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**BROOKLYN OFFICE**

November 10, 2003

Honorable David G. Trager  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

*Proposed briefing  
schedule approved.*  
APPLICATION GRANTED.  
SO ORDERED.

*[Signature]*  
David G. Trager  
United States District Judge

RE: Indre Simaite v. BCIS et al.,  
Docket No. CV-03-4928 (DGT)

Maria Basoya and Andrei Basov v. BCIS et al.,  
Docket No. CV-03-4929 (DGT)

Dear Judge Trager:

Attached please find the Declaration of Charles Oppenheim, dated October 16, 2003 ("Oppenheim Decl."), which states that, pursuant to the Nicaraguan and Central American Relief Act ("NACARA"), Pub. L. No. 105-100, 110 Stat. 2160 (1997), beginning as early as 1999, the 55,000 diversity visas available each fiscal year will be reduced by 5,000 to compensate for adjustments of status under the NACARA. (Oppenheim Decl. ¶ 3.) Because there has been approximately 60,000 NACARA adjustments, "the annual reductions of 5,000 will continue for the foreseeable future." (*Id.*) That declaration also reiterates that "[a]ll 50,000 DV numbers available for the DV-2003 program were used for visa issuance or adjustment of status." (*Id.* ¶ 7.)

Counsel for the parties have agreed upon and respectfully propose the following briefing schedule on the government's motion to dismiss: (1) the government's motion to dismiss shall be served on or before December 12, 2003; (2) Plaintiffs' papers in opposition shall be served on or before January 23, 2004; (3) the government's reply and the fully briefed motion, along with courtesy copies, shall be filed on or before February 13, 2004.

Respectfully submitted,

ROSLYNN R. MAUSKOPF  
United States Attorney

By:

*[Signature]*  
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