

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

| | | |
|-----------------|---|----------------------------|
| _____ |) | |
| JEFFREY BARHAM |) | |
| et al., |) | |
| |) | |
| Plaintiffs, |) | Case No.: 02-CV-2283 (EGS) |
| |) | |
| |) | |
| CHARLES RAMSEY, |) | |
| et al., |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

ORDER

Upon due consideration of Defendant District of Columbia For An Order Providing for Expungement of Plaintiffs' Arrest Records and Precluding Defendants From Opposing Plaintiff's Motion for Orders Permitting Plaintiffs to Deny Having Been Arrested and/or For the Sealing of Their D.C. Superior Court Arrest Records and the record herein, it is this 28th day of January, 2008, hereby

ORDERED that:

1. The District of Columbia shall provide for the expungement of the *Barham* Plaintiffs' (Jeffrey Barham, Mary Canales, William Durham, Noah Falk, Jorge Garcia-Spitz, Mark Allen Jackson, Casey Legler, Charlcie Legler, Brian McAteer, Joseph Phelan, Nicole Djeddoui-Prichard, Morgan Ress, Laury Saligmen, Macdonald Scott, Miles Swanson, Jeri Wohlberg, Lesley Wood, Samantha Young, and Stephen Zimmerman) arrest records and for those of the absent class members (all persons arrested on September 27, 2002 mass arrest of persons that took place in Pershing Park) relating to the September 27, 2002 arrests that are

maintained by the District of Columbia within ten days of the last of these events: entry of final judgment by this Court regarding all Plaintiffs' and class members' claims herein; disposition of all appeals; denial of any appeal or petitions for writ of certiorari to the Supreme Court of the United States;

2. The District of Columbia shall restrict access to the September 27, 2002 arrest records of the *Barham* Plaintiffs and absent class members to the arrestees, their counsel, and counsel for any party in this case or in *Chang v. United States of America*, Civ. No. 02-02010 (EGS) (AK). This access should be limited to that reasonably needed for the prosecution or defense of the matters relating to the litigation of this case or *Chang*.

3. The arrests of the *Barham* Plaintiffs and the absent class members are hereby declared null and void. Each of the *Barham* plaintiffs and the individual absent class members is authorized to deny the occurrence of his or her arrest that day, without being subject to any penalty of perjury, fraud or other offense premised upon misrepresentation or deception in response to any inquiry, whether posed orally or in writing. These rights accrue to the full benefit of any absent class member regardless of whether an individualized entry of a nullification order (see paragraph 4, below) is entered. This Court shall retain jurisdiction of this case for the limited purposes of enforcing the rights of the *Barham* Plaintiffs and absent class members under this paragraph;

4. Counsel for the *Barham* Plaintiffs will file with the Clerk of the Court, under seal, paper copies of draft orders, one for each *Barham* Plaintiff, bearing the case caption and stating as follows:

ORDER

The arrest of [insert name, date of birth, and social security number] on September 27, 2002, in the District of Columbia is hereby declared null and void.

[Mr. or Ms. insert last name] is authorized to deny the occurrence of his or her arrest that day, without being subject to any penalty of perjury, fraud, or other offense premised upon misrepresentation or deception in response to any query, whether posed orally or in writing.

So Ordered on this ____ day of _____, 2008.

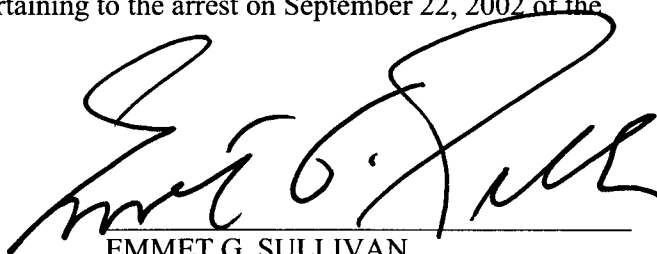
EMMET G. SULLIVAN
United States District Judge

When signed, the Clerk will file the orders under seal, and mail certified copies to counsel for Plaintiffs.

5. The District of Columbia is to use its best efforts to procure the expungement of the September 27, 2002 arrest records of any Pershing Park case Plaintiff or absent class member in the possession of the United States Government (including, but not limited to, the Federal Bureau of Investigation), any state or local government within ten days of the last of these events: entry of a final judgment by this Court regarding all Plaintiffs' claims herein, disposition of all appeals; denial of any appeal or petitions for writ of certiorari to the Supreme Court of the United States;

6. The District of Columbia is to inform the Barham Plaintiffs and absent class members, through counsel, if they are unable to procure the expungement of the *Barham* Plaintiffs' arrest records maintained by the United States government and/or other state or local law enforcement agencies for any reason. If they are unable to procure such expungement, the District of Columbia is directed to describe, in writing, the agencies that maintain records, the types of records maintained, the reasons for the failure to expunge, and the steps taken by the District to have the records expunged.

7. The Metropolitan Police Department ("MPD") shall, upon the commencement of its efforts to expunge the records of the *Barham* Plaintiffs and absent class members, provide the FBI with a list of individuals arrested in Pershing Park by the MPD on September 27, 2002 whose arrest records are to be expunged. Upon receipt of the list, the FBI shall expunge from its records and databases all records pertaining to the arrest on September 22, 2002 of the individuals identified by the MPD.

A handwritten signature in black ink, appearing to read 'Emmet G. Sullivan', written over a horizontal line.

EMMET G. SULLIVAN
United States District Judge

Serve on:
All Counsel of record