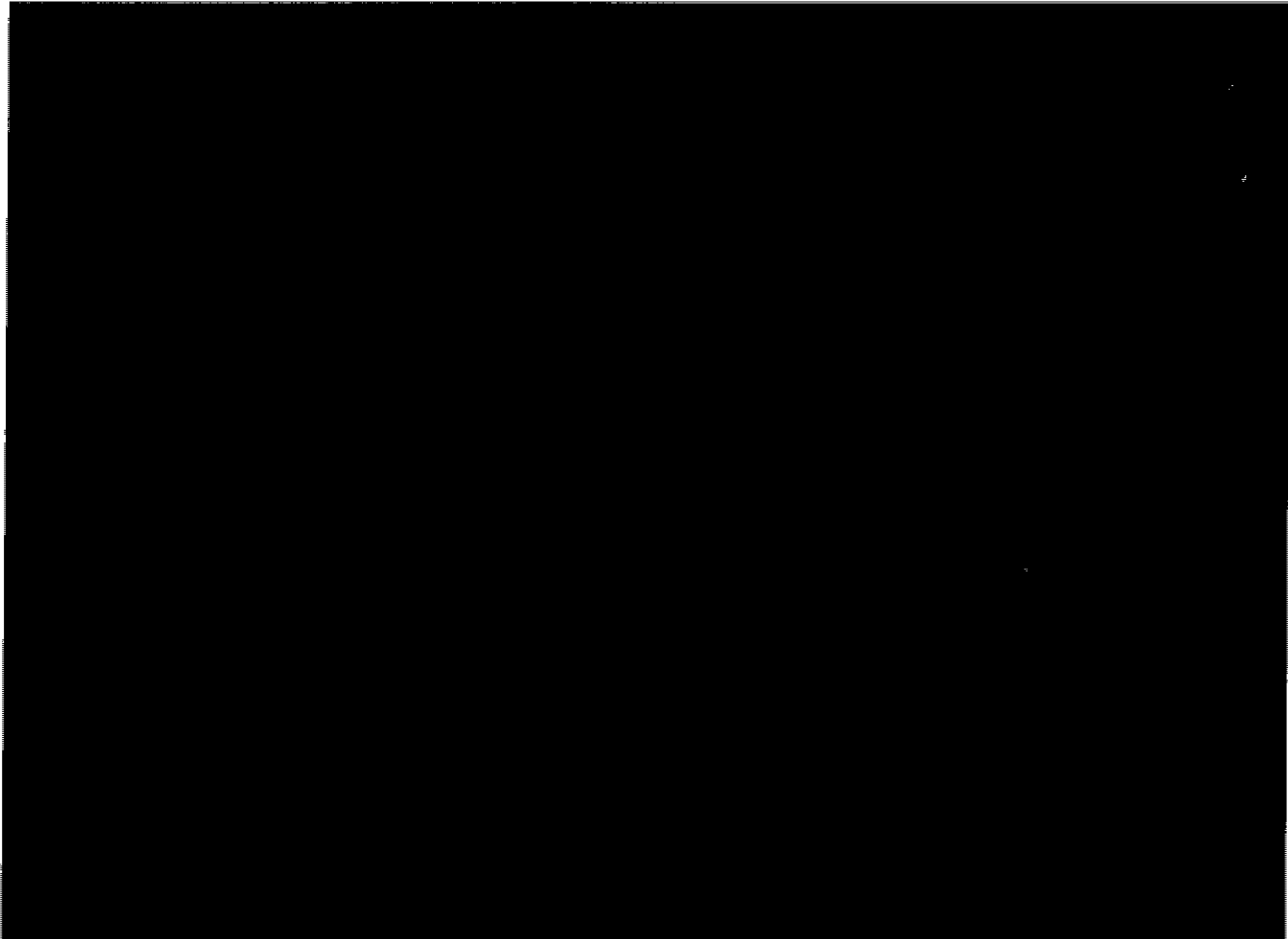
2008

JANUARY							FEBRUARY							MARCH							APRIL						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31					29	30					

2009

JANUARY							FEBRUARY							MARCH							APRIL						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31					29	30					

EXHIBIT C



2008
MONTHLY
SCHEDULER



Designed for executive planning.

2007

LETTERMAN DIMARCO
December
60877

NOVEMBER 2007
1 2 3
4 5 6 7 8 9 10
11 12 13 14 15 16 17
18 19 20 21 22 23 24
25 26 27 28 29 30

SUNDAY MONDAY TUESDAY

Important this month
Tuesday, 11/27/07
at 2:00 P.M.

WEDNESDAY THURSDAY FRIDAY SATURDAY

ROW, ROW, ROW... After rowing 2,962 miles in 81 days, Tori Munden, of the United States, eased her 23-foot boat, "American Pearl" to the dock at Fort-du Bas on the Caribbean island of Guadeloupe on December 3, 1999. She had just rowed across the Atlantic Ocean.

Heeler
Aesvander

335/c

DECEMBER 2007
1 2 3 4 5 6 7 8
9 10 11 12 13 14 15
16 17 18 19 20 21 22
23 24 25 26 27 28 29
30 31

JANUARY 2008
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6 7 8 9 10 11 12
13 14 15 16 17 18 19
20 21 22 23 24 25 26
27 28 29 30 31

2
336/029
~~336/029~~
80955
Handbook Begins at September

338/027

5

339/026

6

340/025

7

341/024

8

342/c

FEBRUARY 2008
1 2
3 4 5 6 7 8 9
10 11 12 13 14 15 16
17 18 19 20 21 22 23
24 25 26 27 28 29

9

343/022

10

344/021

11

345/020

12

346/019

13

347/018

14

348/017

15

349/c

MARCH 2008
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2 3 4 5 6 7 8
9 10 11 12 13 14 15
16 17 18 19 20 21 22
23 24 25 26 27 28 29
30 31

16

350/015

17

351/014

18

352/013

19

353/012

20

354/011

21

355/010

22

356/c

APRIL 2008
1 2 3 4 5
6 7 8 9 10 11 12
13 14 15 16 17 18 19
20 21 22 23 24 25 26
27 28 29 30

11:00
A.M.

MAY 2008
1 2 3
4 5 6 7 8 9 10
11 12 13 14 15 16 17
18 19 20 21 22 23 24
25 26 27 28 29 30 31

23

357/008

24

358/007

25

359/006

26

360/005

27

361/004

28

362/003

29

363/c

2008 January

IT DIDN'T SOAR! On January 26, 1784, Benjamin Franklin expressed great unhappiness in a letter written to his daughter. "The source of his concern?" The eagle had just been chosen as the nation's symbol. He much preferred the turkey!

DECEMBER 2007
 1 2 3 4 5 6 7 8
 9 10 11 12 13 14 15
 16 17 18 19 20 21 22
 23 24 25 26 27 28 29
 30 31

JANUARY 2008
 1 2 3 4 5
 6 7 8 9 10 11 12
 13 14 15 16 17 18 19
 20 21 22 23 24 25 26
 27 28 29 30 31

FEBRUARY 2008
 1 2
 3 4 5 6 7 8 9
 10 11 12 13 14 15 16
 17 18 19 20 21 22 23
 24 25 26 27 28 29

MARCH 2008
 1 2 3 4 5 6 7 8
 9 10 11 12 13 14 15
 16 17 18 19 20 21 22
 23 24 25 26 27 28 29
 30 31

APRIL 2008
 1 2 3 4 5
 6 7 8 9 10 11 12
 13 14 15 16 17 18 19
 20 21 22 23 24 25 26
 27 28 29 30

MAY 2008
 1 2 3
 4 5 6 7 8 9 10
 11 12 13 14 15 16 17
 18 19 20 21 22 23 24
 25 26 27 28 29 30 31

JUNE 2008
 1 2 3 4 5 6 7
 8 9 10 11 12 13 14
 15 16 17 18 19 20 21
 22 23 24 25 26 27 28 29 30

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Important this month 60877 Hector Aer number		1 001/365	2 002/364	3 003/363	4 004/362	5 005/3
6 006/360	7 007/359	8 008/358	9 009/357	10 010/356	11 011/355	12 012/3
13 013/353	14 014/352	15 015/351 <small>Major Andrew W. ...</small>	16 016/350	17 017/349 JIMIE	18 018/348	19 019/3
20 020/346	21 021/345 <small>Major ...</small>	22 022/344	23 023/343	24 024/342	25 025/341	26 026/3
27 027/339	28 028/338	29 029/337	30 030/336	31 031/335	Important this month	

11:00 P.M.

2008

February

"TAKE THE 'A' TRAIN". On February 15, 1941, Duke Ellington and his orchestra recorded one of big band's all time classics. On this day, "Take the 'A' Train" became the Duke's signature song.

JANUARY 2008
1 2 1 4 5
6 7 8 9 10 11 12
13 14 15 16 17 18 19
20 21 22 23 24 25 26
27 28 29 30 31

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Important this month						
					1	2
						0337

FEBRUARY 2008
1 2
3 4 5 6 7 8 9
10 11 12 13 14 15 16
17 18 19 20 21 22 23
24 25 26 27 28 29

3	034/332	4	035/331	5	036/330	6	037/329	7	038/328	8	039/327	9	040/
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MARCH 2008
1
2 3 4 5 6 7 8
9 10 11 12 13 14 15
16 17 18 19 20 21 22
23 24 25 26 27 28 29
30 31

10	041/325	11	042/324	12	043/323	13	044/322	14	045/321	15	046/320	16	047/
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APRIL 2008
1 2 3 4 5
6 7 8 9 10 11 12
13 14 15 16 17 18 19
20 21 22 23 24 25 26
27 28 29 30

17	048/318	18	049/317	19	050/316	20	051/315	21	052/314	22	053/313	23	054/
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JUNE 2008
1 2 3 4 5 6 7
8 9 10 11 12 13 14
15 16 17 18 19 20 21
22 23 24 25 26 27 28
29 30

24	055/311	25	056/310	26	057/309	27	058/308	28	059/307	29	060/306
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JULY 2008
1 2 3 4 5
6 7 8 9 10 11 12
13 14 15 16 17 18 19
20 21 22 23 24 25 26

2008 March

SPRING HAS ARRIVED... when those little birds known as swallows return to Mission San Juan Capistrano in California. Since March 19, 1776, every year on this day, (with very few exceptions) the birds have come back to usher in spring.

FEBRUARY 2008
 S M T W T F S S
 1 2 3 4 5 6 7 8 9
 10 11 12 13 14 15 16
 17 18 19 20 21 22 23
 24 25 26 27 28 29

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Important this month						1
						0617

MARCH 2008
 S M T W T F S S
 1 2 3 4 5 6 7 8
 9 10 11 12 13 14 15
 16 17 18 19 20 21 22
 23 24 25 26 27 28 29
 30 31

2	062/304	3	063/303	4	064/302	5	065/301	6	066/300	7	067/299	8	068/
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APRIL 2008
 S M T W T F S S
 1 2 3 4 5 6 7
 8 9 10 11 12 13 14
 15 16 17 18 19 20 21
 22 23 24 25 26 27 28
 29 30

9	069/297	10	070/296	11	071/295	12	072/294	13	073/293	14	074/292	15	075/
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MAY 2008
 S M T W T F S S
 1 2 3 4 5 6 7 8 9 10
 11 12 13 14 15 16 17
 18 19 20 21 22 23 24
 25 26 27 28 29 30 31

16	076/290	17	077/289	18	078/288	19	079/287	20	080/286	21	081/285	22	082/
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JUNE 2008
 S M T W T F S S
 1 2 3 4 5 6 7 8 9
 10 11 12 13 14 15 16
 17 18 19 20 21 22 23
 24 25 26 27 28 29 30

23	083/283	24	084/282	25	085/281	26	086/280	27	087/279	28	088/278	29	089/
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AUGUST 2008
 S M T W T F S S
 1 2 3 4 5 6 7 8 9
 10 11 12 13 14 15 16
 17 18 19 20 21 22 23
 24 25 26 27 28 29 30 31

2008 April

PROUD POSTAGE Booklet T. Washington was the first African-American to be pictured on a U. S. postage stamp. On April 7, 1940, his likeness was issued on a 10-cent stamp.

MARCH 2008

1	2	3	4	5	6	7	8
9	10	11	12	13	14	15	16
17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	

APRIL 2008

1	2	3	4	5	6	7	8
9	10	11	12	13	14	15	16
17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	

MAY 2008

1	2	3	4	5	6	7	8
9	10	11	12	13	14	15	16
17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	

JUNE 2008

1	2	3	4	5	6	7	8
9	10	11	12	13	14	15	16
17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	

JULY 2008

1	2	3	4	5	6	7	8
9	10	11	12	13	14	15	16
17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	

AUGUST 2008

1	2	3	4	5	6	7	8
9	10	11	12	13	14	15	16
17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	

SEPTEMBER 2008

1	2	3	4	5	6	7	8
9	10	11	12	13	14	15	16
17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Important this month		1	2	3	4	5

6	7	8	9	10	11	12
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13	14	15	16	17	18	19
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20	21	22	23	24	25	26
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27	28	29	30	Important this month
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2008 May

BREAKING BOUNDRIES. Pioneering an F-86 Sabrejet over California at an average speed of 652.337 miles per hour, Jacqueline Cochran became the first woman to fly faster than the speed of sound on May 17, 1953.

APRIL 2008
 1 2 3 4 5
 6 7 8 9 10 11 12
 13 14 15 16 17 18 19
 20 21 22 23 24 25 26
 27 28 29 30

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Important this month				1	2	3
				122/244	123/243	124/

MAY 2008
 1 2 3
 4 5 6 7 8 9 10
 11 12 13 14 15 16 17
 18 19 20 21 22 23 24
 25 26 27 28 29 30 31

4	125/241	5	126/240	6	127/239	7	128/238	8	129/237	9	130/236	10	131/
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JUNE 2008
 1 2 3 4 5 6 7
 8 9 10 11 12 13 14
 15 16 17 18 19 20 21
 22 23 24 25 26 27 28
 29 30

11	132/234	12	133/233	13	134/232	14	135/231	15	136/230	16	137/229	17	138/
----	---------	----	---------	----	---------	----	---------	----	---------	----	---------	----	------

JULY 2008
 1 2 3 4 5
 6 7 8 9 10 11 12
 13 14 15 16 17 18 19
 20 21 22 23 24 25 26
 27 28 29 30 31

18	139/227	19	140/226	20	141/225	21	142/224	22	143/223	23	144/222	24	145/
----	---------	----	---------	----	---------	----	---------	----	---------	----	---------	----	------

AUGUST 2008
 1 2
 3 4 5 6 7 8 9
 10 11 12 13 14 15 16
 17 18 19 20 21 22 23
 24 25 26 27 28 29 30
 31

25	146/220	26	147/219	27	148/218	28	149/217	29	150/216	30	151/215	31	152/
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OCTOBER 2008
 1 2 3 4
 5 6 7 8 9 10 11
 12 13 14 15 16 17 18
 19 20 21 22 23 24 25
 26 27 28 29 30 31

2008 June

NUMBER 7 RETIRED! Yankee Stadium in New York was sold out on June 8, 1969, as Mickey Mantle formally retired from baseball.

DAY	2008	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
MAY	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31							
JUNE	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	1 153/213	2 154/212	3 155/211	4 156/210	5 157/209	6 158/208	7 159/
JULY	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	8 160/206	9 161/205	10 162/204	11 163/203	12 164/202	13 165/201	14 166/
AUGUST	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	15 167/199	16 168/198	17 169/197	18 170/196	19 171/195	20 172/194	21 173/
SEPTEMBER	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	22 174/192	23 175/191	24 176/190	25 177/189	26 178/188	27 179/187	28 180/
OCTOBER	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31							
NOVEMBER	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	29 181/185	30 182/184	Important this month				

2008 July

THE KIDS SAY THANKS! On July 23, 1904 during the Louisiana Purchase Exposition in St. Louis Missouri, Charles E. Menches and Ernst Hanwi joined together to create the beloved ice cream cone.

JUNE 2008	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	Important this month		1 <small>Special Day - Children</small>	2	3	4	5 <small>Independence Day</small>
			183/183	184/182	185/181	186/180	187/1

JULY 2008
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

AUGUST 2008
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

SEPTEMBER 2008
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30

OCTOBER 2008
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

NOVEMBER 2008
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30

DECEMBER 2008
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

6	188/178	7	189/177	8	190/176	9	191/175	10	192/174	11	193/173	12	194/1
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13	195/171	14	196/170	15	197/169	16	198/168	17	199/167	18	200/166	19	201/1
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*Mr. Campbell
11:00 AM*

20	202/164	21	203/163	22	204/162	23	205/161	24	206/160	25	207/159	26	208/1
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27	209/157	28	210/156	29	211/155	30	212/154	31	213/153	Important this month
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2008 August

LIVING THE DREAM. Civil Rights leader Martin Luther King, Jr. delivered his "I Have a Dream" speech on August 28, 1963, in the shadow of the Lincoln Memorial in Washington, D.C. Some 250,000 people witnessed one of the most stirring speeches of the century.

JULY 2008
 1 2 3 4 5
 6 7 8 9 10 11 12
 13 14 15 16 17 18 19
 20 21 22 23 24 25 26
 27 28 29 30 31

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Important this month						
					1	2
					214/152	215/11

AUGUST 2008
 1 2
 3 4 5 6 7 8 9
 10 11 12 13 14 15 16
 17 18 19 20 21 22 23
 24 25 26 27 28 29 30
 31

3	4	5	6	7	8	9
216/150	217/149	218/148	219/147	220/146	221/145	222/14

SEPTEMBER 2008
 1 2 3 4 5 6
 7 8 9 10 11 12 13
 14 15 16 17 18 19 20
 21 22 23 24 25 26 27
 28 29 30

10	11	12	13	14	15	16
223/143	224/142	225/141	226/140	227/139	228/138	229/11

OCTOBER 2008
 1 2 3 4
 5 6 7 8 9 10 11
 12 13 14 15 16 17 18
 19 20 21 22 23 24 25
 26 27 28 29 30 31

17	18	19	20	21	22	23
230/136	231/135	232/134	233/133	234/132	235/131	236/11

NOVEMBER 2008
 1
 2 3 4 5 6 7 8
 9 10 11 12 13 14 15
 16 17 18 19 20 21 22
 23 24 25 26 27 28 29
 30

24	25	26	27	28	29	30
237/129	238/128	239/127	240/126	241/125	242/124	243/11

DECEMBER 2008
 1 2 3 4 5 6
 7 8 9 10 11 12 13
 14 15 16 17 18 19 20
 21 22 23 24 25 26 27
 28 29 30 31

JANUARY 2009
 1 2 3
 4 5 6 7 8 9 10
 11 12 13 14 15 16 17

2008 September

ON TOP OF THE WORLD! Following seven previous expeditions in a period of 23 years, Commander Robert Peary's eighth attempt proved successful in the discovery of the North Pole on September 6, 1909.

2008	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
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31							

2008	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
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2008	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
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2008	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
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29							
30							
31							

2008	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
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28							
29							
30							
31							

2009	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1							
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28							
29							
30							
31							

2009	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1							
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30							
31							

Important this month

2008 October

DID YOU HEAR THAT? On October 30, 1938, the famous broadcast of Orson Welles' "The War of the Worlds" created mayhem and panic, when listeners believed it to be a live news event.

SEPTEMBER 2008
 1 2 3 4 5 6
 7 8 9 10 11 12 13
 14 15 16 17 18 19 20
 21 22 23 24 25 26 27
 28 29 30

OCTOBER 2008
 1 2 3 4
 5 6 7 8 9 10 11
 12 13 14 15 16 17 18
 19 20 21 22 23 24 25
 26 27 28 29 30 31

NOVEMBER 2008
 1 2 3 4 5 6 7 8
 9 10 11 12 13 14 15
 16 17 18 19 20 21 22
 23 24 25 26 27 28 29
 30

DECEMBER 2008
 1 2 3 4 5 6
 7 8 9 10 11 12 13
 14 15 16 17 18 19 20
 21 22 23 24 25 26 27
 28 29 30 31

JANUARY 2009
 1 2 3
 4 5 6 7 8 9 10
 11 12 13 14 15 16 17
 18 19 20 21 22 23 24
 25 26 27 28 29 30 31

FEBRUARY 2009
 1 2 3 4 5 6 7
 8 9 10 11 12 13 14
 15 16 17 18 19 20 21
 22 23 24 25 26 27 28

MARCH 2009
 1 2 3 4 5 6 7
 8 9 10 11 12 13 14
 15 16 17 18 19 20 21
 22 23 24 25 26 27 28

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Important this month			1	2	3	4
			275/091	276/090	277/089	278/08

5	6	7	8	9	10	11
279/087	280/086	281/085	282/084	283/083	284/082	285/08

12	13	14	15	16	17	18
286/080	287/079	288/078	289/077	290/076	291/075	292/07

*11:50 AM
 Mr. Escobar*

19	20	21	22	23	24	25
293/073	294/072	295/071	296/070	297/069	298/068	299/06

26	27	28	29	30	31
300/066	301/065	302/064	303/063	304/062	305/061

2008 November

LADY SINGS THE BLUES. Billie Holiday returned to the New York City stage at Carnegie Hall after a three year absence. This high point in jazz history occurred on November 10, 1956.

OCTOBER 2008
 1 2 3 4
 5 6 7 8 9 10 11
 12 13 14 15 16 17 18
 19 20 21 22 23 24 25
 26 27 28 29 30 31

SUNDAY MONDAY TUESDAY

WEDNESDAY THURSDAY FRIDAY SATURDAY

1

306/06

A.M. 11:00 P.M.

NOVEMBER 2008
 1 2 3 4 5 6 7 8
 9 10 11 12 13 14 15
 16 17 18 19 20 21 22
 23 24 25 26 27 28 29
 30

DECEMBER 2008
 1 2 3 4 5 6
 7 8 9 10 11 12 13
 14 15 16 17 18 19 20
 21 22 23 24 25 26 27
 28 29 30 31

2 307/059 3 308/058 4 309/057 5 310/056 6 311/055 7 312/054 8 313/05

Important this month

Important this month

JANUARY 2009
 1 2 3 4 5 6 7 8 9 10
 11 12 13 14 15 16 17
 18 19 20 21 22 23 24
 25 26 27 28 29 30 31

9 314/052 10 315/051 11 316/050 12 317/049 13 318/048 14 319/047 15 320/04

Important this month

FEBRUARY 2009
 1 2 3 4 5 6 7
 8 9 10 11 12 13 14
 15 16 17 18 19 20 21
 22 23 24 25 26 27 28

16 321/045 17 322/044 18 323/043 19 324/042 20 325/041 21 326/040 22 327/03

MARCH 2009
 1 2 3 4 5 6 7 8 9 10 11
 12 13 14 15 16 17 18 19 20 21
 22 23 24 25 26 27 28
 29 30 31

APRIL 2009
 1 2 3 4
 5 6 7 8 9 10 11
 12 13 14 15 16 17 18
 19 20 21 22 23 24 25

23 328/038 24 329/037 25 330/036 26 331/035 27 332/034 28 333/033 29 334/03

Important this month

2008 December

DEEP IN THE HEART OF ... Texas became the 28th state on December 29, 1845. Its nickname, the Lone Star State, comes from the Texas state flag with one lone star. Texas comes from the Indian word "Tejas," meaning friends, and that's why the Texas state motto is "Friendship."

NOVEMBER 2008
 1 2 3 4 5 6 7 8
 9 10 11 12 13 14 15
 16 17 18 19 20 21 22
 23 24 25 26 27 28 29
 30

DECEMBER 2008
 1 2 3 4 5 6
 7 8 9 10 11 12 13
 14 15 16 17 18 19 20
 21 22 23 24 25 26 27
 28 29 30 31

JANUARY 2009
 1 2 3 4 5 6 7 8 9 10
 11 12 13 14 15 16 17
 18 19 20 21 22 23 24
 25 26 27 28 29 30 31

FEBRUARY 2009
 1 2 3 4 5 6 7
 8 9 10 11 12 13 14
 15 16 17 18 19 20 21
 22 23 24 25 26 27 28

MARCH 2009
 1 2 3 4 5 6 7
 8 9 10 11 12 13 14
 15 16 17 18 19 20 21
 22 23 24 25 26 27 28
 29 30 31

APRIL 2009
 1 2 3 4
 5 6 7 8 9 10 11
 12 13 14 15 16 17 18
 19 20 21 22 23 24 25
 26 27 28 29 30

MAY 2009
 1 2
 3 4 5 6 7 8 9
 10 11 12 13 14 15 16
 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

SUNDAY

MONDAY

TUESDAY

WEDNESDAY

THURSDAY

FRIDAY

SATURDAY

1

356/030

2

337/029

3

338/028

4

339/027

5

340/026

6

341/0

7

342/024

8

343/023

9

344/022

10

345/021

11

346/020

12

347/019

13

348/0

14

349/017

15

350/016

16

351/015

17

352/014

18

353/013

19

354/012

20

355/0

21

356/010

22

357/009

23

358/008

24

359/007

25

360/006

26

361/005

27

362/0

28

363/003

29

364/002

30

365/001

31

366/000

Important this month

2009

January 251 *swensk*
Pisc 6. 7/2/09

DECEMBER 2008
1 2 3 4 5 6
7 8 9 10 11 12 13
14 15 16 17 18 19 20
21 22 23 24 25 26 27
28 29 30 31

JANUARY 2009
1 2 3
4 5 6 7 8 9 10
11 12 13 14 15 16 17
18 19 20 21 22 23 24
25 26 27 28 29 30 31

FEBRUARY 2009
1 2 3 4 5 6 7
8 9 10 11 12 13 14
15 16 17 18 19 20 21
22 23 24 25 26 27 28

MARCH 2009
1 2 3 4 5 6 7
8 9 10 11 12 13 14
15 16 17 18 19 20 21
22 23 24 25 26 27 28
29 30 31

APRIL 2009
1 2 3 4
5 6 7 8 9 10 11
12 13 14 15 16 17 18
19 20 21 22 23 24 25
26 27 28 29 30

MAY 2009
1 2 3 4 5 6 7 8 9
10 11 12 13 14 15 16
17 18 19 20 21 22 23
24 25 26 27 28 29 30
31

JUNE 2009
1 2 3 4 5 6
7 8 9 10 11 12 13
14 15 16 17 18 19 20
21 22 23 24 25 26 27

SUNDAY MONDAY TUESDAY
Important this month

WEDNESDAY THURSDAY FRIDAY SATURDAY

WHAT A FAMILY! Charles Addams did what many would like to do: he created his own family. The Addams Family and their friends have been entertaining people with their ghoulish humor since 1932. The classic house, site of many a howl, was modeled on the ones in Westfield, NJ, where Addams was born on January 7, 1912.

1 2 3
001/364 002/363 003/36

4 5 6 7 8 9 10
004/361 005/360 006/359 007/358 008/357 009/356 010/355

11 12 13 14 15 16 17
011/354 012/353 013/352 014/351 015/350 016/349 017/348

10 OCCASIONS
IP6

18 19 20 21 22 23 24
018/347 019/346 020/345 021/344 022/343 023/342 024/341

25 26 27 28 29 30 31
025/340 026/339 027/338 028/337 029/336 030/335 031/32

Three Year Calendar

2007

JANUARY							FEBRUARY							MARCH							APRIL						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31					29	30	31				

2008

JANUARY							FEBRUARY							MARCH							APRIL						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31					29	30	31				

2009

JANUARY							FEBRUARY							MARCH							APRIL						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31					29	30	31				

EXHIBIT D

Immigration Practice Group
A Professional Corporation
555 Clay Street
San Francisco, CA 94111
415-398-3852

Jaime Hernandez
1124 Athens Street
San Francisco, CA 94112

Date: May 16, 2009

File Number: 60877

Receipt of Payment

Received Fee Payment in the amount of
\$5,000.00

CASH
CHECK
MONEY ORDER
VISA
MASTERCARD
AMERICAN EXPRESS
DISCOVER

Present Balance:
\$10,000.00

Received by: 

DATE: 05/16/2009 TIME: 11:31:17
KNEI 1000547875

IMMIGRATION PRACTICE GROUP
555 CLAY ST.
SAN FRANCISCO CA 94111
415-398-3852

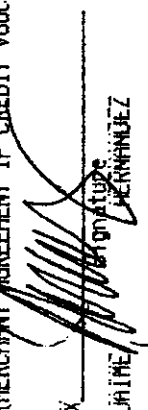
CREDIT SALE

TRANS # 001
AUTH # 016341

NOVUS ACCOUNT #
4836

SALE AMOUNT \$5000.00

I AGREE TO PAY ABOVE TOTAL AMOUNT
ACCORDING TO CARD ISSUER AGREEMENT
(MERCHANT AGREEMENT IF CREDIT VOUCHER)


JAIME HERNANDEZ

THANK YOU
FOR VISITING!
MERCHANT COPY

EXHIBIT E

ATTORNEY/CLIENT AGREEMENT

NOTICE: THIS AGREEMENT CONCERNS YOUR LEGAL RIGHTS, INCLUDING YOUR RIGHT TO HAVE A JURY DECIDE ANY MALPRACTICE CLAIM YOU MIGHT BRING AGAINST THE ATTORNEY. YOU ARE ADVISED TO CONSULT WITH A SEPARATE INDEPENDENT ATTORNEY BEFORE SIGNING THIS DOCUMENT.

THIS AGREEMENT is made between CLIENT as specified in signature section of "Flat Fee Agreement Payment Schedule & Legal Services Detail", hereafter CLIENT and A PROFESSIONAL CORPORATION, hereafter ATTORNEY, and sets forth the terms under which the ATTORNEY will render legal services to the client in the following Immigration or criminal law matter:

Please see "Flat Fee Agreement Payment Schedule & Legal Services Detail"

The minimum fee agreement amount for these services to be rendered by the Attorney on behalf of the client, not including additional expenses as noted in sections 10 and 11 is:

Please see "Flat Fee Agreement Payment Schedule & Legal Services Detail"

The CLIENT and ATTORNEY agree that the ATTORNEY shall represent the CLIENT on the basis of the terms of this AGREEMENT commencing upon payment by the client of a non-refundable initial payment in the amount of:

Please see "Flat Fee Agreement Payment Schedule & Legal Services Detail"

It is agreed that representation shall be paid for as follows:

Please see "Flat Fee Agreement Payment Schedule & Legal Services Detail"

The Client has read and understood the following terms of representation:

(1) The CLIENT is primarily responsible for paying the fees and costs incurred under this AGREEMENT.

(2) The CLIENT understands that the fee agreement is not the total fee and acknowledges that no promises have been made to the CLIENT that the fee will not exceed a particular sum. Upon exhaustion of the retainer, the CLIENT will be notified and will deposit such additional sums as are required by the ATTORNEY, all of which sums shall be placed in the ATTORNEY's trust account and shall be

ATTORNEY shall have the right to discontinue services to the CLIENT for non-payment of fees.

(11) The CLIENT further agrees that the ATTORNEY shall have a lien on any or all sums recovered or received by the ATTORNEY on the CLIENT's behalf for payment of any fees owing and/or any un-reimbursed costs advanced for the client.

(12) The CLIENT hereby releases to ATTORNEY all claims to any attorney fee's that may be obtained by ATTORNEY, including any fee awards under programs such as EAJA. Any fee award granted is to be considered the property of ATTORNEY and shall be returned to ATTORNEY by within three (3) business days.

(13) The CLIENT hereby allows the ATTORNEY to accept fee payments from CLIENT's relatives or acquaintances without the prior consent from CLIENT. CLIENT acknowledges that requests for files or other CLIENT property must be made by CLIENT.

ARBITRATION OF DISPUTES: It is agreed that, as a condition of ATTORNEY agreeing to represent CLIENT, the parties hereto shall submit any and all disputes arising out of the ATTORNEY and CLIENT relationship to binding arbitration including, but not limited to, any claims of professional negligence which CLIENT may bring against ATTORNEY and/or any claims for payment of professional fees which ATTORNEY may bring against CLIENT.

The parties may either submit their disputes to arbitration with the State Bar of California or local bar association arbitration program, or the parties may select their own arbitrators and conduct proceedings according to the provisions for judicial arbitration as set forth in Title 9 of the California Code of Civil Procedure, §1280 et seq. In the event that the parties elect to select their own arbitrators, each party shall choose a single arbitrator. The two (2) arbitrators thus nominated shall agree on a third arbitrator and the panel of three shall preside over the arbitration proceedings.

A ruling by the majority of the arbitrators shall conclusively resolve the dispute, and the parties agree that the court having jurisdiction may enter judgment upon the decision of the arbitrators, including costs and reasonable allowance of ATTORNEY's fees involved in securing said judgment to the extent allowed by the law. Neither party shall have any right to appeal the decision of the arbitrators. The parties further agree that, if it is necessary to enforce the decision of the arbitrators by confirming the decision as a judgment, personal service of an action to confirm the arbitrator's decision is hereby waived so long as service upon the opposing party is made by first class mail, return receipt requested.

refundable if not earned or used for costs on the CLIENT's behalf. If the CLIENT is requested to pay such retainers and fails to do so, the ATTORNEY shall have the right to discontinue rendering service.

(3) In hiring the ATTORNEY, the CLIENT is hiring the firm, not the particular individual; the CLIENT's matter will be handled by the firm's personnel as determined by the best professional judgment of the ATTORNEY. It is agreed that the ATTORNEY may bring in co-counsel at any time.

(4) ATTORNEY is under no obligation to take any appeal from any judgment or order obtained in the case. If an appeal is taken by the Government, the fees set forth are subject to re-negotiation. If ATTORNEY agrees to take an appeal from any judgment or order, said fees are subject to re-negotiation. Any work on any matters not initially agreed upon will be charged separately.

(5) The CLIENT acknowledges his/her responsibility to maintain contact with ATTORNEY and not let more than 30 calendar days pass without initiating contact with ATTORNEY's office to obtain a status report. Any change in address or telephone number is to be reported to the ATTORNEY's office within 5 days of that change.

(6) The foregoing rates may be changed during the course of representation; if so, the CLIENT will be notified 30 days in advance of such change which will go into effect.

(7) The ATTORNEY cannot guarantee a particular result or outcome and the fee to be charged does not depend on the result obtained; the CLIENT specifically acknowledges that no promises have been made by the ATTORNEY as to what result can or will be achieved for the CLIENT.

(8) Billable time includes reviewing materials, drafting letters and documents or pleadings, telephone calls, consultations, travel, attendance at court and at depositions, waiting for the case to be called, and any other time required to represent the CLIENT in this manner.

(9) Costs to be billed include filing fees, process server fees, investigation fees, deposition fees, express delivery charges, transcripts, long distance calls (outside 415 and 510 area codes), fax fees, travel expenses, transportation to and from court and other appearances. In addition, a surcharge equal to 4% of the total fee will be charged to cover postage, photocopying, word and data processing expenses, and telephone calls within the 415 and 510 area codes.

(10) Statements are rendered monthly and are due and payable within 30 days of statement date; any amounts not paid within 30 days of the statement date will accrue interest at 10% per annum from the statement date until paid. The

By signing this agreement, ATTORNEY and CLIENT waive their right to have their dispute and decided by a jury or by a judge. The decision of the arbitration panel shall be final and binding.

The parties hereby acknowledge that they have read this document and have been given the opportunity to consult with an ATTORNEY before signing this document. Each of the parties has signed this on the date set forth opposite his or her name.

If any portion of this AGREEMENT is deemed to be invalid for any reason, the remaining portions shall remain in full force and effect, notwithstanding the validity of said portion.

This AGREEMENT is entered into in San Francisco, California; the parties agree that any proceeding of any kind concerning this agreement, the services performed hereunder, and/or fees and costs due hereunder, whether in court or in arbitration, shall be brought in San Francisco, California.

IN WITNESS WHEREOF, the CLIENT and the ATTORNEY have executed this AGREEMENT at San Francisco, California on the dates below written.

Sign and Date by Client

Sign and Date by Client

Sign and Date by Attorney

EXHIBIT F

Immigration Practice Group

A Professional Corporation
555 Clay Street
San Francisco, CA 94111

Flat Fee Agreement Payment Schedule & Legal Services Detail

Flat Fee Agreement Payment Schedule

File Number 60877 ARN / SS: _____ Date 5/16/09
 Fee Amount \$15,000 Initial Payment \$5,000 Forward Balance \$10,000

	Amount	Due Date	Amount	Due Date
Payment A:	<u>5000</u>	<u>1st</u>	Payment D:	_____
Payment B:	<u>5000</u>	<u>2d</u>	Payment E:	_____
Payment C:	<u>5000</u>	<u>upon completion</u>	Payment F:	_____

Legal Services Detail

- Item(s) marked indicate(s) service(s) selected
- Investigation Only
 - Representation in Pending Immigration Court Matter
 - Representation in Pending Criminal Matter
 - Analysis and Strategy for defense in Removal Proceedings
 - Analysis and Strategy for defense at the Board of Immigration Appeals
 - Analysis and Strategy for defense at Circuit Court of Appeals
 - Representation for Custody / Bond
 - Representation in Asylum Matter
 - OTHER: Temporary Work/visas

- Item(s) marked indicate(s) whom services are to be rendered for
- For CLIENT
 - For CLIENT's spouse
 - For CLIENT's children son
 - For CLIENT's other family members

Print Name

Street Address

City, State, Zip

[Signature] 5/16/09
Client Signature Date

[Signature] 5/16/09
Corporation Attorney Date

(17)

EXHIBIT G

CHRISTOPHER J. STENDER
MARTIN R. AVILA ROBLES
TERESA SALAZAR-COSMOS
MARIE LOUISE KAYAL
THOMAS A. LAPPIN
IMMIGRATION PRACTICE GROUP, P.C.
555 Clay Street
San Francisco, California 94111
T: (415) 398-3852
F: (415) 296-8730

RECEIVED
DEPARTMENT OF JUSTICE
09 JUL 22 10 58 AM '09
OFFICE OF THE IMMIGRATION JUDGE
SAN FRANCISCO, CALIFORNIA

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
SAN FRANCISCO, CALIFORNIA

JUL22/09 003#19418 SFR-
MTR-Reopen \$110.00

IN THE MATTER OF: §
§
HECTOR HERNANDEZ MANCERA, §
A079-367-843, §
Respondent §

IN REMOVAL PROCEEDINGS
HONORABLE JUDGE ROBERT YEARGIN

MOTION TO REOPEN/RESCIND *IN ABSENTIA* ORDER DUE TO STRUCTURAL
ERROR PURSUANT TO *Matter of A-P-*, 22 I&N Dec. 468 (BIA 1999)

60877
/

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
SAN FRANCISCO, CALIFORNIA

IN THE MATTER OF:

HECTOR HERNANDEZ MANCERA,
A079-367-843,

Respondent

§
§
§
§
§
§
§

IN REMOVAL PROCEEDINGS

HONORABLE JUDGE ROBERT YEARGIN

MOTION TO REOPEN/RESCIND *IN ABSENTIA* ORDER DUE TO STRUCTURAL
ERROR PURSUANT TO *Matter of A-P-*, 22 I&N Dec. 468 (BIA 1999)

I. INTRODUCTION

COMES NOW Respondent, HECTOR HERNANDEZ MANCERA, respectfully moving the Honorable Judge to grant the Respondent's Motion to Reopen/Rescind *In Absentia* Order Due To Structural Legal Error Pursuant to *Matter of A-P-*, 22 I&N Dec. 468 (BIA 1999). *The Honorable Judge's failure to render a separate decision resulted in his misidentifying the charges of removability; indeed, the IJ referred to charges of removability that do not exist in the Immigration and Nationality Act. Clearly, removability under these circumstances was not properly sustained. The motion should be granted.*

II. FACTUAL ARCHITECTURE

Mr. Hernandez Mancera is 28-years of age at this time. He was apparently scheduled for an initial removal hearing on June 26, 2007. Having never received proper notice of the removal hearing, he was improperly removed *in absentia*. It is important to note what the Immigration Judge ("IJ") and Government counsel relied upon in order to determine that service of the Notice To

Appear was proper. Government counsel stated, "Your Honor, the Government would move for an in absentia deported [*sic*] removal order. The, the source of the address that was on the Notice to Appear, Your Honor, was the I-485 that was filed in 2001. However, the Government has no record of any change of address since that time, as the respondent would be required to give had he changed his address, Your Honor." (Tr., pg. 1, June 26, 2007).

Thus, an application filed 6 years prior to the hearing, was the basis for the information contained in the Notice to Appear that was used to sustain his removal. Not only was it improper for the IJ to remove the Respondent on the basis of stale information; it was also improper to impute to the Respondent a requirement of notifying the Immigration Court of a change in address where there is no such requirement. Finally, and equally importantly, the IJ erred as the record reflects that he did not issue a separate oral decision as required by Board precedent. Instead, the IJ conducted the *in absentia* hearing and upon ordering the Respondent's removal, closed the matter and failed to further issue a decision with findings of fact and conclusions of law. This error merits rescinding the *in absentia* order.

III. LEGAL ANALYSIS

The record reflects that at the individual hearing on June 26, 2007, the IJ failed to render a separate oral decision that addressed removability, or anything else, for that matter. He did not, in fact, issue a separate decision at all. The failure to issue a separate opinion stating the basis for the *in absentia* order is a structural error that significantly impacted the Respondent's rights. There simply is no decision to reopen because the IJ failed to issue a decision at all.

In *Matter of A-P*, 22 I&N Dec. 468 (BIA 1999), the Board described the record before it in terms that are applicable to the instant matter and that apply with equal force to the instant case. “Although [8 C.F.R. §1240.12(a)] does not describe the physical aspects of a proper oral decision, we find that the appellate process is best served when the oral decision is set apart from the transcript of the proceedings such that it is readily identifiable as the Immigration Judge’s complete decision. In the case before us, the transcript contains scattered findings of fact and conclusions of law, but there is no clearly defined ‘decision’ by the Immigration Judge.” *Id.* “Additionally,” the Board continued,

“aliens facing removal from this country, this Board, and reviewing federal circuit courts of appeals should not be required to pore through the transcript of proceedings to find the Immigration Judge’s decision. We note that, in many cases, an Immigration Judge will make determinations on the issue of removability at the master calendar hearing and will make determinations regarding the respondent’s eligibility for various forms of relief at subsequent hearings. We have increasingly been confronted with instances where the Immigration Judge’s findings of fact and conclusions of law are scattered throughout the transcript and made piecemeal during hearings that take place on different days. Even when the Immigration Judge states his or her oral decision at the conclusion of the final hearing, it is frequently not clearly identified as the oral decision in the transcript, and at times is set forth in a manner that leaves the parties and the Board to speculate as to where the decision begins and ends, and whether additional legal and factual determinations have been pronounced elsewhere in the transcript. Accordingly, when an oral decision is rendered, the record should include a complete decision of the Immigration.” *Id.*

See also Matter of Rodriguez-Carrillo, 22 I&N Dec. 1031 (BIA 1999), *dissenting opinion*, (“[T]he concept of entering a reasoned decision at the conclusion of an immigration hearing is not a novel one.”).

Here, the IJ has scattered findings and rulings throughout the transcript but never summarized them for the benefit of a reviewing appellate authority. To make matters worse, the IJ went “OFF THE RECORD” at one point in the hearing. (Tr., pg. 2). What transpired while “off the record”

is unclear. This is a particularly vexing policy in the context of an *in absentia* ex-parte hearing. In any event, the IJ identifies exhibits offered by the Government, inquiring whether there would be any objection (as if the Government would object to the admission of an exhibit the Government itself offered into evidence) and then admits them into evidence.

Government counsel then refers to the I-485 adjustment of status application and points out to the IJ how he believes they support the allegations and the charge or charges of removability. At the end of the hearing, where the IJ would normally and correctly render a formal decision, the IJ instead renders various findings and conclusions and ends by ordering the Respondent's removal to Mexico. In so doing, he commits various legal errors and thus, abuses of discretion. *See e.g. Abu Hasirab v. DHS*, 478 F.3d 474, 477 (2nd Cir. 2007) ("The standard of abuse of discretion is satisfied where the agency, in making a discretionary determination, has misunderstood or misapplied the governing law.").

The errors are legally significant. It is not known, for example, how many charges of removability were lodged against the Respondent. At the end of the transcript, the IJ states:

"So on the basis of the other factual allegations, I'll find that the charge of removability under Section 212(a)(7)(A)(I) is sustained. And, further, that factual allegation, strike that, the charge under 212(a)(6)(A)(I) is also sustained. On that basis I'll find the respondent removable as charged and I'll order his removal to the country of Mexico." (Tr., pg. 5).

It is worth noting the following: there are no sections in 8 U.S.C. that correspond to the charges identified by the IJ—they do not exist in the Immigration and Nationality Act. §212(a)(7)(A)(I) does not exist; §212(a)(6)(A)(I) also does not exist. In fairness, one might surmise or speculate that the §212(a)(6)(A) charge instead was intended to refer to §212(a)(6)(A)(i), the appropriate charge for somebody who has entered the U.S. without inspection. However, two notions counter this

“fairness.” First of all, the government did not allege in its discussion at page 4 that the Respondent had entered without inspection. The Government notes that “his place of last entry in the United States [is] San Ysidro, California” but does not indicate the manner of entry.

Secondly, and perhaps more importantly, conjecture and speculation do not amount to “clear and convincing” evidence of removability. Under *Woodby v. INS*, 385 U.S. 276 (1966), the DHS must establish the Respondent’s deportability by evidence, which is clear, unequivocal, and convincing. INA §240(c)(3)(A) states that the DHS has the burden of “establishing by clear and convincing evidence that, in the case of an alien who has been admitted to the United States, the alien is deportable. No decision on deportability shall be valid unless it is based upon reasonable, substantial, and probative evidence”. See also 8 C.F.R. §1240.8(a). Speculation is neither reasonable, nor substantial, nor probative evidence. These compound errors would not have occurred had the IJ rendered a proper decision forcing him to indicate the charges of removability with precision, followed by factual findings and conclusions that sustain the charges. The IJ’s structural error cascaded into manifold errors that were avoidable.

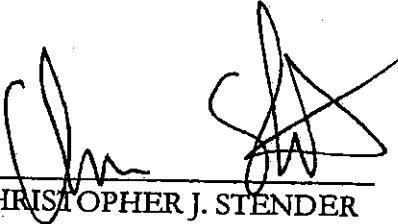
In view of the IJ’s failure: to render a separate decision; render findings of fact and conclusions of law explaining the basis for the IJ’s decision; and the erroneous charges of removability used against the Respondent, we respectfully pray the IJ either issue a decision that can be meaningfully challenged or certify the matter to the Board of Immigration Appeals. The motion should be granted; the faulty *in absentia* order should be rescinded with prejudice.

IV. CONCLUSION

WHEREFORE, the Respondent respectfully requests that the IJ grant the instant motion and render a decision, which includes the IJ's findings of fact and conclusions of law and which relies upon charges of removability that exist at 8 U.S.C., *et seq.*; alternatively, the IJ could certify the matter to the Board and not issue a reasoned opinion. Due process requires one or the other; the motion should be granted.

I remain, respectfully yours,

IMMIGRATION PRACTICE GROUP, P.C.



CHRISTOPHER J. STENDER

Counsel for the Respondent
555 Clay Street
San Francisco, California 94111
T: (415) 398-3852
F: (415) 296-8730

EXHIBIT H

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
U.S. IMMIGRATION COURT
SAN FRANCISCO, CALIFORNIA

File No.: A079 367 843

In the Matter of:

Hector HERNANDEZ-Mancera,

Respondent.

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)
)
)
)
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In Removal Proceedings

DECISION OF THE IMMIGRATION JUDGE

The respondent has moved to reopen his proceedings. The motion will be denied for the reasons set out below.

A. Written decision of the Immigration Judge for removal of Respondent in absentia

In his Notice to Appear, the Respondent is charged with being a native and citizen of Mexico who arrived in the United States on or about July 4, 1995, and was not at that time inspected or admitted by an immigration officer. He is also charged with submitting on or about July 16, 2001, a Form I-485, Application to Register Permanent Resident or Adjust Status, which application was denied on December 6, 2006. He is further charged with being an immigrant not in possession of a valid unexpired immigrant visa, re-entry permit, border crossing card or other valid entry document required by the Immigration and Nationality Act, and further that he was not admitted or paroled after inspection by an immigration officer. He is charged with being removable first under INA section 212(a)(7)(i)(I) as an immigrant who at the time of application for admission is not in possession of a valid entry document and also under INA section 212(a)(6)(A)(i) as an alien present in the United States without being admitted or paroled.

The immigration court scheduled a hearing in Respondent's case for June 26, 2007. The respondent did not appear. The government moved for an order for Respondent's removal in absentia, which motion the Court granted.

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The Court marked the Notice to Appear (NTA) as Exhibit 1, respondent's application for adjustment of status (Form I-485) as Exhibit 2; and the immigration court hearing notice for July 26, 2007, as Exhibit 3.¹

The certificate of service on the NTA indicated that it had sent by regular mail to 3235 23rd Street, San Francisco, California. Exhibit 1. Government counsel advised the Court that the NTA had not been returned by the postal service. The hearing notice was sent by Court staff to the same address. Exhibit 2. The Court notes that neither the NTA nor the hearing notice were returned by the postal service. Relying on the presumption of the regularity of the delivery of the mail, the Court concludes that the NTA was properly served on the Respondent at the last address he provided to the government. Exhibit 2. The reverse of the NTA advises the Respondent of the requirements of keeping the Court advised of changes in address. The Court has received no change of address form advising of a new address for the Respondent. The Court will again rely on the presumption of the regularity of the delivery of the mail to conclude that the notice of the court hearing on July 26, 2009, to conclude that the hearing notice was properly served on Respondent at the address on the NTA. See Exhibit 1.

The Respondent applied for permanent resident status in the United States on Form I-485. Exhibit 2. If he were a U.S. citizen, such an application would not be necessary. On the basis of this evidence, the Court sustains factual allegation 1, that Respondent is not a citizen of the United States. The adjustment application signed by Respondent identifies him as being born in Mexico. Exhibit 2, part 1. The biographic information form submitted with the Form I-485 and signed by Respondent identifies him as being born in Mexico and being a citizen of Mexico. Exhibit 2, Form G-325 biographic information form. On the basis of this evidence, the Court sustains factual allegation 2, that he is a native and citizen of Mexico.

The Respondent's adjustment application indicates that he entered the United States on July 4, 1995. Exhibit 2, Form I-485, part 1. The application in part 2 further indicates that he entered without inspection. *Id.* at part 2. On the basis of this evidence, the Court sustains factual allegation 3, that when the Respondent entered the U.S. on July 4, 1995, he was not inspected or admitted or paroled into the United States by an immigration officer. The Respondent's adjustment application contains in the upper right hand corner a fee stamp with a date of July 16, 2001. Exhibit 2 at I. On the basis of this evidence, the Court sustains factual allegation 5, that on or about July 16, 2001, Respondent submitted a Form I-485, Application to Register Permanent Resident or Adjust Status. The Respondent's adjustment application contains in the lower right hand corner a stamp indicating that the application was denied on December 6, 2006. *Id.* On the basis of this evidence, the Court sustains factual allegation 6, that on or about December 6, 2006, Respondent's application on Form I-485 was denied.

///

¹ In support of his motion Respondent has attached a transcript of the hearing on June 26, 2007. This transcript will be marked and admitted as Exhibit 4.

On the basis of the foregoing, the record supports the conclusion that Respondent is a native and citizen of Mexico. that he was not inspected or admitted to the United States by an immigration officer and further that his application for permanent resident status was denied. INA section 291 provides that after alienage has been established in removal proceedings, the burden is on Respondent to show his time, place and manner of entry into the United States. Since this has not been done, the Respondent is presumed to be in the United States in violation of law. On this basis, the Court sustains factual allegation 7, that Respondent is an immigrant not in possession of a valid unexpired immigrant visa or other valid entry document. The Court finds that factual allegation 8, that Respondent was not admitted or paroled after inspection by an immigration officer, is identical to factual allegation 3, see supra.

On the basis of its findings sustaining factual allegations 1, 2, 3, 4, 5, 6 and 7, the Court finds that Respondent is removable under INA section 212(a)(7)(A)(i)(I), as an immigrant, who at the time of application for admission, is not in possession of a valid unexpired immigrant visa or other valid entry document. Further, on the basis of its findings sustaining factual allegations 1, 2, 3, 4, 5, 6 and 8, the Court finds that Respondent is removable under INA section 212(a)(6)(A)(i) as an alien present in the United States without being admitted or paroled.² The Court therefore finds Respondent removable as charged and orders his removal to the country of Mexico.

Respondent's motion to reopen proceedings

The Court retains jurisdiction to consider this motion despite the evidence of record to the effect that the Respondent has departed the United States since the order was issued on June 26, 2007. On the Form E-28 used by counsel to enter his appearance and dated July 19, 2009, the

² Respondent asserts that the Court found Respondent removable on charges that do not exist in either the INA or the statute as codified at Title 8, United States Code. Motion at 5, referring to Exhibit 4 at 5. The Court has reviewed the tape, as counsel could have, and determined that there was an error in transcription. In both cases, the Court specified in dictation that the final section of the charge should be "small Roman numeral I." The Court can envision two possibilities for the errors, either that the transcriber did not follow instructions or that the computer program automatically changed it to a capital, as the Court experienced in preparing this decision. The tape reflects that the Court found Respondent removable on INA sections 212(a)(7)(A)(i), and 212(a)(6)(A)(i). To the extent there is any ambiguity in the transcript, it is clarified in this decision.

Respondent also attempts to intimate that improper conduct took place while the Court was off the record during the in absentia hearing. Motion at 4-5. The record reflects that government counsel asked for time to make copies of documents to be submitted to the Court and the Court granted the request. Exhibit 5 at 2-3. The Court states for this record that no other discussion took place between the Court and government counsel during the time off the record.

address provided for Respondent is in Mexico. Exhibit 5.³ Since the motion is premised on a claim that Respondent did not receive notice of the hearing in June 2007, the Court does not lack jurisdiction to consider it. Matter of Olivia Bulnes-Nolasco, 25 I&N Dec. 57 (BIA 2009); Matter of C-R-C, 24 I&N Dec. 677 (BIA 2008).

A motion to reopen removal proceedings where an order has been entered in absentia is governed by Section 240(b)(5)(C) of the Act, 8 U.S.C. 1229a.. The statute provides the sole mechanism for rescission of an order of deportation or removal entered against an alien pursuant to the alien's unexplained failure to appear, as follows:

(C) Rescission of order.

Such an order may be rescinded only

(i) upon a motion to reopen filed within 180 days after the date of the order of removal if the alien demonstrates that the failure to appear was because of exceptional circumstances (as defined in subsection (e)(1)), or

(ii) upon a motion to reopen filed at any time if the alien demonstrates that the alien did not receive notice in accordance with paragraph (1) or (2) of section 239(a) or the alien demonstrates that the alien was in Federal or State custody and the failure to appear was through no fault of the alien. . . .

The statute defines "exceptional circumstances" as "exceptional circumstances (such as serious illness of the alien or serious illness or death of the spouse, parent or child of the alien, but not including less compelling circumstances) beyond the control of the alien. Section 240(e)(1) of the Act, 8 U.S.C. 1229a(e)(1).

The Court first considers Respondent's assertion that he did not receive notice for his hearing on June 26, 2007. Motion at 2. See INA section 240(b)(5)(C)(ii). The respondent was served with the Notice to Appear (NTA) in this case, sent by regular mail to 3235 23rd Street, San Francisco, California 94110, as evidenced by the certificate of service on the reverse of the NTA. Exhibit 1. The hearing notice was sent by court staff to him by regular mail at the same address. Exhibit 2. Neither mailing was returned by the postal service. The respondent did not appear for his hearing.

The Board has held that where an NTA is properly addressed and sent by regular mail according to normal office procedures, there is a presumption of delivery, but that presumption is weaker than the presumption for documents sent by certified mail. Matter of M-R-A-, 24 I&N Dec. 665, 673 (BIA 2008). Where Respondent claims, as here, that mail sent to the most recent address provided was not received, the Court must consider all relevant evidence submitted to overcome the weaker presumption. This evidence will include, but is not limited to, affidavits from the

³ The E-28 will be marked and admitted as Exhibit 5.

Respondent and other knowledgeable persons about whether notice was received, whether due diligence was exercised in rectifying the situation, any prior applications that would indicate an incentive to appear, and prior immigration court appearances, if applicable. Id. at 673-74.

In the present case, Respondent has submitted no affidavits to support his assertions. See 8 C.F.R. section 1003.2(c)(1); see also INS v. Wang, 450 U.S. 139, 143 (1981) (per curiam) (upholding BIA's denial of motion to reopen because "the allegations of hardship were in the main conclusory or unsupported by affidavit."); Patel v. INS, 741 F.2d 1134, 1137 (9th Cir. 1984) ("[I]n the context of a motion to reopen, the BIA is not required to consider allegations unsupported by affidavits or other evidentiary material.") It is well established that the unsworn statements of counsel, as contained in the motion, do not constitute evidence. Further, he has submitted no evidence that his motion to reopen filed two years after the Court's order reflected due diligence on his part to redress the situation. Additionally, as regards other applications, it is significant in the Court's view that the NTA was issued and served on March 30, 2007, almost four months after Respondent's adjustment application was denied on December 6, 2006. It may be said without fear of contradiction that if Respondent was aware of the denial, he had no incentive to appear. Finally, Respondent had no history of appearing at his immigration court hearings, but failed to appear at the first scheduled hearing. In light of the foregoing, the Court will find that he has not rebutted the presumption that the NTA and hearing notice were properly delivered to the last address he provided to the government.

In this context, Respondent's arguments regarding the Court's reliance on "stale" address information are unavailing. Further, Respondent has made no application for relief as required by statute. INA section 240(c)(7)(B).

The Court next considers whether Respondent has presented any other "exceptional circumstances" that would excuse his failure to appear. See INA section 240(b)(5)(C)(i). Respondent through counsel alleges no such factors. The motion to reopen will be denied on the further grounds that none of the considerations in INA section 240(b)(5)(C) have been satisfied.

The statute provides as well that, except as provided above, motions to rescind an order of removal in absentia must be filed within 180 days of the order of removal. INA section 240(b)(5)(C)(i). Respondent's motion to reopen was filed July 22, 2009, more than two years after the Court's order of June 26, 2007. The Court has found that none of the conditions set out in INA

///

///

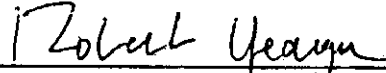
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section 240(b)(5)(C)(ii) excusing the time limit have been satisfied. The motion must therefore also be denied as untimely.

For the foregoing reasons, the motion to reopen will be denied.

IT IS SO ORDERED.



ROBERT YEARGIN
Immigration Judge

January 4, 2010

EXHIBIT I

File Copy

1 Community Legal Centers
Alexander H. Lubarsky, Esq. CSBN 182691
2 P.O. Box 605
San Mateo, CA 94401
3 Telephone: (650)347-6191

4 Attorney for Respondent

5

6 **EXECUTIVE OFFICE FOR IMMIGRATION REVIEW - OFFICE OF THE**
7 **IMMIGRATION JUDGE - SAN FRANCISCO, CA**

8

9 IN THE MATTER OF:)
) A079-367-843
10 Hernandez-Mancera, Hector -)
) Respondent's Motion to Reopen
11 Respondent)
) Removal Proceedings and to
12)
) Rescind in absentia Order of
13 In Removal Proceedings)
) Removal
14)
)
15)
) Judge: Hon. Robert Yeargin

16

17 **RESPONDENT'S SECOND MOTION TO REOPEN REMOVAL PROCEEDINGS AND TO**
18 **RESCIND IN ABSENTIA ORDER OF REMOVAL**

19

20

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22

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29

Pursuant to section 240(b)(5)(C)(ii) of the Immigration and Nationality Act (Act), Respondent respectfully moves this Court to reopen removal proceedings in this matter and to rescind the order of removal entered in absentia under section 240(b)(5)(A) of the Act on June 26, 2007 because Respondent did not receive notice of the hearing in accordance with section 239(a) of the Act. Under 8 C.F.R. § 1003.24(b)(2)(v), a filing fee is not required in connection with the filing of this motion.

10 APR 25 AM 10:30
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RELEVANT FACTS AND PROCEDURAL HISTORY

1
2 Respondent is a 29-year-old native and citizen of Mexico.
3 He first entered the United States without inspection in July of
4 1995 at the age of fourteen.

5 On July 3, 1997, Respondent's father submitted an I-130
6 Immigrant Visa Petition on behalf of Respondent. That I-130
7 petition was approved on September 9, 1997.
8

9 In July of 2001, Respondent submitted an I-485 Application
10 for Adjustment of Status to USCIS based on his father's approved
11 I-130 petition. At the time when Respondent filed his I-485
12 application, he lived with his mother at 3235 23rd St., San
13 Francisco, CA 94110. In April of 2002, Respondent and his father
14 were interviewed by USCIS in San Francisco regarding Respondent's
15 I-485 application. USCIS did not issue a decision on
16 Respondent's I-485 application at the conclusion of the
17 interview.
18

19 In May of 2003, Respondent's mother purchased a house
20 located at 2874 Estates Drive, Concord, CA 94520, and Respondent
21 relocated to that address.
22

23 In August of 2003, in order to notify USCIS of his new
24 mailing address and to renew his employment authorization
25 document, Respondent appeared at the USCIS office in San
26 Francisco. Respondent believed that, by submitting an
27 application for employment authorization with his new address to
28 USCIS, he would provide sufficient notice of his new address to
29

1 USCIS. Respondent's application for employment authorization was
2 approved on the same date and Respondent was issued an employment
3 authorization document.

4 Respondent appeared at the USCIS San Francisco office again
5 in August of 2004. At that time, he submitted another
6 application to renew employment authorization with his new
7 mailing address in Concord, CA. As Respondent's application for
8 adjustment of status was pending at that time, Respondent was
9 issued a new employment authorization document.
10

11 On or about December 6, 2006, more than five years after
12 Respondent applied for adjustment of status, USCIS issued a
13 decision denying Respondent's I-485 application. Respondent's I-
14 485 application was denied based on failure to appear for a
15 biometrics appointment. The biometrics appointment notice as
16 well as the decision denying Respondent's I-485 application had
17 been mailed to Respondent's previous address in San Francisco,
18 CA, where he could no longer receive mail.
19

20 On March 30, 2007, USCIS issued a Notice to Appear ("NTA")
21 to Respondent. The NTA was sent by regular mail to the address
22 indicated in Respondent's I-485 application, although Respondent
23 could no longer receive mail at that address.
24

25 On June 26, 2007, this Court ordered Respondent removed from
26 the United States in absentia, based on his failure to appear for
27 a removal hearing.
28
29

1 As Respondent was unaware of any decision on his I-485
2 application, he appeared at the USCIS San Francisco office on
3 October 15, 2007 in order to inquire into the status of his I-485
4 application. After Respondent explained the purpose of his visit
5 to a USCIS officer, he was advised that an order of removal had
6 been issued against Respondent. On the same day Respondent was
7 arrested by ICE officers and removed to Mexico.
8

9 On October 15, 2007, the date of Respondent's removal from
10 the United States, Respondent's father Jaime Hernandez retained
11 attorney Martin Resendez Guajardo ("Mr. Guajardo") in order to
12 assist Respondent in his immigration problems. Respondent's
13 father paid Mr. Guajardo \$5,000.00 "to bring [his son] back to
14 San Francisco." See Declaration of Jaime Hernandez in **Exhibit A**,
15 p.5. Mr. Guajardo did not prepare a written contract explaining
16 the scope of his representation, but provided Respondent's father
17 with a receipt for the \$5,000.00 paid to Mr. Guajardo. See
18 **Exhibit A**, p.10.
19

20 Several days later, Respondent's father went to see Mr.
21 Guajardo in his office again. Mr. Guajardo stated to
22 Respondent's father that he needed Respondent's immigration
23 records and that it would take him 6 months to obtain
24 Respondent's records.
25

26 Although Respondent's father continued to see Mr. Guajardo
27 regularly, he did not see Mr. Guajardo complete any paperwork
28 regarding Respondent's case. Mr. Guajardo urged Respondent's
29

1 father to be patient and kept advising him that there were no
2 news in Respondent's case.

3 On April 17, 2008, Mr. Guajardo tendered his resignation
4 from the California State Bar with disciplinary charges pending
5 against him and acquired voluntarily inactive status, which made
6 him ineligible to practice law in California. See Exhibit A, pp.
7 17-18. However, Mr. Guajardo failed to notify Respondent or his
8 father that he was no longer eligible to practice law and to
9 represent Respondent. Mr. Guajardo continued to see Respondent's
10 father and kept telling him that he had to wait because more
11 steps had to be taken in Respondent's case.
12

13 Approximately in January of 2009, Respondent's father first
14 met attorney Christopher J. Stender ("Mr. Stender") in Mr.
15 Guajardo's office located at 555 Clay St., San Francisco, CA
16 94111. Mr. Guajardo introduced Mr. Stender to Respondent's
17 father and informed him that Mr. Guajardo would be staying in the
18 office, but would not be doing any "court work" anymore. See
19 Exhibit A, p.7.
20

21 Respondent's father talked to Mr. Stender for approximately
22 10 minutes on that day and has never seen him again. Neither Mr.
23 Stender, nor Mr. Guajardo requested Respondent or his father to
24 provide any declarations or any other documents.
25

26 On May 16, 2009, Respondent's father went to the office of
27 Mr. Guajardo and Mr. Stender, located at 555 Clay St. in San
28 Francisco, CA. Mr. Guajardo spoke to Respondent's father in the
29

1 office and stated to him that Respondent's father had to pay
2 \$5,000.00 more. Respondent's father paid the requested amount
3 and was given a one-page document titled "Flat Fee Agreement
4 Payment Schedule & Legal Services Detail." See Exhibit A, p.15.
5 The document did not clearly outline the scope of representation.
6 Mr. Guajardo again failed to advise Respondent that he was no
7 longer eligible to practice law.

8
9 On July 22, 2009, Mr. Stender filed Respondent's motion to
10 reopen removal proceedings with this Court. The motion was not
11 accompanied by any supporting documents.

12 On January 4, 2010, this Court denied Respondent's first
13 motion to reopen filed by Mr. Stender.

14 On January 17, 2010, Respondent's father spoke with Mr.
15 Guajardo again in his office at 555 Clay St. in San Francisco,
16 CA. Mr. Guajardo said that the next step would be to appeal this
17 Court's decision. No written contract was prepared regarding any
18 possible appeal.
19

20 On February 3, 2010, Respondent's current counsel sent a
21 letter to Mr. Stender requesting him to explain why it took him
22 and Mr. Guajardo nearly two years to file Respondent's motion to
23 reopen and why the motion to reopen was not accompanied by any
24 affidavits or any other supporting documents. See Exhibit A, pp.
25 19-21. Respondent's current counsel requested Mr. Stender to
26 provide a written response within one week after receiving the
27
28
29

1 letter. The letter was delivered to Mr. Stender's office on
2 February 4, 2010. See Exhibit A, p. 19.1.

3 Mr. Stender failed to provide a response within the
4 requested time period. On March 8, 2010, Respondent's father
5 mailed a complaint against Mr. Stender to the New York State Bar.
6 See Exhibit A, pp. 24-41. On March 17, 2010, Respondent's
7 current counsel received a letter from Mr. Stender dated March
8 15, 2010. See Exhibit A, pp. 22-23.
9

10 11 12 ISSUES

13 I. Whether Respondent is entitled to equitable tolling
14 because attorney Christopher Stender, who prepared
15 Respondent's first motion to reopen, and former
16 attorney Martin Resendez Guajardo rendered him
17 ineffective assistance of counsel.
18

19
20 II. Whether Respondent's in absentia order of removal
21 issued on June 26, 2007 should be rescinded pursuant to
22 Matter of G-Y-R-, 23 I&N Dec. 181 (BIA 2001) because
23 Respondent did not receive a copy of the Notice to
24 Appear and did not receive a notice of his removal
25 hearing.
26
27
28
29

ARGUMENT

1
2 I. Respondent is entitled to equitable tolling because
3 attorney Christopher Stender, who prepared Respondent's
4 first motion to reopen, and former attorney Martin Resendez
5 Guajardo rendered him ineffective assistance of counsel.
6

7 Under section 240(b)(5)(C)(ii) of the Act, an order of
8 removal in absentia may be rescinded "upon a motion to reopen
9 filed at any time if the alien demonstrates that [she] did not
10 receive notice in accordance with paragraph (1) or (2) of section
11 239(a)" 8 U.S.C. 1229a(b)(5)(C)(ii).
12

13 Section 240(c)(7)(A) of the Act provides that an alien may
14 file only one motion to reopen removal proceedings. However, the
15 Ninth Circuit has expressly applied equitable tolling to cases
16 involving the numeric bar on motions to reopen. See Iturribarria
17 v. INS, 321 F.3d 889, 897 (9th Cir. 2003) ("This court . . .
18 recognizes equitable tolling of deadlines and numerical limits on
19 motions to reopen . . . when a petitioner is prevented from
20 filing because of deception, fraud, or error, as long as the
21 petitioner acts with due diligence in discovering the deception,
22 fraud, or error."); Rodriguez-Lariz v. INS, 282 F.3d 1218, 1224-
23 25 (9th Cir. 2002).
24

25 The Iturribarria Court held that "[w]here the ineffective
26 performance was that of an actual attorney and the attorney
27 engaged in fraudulent activity causing an essential action in her
28 client's case to be undertaken ineffectively, out of time, or not
29

1 at all, equitable tolling is available." Iturribarria, 321 F.3d
2 at 898.

3 Here, Respondent was provided ineffective assistance by
4 attorney Martin Resendez Guajardo, who is no longer licensed to
5 practice law, and by attorney Christopher J. Stender, who filed
6 Respondent's first motion to reopen removal proceedings.
7

8 Respondent's father retained Mr. Guajardo to represent
9 Respondent in his immigration matter on October 15, 2007 and paid
10 him \$5,000.00. See Exhibit A, p.10. However, Mr. Guajardo has
11 never filed Respondent's motion to reopen. Furthermore, Mr.
12 Guajardo failed to advise Respondent that, since April 17, 2008,
13 he has been ineligible to practice law and could no longer act as
14 Respondent's attorney.
15

16 Respondent's father continued to see Mr. Guajardo regularly
17 and, on May 16, 2009, paid him \$5,000.00 in addition to amount he
18 had on October 15, 2007. See Exhibit A, pp. 9,14,15.

19 Mr. Guajardo did not prepare any detailed agreement
20 explaining the scope of representation and did not explain that
21 he was no longer licensed to practice law.
22

23 In January of 2009, Respondent's father for the first time
24 met Ms. Stender, who was introduced to Respondent's father by Mr.
25 Guajardo in Mr. Guajardo's office. Mr. Stender has never asked
26 Respondent or his father to provide any documents in support of
27 Respondent's motion to reopen. Finally, Respondent's first
28 motion to reopen was filed by Mr. Stender on July 22, 2009,
29

1 nearly two years after Respondent's father retained Mr. Guajardo
2 to represent Respondent.

3
4 Mr. Stender and Mr. Guajardo provided ineffective assistance
5 to Respondent by filing his motion to reopen nearly two years
6 after Respondent's father retained Mr. Guajardo's office to
7 represent Respondent.

8
9 Furthermore, Mr. Stender's failure to obtain and submit
10 Respondent's declaration in support of his motion to reopen
11 constituted ineffective assistance. Respondent did not receive
12 the Notice to Appear issued in this matter as well as a notice of
13 his removal hearing conducted on June 26, 2010. Although Mr.
14 Stender stated in Respondent's first motion to reopen that
15 Respondent "never received proper notice of the removal hearing,"
16 it is well established that counsel's unsworn statements in a
17 brief are not evidence. See INS v. Phinpathya, 464 U.S. 183,
18 188-89 n.6 (1984).

19
20 Pursuant to the BIA's decision in Matter of G-Y-R-, 23 I&N
21 Dec. 181, 189 (BIA 2001), "the notice requirement leading to an
22 in absentia order cannot be satisfied by mailing the Notice to
23 Appear to the last known address of the alien *when the alien does*
24 *not receive the mailing.*" (emphasis in the original). Thus, it
25 was crucial for Respondent's motion to reopen to demonstrate that
26 he had not received the Notice to Appear. Mr. Stender failed to
27
28
29

1 obtain or submit any evidence showing that Respondent had not
2 received the Notice to Appear.

3 Respondent clearly suffered prejudice as a result of the
4 ineffective assistance provided by Mr. Guajardo and by Mr.
5 Stender. Pursuant to Matter of G-Y-R-, Respondent is entitled to
6 have these proceedings reopened because he had not received a
7 copy of the Notice to Appear prior to the Court's in absentia
8 order of removal and, consequently, had not received proper
9 advisals contained in the Notice to Appear. See G-Y-R-, 23 I&N
10 Dec. at 189.
11

12 Under Matter of Lozada, 19 I&N Dec. 637 (BIA 1988), a motion
13 to reopen or reconsider based upon a claim of ineffective
14 assistance requires (1) that the motion be supported by an
15 affidavit by the respondent attesting to the relevant facts and
16 setting forth the agreement that was entered into with counsel,
17 (2) that counsel whose competence is being questioned be informed
18 of the allegations against him and be given an opportunity to
19 respond, and (3) that the motion reflect whether a complaint has
20 been filed with appropriate disciplinary authorities and if not,
21 why not.
22

23 Here, Respondent has satisfied all the Lozada requirements.
24

25 This motion is supported by affidavits by Respondent and his
26 father. Respondent's counsel has been notified of the
27 allegations against him and has been given an opportunity to
28 respond. Furthermore, a complaint against Mr. Stender has been
29

1 filed with the proper disciplinary authorities of the New York
2 State Bar.¹

3 Besides, the Ninth Circuit has stated that the Lozada
4 factors are not rigidly applied, especially where their purpose
5 is fully served by other means. See, e.g., Castillo-Perez v. INS,
6 212 F.3d 518, 525-26 (9th Cir. 2000) (explaining that the Lozada
7 requirements "are not sacrosanct"); see also Ray v. Gonzales, 439
8 F.3d 582, 588 (9th Cir. 2006) (observing that we have "not
9 hesitated to address ineffective assistance of counsel claims,
10 even when an alien fails to comply strictly with Lozada").
11

12 Here, the ineffective assistance of counsel is plain on the
13 face of the record. There appears to be no justification for
14 Respondent's former counsel's failure to submit any supporting
15 declarations in support of Respondent's motion to reopen and for
16 his failure to file a motion to reopen within a reasonable amount
17 of time after he was retained by Respondent's father.
18

19 Respondent exercised due diligence in pursuing his request
20 to reopen removal proceedings. His father retained Mr. Guajardo,
21 who was a licensed attorney at that time, immediately after
22 Respondent was detained by the Immigration and Customs
23 Enforcement. He continued to regularly see Mr. Guajardo during a
24 nearly 2-year period of time and relied on Mr. Guajardo's
25

26
27 ¹ As Mr. Guajardo is no longer a member of the State Bar of
28 California and is no longer licensed to practice law, there
29 appears to be no need to file a complaint against Mr. Guajardo
with the California State Bar. See Exhibit A, p.17.

1 expertise in immigration law. Respondent did not discover that
2 he had been rendered ineffective assistance of counsel until
3 after this Court denied Respondent's first motion to reopen and
4 Respondent's father decided to seek legal advise from a different
5 attorney regarding Respondent's legal matter.
6
7

8 **II. The in absentia order of removal issued on June 26, 2007**
9 **should be rescinded pursuant to Matter of G-Y-R-, 23 I&N**
10 **Dec. 181 (BIA 2001) because Respondent did not receive a**
11 **copy of the Notice to Appear and did not receive proper**
12 **notice of his removal hearing.**
13

14 In a recent decision, the Board of Immigration Appeals held
15 that "an alien's departure from the United States while under an
16 outstanding order of deportation or removal issued in absentia
17 does not deprive the Immigration Judge of jurisdiction to
18 entertain a motion to reopen to rescind the order if the motion
19 is premised on lack of notice." Matter of Bulnes-Nolasco, 25 I&N
20 Dec. 57, 60 (BIA 2009). Thus, the Court has jurisdiction over
21 this motion even though Respondent was removed from the United
22 States to Mexico pursuant to this Court's order of removal in
23 absentia. See id.
24

25 This Court's order issued on June 26, 2007 should be
26 rescinded and Respondent's removal proceedings should be reopened
27 because Respondent did not receive a copy of the Notice to Appear
28
29

1 and did not receive proper notice of his removal hearing
2 conducted in absentia on June 26, 2007.

3 The Notice to Appear and the hearing notice were mailed to
4 3235 23rd St., San Francisco, CA 94110, the address where
5 Respondent had not resided since May of 2003.

6 In Matter of G-Y-R-, the alien did not appear for an asylum
7 interview, which was scheduled for July 2, 1997, after a notice
8 of her asylum interview had been mailed to the address provided
9 by the alien in 1991. 23 I&N Dec. at 182. The Service mailed a
10 Notice to Appear to the same address and it was returned to the
11 Service by the Postal Service. Id. When the alien failed to
12 appear for her removal hearing, the Service moved to proceed in
13 absentia, but the Immigration Judge denied the Service's motion
14 and terminated proceedings. Id. The Service appealed the
15 Immigration Judge's decision to the BIA. Id. The BIA affirmed
16 the decision.

17 The BIA held that "the statute does not authorize the entry
18 of an in absentia order unless the advisals in the Notice to
19 Appear are properly conveyed." Id. at 189. It explained that
20 "the notice requirement leading to an in absentia order cannot be
21 satisfied by mailing the Notice to Appear to the last known
22 address of the alien *when the alien does not receive the*
23 *mailing.*" Id. In such a case, "the alien cannot be on notice of
24 either removal proceedings or the address obligations particular
25 to removal proceedings" and "the address used by the Service
26
27
28
29

1 cannot qualify as a section 239(a)(1)(F) address, and the entry
2 of an in absentia order is precluded." Matter of G-Y-R-, 23 I&N
3 Dec. at 190.

4 The facts of this matter are analogous to the ones in the
5 Matter of G-Y-R-. The Notice to Appear in this matter was mailed
6 in 2007 to the address provided by Respondent in his I-485
7 application for adjustment of status filed nearly six years
8 earlier, in 2001. At that time, Respondent no longer resided at
9 the address provided in his I-485 application and did not receive
10 a copy of the NTA. Because he did not receive a copy of the NTA
11 and did not receive the advisals contained in the NTA, he could
12 not be properly required to notify this Court of his new address
13 and could not be ordered removed in absentia based on his failure
14 to appear for his removal hearing on June 26, 2007.

15
16
17 Furthermore, Respondent made attempts to notify USCIS of his
18 new address when he appeared in the USCIS Office in San Francisco
19 in August of 2003 and in August of 2004 and provided his new
20 address in connection with his application for employment
21 authorization. See Exhibit A, pp.1-2. Respondent had not been
22 informed of his responsibility to submit a separate change of
23 address form to USCIS and believed that USCIS would be put on
24 notice of his new address for the purposes of Respondent's
25 application for adjustment of status.

26
27 Respondent is prima facie eligible for adjustment of status
28 under the Child Status Protection Act because the I-485
29

1 application was submitted when Respondent was under the age of 21
2 and Respondent's is a United States citizen. Respondent's I-485
3 application was denied solely based on his failure to appear for
4 a biometrics appointment. In the decision denying Respondent's
5 first motion to reopen, this Court stated that Respondent had
6 made no applications for relief. However, Respondent's I-485
7 application should have been referred to the Court by USCIS and
8 Respondent will be renewing his application for adjustment of
9 status before this Court if it grants Respondent's motion to
10 reopen removal proceedings.
11
12

13 CONCLUSION

14 This Court's order of removal issued in absentia issued on
15 June 26, 2007 should be rescinded and the proceedings in this
16 matter should be reopened.
17

18
19 Dated: April 23, 2010
20

21
22 Respectfully submitted,


23
24 
25 Alexander H. Lubarsky, Esq.,
26 Attorney for Respondent
27
28
29

EXHIBIT J

IMMIGRATION PRACTICE GROUP, APC

CHRISTOPHER J. STENDER
ATTORNEY AT LAW

555 CLAY STREET
SAN FRANCISCO, CA 94111

T 415.398.3852
F 415.296.8730

REMINDER

Case Number: 60877

Date: 04-23-09 Time: 7:00 AM

Notes: _____

Office Hours: Monday through Friday, 8 AM to 5 PM

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6-12-09

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REMINDER

Case Number: 60877

Date: 09/10/07 Time: 8:00AM

Notes: _____

Office Hours: Monday through Friday, 8 AM to 5 PM

REMINDER

Case Number: 60877

Date: 7/18 Time: 7:00

Notes: _____

Office Hours: Monday through Friday, 8 AM to 5 PM

REMINDER

Case Number: 60877

Date: 9/19 Time: 7:00

Notes: _____

Office Hours: Monday through Friday, 8 AM to 5 PM

REMINDER

Case Number: 60877

Date: 6/4 Time: 2:00

Notes: _____

Office Hours: Monday through Friday, 8 AM to 5 PM

REMINDER

Case Number: 60877

Date: 10/15/2008 Time: 11AM

Notes: _____

Office Hours: Monday through Friday, 8 AM to 5 PM