

FILED
Clerk
District Court

JAN 24 2000

For The Northern Mariana Islands
By [Signature]
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

RUI LIANG and LIAO DA NIAN,

Plaintiffs

v.

UNITED STATES OF AMERICA,
COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS, and DOES 1-25,

Defendants.

Civil Case No. 99-0046

ORDER TO SHOW CAUSE
WHY ROBERT STAMERRA,
ROBERT GOLDBERG, AND
MARK ZACHARES, SHOULD
NOT BE HELD IN CONTEMPT

This matter came before the Court on January 21, 2000, for hearing on plaintiffs' Emergency Motion for Temporary Restraining Order, for Issuance of Order to Show Cause re Contempt, and for Related Relief. Bruce L. Jorgensen appeared on behalf of plaintiffs. Assistant Attorney General Robert Goldberg appeared on behalf of defendant Commonwealth of the Northern Mariana Islands (CNMI). Assistant United States Attorney Gregory Baka and Gretchen Wolfinger (via telephone) appeared on behalf of defendant United States of America. Robert Stamerra, asylum officer with the U.S. Immigration and Naturalization Service, was also present via telephone.

1 The Court, having considered the written and oral argument of counsel, rules as follows:

2 By order dated September 7, 1999, the Court denied plaintiffs' motion for a temporary
3 restraining order, "[b]ased on the assurance of Mr. Goldberg and Mr. Zachares that the status quo
4 would be maintained until the Court and all counsel can meet.... It was agreed that the CNMI will
5 not deport Plaintiffs until the Court reviews this matter, and the above referenced meeting has
6 occurred, and the Court has ruled on the matter of deportation."

7
8 On January 5, 2000, a status conference in the matter was held at which defendants further
9 indicated that the status quo would be maintained. On January 7, 2000, Robert Stamerra entered
10 the CNMI immigration detention center and interviewed plaintiff Liao Da Nian, without the
11 consent of, or presence of, or prior notification of Da Nian's attorney. Stamerra attempted also
12 to interview plaintiff Rui Liang.

13
14 The Court finds that plaintiffs have met their burden of persuasion and made out a *prima*
15 *facie* case of contempt. Specifically, because Mr. Goldberg, and Mr. Zachares participated in or
16 permitted ex parte communication by Mr. Stamerra with plaintiffs who were known to them to be
17 represented by counsel, the Court finds that plaintiffs presented a *prima facie* showing that Robert
18 Goldberg and Mark Zachares frustrated this Court's September 7, 1999 order. NOW,
19 THEREFORE,

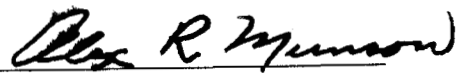
20
21 IT IS ORDERED that Robert Stamerras and attorneys Robert Goldberg and Mark
22 Zachares, shall appear on March 6, 2000, at 9:00 a.m. to show cause why they should not be held
23 in contempt for violation of this Court's order of September 7, 1999.

24 IT IS FURTHER ORDERED that Robert Goldberg and Mark Zachares shall appear and
25 show cause why they should not be found to have engaged in bad faith litigation conduct, as set
26 out in plaintiffs' *prima facie* showing that Robert Goldberg and Mark Zachares countenanced and

1 permitted ex parte communication with plaintiff, who was known to them to be represented by
2 counsel, about the subject matter of that representation.

3 IT IS SO ORDERED.

4 Dated this 24th day of January, 2000.

6 

7 Alex R. Munson
8 Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26