

1 BRENT W. RENISON, Oregon SBN. 96475  
2 PARRILLI RENISON LLC  
3 5285 SW Meadows Rd., Ste 175  
4 Lake Oswego, Oregon 97035  
5 (503) 597-7190  
6 (503) 726-0730 fax  
7 *Admitted pro hac vice*

8 Attorneys for Plaintiffs-Petitioners and  
9 Class Members

10 UNITED STATES DISTRICT COURT  
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
12 WESTERN DIVISION

13 CAROLYN ROBB HOOTKINS, et. al., ) Case No. CV07-5696 CAS (MANx)

14 Plaintiffs-petitioners, )

15 vs. )

16 MICHAEL CHERTOFF, U.S. Department )  
17 of Homeland Security, et. al., )

18 Defendants-respondents. )

19 Date: January 28, 2008

20 Time: 10:00 a.m.

21 Courtroom: 5

22 Honorable Christina A. Snyder

23 [PROPOSED] STATEMENT OF  
24 UNCONTROVERTED FACTS AND  
25 CONCLUSIONS OF LAW

26 CLASS ACTION

1 **STATEMENT OF UNCONTROVERTED FACTS AND CONCLUSIONS OF LAW**

2 Pursuant to L.R. 56-1, plaintiffs hereby set forth the material facts to which  
3 plaintiffs contend there is no genuine issue.  
4

5 **I. STATEMENT OF UNCONTROVERTED FACTS**

6 Plaintiffs share common sets of facts that are material to the controversy,  
7 and which exist without genuine controversy. Based on the conference of counsel on  
8 November 30, 2007, counsel for plaintiffs conclude that no genuine issue exists regarding  
9 any material fact, and that if counsel for defendants responds to these statements with a  
10 Statement of Genuine Issues and Declarations as required by L.R. 56-2 and L.R. 56-3, no  
11 fact will be found to exist that cannot be reasonably resolved in favor of either party.  
12 Plaintiffs contend that the following material facts are uncontroverted and that no genuine  
13 issue exists which would necessitate litigation:

- 14 1) Plaintiffs are beneficiaries of petitions properly filed by plaintiffs' United States  
15 citizen spouses to accord immediate relative status to plaintiffs;
- 16 2) Plaintiffs who are beneficiaries of Form I-130, Petition for Alien Relative, were  
17 married prior to the filing of Form I-130;
- 18 3) Plaintiffs who are beneficiaries of Form I-129, Petition for Alien Fiance(e),  
19 were married within the required 90 days from entry under K-1 status;
- 20 4) Plaintiffs' United States citizen spouses died while the properly filed petitions  
21 were awaiting adjudication by defendants, or in the case of consular applicants,  
22 while consular applications were awaiting adjudication by defendants;
- 23 5) The petitions filed on behalf of plaintiffs have not been approved,  
24 a. For plaintiffs outside the Ninth Circuit, because defendants have  
25 determined plaintiffs not to remain immediate relative spouses of United  
26 States citizens;
- 27  
28

1 b. For plaintiffs within the Ninth Circuit, because defendants have imposed  
2 certain requirements for approval that are challenged as a matter of law.  
3

4 **II. CONCLUSIONS OF LAW**

5 For reasons set out in the Memorandum of Points and Authorities in  
6 Plaintiffs Motion in Opposition to Motion to Dismiss and Cross Motion for Summary  
7 Judgment [docket #9], plaintiffs respectfully submit that plaintiffs' claims can be decided  
8 as a matter of law, pursuant to Fed.R.Civ.Proc. 56. No factual issues exist that can only  
9 be resolved by a finder of fact, because they "may reasonably be resolved in favor of  
10 either party." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 250 (1986). A proposed  
11 judgment, as required by L.R. 56-1, is attached.

12 DATED December 6, 2007

13 By \_\_\_\_\_  
14 BRENT W. RENISON, Oregon SBN. 96475  
15 PARRILLI RENISON LLC  
16 5285 SW Meadows Rd., Ste 175  
17 Lake Oswego, Oregon 97035  
18 (503) 597-7190  
19 (503) 726-0730 fax  
20 *Admitted pro hac vice*

21 Attorneys for Plaintiffs-petitioners  
22  
23  
24  
25  
26  
27  
28

1 PROOF OF SERVICE

2 I, the undersigned, say: my business address is 5285 SW Meadows Rd, Ste 175,  
3 Lake Oswego, Oregon. I am over the age of eighteen years and not a party to the above-  
4 entitled action.

5 On December 6, 2007, I served the within document(s) described as:  
6 [PROPOSED] STATEMENT OF UNCONTROVERTED FACTS AND  
7 CONCLUSIONS OF LAW, on the interested party(ies) in this action as follows:

8 I inserted a true and correct copy of the document(s) in a sealed envelope and  
9 caused each such envelope, with first-class postage thereon fully prepaid, to be deposited  
10 in a recognized place of deposit of the United States Mail for collection and mailing to  
11 the office/residence of the addressee(s) on the date shown below following ordinary  
12 business practices, addressed as follows:

13 Elizabeth Stevens  
14 Office of Immigration Litigation  
15 USDOJ Civil Division  
16 P.O. Box 878  
17 Ben Franklin Station  
18 Washington, DC 20044

19 Leon W. Weidman, Chief  
20 United States Attorney's Office  
21 Room 7516, Federal Building  
22 300 N. Los Angeles Street  
23 Los Angeles, CA 90012

24 Alberto Gonzales  
25 United States Attorney General  
26 United States Department of Justice  
27 950 Pennsylvania Avenue, NW  
28 Washington, D.C. 20530-0001

29 Michael Chertoff  
30 Secretary, Department of Homeland Security  
31 United States Department of Homeland Security  
32 Washington, D.C. 20528

1  
2 Emilio Gonzalez  
3 Director, United States Citizenship and Immigration Services  
4 United States Department of Homeland Security  
5 425 I Street NW  
6 Washington, D.C. 20536

7 Condoleezza Rice  
8 Secretary of State  
9 United States Department of State  
10 Attn: Christopher Riche, Exec. Dir. Legal Advisor  
11 Rm. 5519  
12 2201 C Street NW  
13 Washington, D.C. 20520

14 Maura Harty  
15 Assistant Secretary for Consular Affairs  
16 United States Department of State  
17 Attn: Christopher Riche, Exec. Dir. Legal Advisor  
18 Rm. 5519  
19 2201 C Street NW  
20 Washington, D.C. 20520

21  
22 I declare under penalty of perjury under the laws of the United States of America  
23 that the foregoing is true and correct.

24 EXECUTED on December 6, 2007, at Lake Oswego, Oregon.

25  
26  
27  
28  

---

Brent W. Renison, Declarant