

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ROSMERY JAKELYN MARTELL
VILLAREAL

v.

JOSE RAUL CORBERA
TENORIO, ET AL.

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* Civil No. JFM-11-2147
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MEMORANDUM

Plaintiff instituted this action against Jose Raul Corbera Tenorio and Katherine Cabieses Sanchez for alleged violations of the Federal Fair Labor Standards Act, the District of Columbia Wage Payment and Collection Act, corresponding Maryland wage statutes, the Trafficking Victims Protection Act, and common law claims under Maryland law. Defendants have now filed a motion to dismiss on the ground that under the Vienna Convention they are immune from suit.

In response to defendants' motion, plaintiff has conceded that defendant Jose Raul Corbera Tenorio is immune from suit. They oppose, however, the motion to dismiss filed by Katherine Cabieses Sanchez.

The record now establishes (by virtue of a marriage certificate appended to Ms. Sanchez's reply memorandum), that Ms. Sanchez is the wife of Jose Raul Corbera Tenorio. It is also clear that under Article 37 of the Vienna Convention she, like Jose Raul Corbera Tenorio, is immune from suit in this case as a member of the family of an immune diplomat. Although it is true that she does not appear in the database maintained by the United States Department of State's Office of Protocol as a dependent, in fact she is the wife of a diplomat and, as such, is

immune from suit under the Vienna Convention.

A separate order granting defendants' motion to dismiss is being entered herewith.

Date: March 21, 2012

/s/

J. Frederick Motz
United States District Judge