

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

TERESA D. PADILLA, et al.,	)	
	)	
Plaintiffs,	)	
	)	Civil Action No.
v.	)	M-03-126
	)	
TOM RIDGE, SECRETARY OF	)	
DEPARTMENT OF HOMELAND	)	
SECURITY, et al., <sup>1</sup>	)	
	)	
Defendants.	)	
_____	)	

**JOINT MOTION TO REINSTATE CASE ON ACTIVE CALENDAR AND TO  
TRANSFER CASE TO NORTHERN DISTRICT OF CALIFORNIA**

Plaintiffs and defendants hereby request reinstatement of this case on the Court's active calendar. and move the court to transfer the case to the United States District Court for the Northern District of California.

The purpose of the motion to transfer is to facilitate a settlement between the parties reached in December, 2007. The parties settled this case and a similar lawsuit brought in the Northern District of California . *Maria Santillan, et al. v. Michael B. Mukasey, Attorney General, et al.*, No. C-04-2686 (N.D. Cal.), No. 06-15366 (9th Cir.), on identical terms, and in a single agreement. It is in the parties' interest to settle these two class actions on identical terms so that defendants' interaction with class members will be governed by a uniform set of standards during the pendency of the proposed settlement agreement. It is in the parties' interest to have the

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<sup>1</sup> On March 3, 2005, Michael Chertoff was sworn in as the Secretary of the Department of Homeland Security. Accordingly, Secretary Chertoff should be substituted for his predecessor, Tom Ridge. See Fed. R. Civ. P. 25(d)(1) (providing for the automatic substitution of a public officer's successor in office where "a public officer is a party to a [district court] action in his official capacity").

settlement of these two actions submitted to a single court for preliminary approval, a fairness hearing, and final approval if appropriate, in order to avoid inconsistent or conflicting rulings and deadlines during the approval process. Finally, it is in the interest of justice and judicial economy to have the two cases settled on a nationwide basis in a single proceeding. Notice of the proposed settlement and the fairness hearing in the Northern District of California will be provided nationwide, including to class members in the Southern District of Texas, once this case has been transferred and consolidated with the California case.

For the foregoing reasons, the parties request that the case be reinstated on this Court's active calendar and transferred to the United States District Court for the Northern District of California.

Dated: January 25, 2008

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