

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

CASE NO: 1:10-cv-21951 Ungaro/Simonton

**Jesús Cabrera Jaramillo, in his individual
capacity, and in his capacity as the personal
representative of the estate of Alma Rosa
Jaramillo,**

**Jane Doe, in her individual capacity, and in her
capacity as the personal representative of the
estate of Eduardo Estrada, and**

John Doe, in his individual capacity,

Plaintiffs,

v.

**CARLOS MARIO JIMÉNEZ NARANJO, also
known as “Macaco,” “El Agricultor,” “Lorenzo
González Quinchía,” and “Javier Montañez,”**

Defendant.

PLANNING AND SCHEDULING REPORT AND [PROPOSED] ORDER

TO THE UNITED STATES COURT FOR THE SOUTHERN DISTRICT OF FLORIDA:

On September 22, 2010, Plaintiffs Jesús Cabrera Jaramillo, Jane Doe, and John Doe (collectively “Plaintiffs”) and Defendant Carlos Mario Jimenez Naranjo's (“Defendant”) (jointly the “Parties”) stipulated to vacate and extend all deadlines in the Court’s July 30, 2010 Order for a period of forty-five (45) days, or any date thereafter at the convenience of the Court, to enable Defendant temporary counsel (“Counsel for Defendant”) sufficient time to obtain a license from the Department of Treasury’s Office of Foreign Assets Control. In light of that pending stipulation and Counsel for Defendant’s pending OFAC license, this Report is submitted unilaterally and will – with the Court’s permission - be amended and submitted jointly after Counsel for Defendant has been granted the authority by OFAC to represent the Defendant in this matter. Plaintiffs, nevertheless, submit this Status Conference Statement for the Status Conference currently scheduled for October 15, 2010, pursuant to the Court’s Orders

dated June 23, 2010 and July 29, 2010, the Local Rule for the United States District Court for the Southern District of Florida 16-1(B), and Federal Rule of Civil Procedure 26(f).

I. DISCLOSURES: Federal Rule of Civil Procedure 26(a)(1)(C) provides that “[a] party must make the initial disclosures at or within 14 days after the parties’ Rule 26(f) conference unless a different time is set by stipulation or court order” The Parties have stipulated to extend the deadline for initial disclosures for a period of forty-five (45) days, or any date thereafter at the convenience of the Court. That stipulation is currently pending before the Court.

II. STATEMENT OF THE NATURE OF THE CLAIM: This is an action for compensatory and punitive damages for torts in violation of international and domestic law. The Plaintiffs in this action, in their personal capacities and as the personal representatives for the Estates of Eduardo Estrada Gutierrez (“Eduardo Estrada”) and Alma Rosa Jaramillo Lafourie (“Alma Rosa Jaramillo”) (collectively the “Decedents”), institute this action against the Defendant and seek damages for extrajudicial killing; torture; cruel, inhuman, or degrading treatment or punishment; war crimes; and crimes against humanity.

III. SUMMARY OF FACTS: The Plaintiffs allege that the Defendant was one of the top leaders of the United Self-Defenses Forces of Colombia (“AUC”) and an AUC subdivision, the Bloque Central Bolivar (“BCB”). The AUC was responsible for murdering, torturing and forcibly displacing thousands of Colombian civilians. Plaintiffs allege that on June 28, 2001 and July 16, 2001, the Decedents were brutally murdered in the Middle Magdalena River region of northwest Colombia (“Middle Magdalena”). Plaintiffs allege that the Decedents were murdered by paramilitaries belonging to the BCB who acted under the direction and control of the Defendant.

IV. SUMMARY OF ISSUES PRESENTLY KNOWN: Plaintiffs allege that the principal legal issues are:

- A. Whether Defendant committed a tort in violation of the law of nations or a treaty of the United States against Plaintiffs, in violation of the Alien Tort Statute, 28 U.S.C. § 1350;
- B. Whether Defendant committed torture or extrajudicial killing against Plaintiffs, in violation of the Torture Victim Protection Act, Pub. L. No. 102-256, 106 Stat. 73.

C. Whether Plaintiffs should be awarded punitive and compensatory damages for Defendant's misconduct.

V. MANNER OF DISCOVERY: Counsel for Defendant has suggested that he is unable to confer with Plaintiffs on this matter due to his pending OFAC application.

Accordingly, the Parties have been unable to reach any determination as to whether discovery in this case should be conducted in phases or limited to particular issues.

VI. SCHEDULE OF DISCOVERY: No discovery has been taken to date. The full anticipated scope of discovery has yet to be determined and no discovery plan has yet to be formulated, given that no discovery conference has taken place in this case. Nevertheless, Plaintiffs need to conduct, at a minimum, the following discovery:

- A. Request for Admissions to Defendant
- B. Interrogatories to Defendant
- C. Requests for Production of Documents to Defendant
- D. Depositions of Defendant and/or other witnesses.

At this time, the Parties have not agreed to any limits on discovery. Accordingly, Plaintiffs reserve their rights to propose limitations or modifications of the discovery rules.

VII. PROPOSED DEADLINE FOR JOINDER OF OTHER PARTIES, AMENDMENTS TO PLEADINGS, PRE-TRIAL MOTIONS, AND COMPLETION OF DISCOVERY: Counsel for Defendant has suggested that he is unable to confer with Plaintiffs on this matter due to his pending OFAC application. Accordingly, the Parties have been unable to agree on any proposed deadlines for joinder of other Parties, amendments to pleadings, pre-trial motions, and the completion of discovery.

VIII. PROPOSALS FOR THE FORMULATION AND SIMPLIFICATION OF ISSUES: Counsel for Defendant has suggested that he is unable to confer with Plaintiffs on this matter due to his pending OFAC application. Accordingly, the Parties have been unable to agree on any proposals for the formulation and simplification of issues.

IX. PROPOSED DATES FOR FINAL PRE-TRIAL CONFERENCE AND TRIAL: Counsel for Defendant has suggested that he is unable to confer with Plaintiffs on this matter due to his pending OFAC application. Accordingly, the Parties have been unable to agree on any proposed dates for a final pre-trial conference and trial.

X. THE NECESSITY OR DESIRABILITY OF AMENDMENTS TO THE PLEADINGS: Plaintiffs do not believe any amendments are necessary or desirable at this time.

XI. THE POSSIBILITY OF OBTAINING ADMISSIONS OF FACT AND OF DOCUMENTS WHICH WILL AVOID UNNECESSARY PROOF, STIPULATIONS REGARDING AUTHENTICITY OF DOCUMENTS AND THE NEED FOR ADVANCE RULINGS FROM THE COURT ON ADMISSIBILITY OF EVIDENCE: Counsel for Defendant has suggested that he is unable to confer with Plaintiffs on this matter due to his pending OFAC application. Accordingly, the Parties have been unable to agree on the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof, stipulations regarding authenticity of documents, and the need for advance rulings from the Court on admissibility of evidence.

XII. SUGGESTIONS FOR THE AVOIDANCE OF UNNECESSARY PROOF AND OF CUMULATIVE EVIDENCE: Counsel for Defendant has suggested that he is unable to confer with Plaintiffs on this matter due to his pending OFAC application. Accordingly, the Parties have been unable to agree on any suggestions for the avoidance of unnecessary proof and of cumulative evidence.

XIII. PROJECTED TIME NECESSARY FOR TRIAL AND STATEMENT OF WHETHER THE CASE IS JURY OR NON-JURY TRIAL: Counsel for Defendant has suggested that he is unable to confer with Plaintiffs on this matter due to his pending OFAC application. Accordingly, the Parties have been unable to agree on the projected time necessary for trial. Plaintiffs have requested a jury trial.

XIV. PENDING MOTIONS: On October 11, 2010, Plaintiffs filed a motion to proceed anonymously. While no other motions are currently pending, Plaintiffs reserve the right to file all appropriate motions as necessary in the course of the proceedings.

XV. ANY UNIQUE LEGAL OR FACTUAL ASPECTS OF THE CASE REQUIRING SPECIAL CONSIDERATION BY THE COURT: Plaintiffs are not aware of any unique aspects of this case that would warrant the Court's attention at this time.

XVI. POTENTIAL NEED FOR REFERENCE TO A SPECIAL MASTER OR MAGISTRATE: Counsel for Defendant has suggested that he is unable to confer with

Plaintiffs on this matter due to his pending OFAC application. Accordingly, the Parties have not been able to address the potential need for reference to a special master or magistrate.

XVII. THE LIKLIHOOD OF APPEARANCE IN THE ACTION OF ADDITIONAL PARTIES: Plaintiffs do not believe that there is a likelihood that additional parties will appear in this action at this time.

XVIII. STATUS AND LIKELIHOOD OF SETTLEMENT: Counsel for Defendant has suggested that he is unable to confer with Plaintiffs on this matter due to his pending OFAC application. Accordingly, the Parties have not entered into any negotiations concerning the settlement of this case.

XIX. OTHER MATTERS: None.

Dated: October 1, 2010

By: /s/ Julie C. Ferguson
Julie C. Ferguson

Attorney for Plaintiffs
JESÚS CABRERA JARAMILLO, JANE
DOE, AND JOHN DOE

IT IS SO ORDERED.

Dated: _____, 2010

THE HONORABLE URSULA UNGARO

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 1, 2010, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se Parties identified below via transmission of Notices of Electronic Filing generated by CM/ECF.

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