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January 26, 2005

Mr. Thomas Kahn
Clerk
United States Court of Appeals
Eleventh Circuit
Elbert P. Tuttle Court of Appeals Building
56 Forsyth Street, N.W.
Atlanta, GA 30303

Re: *Romagoza v. Garcia*, Appeal No. 02-14427-FF (Argued on
July 31, 2003)

Dear Mr. Kahn:

Plaintiffs-appellees submit this letter pursuant to Federal Rule of Appellate
Procedure 28(j).

Plaintiffs have been alerted to two recent court decisions that directly support
their contentions on the issue of equitable tolling in the above-captioned appeal. These
decisions, copies of which are enclosed, are *Doe v. Saravia*, No. CIV-F-03-6249, 2004
WL 2913256 (E.D. Cal. Nov. 24, 2004), and *Chavez v. Carranza*, No. 03-2932 (W.D.
Tenn. Sept. 30, 2004).

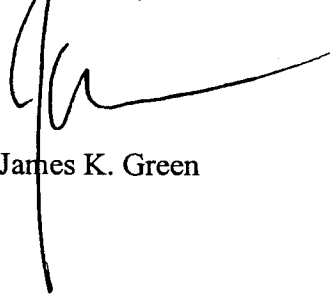
In their brief on appeal, plaintiffs argued that “[t]he district court properly held
that the statute of limitations applicable to plaintiffs’ claims should be equitably tolled
until at least January 1992, when El Salvador’s civil war ended,” and that “[u]nder this
ruling, applying the undisputed 10-year statute of limitations of the TVPA [Torture
Victim Protection Act] and ATCA [Alien Tort Claims Act], plaintiffs’ claims are
timely.” Pfs. Br. at 21-22; *see also id.* at 25-32.

The *Saravia* and *Carranza* decisions invoke the same bases for equitable tolling
— rooted in the extraordinary circumstances of El Salvador’s civil war — that plaintiffs
have urged on appeal. *See Saravia*, 2004 WL 2913256, at *32-34 (noting at paragraphs

216 and 219 that “[t]he evidence is that from 1980 to 1994, and even through to the present, any person who leveled allegations against active or former members of the [Salvadoran] military risked reprisal, including death,” and that “[d]ue to this same fear of violent reprisals, plaintiff was unable to bring this claim in a U.S. Court earlier”); *Carranza*, No. 03-2932, at pp. 4-10 (noting at page 8 that “[p]laintiffs claim they reasonably feared reprisal against themselves or their family members in El Salvador if they complained about the murder, torture, and rape that occurred during this civil war”).

Indeed, faced with human rights claims against members of the Salvadoran military closely similar to those on appeal here, the *Saravia* and *Carranza* decisions extend equitable tolling even further than did the district court below (to September 12, 2003, and March 1994, respectively).

Very truly yours,

A handwritten signature in black ink, appearing to be 'JK Green', written over a vertical line that extends downwards from the signature area.

James K. Green

Enclosures

cc: Kurt Klaus, Esq.