

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, *et al.*,

Defendants.

Civil Action No. 1:20-cv-5583-AKH

**PLAINTIFFS' RESPONSE TO DEFENDANTS' LETTER MOTION FOR EXTENSION
OF TIME AND CROSS-MOTION FOR LEAVE TO FILE
RENEWED MOTION FOR PARTIAL SUMMARY JUDGMENT**

In response to Defendants' letter motion seeking an extension of time to produce the administrative record in this case (the "Letter Motion") [ECF No. 98], Plaintiffs the State of New York, *et al.* ("Plaintiffs") notify the Court that they take no position on Defendants' request for a 21-day extension of time to produce and file the administrative record in this case. If the Court grants the Letter Motion, Plaintiffs respectfully request that the Court: (1) grant Plaintiffs leave to file a renewed motion for partial summary judgment on their Administrative Procedure Act ("APA") claims on or before October 30, 2020, for the reasons explained below, and (2) re-set the status conference currently scheduled for October 29, 2020 to on or after October 19, 2020 for purposes of setting a briefing schedule on Plaintiffs' anticipated summary judgment motion and any anticipated cross-motion or motion to dismiss by Defendants.

Permitting Plaintiffs to file a renewed motion for partial summary judgment and setting a briefing schedule prior to Defendants' production of the administrative record will facilitate a resolution of Plaintiffs' APA claims without undue delay or prejudice to any party. In APA cases like this one, it is not uncommon for parties to move for summary judgment before the

defendant agency has produced the administrative record. *See, e.g., New York v. U.S. Dep't of Labor*, No. 1:20-cv-03020-JPO (S.D.N.Y. filed Apr. 14, 2020) ("Paid Leave Rule Case"); *New York v. U.S. Dep't of Labor*, No. 1:18-cv-01747-JDB (D.D.C. filed July 26, 2018) ("ERISA Rule Case"); *Victim Rights Law Center v. DeVos*, No. 1:20-cv-11104-WGY (D. Mass. filed June 10, 2020) ("VRLC").

In the Paid Leave Rule Case, an APA challenge to a DOL rule, the State of New York filed a complaint and summary judgment motion concurrently on April 14, 2020. *See New York v. U.S. Dep't of Labor*, 2020 WL 4462260, at *2 (S.D.N.Y. Aug. 3, 2020). DOL filed a motion to dismiss and cross-motion for summary judgment on April 28, 2020, and, following oral argument, Judge Oetken resolved both motions in a decision issued on August 3, 2020. *Id.* at *2, *13. No administrative record was produced in that case. Similarly, in the ERISA Rule Case, an APA challenge to another DOL rule, the plaintiff states filed a motion for summary judgment on August 23, 2018, several weeks after filing their complaint on July 26, 2018. *See New York v. U.S. Dep't of Labor*, 363 F. Supp. 3d 109, 121-22, 141 (D.D.C. 2019); Ex. A [ERISA Rule Case Dkt. Nos. 1, 31]. On October 23, 2018, DOL filed the index of the administrative record, followed by a motion to dismiss and cross-motion for summary judgment on October 30, 2018. *See Ex. A* [ERISA Rule Case Dkt. Nos. 45, 47]. The Parties filed a joint appendix with the full administrative record several months later, on January 9, 2019, prior to oral argument and the court's subsequent decision. *See Ex. A* [ERISA Rule Dkt. Nos. 74, 78, 79]. In *VRLC*, a challenge to a Department of Education rule, the court collapsed plaintiffs' motion for preliminary injunction with a trial on the merits under Rule 65(a), and set a trial date following the anticipated post-briefing production of the administrative record in that case. *See Ex. B* [VRLC Dkt. Nos. 130, 142].

As these examples show, a defendant agency's production of the administrative record following a motion for summary judgment but prior to the close of briefing or a ruling on the merits is practicable and allows for the efficient resolution of APA claims. Given Defendants' delay in producing the administrative record in this case, a prompt resolution of Plaintiffs' APA claims would be furthered by commencing briefing before production of the record. *First*, a substantial portion of the record—the 198,545 public comments submitted to Defendants in response to the 2019 Notice of Proposed Rulemaking—have been posted on the online regulation docket at <https://www.regulations.gov/docket?D=HHS-OCR-2019-0007> since the close of the comment period on September 20, 2019. In filing their initial motion for partial summary judgment [ECF No. 62], Plaintiffs cited and provided copies of these record documents as exhibits, *see* Decl. of Joseph Wardenski [ECF No. 65]. Plaintiffs do not anticipate amending their motion with additional record cites. *Second*, Plaintiffs will consent to a briefing schedule that will allow a reasonable period between Defendants' production of the administrative record and their deadline to file an opposition brief or cross-motion for summary judgment. Accordingly, if Defendants wish to rely on other documents in the administrative record not already available online to support their case, they can do so. In any event, the full record will be available to this Court before the conclusion of briefing and any ruling on the merits.

Given the harms to Plaintiffs and their residents that the Rule has caused and will continue to cause as long as it remains in effect, *see* Complaint ¶¶ 173-256 [ECF No. 1], Plaintiffs believe this requested approach will enable a fair and prompt resolution of their claims with no prejudice to any party.

Based on the foregoing, Plaintiffs respectfully request that the Court grant them leave to file a renewed motion for partial summary judgment on their APA claims on or before October

30, 2020, and to set a status conference for on or after October 19, 2020 to discuss and set briefing schedules on the Parties' anticipated motions.

Dated: October 15, 2020

Respectfully submitted,

LETITIA JAMES
Attorney General of the State of New York

Matthew Colangelo
Chief Counsel for Federal Initiatives

Elena Goldstein
Deputy Chief, Civil Rights Bureau

By: /s/ Joseph J. Wardenski
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* Application for admission to SDNY forthcoming

Exhibit A

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01747-JDB**

STATE OF NEW YORK et al v. UNITED STATES
DEPARTMENT OF LABOR et al
Assigned to: Judge John D. Bates
Case in other court: USCA, 19-05125
Cause: 05:0706 Judicial Review of Agency Actions

Date Filed: 07/26/2018
Date Terminated: 04/01/2019
Jury Demand: None
Nature of Suit: 899 Administrative
Procedure Act/Review or Appeal of
Agency Decision
Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
07/26/2018	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-5606186) filed by COMMONWEALTH OF KENTUCKY, COMMONWEALTH OF VIRGINIA, DISTRICT OF COLUMBIA, STATE OF MARYLAND, STATE OF OREGON, STATE OF WASHINGTON, COMMONWEALTH OF MASSACHUSETTS, STATE OF NEW JERSEY, STATE OF NEW YORK, STATE OF CALIFORNIA, COMMONWEALTH OF PENNSYLVANIA, STATE OF DELAWARE. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(Colangelo, Matthew) (Entered: 07/26/2018)
07/26/2018		Case Assigned to Judge John D. Bates. (zmd) (Entered: 07/27/2018)
07/27/2018	<u>2</u>	SUMMONS (3) Issued Electronically as to R. ALEXANDER ACOSTA, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES OF AMERICA, U.S. General. (Attachments: # <u>1</u> Notice and Consent) (zmd) (Entered: 07/27/2018)
08/03/2018	<u>3</u>	NOTICE of Appearance by Valerie Maria Nannery on behalf of DISTRICT OF COLUMBIA (Nannery, Valerie) (Entered: 08/03/2018)
08/07/2018	<u>4</u>	ENTERED IN ERROR.....NOTICE of Appearance by Matthew Colangelo on behalf of STATE OF NEW YORK (Colangelo, Matthew) Modified on 8/7/2018 (jf). (Entered: 08/07/2018)
08/07/2018	<u>5</u>	ENTERED IN ERROR.....RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. STATE OF NEW YORK served on 8/6/2018 (Colangelo, Matthew) Modified on 8/7/2018 (jf). (Entered: 08/07/2018)
08/07/2018		NOTICE OF CORRECTED DOCKET ENTRY: Document No. re <u>5</u> Summons Returned Executed as to DC Government Defendant was entered in error at the request of counsel. (jf) (Entered: 08/07/2018)
08/07/2018	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 8/6/2018. (Colangelo, Matthew) (Entered: 08/07/2018)
08/07/2018		NOTICE OF CORRECTED DOCKET ENTRY: Document No. re <u>4</u> Notice of Appearance was entered in error and counsel was instructed to refile said pleading using their assigned login/password pursuant to LCvR 5.4(b). (jf) (Entered: 08/07/2018)
08/07/2018	<u>7</u>	NOTICE of Appearance by Susan Joan Cameron on behalf of STATE OF NEW YORK (Cameron, Susan) (Entered: 08/07/2018)
08/07/2018	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. R. ALEXANDER ACOSTA served on 8/3/2018 (Colangelo, Matthew) (Entered: 08/07/2018)
08/07/2018	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF LABOR served on 8/3/2018 (Colangelo, Matthew) (Entered: 08/07/2018)

08/07/2018	<u>10</u>	REQUEST FOR SUMMONS TO ISSUE <i>The United States Attorney's Office</i> filed by STATE OF NEW YORK.(Colangelo, Matthew) (Entered: 08/07/2018)
08/07/2018	<u>11</u>	SUMMONS (1) Issued Electronically as to U.S. Attorney (zrdj) (Entered: 08/07/2018)
08/09/2018	<u>12</u>	NOTICE of Appearance by Karli Eisenberg on behalf of STATE OF CALIFORNIA (Eisenberg, Karli) (Entered: 08/09/2018)
08/10/2018	<u>13</u>	NOTICE of Appearance by Jessica Marie Willey on behalf of STATE OF DELAWARE (Willey, Jessica) (Entered: 08/10/2018)
08/10/2018	<u>14</u>	NOTICE of Appearance by Eric Michael Gold on behalf of COMMONWEALTH OF MASSACHUSETTS (Gold, Eric) (Entered: 08/10/2018)
08/10/2018	<u>15</u>	NOTICE of Appearance by Stephen Brian Vogel on behalf of COMMONWEALTH OF MASSACHUSETTS (Vogel, Stephen) (Entered: 08/10/2018)
08/13/2018	<u>16</u>	NOTICE of Appearance by Steven Travis Mayo on behalf of COMMONWEALTH OF KENTUCKY (Mayo, Steven) (Entered: 08/13/2018)
08/13/2018	<u>17</u>	NOTICE of Appearance by Taylor Allen Payne on behalf of COMMONWEALTH OF KENTUCKY (Payne, Taylor) (Entered: 08/13/2018)
08/13/2018	<u>18</u>	NOTICE of Appearance by La Tasha Arnae Buckner on behalf of COMMONWEALTH OF KENTUCKY (Buckner, La Tasha) (Entered: 08/13/2018)
08/13/2018	<u>19</u>	NOTICE of Appearance by John Michael Brown, Sr on behalf of COMMONWEALTH OF KENTUCKY (Brown, John) (Entered: 08/13/2018)
08/14/2018	<u>20</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/11/2018. Answer due for ALL FEDERAL DEFENDANTS by 10/10/2018. (Cameron, Susan) (Entered: 08/14/2018)
08/15/2018	<u>21</u>	NOTICE of Appearance by Andrew J. Saindon on behalf of DISTRICT OF COLUMBIA (Saindon, Andrew) (Entered: 08/15/2018)
08/17/2018	<u>22</u>	NOTICE of Appearance by Nimrod Pitsker Elias on behalf of STATE OF CALIFORNIA (Elias, Nimrod) (Entered: 08/17/2018)
08/17/2018	<u>23</u>	NOTICE of Appearance by Jeffrey Todd Sprung on behalf of STATE OF WASHINGTON (Sprung, Jeffrey) (Entered: 08/17/2018)
08/21/2018	<u>24</u>	NOTICE of Appearance by Lisa Landau on behalf of STATE OF NEW YORK (Landau, Lisa) (Entered: 08/21/2018)
08/21/2018	<u>25</u>	NOTICE of Appearance by Michael John Fischer on behalf of COMMONWEALTH OF PENNSYLVANIA (Fischer, Michael) (Entered: 08/21/2018)
08/21/2018	<u>26</u>	NOTICE of Appearance by Sara Haviva Mark on behalf of STATE OF NEW YORK (Mark, Sara) (Entered: 08/21/2018)
08/21/2018	<u>27</u>	NOTICE of Appearance by Tamra Tyree Moore on behalf of All Defendants (Moore, Tamra) (Entered: 08/21/2018)
08/21/2018	<u>28</u>	NOTICE of Appearance by Ashley Alexandra Cheung on behalf of All Defendants (Cheung, Ashley) (Entered: 08/21/2018)
08/21/2018	<u>29</u>	MOTION for Leave to File Excess Pages <i>in support of Plaintiffs' Motion for Summary Judgment</i> by COMMONWEALTH OF KENTUCKY, COMMONWEALTH OF MASSACHUSETTS, COMMONWEALTH OF PENNSYLVANIA, COMMONWEALTH OF VIRGINIA, DISTRICT OF COLUMBIA, STATE OF CALIFORNIA, STATE OF DELAWARE, STATE OF MARYLAND, STATE OF NEW JERSEY, STATE OF NEW YORK, STATE OF OREGON, STATE OF WASHINGTON (Attachments: # <u>1</u> Text of Proposed Order)(Colangelo, Matthew) (Entered: 08/21/2018)
08/22/2018	<u>30</u>	NOTICE of Appearance by Elizabeth Richer Chesler on behalf of STATE OF NEW YORK (Chesler, Elizabeth) (Entered: 08/22/2018)

08/23/2018		MINUTE ORDER: Upon consideration of <u>29</u> plaintiffs' motion for leave to exceed the page limit set by Local Civil Rule 7(e), and the entire record herein, it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that plaintiffs' brief in support of their motion for summary judgment shall not exceed 55 pages in length. SO ORDERED. Signed by Judge John D. Bates on 8/23/2018. (lcjdb1) (Entered: 08/23/2018)
08/23/2018	<u>31</u>	MOTION for Summary Judgment by STATE OF NEW YORK (Attachments: # <u>1</u> Declaration Declaration of J. Michael Brown, Kentucky Deputy Attorney General, # <u>2</u> Declaration Declaration of Marlene Caride, New Jersey Department of Banking and Insurance, # <u>3</u> Declaration Declaration of Pritika Dutt, Office of Financial Review, California Department of Managed Health Care, # <u>4</u> Declaration Declaration of Audrey M. Gasteier, MA Health Insurance Connector Authority, # <u>5</u> Declaration Declaration of Myron Bradford Kreidler, Washington State Insurance Commissioner, # <u>6</u> Declaration Declaration of Mila Kofman, D.C. Health Benefit Exchange Authority, # <u>7</u> Declaration Declaration of Pam MacEwan, Washington Health Benefit Exchange, # <u>8</u> Declaration Declaration of Christopher R. Monahan, Office of Market Regulation, Pennsylvania Insurance Department, # <u>9</u> Declaration Declaration of Trinidad Navarro, Insurance Commissioner, State of Delaware, # <u>10</u> Declaration Declaration of Patricia O'Connor, Maryland Attorney Generals Office, # <u>11</u> Declaration Declaration of Andrew Stolfi, Oregon Insurance Commissioner, # <u>12</u> Declaration Declaration of Stephen C. Taylor, Commissioner of D.C. Department of Insurance, Securities, and Banking, # <u>13</u> Declaration Declaration of Maria T. Vullo, Superintendent, New York Department of Financial Services, # <u>14</u> Declaration Declaration of Massey S.J. Whorley, Virginia Department of Social Services, # <u>15</u> Declaration Declaration of Kevin Lucia, Center on Health Insurance Reforms, # <u>16</u> Text of Proposed Order Proposed Order, # <u>17</u> Memorandum in Support Memorandum of Law)(Mark, Sara) (Entered: 08/23/2018)
08/23/2018	<u>32</u>	NOTICE of Appearance by Matthew William Grieco on behalf of STATE OF NEW YORK (Grieco, Matthew) (Entered: 08/23/2018)
08/24/2018	<u>33</u>	NOTICE of Appearance by Robyn Renee Bender on behalf of DISTRICT OF COLUMBIA (Bender, Robyn) (Entered: 08/24/2018)
08/29/2018	<u>34</u>	ERRATA <i>Format Correction ECF 31-3</i> by STATE OF NEW YORK <u>31</u> MOTION for Summary Judgment filed by STATE OF NEW YORK. (Cameron, Susan) (Entered: 08/29/2018)
09/04/2018	<u>35</u>	MOTION to Stay re <u>31</u> MOTION for Summary Judgment <i>Pending Resolution of Defendants' Forthcoming Motion to Dismiss</i> , MOTION for Briefing Schedule (<i>Alternative Request</i>) by R. ALEXANDER ACOSTA, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES OF AMERICA (Attachments: # <u>1</u> Text of Proposed Order)(Cheung, Ashley) . Modified event on 9/6/2018. (znmw) (Entered: 09/04/2018)
09/07/2018	<u>36</u>	NOTICE of Appearance by Kimberly S. Cammarata on behalf of STATE OF MARYLAND (Cammarata, Kimberly) (Entered: 09/07/2018)
09/07/2018	<u>37</u>	RESPONSE re <u>35</u> MOTION to Stay re <u>31</u> MOTION for Summary Judgment <i>Pending Resolution of Defendants' Forthcoming Motion to Dismiss</i> MOTION for Briefing Schedule filed by STATE OF NEW YORK. (Attachments: # <u>1</u> Proposed Order)(Mark, Sara). (Main Document 37 replaced on 9/11/2018) (ztd). (Attachment 1 replaced on 9/11/2018) (ztd). Modified on 9/11/2018 (ztd). (Entered: 09/07/2018)
09/07/2018	<u>38</u>	Cross MOTION for Scheduling Order <i>Summary Judgment Briefing</i> by STATE OF NEW YORK (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Mark, Sara) (Entered: 09/07/2018)
09/12/2018	<u>39</u>	REPLY to opposition to motion re <u>35</u> MOTION to Stay re <u>31</u> MOTION for Summary Judgment <i>Pending Resolution of Defendants' Forthcoming Motion to Dismiss</i> MOTION for Briefing Schedule, <u>38</u> Cross MOTION for Scheduling Order <i>Summary Judgment Briefing</i> filed by R. ALEXANDER ACOSTA, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES OF AMERICA. (Cheung, Ashley) (Entered: 09/12/2018)

09/13/2018	<u>40</u>	NOTICE of Appearance by Jeffrey S. Posta on behalf of STATE OF NEW JERSEY (Posta, Jeffrey) (Entered: 09/13/2018)
09/14/2018	<u>41</u>	ORDER denying <u>35</u> defendants' motion to stay, granting in part and denying in part <u>38</u> plaintiffs' motion for a scheduling order, and setting a briefing schedule. See text of Order for details. Signed by Judge John D. Bates on 9/14/2018. (lcjdb1) (Entered: 09/14/2018)
09/14/2018		Set/Reset Deadlines: Cross Motion due by 10/30/2018. Response to Cross Motion due by 11/28/2018. Reply to Cross Motion due by 12/19/2018. Response to Motion for Summary Judgment due by 10/30/2018. (tb) (Entered: 09/14/2018)
10/16/2018	<u>42</u>	NOTICE of Appearance by Toby Jay Heytens on behalf of COMMONWEALTH OF VIRGINIA (Heytens, Toby) (Entered: 10/16/2018)
10/16/2018	<u>43</u>	NOTICE of Appearance by Michelle S. Kallen on behalf of COMMONWEALTH OF VIRGINIA (Kallen, Michelle) (Entered: 10/16/2018)
10/16/2018	<u>44</u>	NOTICE of Appearance by Matthew Robert McGuire on behalf of COMMONWEALTH OF VIRGINIA (McGuire, Matthew) (Entered: 10/16/2018)
10/23/2018	<u>45</u>	NOTICE of Filing of Certified Index of Administrative Record by R. ALEXANDER ACOSTA, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES OF AMERICA (Attachments: # <u>1</u> Certified Index of Administrative Record)(Moore, Tamra) (Entered: 10/23/2018)
10/29/2018	<u>46</u>	Consent MOTION for Leave to File Excess Pages by R. ALEXANDER ACOSTA, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES OF AMERICA (Attachments: # <u>1</u> Text of Proposed Order)(Moore, Tamra) (Entered: 10/29/2018)
10/30/2018		MINUTE ORDER: Upon consideration of <u>46</u> defendants' consent motion for leave to file excess pages, it is hereby ORDERED that defendants' motion is GRANTED. It is FURTHER ORDERED that defendants' memorandum of law shall not exceed sixty-five (65) pages. Signed by Judge John D. Bates on 10/30/18. (lcjdb1) (Entered: 10/30/2018)
10/30/2018	<u>47</u>	MOTION to Dismiss for Lack of Jurisdiction <i>or in the alternative</i> , Cross MOTION for Summary Judgment by R. ALEXANDER ACOSTA, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES OF AMERICA (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Moore, Tamra) (Entered: 10/30/2018)
10/30/2018	<u>48</u>	Memorandum in opposition to re <u>31</u> MOTION for Summary Judgment filed by R. ALEXANDER ACOSTA, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Moore, Tamra) (Entered: 10/30/2018)
10/31/2018	<u>49</u>	NOTICE of Errata by R. ALEXANDER ACOSTA, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES OF AMERICA re <u>48</u> Memorandum in Opposition, <u>47</u> MOTION to Dismiss for Lack of Jurisdiction <i>or in the alternative</i> Cross MOTION for Summary Judgment (Attachments: # <u>1</u> Memorandum in Support)(Moore, Tamra) (Entered: 10/31/2018)
11/06/2018	<u>50</u>	NOTICE of Appearance by Michael H. McGinley on behalf of CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA, SOCIETY FOR HUMAN RESOURCE MANAGEMENT (McGinley, Michael) (Main Document 50 replaced on 11/8/2018) (ztd). (Entered: 11/06/2018)
11/06/2018	<u>51</u>	MOTION for Leave to File <i>Amicus Brief</i> by CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA, SOCIETY FOR HUMAN RESOURCE MANAGEMENT (Attachments: # <u>1</u> Memorandum in Support <i>Amicus Brief</i>)(McGinley, Michael) (Entered: 11/06/2018)
11/07/2018	<u>52</u>	<i>Amicus Brief</i> by STATE OF TEXAS (Hawkins, Kyle) Modified text on 11/9/2018 (ztd). (Entered: 11/07/2018)
11/09/2018		MINUTE ORDER: Upon consideration of <u>51</u> motion for leave to file <i>amicus</i> brief by Chamber of Commerce of the United States and Society for Human Resource Management, and pursuant to LCvR7(o), it is hereby ORDERED that the motion is

		GRANTED. Signed by Judge John D. Bates on 11/9/18. (lcjdb1) (Entered: 11/09/2018)
11/28/2018	<u>53</u>	Memorandum in opposition to re <u>47</u> MOTION to Dismiss for Lack of Jurisdiction <i>or in the alternative</i> Cross MOTION for Summary Judgment <i>and Reply</i> filed by STATE OF NEW YORK. (Cameron, Susan) (Entered: 11/28/2018)
11/28/2018	56	REPLY to opposition to motion re <u>31</u> MOTION for Summary Judgment filed by STATE OF NEW YORK. (See docket entry no. <u>53</u> to view.) (ztd) (Entered: 11/29/2018)
11/29/2018	<u>54</u>	ERRATA by STATE OF NEW YORK <u>47</u> MOTION to Dismiss for Lack of Jurisdiction <i>or in the alternative</i> Cross MOTION for Summary Judgment filed by UNITED STATES OF AMERICA, UNITED STATES DEPARTMENT OF LABOR, R. ALEXANDER ACOSTA. (Attachments: # <u>1</u> Memorandum in Support)(Cameron, Susan) (Entered: 11/29/2018)
11/29/2018	<u>55</u>	Consent MOTION for Leave to File <i>Amici Curiae Brief</i> by NANCY PELOSI, STENY H. HOYER, JAMES E CLYBURN, JOSEPH CROWLEY, LINDA T. SANCHEZ, ROBERT C. SCOTT, FRANK PALLONE, JERROLD NADLER, RICHARD E. NEAL (Attachments: # <u>1</u> Exhibit Proposed Amici Curiae Brief, # <u>2</u> Text of Proposed Order)(Gorod, Brianne) (Entered: 11/29/2018)
11/29/2018		MINUTE ORDER: Upon consideration of <u>55</u> consent motion for leave to file <i>amici</i> brief by Nancy Pelosi, Steny H. Hoyer, et al., and pursuant to LCvR7(o), it is hereby ORDERED that the motion is GRANTED. Signed by Judge John D. Bates on 11/29/18. (lcjdb1) (Entered: 11/29/2018)
11/29/2018	<u>57</u>	AMICUS BRIEF by JAMES E CLYBURN, JOSEPH CROWLEY, STENY H. HOYER, JERROLD NADLER, RICHARD E. NEAL, FRANK PALLONE, NANCY PELOSI, LINDA T. SANCHEZ, ROBERT C. SCOTT. (ztd) (Entered: 11/29/2018)
11/30/2018	<u>58</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– David L. Schenberg, :Firm– Ogletree Deakins Nash Smoak & Stewart, P.C., :Address– 7700 Bonhomme Avenue, Ste. 650, St. Louis, MO 63105. Phone No. – 314–802–3956. Fax No. – 314–802–3936 Fee Status: No Fee Paid. by UNITED STATES DEPARTMENT OF LABOR (Attachments: # <u>1</u> Exhibit A)(Hamlin, Jaclyn) (Entered: 11/30/2018)
11/30/2018	<u>59</u>	MOTION for Leave to File <i>an Amicus Curiae Brief In Support of Defendants' Motion to Dismiss</i> by RESTAURANT LAW CENTER (Attachments: # <u>1</u> Proposed Order)(Hamlin, Jaclyn) Modified filer on 12/7/2018 (ztd). (Entered: 11/30/2018)
12/03/2018		MINUTE ORDER: Upon consideration of <u>58</u> motion for David L. Schenberg to appear pro hac vice, and pursuant to LCvR 83.2(d), the motion is GRANTED; and it is further ORDERED that the Clerk of Court shall enter the appearance of David L. Schenberg for amicus curiae The Restaurant Law Center. SO ORDERED. Signed by Judge John D. Bates on 12/3/18. (lcjdb1) (Entered: 12/03/2018)
12/03/2018		MINUTE ORDER: Upon consideration of <u>59</u> motion of The Restaurant Law Center for leave to file an amicus curiae brief in support of defendants' motion and opposition, it is hereby ordered that the motion is GRANTED; it is further order that the amicus brief shall be filed by not later than December 19, 2018. SO ORDERED. Signed by Judge John D. Bates on 12/3/18. (lcjdb1) (Entered: 12/03/2018)
12/03/2018		Set/Reset Deadlines: Amicus Brief due by 12/19/2018. (tb) (Entered: 12/03/2018)
12/05/2018	<u>60</u>	Consent MOTION for Leave to File <i>Amici Curiae Brief</i> by AMERICAN MEDICAL ASSOCIATION, MEDICAL SOCIETY OF THE STATE OF NEW YORK (Attachments: # <u>1</u> Exhibit Proposed Amici Curiae Brief, # <u>2</u> Text of Proposed Order)(Golder, Chad) (Entered: 12/05/2018)
12/05/2018	<u>61</u>	Consent MOTION for Leave to File <i>Amicus Curiae</i> by The Coalition to Protect and Promote Association Health Plans (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Davis, William) (Entered: 12/05/2018)
12/06/2018		MINUTE ORDER: Upon consideration of <u>60</u> motion of American Medical Association and Medical Society of New York for leave to file an amici brief, <u>61</u> motion of the Coalition to Protect and Promote Association Health Plans for leave to

		file an amicus brief, and pursuant to LCvR 7(o), it is hereby ordered that both motions are GRANTED; it is further ordered that the Coalition to Protect and Promote Association Health Plans shall file its brief by not later than December 19, 2018. SO ORDERED. Signed by Judge John D. Bates on 12/6/18. (lcjdb1) (Entered: 12/06/2018)
12/06/2018	<u>62</u>	AMICUS BRIEF by AMERICAN MEDICAL ASSOCIATION, MEDICAL SOCIETY OF THE STATE OF NEW YORK. (ztd) (Entered: 12/07/2018)
12/17/2018		MINUTE ORDER: Upon consideration of <u>31</u> plaintiffs' motion for summary judgment; <u>47</u> government's motion to dismiss for lack of jurisdiction or, in the alternative, cross-motion for summary judgment; and the entire record herein; a hearing on these motions is hereby set for January 24, 2019, at 9:30 a.m. in Courtroom 30 before Judge John D. Bates. Signed by Judge John D. Bates on 12/17/18. (lcjdb1) (Entered: 12/17/2018)
12/18/2018	<u>63</u>	AMICUS BRIEF by RESTAURANT LAW CENTER. (Hamlin, Jaclyn) Modified text on 12/19/2018 (ztd). (Entered: 12/18/2018)
12/18/2018	<u>64</u>	NOTICE of Change of Address by Ashley Alexandra Cheung (Cheung, Ashley) (Entered: 12/18/2018)
12/18/2018	<u>65</u>	NOTICE of Change of Address by Tamra Tyree Moore (Moore, Tamra) (Entered: 12/18/2018)
12/19/2018	<u>66</u>	REPLY to opposition to motion re <u>47</u> MOTION to Dismiss for Lack of Jurisdiction <i>or in the alternative</i> Cross MOTION for Summary Judgment filed by R. ALEXANDER ACOSTA, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES OF AMERICA. (Cheung, Ashley) (Entered: 12/19/2018)
12/19/2018	<u>67</u>	AMICUS BRIEF by COALITION TO PROTECT AND PROMOTE ASSOCIATION HEALTH PLANS. (ztd) (Entered: 12/20/2018)
12/26/2018	<u>68</u>	MOTION to Stay re <u>41</u> Order on Motion to Stay,, Order on Motion for Briefing Schedule,, Order on Motion for Scheduling Order, <i>LCvR 7(n)(1) Requirement to Compile Joint Appendix Due to Lapse in Appropriations</i> by R. ALEXANDER ACOSTA, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES OF AMERICA (Moore, Tamra) (Entered: 12/26/2018)
12/27/2018	<u>69</u>	Memorandum in opposition to re <u>68</u> MOTION to Stay re <u>41</u> Order on Motion to Stay,, Order on Motion for Briefing Schedule,, Order on Motion for Scheduling Order, <i>LCvR 7(n)(1) Requirement to Compile Joint Appendix Due to Lapse in Appropriations</i> filed by STATE OF NEW YORK. (Colangelo, Matthew) (Entered: 12/27/2018)
12/27/2018		MINUTE ORDER: It is hereby ORDERED that any reply in support of <u>68</u> the government's motion to stay shall be filed by not later than 6:00 p.m. today, December 27, 2018. Signed by Judge John D. Bates on 12/27/2018. (lcjdb2) (Entered: 12/27/2018)
12/27/2018		Set/Reset Deadlines: Any reply in support of <u>68</u> the government's motion to stay shall be filed by not later than 6:00 PM on 12/27/18. (jth) (Entered: 12/27/2018)
12/27/2018	<u>70</u>	REPLY re <u>68</u> MOTION to Stay re <u>41</u> Order on Motion to Stay,, Order on Motion for Briefing Schedule,, Order on Motion for Scheduling Order, <i>LCvR 7(n)(1) Requirement to Compile Joint Appendix Due to Lapse in Appropriations</i> filed by R. ALEXANDER ACOSTA, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES OF AMERICA. (Moore, Tamra) Modified text on 12/31/2018 (ztd). (Entered: 12/27/2018)
12/28/2018	<u>71</u>	ORDER denying <u>68</u> the government's motion to stay filing of a joint appendix. The schedule for filing a joint appendix is hereby modified and the joint appendix shall be filed by not later than January 9, 2019. See text of Order for details. Signed by Judge John D. Bates on 12/28/2018 (lcjdb3) (Entered: 12/28/2018)
12/28/2018		Set/Reset Deadlines: The Joint Appendix shall be filed by 1/9/2019. (jth) (Entered: 12/28/2018)
01/04/2019	<u>72</u>	NOTICE of Legislation by DISTRICT OF COLUMBIA (Attachments: # <u>1</u> Exhibit DC legislation)(Saindon, Andrew) (Entered: 01/04/2019)

01/04/2019	<u>73</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by STATE OF NEW YORK (Attachments: # <u>1</u> Exhibit Exhibit A)(Cameron, Susan) (Entered: 01/04/2019)
01/09/2019	<u>74</u>	JOINT APPENDIX of <i>Administrative Record</i> by STATE OF NEW YORK. (Attachments: # <u>1</u> Appendix, # <u>2</u> Appendix, # <u>3</u> Appendix, # <u>4</u> Appendix, # <u>5</u> Appendix, # <u>6</u> Appendix, # <u>7</u> Appendix, # <u>8</u> Appendix)(Cameron, Susan) (Entered: 01/09/2019)
01/23/2019	<u>75</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by STATE OF NEW YORK (Attachments: # <u>1</u> Exhibit Supplemental Authority)(Cameron, Susan) (Entered: 01/23/2019)
01/23/2019	<u>76</u>	NOTICE of Appearance by Brad P. Rosenberg on behalf of All Defendants (Rosenberg, Brad) (Entered: 01/23/2019)
01/24/2019		Minute Entry: Motion Hearing held on 1/24/2019 before Judge John D. Bates re <u>47</u> MOTION to Dismiss for Lack of Jurisdiction <i>or in the alternative</i> Cross MOTION for Summary Judgment filed by UNITED STATES OF AMERICA, UNITED STATES DEPARTMENT OF LABOR, R. ALEXANDER ACOSTA and <u>31</u> MOTION for Summary Judgment filed by STATE OF NEW YORK; motions heard and taken under advisement. (Court Reporter Bryan Wayne) (tb) (Entered: 01/24/2019)
02/08/2019	<u>77</u>	<p>TRANSCRIPT OF 1/24/19 MOTIONS HEARING, before Judge John D. Bates, held on January 24, 2019. Page Numbers: 1–104. Date of Issuance: 02/08/2019. Court Reporter: Bryan A. Wayne. Transcripts may be ordered by submitting the Transcript Order Form</p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 3/1/2019. Redacted Transcript Deadline set for 3/11/2019. Release of Transcript Restriction set for 5/9/2019.(Wayne, Bryan) (Entered: 02/08/2019)</p>
03/28/2019	<u>78</u>	ORDER granting <u>31</u> plaintiff States' motion for summary judgment and denying <u>47</u> defendants' motion to dismiss and motion for summary judgment. See text of order and corresponding memorandum opinion for details. Signed by Judge John D. Bates on 3/28/19. (lcjdb1) (Entered: 03/28/2019)
03/28/2019	<u>79</u>	MEMORANDUM OPINION. Signed by Judge John D. Bates on 3/28/19. (lcjdb1) (Entered: 03/28/2019)
04/26/2019	<u>80</u>	NOTICE OF APPEAL TO DC CIRCUIT COURT as to <u>78</u> Order on Motion for Summary Judgment,, Order on Motion to Dismiss/Lack of Jurisdiction,,, <u>79</u> Memorandum & Opinion by UNITED STATES DEPARTMENT OF LABOR, R. ALEXANDER ACOSTA, UNITED STATES OF AMERICA. Fee Status: No Fee Paid. Parties have been notified. (Cheung, Ashley) (Entered: 04/26/2019)
04/29/2019	<u>81</u>	Transmission of the Notice of Appeal, Order Appealed (Memorandum Opinion), and Docket Sheet to US Court of Appeals. The Court of Appeals docketing fee was not paid because the appeal was filed by the government re <u>80</u> Notice of Appeal to DC Circuit Court,, (ztd) (Entered: 04/29/2019)
05/01/2019		USCA Case Number 19–5125 for <u>80</u> Notice of Appeal to DC Circuit Court, filed by UNITED STATES OF AMERICA, UNITED STATES DEPARTMENT OF LABOR, R. ALEXANDER ACOSTA. (zrdj) (Entered: 05/01/2019)
07/01/2019	<u>82</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to COMMONWEALTH OF VIRGINIA. Attorney Matthew Robert McGuire terminated. (McGuire, Matthew)

		(Entered: 07/01/2019)
10/11/2019	<u>83</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to DISTRICT OF COLUMBIA. Attorney Valerie Maria Nannery terminated. (Nannery, Valerie) (Entered: 10/11/2019)
10/18/2019	<u>84</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to UNITED STATES DEPARTMENT OF LABOR, UNITED STATES OF AMERICA. Attorney Ashley Alexandra Cheung terminated. (Cheung, Ashley) (Entered: 10/18/2019)
10/30/2019	<u>85</u>	NOTICE of Appearance by Alacoque Hinga Nevitt on behalf of DISTRICT OF COLUMBIA (Nevitt, Alacoque) (Entered: 10/30/2019)
01/30/2020	<u>86</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to COMMONWEALTH OF MASSACHUSETTS. Attorney Stephen B Vogel terminated. (Vogel, Stephen) (Entered: 01/30/2020)

Exhibit B

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:20-cv-11104-WGY**

Victim Rights Law Center et al v. DeVos et al
Assigned to: Judge William G. Young
Case in other court: USCA – First Circuit, 20–01748
Cause: 05:702 Administrative Procedure Act

Date Filed: 06/10/2020
Jury Demand: None
Nature of Suit: 899 Other Statutes:
Administrative Procedures Act/Review or
Appeal of Agency Decision
Jurisdiction: Federal Question

Date Filed	#	Docket Text
06/10/2020	<u>1</u>	COMPLAINT <i>for Declaratory and Injunctive Relief</i> against Kenneth L. Marcus, U.S. Department of Education, Elizabeth D. DeVos Filing fee: \$ 400, receipt number 0101–8278652 (Fee Status: Filing Fee paid), filed by Chicago Alliance Against Sexual Exploitation, Equal Rights Advocates, Legal Voice, Victim Rights Law Center. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons for Elizabeth DeVos, # <u>3</u> Summons for DOE, # <u>4</u> Summons for Kenneth Marcus, # <u>5</u> Summons for US Attorney General)(O'Neill, Julie) (Entered: 06/10/2020)
06/10/2020	<u>2</u>	CORPORATE DISCLOSURE STATEMENT by Chicago Alliance Against Sexual Exploitation. (O'Neill, Julie) (Entered: 06/10/2020)
06/10/2020	<u>3</u>	CORPORATE DISCLOSURE STATEMENT by Equal Rights Advocates. (O'Neill, Julie) (Entered: 06/10/2020)
06/10/2020	<u>4</u>	CORPORATE DISCLOSURE STATEMENT by Legal Voice. (O'Neill, Julie) (Entered: 06/10/2020)
06/10/2020	<u>5</u>	CORPORATE DISCLOSURE STATEMENT by Victim Rights Law Center. (O'Neill, Julie) (Entered: 06/10/2020)
06/10/2020	6	NOTICE of Case Assignment. Magistrate Judge Judith G. Dein assigned to case. Plaintiff's counsel, or defendant's counsel if this case was initiated by the filing of a Notice of Removal, are directed to the Notice and Procedures regarding Consent to Proceed before the Magistrate Judge which can be downloaded here. These documents will be mailed to counsel not receiving notice electronically. Pursuant to General Order 09–3, until the Court receives for filing either a consent to the Magistrate Judge's jurisdiction or the reassignment of the case to a District Judge, the initial assignment of a civil case to the Magistrate Judge is a referral to the Magistrate Judge under 28 USC 636(b) for all pretrial non–dispositive matters and Report and Recommendations, but not for the Rule 16(b) scheduling conference. (Finn, Mary) (Entered: 06/10/2020)
06/10/2020	<u>7</u>	Summons Issued as to Elizabeth D. DeVos, Kenneth L. Marcus, U.S. Department of Education. Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (Jones, Sherry) (Entered: 06/10/2020)
07/02/2020	<u>8</u>	SUMMONS Returned Executed as to US Attorney by Victim Rights Law Center, Chicago Alliance Against Sexual Exploitation, Legal Voice, Equal Rights Advocates. Andrew E Lelling served on 6/15/2020, answer due 8/14/2020. (O'Neill, Julie) (Modified on 7/6/2020 to Correct Answer Date As Counsel Entered the Wrong Date of Service as to the US Attorney for the District of Massachusetts) (Paine, Matthew). (Entered: 07/02/2020)
07/02/2020	<u>9</u>	SUMMONS Returned Executed by Victim Rights Law Center, Chicago Alliance Against Sexual Exploitation, Legal Voice, Equal Rights Advocates. (O'Neill, Julie) (Entered: 07/02/2020)

07/02/2020	<u>10</u>	SUMMONS Returned Executed by Victim Rights Law Center, Chicago Alliance Against Sexual Exploitation, Legal Voice, Equal Rights Advocates. (Attachments: # <u>1</u> Affidavit of Service on Dept. of Education, # <u>2</u> Dept. of Education return receipt)(O'Neill, Julie) (Entered: 07/02/2020)
07/02/2020	<u>11</u>	SUMMONS Returned Executed by Victim Rights Law Center, Chicago Alliance Against Sexual Exploitation, Legal Voice, Equal Rights Advocates. (O'Neill, Julie) (Entered: 07/02/2020)
07/02/2020	<u>12</u>	AMENDED DOCUMENT by Chicago Alliance Against Sexual Exploitation, Equal Rights Advocates, Legal Voice, Victim Rights Law Center. <i>Amended Complaint for Declaratory and Injunctive Relief.</i> (O'Neill, Julie) (Entered: 07/02/2020)
07/06/2020	<u>13</u>	AMENDED COMPLAINT against Kenneth L. Marcus, U.S. Department of Education, Elizabeth D. DeVos, filed by Chicago Alliance Against Sexual Exploitation, Equal Rights Advocates, Legal Voice, Victim Rights Law Center, Jane Doe, Anne Doe, Sobia Doe, Susan Doe, Jill Doe, Nancy Doe, Lisa Doe.(Paine, Matthew) (Entered: 07/06/2020)
07/06/2020	14	Notice of correction to docket made by Court staff. Correction: Amended Complaint Corrected Because: The Amended Complaint Was Filed Under the Wrong Event By Counsel. The Amended Complaint Was Re-Docketed Under Correct Event in CM/ECF and the New Parties Added to the Docket. Please See ECF No. <u>13</u> for the Corrected Amended Complaint. (Paine, Matthew) (Entered: 07/06/2020)
07/07/2020	<u>15</u>	NOTICE of Appearance by Rebecca M. Kopplin on behalf of Elizabeth D. DeVos, Kenneth L. Marcus, U.S. Department of Education (Kopplin, Rebecca) (Entered: 07/07/2020)
07/14/2020	<u>16</u>	Refusal to Consent to Proceed Before a US Magistrate Judge. . (O'Neill, Julie) (Entered: 07/14/2020)
07/15/2020	17	ELECTRONIC NOTICE of Case Reassignment. Judge William G. Young assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Judith G. Dein. (Danieli, Chris) (Entered: 07/15/2020)
07/17/2020	<u>18</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Natalie Fleming Nolen Filing fee: \$ 100, receipt number 0101-8334404 by Chicago Alliance Against Sexual Exploitation, Anne Doe, Jane Doe, Jill Doe, Lisa Doe, Nancy Doe, Sobia Doe, Susan Doe, Equal Rights Advocates, Legal Voice, Victim Rights Law Center.(O'Neill, Julie) (Entered: 07/17/2020)
07/17/2020	<u>19</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Vanshika Vij Filing fee: \$ 100, receipt number 0101-8334414 by Chicago Alliance Against Sexual Exploitation, Anne Doe, Jane Doe, Jill Doe, Lisa Doe, Nancy Doe, Sobia Doe, Susan Doe, Equal Rights Advocates, Legal Voice, Victim Rights Law Center.(O'Neill, Julie) (Entered: 07/17/2020)
07/17/2020	<u>20</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Robin A. Smith Filing fee: \$ 100, receipt number 0101-8334418 by Chicago Alliance Against Sexual Exploitation, Anne Doe, Jane Doe, Jill Doe, Lisa Doe, Nancy Doe, Sobia Doe, Susan Doe, Equal Rights Advocates, Legal Voice, Victim Rights Law Center.(O'Neill, Julie) (Entered: 07/17/2020)
07/17/2020	<u>21</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Caitlin A. Crujido Filing fee: \$ 100, receipt number 0101-8334421 by Chicago Alliance Against Sexual Exploitation, Anne Doe, Jane Doe, Jill Doe, Lisa Doe, Nancy Doe, Sobia Doe, Susan Doe, Equal Rights Advocates, Legal Voice, Victim Rights Law Center.(O'Neill, Julie) (Entered: 07/17/2020)
07/17/2020	<u>22</u>	MOTION for Leave to Appear Pro Hac Vice for admission of David A. Newman Filing fee: \$ 100, receipt number 0101-8334516 by Chicago Alliance Against Sexual Exploitation, Anne Doe, Jane Doe, Jill Doe, Lisa Doe, Nancy Doe, Sobia Doe, Susan Doe, Equal Rights Advocates, Legal Voice, Victim Rights Law Center.(O'Neill, Julie) (Entered: 07/17/2020)

07/19/2020	23	Judge William G. Young: ELECTRONIC ORDER entered granting <u>18</u> Motion for Leave to Appear Pro Hac Vice; granting <u>19</u> Motion for Leave to Appear Pro Hac Vice; granting <u>20</u> Motion for Leave to Appear Pro Hac Vice; granting <u>21</u> Motion for Leave to Appear Pro Hac Vice; granting <u>22</u> Motion for Leave to Appear Pro Hac Vice Added Natalie Fleming, Vanshika Vij, Robin A. Smith, Caitlin A. Crujido, and David A. Newman. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Paine, Matthew) (Entered: 07/19/2020)
07/21/2020	<u>24</u>	MOTION to Intervene by Foundation for Individual Rights in Education, Independent Women's Law Center, Speech First, Inc..(Strawbridge, Patrick) (Entered: 07/21/2020)
07/21/2020	<u>25</u>	MEMORANDUM in Support re <u>24</u> MOTION to Intervene filed by Foundation for Individual Rights in Education, Independent Women's Law Center, Speech First, Inc.. (Strawbridge, Patrick) (Entered: 07/21/2020)
07/21/2020	<u>26</u>	ANSWER to <u>13</u> Amended Complaint, by Foundation for Individual Rights in Education, Independent Women's Law Center, Speech First, Inc..(Strawbridge, Patrick) (Entered: 07/21/2020)
07/23/2020	<u>27</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Evan M. Harris Filing fee: \$ 100, receipt number 0101-8342279 by Chicago Alliance Against Sexual Exploitation, Anne Doe, Jane Doe, Jill Doe, Lisa Doe, Nancy Doe, Sobia Doe, Susan Doe, Equal Rights Advocates, Legal Voice, Victim Rights Law Center.(O'Neill, Julie) (Additional attachment(s) added on 7/24/2020: # <u>1</u> Exhibit A) (Paine, Matthew). (Main Document 27 replaced on 7/24/2020) (Paine, Matthew). (Entered: 07/23/2020)
07/23/2020	<u>28</u>	Emergency MOTION for Leave to File Excess Pages <i>and for an Expedited Briefing Schedule</i> by Chicago Alliance Against Sexual Exploitation, Anne Doe, Jane Doe, Jill Doe, Lisa Doe, Nancy Doe, Sobia Doe, Susan Doe, Equal Rights Advocates, Legal Voice, Victim Rights Law Center. (Attachments: # <u>1</u> Text of Proposed Order)(O'Neill, Julie) (Entered: 07/23/2020)
07/24/2020	29	Judge William G. Young: ELECTRONIC ORDER entered granting <u>27</u> Motion for Leave to Appear Pro Hac Vice. Added Evan M. Harris. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Paine, Matthew) (Entered: 07/24/2020)
07/24/2020	<u>30</u>	MOTION to Expedite <i>Briefing Schedule on Motion to Intervene</i> by Foundation for Individual Rights in Education, Independent Women's Law Center, Speech First, Inc..(Strawbridge, Patrick) (Entered: 07/24/2020)
07/24/2020	<u>31</u>	MOTION for Preliminary Injunction <i>or Stay Pending Judicial Review</i> by Chicago Alliance Against Sexual Exploitation, Anne Doe, Jane Doe, Jill Doe, Lisa Doe, Nancy Doe, Sobia Doe, Susan Doe, Equal Rights Advocates, Legal Voice, Victim Rights Law Center. (Attachments: # <u>1</u> Text of Proposed Order)(O'Neill, Julie) (Entered: 07/24/2020)
07/24/2020	<u>32</u>	MEMORANDUM in Support re <u>31</u> MOTION for Preliminary Injunction <i>or Stay Pending Judicial Review</i> filed by Chicago Alliance Against Sexual Exploitation, Anne Doe, Jane Doe, Jill Doe, Lisa Doe, Nancy Doe, Sobia Doe, Susan Doe, Equal Rights Advocates, Legal Voice, Victim Rights Law Center. (Attachments: # <u>1</u> Exhibit A. Declaration of Lisa Doe, # <u>2</u> Exhibit B. Declaration of Jill Doe, # <u>3</u> Exhibit C. Declaration of Anne Doe, # <u>4</u> Exhibit D. Declaration of Sobia Doe, # <u>5</u> Exhibit E. Declaration of Susan Doe, # <u>6</u> Exhibit F. Declaration of Nancy Doe, # <u>7</u> Exhibit G. Declaration of Jane Doe, # <u>8</u> Exhibit H. Declaration of VRLC, # <u>9</u> Exhibit I. Declaration of ERA, # <u>10</u> Exhibit J. Declaration of CAASE, # <u>11</u> Exhibit K. Declaration of Legal Voice, # <u>12</u> Exhibit L. Declaration of Judith Herman, # <u>13</u> Exhibit M. Declaration of Michael Madowitz, # <u>14</u> Exhibit N. Declaration of Nancy Chi Cantalupo, # <u>15</u> Exhibit O. Declaration of Elizabeth Collins)(O'Neill, Julie) (Entered: 07/24/2020)

07/24/2020	<u>33</u>	Judge William G. Young: ORDER entered granting <u>28</u> Motion for Leave to File Excess Pages and for an Expedited Briefing Schedule. (Gaudet, Jennifer) (Entered: 07/27/2020)
07/27/2020	34	<p>ELECTRONIC NOTICE Setting Hearing on Motion <u>31</u> MOTION for Preliminary Injunction or Stay Pending Judicial Review : Motion Hearing set for 9/2/2020 03:00 PM by video before Judge William G. Young.</p> <p>This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the session's courtroom deputy as soon as possible.</p> <p>Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address: https://public.mad.uscourts.gov/seating-signup.html.</p> <p>For questions regarding access to hearings, you may refer to the Court's general orders and public notices available on www.mad.uscourts.gov or contact media@mad.uscourts.gov.</p> <p>(Gaudet, Jennifer) (Entered: 07/27/2020)</p>
07/27/2020	35	Judge William G. Young: ELECTRONIC ORDER entered denying <u>24</u> Motion to Intervene. The motion to intervene is denied as there is no adequate showing that the government will not adequately protect the proposed intervenors rights. The Court will, of course, welcome a brief amicus curiae from the proposed intervenors. (Gaudet, Jennifer) (Entered: 07/27/2020)
07/27/2020	<u>36</u>	<p>MOTION for Leave to Appear Pro Hac Vice for admission of Geoffrey B. Kehlmann Filing fee: \$ 100, receipt number 0101-8346369 by Lawyers' Committee for Civil Rights Under Law, American Association for Affirmative Action by Equal Opportunity Professionals, American Association of University Women, American Federation of Teachers, AFL-CIO, American Humanist Association, Autistic Self Advocacy Network, Education Law Center-PA, GLSEN, Japanese American Citizens League, Lambda Legal Defense and Education Fund, Inc., League of United Latin American Citizens, National Alliance for Partnerships in Equity, National Association of Councils on Developmental Disabilities, National Center for Parent Leadership, Advocacy and Community Empowerment, National Center for Special Education in Charter Schools, National Center for Transgender Equality, National Council of Jewish Women, National LGBTQ Task Force, Southeast Asia Resource Action Center, Feminist Majority Foundation, Clearinghouse on Womens Issues.</p> <p>(Attachments: # <u>1</u> Affidavit of Geoffrey B. Kehlmann in Support of Pro Hac Vice Motion)(Sellstrom, Oren) (Entered: 07/27/2020)</p>
07/27/2020	<u>37</u>	<p>MOTION for Leave to Appear Pro Hac Vice for admission of Cynthia E. Tobisman Filing fee: \$ 100, receipt number 0101-8346705 by American Association for Affirmative Action by Equal Opportunity Professionals, American Association of University Women, American Federation of Teachers, AFL-CIO, American Humanist Association, Autistic Self Advocacy Network, Clearinghouse on Womens Issues, Education Law Center-PA, Feminist Majority Foundation, GLSEN, Japanese American Citizens League, Lambda Legal Defense and Education Fund, Inc., Lawyers' Committee for Civil Rights Under Law, League of United Latin American Citizens, National Alliance for Partnerships in Equity, National Association of Councils on Developmental Disabilities, National Center for Parent Leadership, Advocacy and Community Empowerment, National Center for Special Education in Charter Schools, National Center for Transgender Equality, National Council of Jewish Women, National LGBTQ Task Force, Southeast Asia Resource Action Center. (Attachments: # <u>1</u> Affidavit of Cynthia Tobisman in Support of Pro Hac Vice Motion)(Sellstrom, Oren) (Entered: 07/27/2020)</p>
07/27/2020	<u>38</u>	<p>MOTION for Leave to Appear Pro Hac Vice for admission of David Hinojosa Filing fee: \$ 100, receipt number 0101-8346771 by American Association for Affirmative Action by Equal Opportunity Professionals, American Association of University Women, American Federation of Teachers, AFL-CIO, American Humanist Association, Autistic Self Advocacy Network, Clearinghouse on Womens Issues,</p>

		Education Law Center–PA, Feminist Majority Foundation, GLSEN, Japanese American Citizens League, Lambda Legal Defense and Education Fund, Inc., Lawyers' Committee for Civil Rights Under Law, League of United Latin American Citizens, National Alliance for Partnerships in Equity, National Association of Councils on Developmental Disabilities, National Center for Parent Leadership, Advocacy and Community Empowerment, National Center for Special Education in Charter Schools, National Center for Transgender Equality, National Council of Jewish Women, National LGBTQ Task Force, Southeast Asia Resource Action Center. (Attachments: # <u>1</u> Affidavit of David Hinojosa in Support of Pro Hac Vice Motion)(Sellstrom, Oren) (Entered: 07/27/2020)
07/27/2020	<u>39</u>	Consent MOTION for Leave to File <i>Brief Of The Civil Rights And Advocacy Amici As Amici Curiae In Support Of Plaintiffs Motion For Preliminary Injunction</i> by American Association for Affirmative Action by Equal Opportunity Professionals, American Association of University Women, American Federation of Teachers, AFL–CIO, American Humanist Association, Autistic Self Advocacy Network, Clearinghouse on Womens Issues, Education Law Center–PA, Feminist Majority Foundation, GLSEN, Japanese American Citizens League, Lambda Legal Defense and Education Fund, Inc., Lawyers' Committee for Civil Rights Under Law, League of United Latin American Citizens, National Alliance for Partnerships in Equity, National Association of Councils on Developmental Disabilities, National Center for Parent Leadership, Advocacy and Community Empowerment, National Center for Special Education in Charter Schools, National Center for Transgender Equality, National Council of Jewish Women, National LGBTQ Task Force, Southeast Asia Resource Action Center. (Attachments: # <u>1</u> Brief Of The Civil Rights And Advocacy Amici As Amici Curiae In Support Of Plaintiffs Motion For Preliminary Injunction)(Sellstrom, Oren) (Entered: 07/27/2020)
07/28/2020	40	Judge William G. Young: ELECTRONIC ORDER entered granting <u>36</u> Motion for Leave to Appear Pro Hac Vice; granting <u>37</u> Motion for Leave to Appear Pro Hac Vice; granting <u>38</u> Motion for Leave to Appear Pro Hac Vice. Added Geoffrey B. Kehlmann, Cynthia E. Tobisman, and David Hinojosa. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Paine, Matthew) (Entered: 07/28/2020)
07/28/2020	<u>41</u>	AFFIDAVIT OF SERVICE Executed by Equal Rights Advocates, Victim Rights Law Center, Anne Doe, Susan Doe, Jane Doe, Sobia Doe, Jill Doe, Legal Voice, Nancy Doe, Chicago Alliance Against Sexual Exploitation, Lisa Doe. Elizabeth D. DeVos served on 7/6/2020, answer due 7/27/2020. Acknowledgement filed by Equal Rights Advocates; Victim Rights Law Center; Anne Doe; Susan Doe; Jane Doe; Sobia Doe; Jill Doe; Legal Voice; Nancy Doe; Chicago Alliance Against Sexual Exploitation; Lisa Doe. (Newman, David) (Entered: 07/28/2020)
07/28/2020	<u>42</u>	AFFIDAVIT OF SERVICE Executed by Victim Rights Law Center, Anne Doe, Susan Doe, Jane Doe, Sobia Doe, Jill Doe, Legal Voice, Nancy Doe, Chicago Alliance Against Sexual Exploitation, Lisa Doe. William Barr served on 7/6/2020, answer due 7/27/2020. Acknowledgement filed by Victim Rights Law Center; Anne Doe; Susan Doe; Jane Doe; Sobia Doe; Jill Doe; Legal Voice; Nancy Doe; Chicago Alliance Against Sexual Exploitation; Lisa Doe. (Newman, David) (Entered: 07/28/2020)
07/28/2020	<u>43</u>	AFFIDAVIT OF SERVICE Executed by Victim Rights Law Center, Anne Doe, Susan Doe, Jane Doe, Sobia Doe, Jill Doe, Legal Voice, Nancy Doe, Lisa Doe. Kenneth L. Marcus served on 7/6/2020, answer due 7/27/2020. Acknowledgement filed by Victim Rights Law Center; Anne Doe; Susan Doe; Jane Doe; Sobia Doe; Jill Doe; Legal Voice; Nancy Doe; Lisa Doe. (Newman, David) (Entered: 07/28/2020)
07/28/2020	<u>44</u>	AFFIDAVIT OF SERVICE Executed by Equal Rights Advocates, Victim Rights Law Center, Anne Doe, Susan Doe, Jane Doe, Sobia Doe, Jill Doe, Legal Voice, Nancy Doe, Lisa Doe. Acknowledgement filed by Equal Rights Advocates, Victim Rights Law Center, Anne Doe, Susan Doe, Jane Doe, Sobia Doe, Jill Doe, Legal Voice, Nancy Doe, Lisa Doe. (Newman, David) (Entered: 07/28/2020)
07/28/2020	<u>45</u>	AFFIDAVIT OF SERVICE Executed by Equal Rights Advocates, Victim Rights Law Center, Anne Doe, Susan Doe, Jane Doe, Sobia Doe, Jill Doe, Legal Voice, Nancy

		Doe, Lisa Doe. U.S. Department of Education served on 7/7/2020, answer due 7/28/2020. Acknowledgement filed by Equal Rights Advocates; Victim Rights Law Center; Anne Doe; Susan Doe; Jane Doe; Sobia Doe; Jill Doe; Legal Voice; Nancy Doe; Lisa Doe. (Newman, David) (Entered: 07/28/2020)
07/28/2020	<u>46</u>	SUMMONS Returned Executed as to US Attorney by Equal Rights Advocates, Victim Rights Law Center, Anne Doe, Susan Doe, Jane Doe, Sobia Doe, Jill Doe, Legal Voice, Nancy Doe, Chicago Alliance Against Sexual Exploitation, Lisa Doe. served on 7/13/2020, answer due 9/11/2020. (Paine, Matthew) (Entered: 07/28/2020)
07/28/2020	<u>47</u>	SUMMONS Returned Executed as to William Barr – United States Attorney General by Equal Rights Advocates, Victim Rights Law Center, Anne Doe, Susan Doe, Jane Doe, Sobia Doe, Jill Doe, Legal Voice, Nancy Doe, Chicago Alliance Against Sexual Exploitation, Lisa Doe. (Paine, Matthew) (Entered: 07/28/2020)
07/28/2020	<u>48</u>	SUMMONS Returned Executed as to Elizabeth D. DeVos by Equal Rights Advocates, Victim Rights Law Center, Anne Doe, Susan Doe, Jane Doe, Sobia Doe, Jill Doe, Legal Voice, Nancy Doe, Chicago Alliance Against Sexual Exploitation, Lisa Doe. (Paine, Matthew) (Entered: 07/28/2020)
07/28/2020	<u>49</u>	SUMMONS Returned Executed as to Kenneth L. Marcus by Victim Rights Law Center, Anne Doe, Susan Doe, Jane Doe, Sobia Doe, Jill Doe, Legal Voice, Nancy Doe, Chicago Alliance Against Sexual Exploitation, Lisa Doe. (Paine, Matthew) (Entered: 07/28/2020)
07/28/2020	<u>50</u>	SUMMONS Returned Executed as to U.S. Department of Education by Equal Rights Advocates, Victim Rights Law Center, Anne Doe, Susan Doe, Jane Doe, Sobia Doe, Jill Doe, Legal Voice, Nancy Doe, Chicago Alliance Against Sexual Exploitation, Lisa Doe. (Paine, Matthew) (Entered: 07/28/2020)
07/28/2020	51	Notice of correction to docket made by Court staff. Correction: Docket Entries 41–45 Returns of Service as to the Defendants Corrected Because: The Returns of Service Were Filed Under the Wrong Events in CM/ECF By Counsel David A. Newman. The Returns of Service Were Re–Docketed Under the Correct Events in CM/ECF and the Numerous Incorrect Answer Deadlines Removed. (Paine, Matthew) (Entered: 07/28/2020)
07/28/2020	<u>52</u>	NOTICE OF INTERLOCUTORY APPEAL as to 35 Order on Motion to Intervene, by Foundation for Individual Rights in Education, Independent Women's Law Center, Speech First, Inc.. (Fee Status: Filing Fee Not Paid) NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov MUST be completed and submitted to the Court of Appeals. Counsel shall register for a First Circuit CM/ECF Appellate Filer Account at http://pacer.psc.uscourts.gov/cmecf. Counsel shall also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at http://www.ca1.uscourts.gov/efiling.htm. US District Court Clerk to deliver official record to Court of Appeals by 8/17/2020. (Strawbridge, Patrick) (Modified on 7/29/2020 to Correct the Docket Text as the Filing Fee for the Notice of Appeal Was NOT Paid) (Paine, Matthew). (Entered: 07/28/2020)
07/29/2020	<u>53</u>	Certified and Transmitted Abbreviated Electronic Record on Appeal to US Court of Appeals re <u>52</u> Notice of Interlocutory Appeal. (Paine, Matthew) (Entered: 07/29/2020)
07/29/2020	54	USCA Case Number 20–1748 for <u>52</u> Notice of Interlocutory Appeal filed by Independent Women's Law Center, Foundation for Individual Rights in Education, Speech First, Inc.. (Paine, Matthew) (Entered: 07/29/2020)
07/29/2020	<u>55</u>	MOTION for Leave to File Amicus Curiae Brief by Daniel Jaffe on behalf of AASA, The School Superintendents' Association, The Council of the Great City Schools, National Association of Secondary School Principals . (Attachments: # <u>1</u> Brief Amicus Curiae)(Jaffe, Daniel) (Modified on 7/30/2020 to Correct Docket Text, Party Name, and CM/ECF Filing Event) (Paine, Matthew). (Entered: 07/29/2020)
07/29/2020	<u>56</u>	NOTICE OF ATTORNEY PAYMENT OF FEES as to <u>52</u> Notice of Interlocutory Appeal,,, by Intervenor Defendants Foundation for Individual Rights in Education, Independent Women's Law Center, Speech First, Inc.. Filing fee \$ 505, receipt number

		0101-8351280. Payment Type : APPEAL. (Strawbridge, Patrick) (Entered: 07/29/2020)
07/30/2020	<u>57</u>	NOTICE of Appearance by Daniel Jaffe on behalf of AASA, The School Superintendents' Association, National Association of Secondary School Principals, The Council of the Great City Schools (Jaffe, Daniel) (Entered: 07/30/2020)
07/30/2020	<u>58</u>	CORPORATE DISCLOSURE STATEMENT by The Council of the Great City Schools. (Jaffe, Daniel) (Entered: 07/30/2020)
07/30/2020	<u>59</u>	CORPORATE DISCLOSURE STATEMENT by National Association of Secondary School Principals. (Jaffe, Daniel) (Entered: 07/30/2020)
07/30/2020	<u>60</u>	CORPORATE DISCLOSURE STATEMENT by AASA, The School Superintendents' Association. (Jaffe, Daniel) (Entered: 07/30/2020)
07/30/2020	<u>61</u>	First MOTION for Leave to Appear Pro Hac Vice for admission of John W. Borkowski Filing fee: \$ 100, receipt number 0101-8351871 by AASA, The School Superintendents' Association, National Association of Secondary School Principals, The Council of the Great City Schools. (Attachments: # <u>1</u> Exhibit A – Affidavit/Declaration of John W. Borkowski Supporting His Pro Hac Vice Application)(Jaffe, Daniel) (Entered: 07/30/2020)
07/30/2020	<u>62</u>	First MOTION for Leave to Appear Pro Hac Vice for admission of Roy Austin. Filing fee: \$ 300, receipt number 0101-8353314 by Law Professors. (Mann, Naomi) Modified on 7/31/2020 (Paine, Matthew). (Main Document 62 replaced on 7/31/2020) (Paine, Matthew). (Additional attachment(s) added on 7/31/2020: # <u>1</u> Exhibit A) (Paine, Matthew). (Entered: 07/30/2020)
07/31/2020	<u>63</u>	NOTICE of Appearance by Gregory F Noonan on behalf of American Council on Education, Accreditation Council for Pharmacy Education, American Association of Community Colleges, American Association of State Colleges and Universities, American Association of University Professors, American Dental Education Association, American Indian Higher Education Consortium, Association of American Medical Colleges, Association of American Universities, Association of Catholic Colleges and Universities, Association of Governing Boards of Universities and Colleges, Association of Jesuit Colleges and Universities, Association of Public and Land-grant Universities, College and University Professional Association for Human Resources, Council for Advancement and Support of Education, Council of Independent Colleges, Middle States Commission on Higher Education, NASP – Student Affairs Administrators in Higher Education, National Association of College and University Business Officers, National Association of Diversity Officers in Higher Education, National Association of Independent Colleges and Universities, National Collegiate Athletic Association, New England Commission of Higher Education, University Risk Management and Insurance Association, WASC Senior College and University Commission (Noonan, Gregory) (Entered: 07/31/2020)
07/31/2020	<u>64</u>	Consent MOTION for Leave to File Excess Pages by Elizabeth D. DeVos, Kenneth L. Marcus, U.S. Department of Education. (Attachments: # <u>1</u> Text of Proposed Order)(Kopplin, Rebecca) (Entered: 07/31/2020)
07/31/2020	<u>65</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Lauren E. Snyder by Law Professors. (Attachments: # <u>1</u> Exhibit A)(Paine, Matthew) (Entered: 07/31/2020)
07/31/2020	<u>66</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Daniel Tingley by Law Professors. (Attachments: # <u>1</u> Exhibit A)(Paine, Matthew) (Entered: 07/31/2020)
07/31/2020	67	Judge William G. Young: ELECTRONIC ORDER entered granting <u>61</u> Motion for Leave to Appear Pro Hac Vice. Added John W. Borkowski. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Paine, Matthew) (Entered: 07/31/2020)
07/31/2020	<u>68</u>	Consent MOTION for Leave to File <i>Amicus Curiae Brief in Support of Plaintiffs' Motion for Preliminary Injunction or 5 U.S.C. Sec. 705 Stay</i> by Accreditation Council for Pharmacy Education, American Association of Community Colleges, American

		Association of State Colleges and Universities, American Association of University Professors, American Council on Education, American Dental Education Association, American Indian Higher Education Consortium, Association of American Medical Colleges, Association of American Universities, Association of Catholic Colleges and Universities, Association of Governing Boards of Universities and Colleges, Association of Jesuit Colleges and Universities, Association of Public and Land-grant Universities, College and University Professional Association for Human Resources, Council for Advancement and Support of Education, Council of Independent Colleges, Middle States Commission on Higher Education, NASP – Student Affairs Administrators in Higher Education, National Association of College and University Business Officers, National Association of Diversity Officers in Higher Education, National Association of Independent Colleges and Universities, National Collegiate Athletic Association, New England Commission of Higher Education, University Risk Management and Insurance Association, WASC Senior College and University Commission. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Noonan, Gregory) (Entered: 07/31/2020)
07/31/2020	<u>69</u>	NOTICE of Appearance by Lisa N. Cloutier on behalf of Survivors of Sexual Violence (Cloutier, Lisa) (Entered: 07/31/2020)
07/31/2020	<u>70</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Ellen L. Eardley Filing fee: \$ 100, receipt number 0101–8354622 by Survivors of Sexual Violence. (Attachments: # <u>1</u> Affidavit Exhibit A – Affidavit of Ellen L. Eardley)(Cloutier, Lisa) (Entered: 07/31/2020)
07/31/2020	<u>71</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Cari S. Simon Filing fee: \$ 100, receipt number 0101–8354641 by Survivors of Sexual Violence. (Attachments: # <u>1</u> Affidavit Exhibit A – Affidavit of Cari S. Simon)(Cloutier, Lisa) (Entered: 07/31/2020)
07/31/2020	<u>72</u>	First MOTION for Leave to File <i>Amicus Brief</i> by Law Professors. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Motion)(Mann, Naomi) (Entered: 07/31/2020)
07/31/2020	<u>73</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Saul E. Wolf Filing fee: \$ 100, receipt number 0101–8354651 by Survivors of Sexual Violence. (Attachments: # <u>1</u> Affidavit Exhibit A – Affidavit of Saul E. Wolf)(Cloutier, Lisa) (Entered: 07/31/2020)
07/31/2020	<u>74</u>	Consent MOTION for Leave to File <i>Brief of Survivors of Sexual Violence as Amici Curiae in Support of Plaintiffs' Motion for a Preliminary Injunction or Section 705 Stay</i> by Survivors of Sexual Violence. (Attachments: # <u>1</u> Brief of Survivors of Sexual Violence as Amici Curiae in Support of Plaintiffs' Motion for a Preliminary Injunction or Section 705 Stay)(Cloutier, Lisa) (Entered: 07/31/2020)
07/31/2020	<u>75</u>	First MOTION for Leave to Appear Pro Hac Vice for admission of Aleksandra O. Rushing, Allen F. James, Paige Duggins–Clay Filing fee: \$ 300, receipt number 0101–8355033 by AASA, The School Superintendents' Association, National Association of Secondary School Principals, The Council of the Great City Schools. (Attachments: # <u>1</u> Exhibit A – Declaration of Aleksandra Rushing, # <u>2</u> Exhibit B – Declaration of Allen James, # <u>3</u> Exhibit C – Declaration of Paige Duggins–Clay)(Jaffe, Daniel) (Entered: 07/31/2020)
07/31/2020	<u>76</u>	NOTICE of Appearance by Linda M. Correia on behalf of Promundo, American Men's Studies Association, CONNECT, Inc., Jana's Campaign, Inc., Men Stopping Violence, Men's Story Project, Men and Masculinities Knowledge Community, North American MenEngage Network, Ten Men – Rhode Island Coalition Against Domestic Violence, Vera House, Inc. (Correia, Linda) (Entered: 07/31/2020)
07/31/2020	77	Judge William G. Young: ELECTRONIC ORDER entered granting <u>62</u> Motion for Leave to Appear Pro Hac Vice; granting <u>65</u> Motion for Leave to Appear Pro Hac Vice; granting <u>66</u> Motion for Leave to Appear Pro Hac Vice Added Roy Austin, Lauren E. Snyder, and Daniel Tingley. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Paine, Matthew) (Entered: 07/31/2020)

07/31/2020	78	Judge William G. Young: ELECTRONIC ORDER entered granting <u>70</u> Motion for Leave to Appear Pro Hac Vice; granting <u>71</u> Motion for Leave to Appear Pro Hac Vice; granting <u>73</u> Motion for Leave to Appear Pro Hac Vice. Added Ellen L. Eardley, Cari S. Simon, and Saul E. Wolf. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Paine, Matthew) (Entered: 07/31/2020)
07/31/2020	<u>79</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Lauren Khouri Filing fee: \$ 100, receipt number 0101-8355431 by American Men's Studies Association, CONNECT, Inc., Jana's Campaign, Inc., Men Stopping Violence, Men and Masculinities Knowledge Community, Men's Story Project, North American MenEngage Network, Promundo, Ten Men – Rhode Island Coalition Against Domestic Violence, Vera House, Inc.. (Attachments: # <u>1</u> Declaration of Lauren Khouri)(Correia, Linda) (Entered: 07/31/2020)
07/31/2020	80	Judge William G. Young: ELECTRONIC ORDER entered granting <u>75</u> Motion for Leave to Appear Pro Hac Vice. Added Aleksandra O. Rushing, Allen F. James, and Paige Duggins-Clay. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Paine, Matthew) (Entered: 07/31/2020)
07/31/2020	<u>81</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Amy Poyer Filing fee: \$ 100, receipt number 0101-8355520 by California Women's Law Center.(Knuuttila, Kristin) (Additional attachment(s) added on 8/3/2020: # <u>1</u> Exhibit A) (Paine, Matthew). (Main Document 81 replaced on 8/3/2020) (Paine, Matthew). (Entered: 07/31/2020)
07/31/2020	<u>82</u>	MOTION for Leave to File <i>Amicus Brief</i> by California Women's Law Center.(Knuuttila, Kristin) (Additional attachment(s) added on 8/3/2020: # <u>1</u> Exhibit Proposed Amicus Brief) (Paine, Matthew). (Entered: 07/31/2020)
07/31/2020	<u>83</u>	AMICUS BRIEF filed by California Women's Law Center . (Knuuttila, Kristin) (Main Document 83 replaced on 8/3/2020) (Paine, Matthew). Document Stricken from the Docket as Counsel Filed the Document Incorrectly – See CM/ECF Administrative Procedures Section (R). (Paine, Matthew). (Entered: 07/31/2020)
07/31/2020	<u>84</u>	Consent MOTION for Leave to File <i>Brief of Amici Curiae</i> by American Men's Studies Association, CONNECT, Inc., Jana's Campaign, Inc., Men Stopping Violence, Men and Masculinities Knowledge Community, Men's Story Project, North American MenEngage Network, Promundo, Ten Men – Rhode Island Coalition Against Domestic Violence, Vera House, Inc.. (Attachments: # <u>1</u> Brief of Promundo, et al. as Amici Curiae)(Correia, Linda) (Entered: 07/31/2020)
07/31/2020	<u>85</u>	Consent MOTION for Leave to File <i>Amici Curiae Brief of Members of Congress in Support of Plaintiff's Motion for Preliminary Injunction or Section 705 Stay</i> by Members of Congress. (Attachments: # <u>1</u> Exhibit Proposed Brief of Amici Curiae Members of Congress)(Shapanka, Matthew) (Entered: 08/01/2020)
08/01/2020	<u>86</u>	Amicus Curiae APPEARANCE entered by Matthew S. Shapanka on behalf of Members of Congress. (Shapanka, Matthew) (Entered: 08/01/2020)
08/03/2020	87	Judge William G. Young: ELECTRONIC ORDER entered granting <u>79</u> Motion for Leave to Appear Pro Hac Vice. Added Lauren Khouri. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Paine, Matthew) (Entered: 08/03/2020)
08/03/2020	88	Judge William G. Young: ELECTRONIC ORDER entered granting <u>81</u> Motion for Leave to Appear Pro Hac Vice. Added Amy Poyer. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing

		(CM/ECF) and go to the CM/ECF Registration Form. (Paine, Matthew) (Entered: 08/03/2020)
08/03/2020	<u>89</u>	Consent MOTION for Leave to File <i>Corrected Brief of Amici Curiae Members of Congress in support of Plaintiffs' Motion for Preliminary Injunction or Section 705 Stay</i> by Members of Congress. (Attachments: # <u>1</u> Exhibit Proposed Corrected Brief of Amici Curiae in support of Plaintiff)(Shapanka, Matthew) (Entered: 08/03/2020)
08/03/2020	<u>90</u>	MOTION to Expedite <i>Preliminary Injunction Hearing</i> by Chicago Alliance Against Sexual Exploitation, Anne Doe, Jane Doe, Jill Doe, Lisa Doe, Nancy Doe, Sobia Doe, Susan Doe, Equal Rights Advocates, Legal Voice, Victim Rights Law Center. (Attachments: # <u>1</u> Text of Proposed Order)(Newman, David) (Entered: 08/03/2020)
08/04/2020	91	Judge William G. Young: ELECTRONIC ORDER entered re <u>90</u> MOTION to Expedite Preliminary Injunction Hearing. Motion denied. A prompt September hearing is fully appropriate under all the circumstances. Counsel ought be looking beyond this hearing to a prompt trial on the merits. (Paine, Matthew) (Entered: 08/04/2020)
08/04/2020	<u>92</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Elizabeth Tang Filing fee: \$ 100, receipt number 0101-8358645 by Chicago Alliance Against Sexual Exploitation, Anne Doe, Jane Doe, Jill Doe, Lisa Doe, Nancy Doe, Sobia Doe, Susan Doe, Equal Rights Advocates, Legal Voice, Victim Rights Law Center.(O'Neill, Julie) (Additional attachment(s) added on 8/4/2020: # <u>1</u> Exhibit A) (Paine, Matthew). (Main Document 92 replaced on 8/4/2020) (Paine, Matthew). (Entered: 08/04/2020)
08/04/2020	<u>93</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Neena Chaudhry Filing fee: \$ 100, receipt number 0101-8358655 by Chicago Alliance Against Sexual Exploitation, Anne Doe, Jane Doe, Jill Doe, Lisa Doe, Nancy Doe, Sobia Doe, Susan Doe, Equal Rights Advocates, Legal Voice, Victim Rights Law Center.(O'Neill, Julie) (Additional attachment(s) added on 8/4/2020: # <u>1</u> Exhibit A) (Paine, Matthew). (Main Document 93 replaced on 8/4/2020) (Paine, Matthew). (Entered: 08/04/2020)
08/04/2020	<u>94</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Shiwali G. Patel Filing fee: \$ 100, receipt number 0101-8358666 by Chicago Alliance Against Sexual Exploitation, Anne Doe, Jane Doe, Jill Doe, Lisa Doe, Nancy Doe, Sobia Doe, Susan Doe, Equal Rights Advocates, Legal Voice, Victim Rights Law Center.(O'Neill, Julie) (Additional attachment(s) added on 8/4/2020: # <u>1</u> Exhibit A) (Paine, Matthew). (Main Document 94 replaced on 8/4/2020) (Paine, Matthew). (Entered: 08/04/2020)
08/05/2020	95	Judge William G. Young: ELECTRONIC ORDER entered granting <u>92</u> Motion for Leave to Appear Pro Hac Vice; granting <u>93</u> Motion for Leave to Appear Pro Hac Vice; granting <u>94</u> Motion for Leave to Appear Pro Hac Vice. Added Elizabeth Tang, Neena Chaudhry, and Shiwali G. Patel. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Paine, Matthew) (Entered: 08/05/2020)
08/05/2020	<u>96</u>	Opposition re <u>31</u> MOTION for Preliminary Injunction <i>or Stay Pending Judicial Review</i> filed by Elizabeth D. DeVos, Kenneth L. Marcus, U.S. Department of Education. (Kopplin, Rebecca) (Entered: 08/05/2020)
08/10/2020	<u>97</u>	Notice of Supplemental Authorities re <u>31</u> MOTION for Preliminary Injunction <i>or Stay Pending Judicial Review</i> (Attachments: # <u>1</u> Exhibit A)(Kopplin, Rebecca) (Entered: 08/10/2020)
08/10/2020	<u>98</u>	REPLY to Response to <u>31</u> MOTION for Preliminary Injunction <i>or Stay Pending Judicial Review</i> filed by Chicago Alliance Against Sexual Exploitation, Anne Doe, Jane Doe, Jill Doe, Lisa Doe, Nancy Doe, Sobia Doe, Susan Doe, Equal Rights Advocates, Legal Voice, Victim Rights Law Center. (Newman, David) (Entered: 08/10/2020)

08/11/2020	<u>99</u>	Consent MOTION for Extension of Time to September 14, 2020 to Answer or Otherwise Respond to the Amended Complaint (Responses due by 8/25/2020) by Elizabeth D. DeVos, Kenneth L. Marcus, U.S. Department of Education. (Attachments: # <u>1</u> Text of Proposed Order)(Kopplin, Rebecca) Modified on 8/12/2020 to Correct Docket Text and Remove CM/ECF Filing Event (Paine, Matthew). (Entered: 08/11/2020)
08/12/2020	<u>100</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Emily J. Martin Filing fee: \$ 100, receipt number 0101-8370115 by Chicago Alliance Against Sexual Exploitation, Anne Doe, Jane Doe, Jill Doe, Lisa Doe, Nancy Doe, Sobia Doe, Susan Doe, Equal Rights Advocates, Legal Voice, Victim Rights Law Center. (Attachments: # <u>1</u> Exhibit Affidavit of Emily J. Martin)(O'Neill, Julie) (Entered: 08/12/2020)
08/12/2020	<u>101</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Sunu P. Chandy Filing fee: \$ 100, receipt number 0101-8371381 by Chicago Alliance Against Sexual Exploitation, Anne Doe, Jane Doe, Jill Doe, Lisa Doe, Nancy Doe, Sobia Doe, Susan Doe, Equal Rights Advocates, Legal Voice, Victim Rights Law Center. (Attachments: # <u>1</u> Exhibit Affidavit of Sunu P. Chandy)(O'Neill, Julie) (Entered: 08/12/2020)
08/13/2020	102	Judge William G. Young: ELECTRONIC ORDER entered granting <u>99</u> Consent Motion for Extension of Time to Answer or Otherwise Respond to the Amended Complaint. Elizabeth D. DeVos answer/response due 9/14/2020; Kenneth L. Marcus answer/response due 9/14/2020; U.S. Department of Education answer/response due 9/14/2020. (Paine, Matthew) (Entered: 08/13/2020)
08/13/2020	103	Judge William G. Young: ELECTRONIC ORDER entered granting <u>100</u> Motion for Leave to Appear Pro Hac Vice; granting <u>101</u> Motion for Leave to Appear Pro Hac Vice. Added Emily J. Martin and Sunu P. Chandy. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Paine, Matthew) (Entered: 08/13/2020)
08/13/2020	<u>104</u>	Notice of Supplemental Authorities re <u>31</u> MOTION for Preliminary Injunction <i>or Stay Pending Judicial Review</i> (Attachments: # <u>1</u> Exhibit A)(Kopplin, Rebecca) (Entered: 08/13/2020)
08/17/2020	<u>105</u>	Consent MOTION for Leave to File Amicus Brief by Stop Abusive and Violent Environments . (Attachments: # <u>1</u> Supplement Amicus Brief, # <u>2</u> Exhibit Comment and Recommendations on Proposed Rulemaking, Docket ID ED-2018-OCR-0064-0001 Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance., # <u>3</u> Exhibit SAVE has Collected Research, Data, and Case Summaries to Demonstrate how Due Process is Compromised for Male Accused Students in Title IX Proceedings., # <u>4</u> Exhibit Non Exhaustive List Of Universities That Have Come Into Compliance)(Davis, Tara) Modified on 8/17/2020 to Correct Docket Text and CM/ECF Filing Event as Counsel Filed the Motion for Leave Under the Wrong Event in CM/ECF. (Paine, Matthew). (Entered: 08/17/2020)
08/18/2020	106	Judge William G. Young: ELECTRONIC ORDER entered granting <u>39</u> Consent Motion for Leave to File Brief Of The Civil Rights And Advocacy Amici As Amici Curiae In Support Of Plaintiffs Motion For Preliminary Injunction by American Association for Affirmative Action by Equal Opportunity Professionals, American Association of University Women, American Federation of Teachers, AFL-CIO, American Humanist Association, Autistic Self Advocacy Network, Clearinghouse on Womens Issues, Education Law Center-PA, Feminist Majority Foundation, GLSEN, Japanese American Citizens League, Lambda Legal Defense and Education Fund, Inc., Lawyers' Committee for Civil Rights Under Law, League of United Latin American Citizens, National Alliance for Partnerships in Equity, National Association of Councils on Developmental Disabilities, National Center for Parent Leadership, Advocacy and Community Empowerment, National Center for Special Education in Charter Schools, National Center for Transgender Equality, National Council of Jewish Women, National LGBTQ Task Force, Southeast Asia Resource Action Center. Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file

		granted on (date of order)– in the caption of the document. (Gaudet, Jennifer) (Entered: 08/18/2020)
08/18/2020	107	Judge William G. Young: ELECTRONIC ORDER entered granting <u>55</u> Motion for Leave to File Amicus Curiae Brief by Daniel Jaffe on behalf of AASA, The School Superintendents' Association, The Council of the Great City Schools, National Association of Secondary School Principals. Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Gaudet, Jennifer) (Entered: 08/18/2020)
08/18/2020	108	Judge William G. Young: ELECTRONIC ORDER entered granting <u>68</u> Consent Motion for Leave to File Amicus Curiae Brief in Support of Plaintiffs' Motion for Preliminary Injunction or 5 U.S.C. Sec. 705 Stay by Accreditation Council for Pharmacy Education, American Association of Community Colleges, American Association of State Colleges and Universities, American Association of University Professors, American Council on Education, American Dental Education Association, American Indian Higher Education Consortium, Association of American Medical Colleges, Association of American Universities, Association of Catholic Colleges and Universities, Association of Governing Boards of Universities and Colleges, Association of Jesuit Colleges and Universities, Association of Public and Land–grant Universities, College and University Professional Association for Human Resources, Council for Advancement and Support of Education, Council of Independent Colleges, Middle States Commission on Higher Education, NASP – Student Affairs Administrators in Higher Education, National Association of College and University Business Officers, National Association of Diversity Officers in Higher Education, National Association of Independent Colleges and Universities, National Collegiate Athletic Association, New England Commission of Higher Education, University Risk Management and Insurance Association, WASC Senior College and University Commission. Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Gaudet, Jennifer) (Entered: 08/18/2020)
08/18/2020	109	Judge William G. Young: ELECTRONIC ORDER entered granting <u>72</u> First Motion for Leave to File Amicus Brief by Law Professors. Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Gaudet, Jennifer) (Entered: 08/18/2020)
08/18/2020	110	Judge William G. Young: ELECTRONIC ORDER entered granting <u>74</u> Consent Motion for Leave to File Brief of Survivors of Sexual Violence as Amici Curiae in Support of Plaintiffs' Motion for a Preliminary Injunction or Section 705 Stay by Survivors of Sexual Violence. Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Gaudet, Jennifer) (Entered: 08/18/2020)
08/18/2020	111	Judge William G. Young: ELECTRONIC ORDER entered granting <u>82</u> Motion for Leave to File Amicus Brief by California Women's Law Center. Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Gaudet, Jennifer) (Entered: 08/18/2020)
08/18/2020	112	Judge William G. Young: ELECTRONIC ORDER entered granting <u>84</u> Consent Motion for Leave to File Brief of Amici Curiae by American Men's Studies Association, CONNECT, Inc., Jana's Campaign, Inc., Men Stopping Violence, Men and Masculinities Knowledge Community, Men's Story Project, North American MenEngage Network, Promundo, Ten Men – Rhode Island Coalition Against Domestic Violence, Vera House, Inc. Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in

		accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Gaudet, Jennifer) (Entered: 08/18/2020)
08/18/2020	<u>113</u>	Judge William G. Young: ELECTRONIC ORDER entered granting <u>85</u> Consent Motion for Leave to File Amici Curiae Brief of Members of Congress in Support of Plaintiff's Motion for Preliminary Injunction or Section 705 Stay by Members of Congress. Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Gaudet, Jennifer) (Entered: 08/18/2020)
08/18/2020	<u>114</u>	Judge William G. Young: ELECTRONIC ORDER entered granting <u>89</u> Consent Motion for Leave to File Corrected Brief of Amici Curiae Members of Congress in support of Plaintiffs' Motion for Preliminary Injunction or Section 705 Stay by Members of Congress. Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Gaudet, Jennifer) (Entered: 08/18/2020)
08/18/2020	<u>115</u>	Judge William G. Young: ELECTRONIC ORDER entered granting <u>105</u> Consent Motion for Leave to File Amicus Brief by Stop Abusive and Violent Environments. Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Gaudet, Jennifer) (Entered: 08/18/2020)
08/18/2020	<u>116</u>	AMICUS BRIEF filed by Members of Congress <i>in Support of Plaintiffs' Motion for a Preliminary Injunction or Section 705 Stay.</i> (Shapanka, Matthew) (Entered: 08/18/2020)
08/18/2020	<u>117</u>	AMICUS BRIEF filed by American Council on Education <i>and 24 Other Higher Education Organizations as Amici Curiae in Support of Plaintiffs' Motion for Preliminary Injunction or 5 U.S.C. Section 705 Stay.</i> (Noonan, Gregory) (Entered: 08/18/2020)
08/18/2020	<u>118</u>	AMICUS BRIEF filed by American Association for Affirmative Action by Equal Opportunity Professionals, American Association of University Women, American Federation of Teachers, AFL–CIO, American Humanist Association, Autistic Self Advocacy Network, Clearinghouse on Womens Issues, Education Law Center–PA, Feminist Majority Foundation, GLSEN, Japanese American Citizens League, Lambda Legal Defense and Education Fund, Inc., Lawyers' Committee for Civil Rights Under Law, League of United Latin American Citizens, National Alliance for Partnerships in Equity, National Association of Councils on Developmental Disabilities, National Center for Parent Leadership, Advocacy and Community Empowerment, National Center for Special Education in Charter Schools, National Center for Transgender Equality, National Council of Jewish Women, National LGBTQ Task Force, Southeast Asia Resource Action Center . (Kehlmann, Geoffrey) (Entered: 08/18/2020)
08/18/2020	<u>119</u>	AMICUS BRIEF filed by Stop Abusive and Violent Environments . (Attachments: # <u>1</u> Exhibit Comment and Recommendations on Proposed Rulemaking, # <u>2</u> Exhibit SAVE has Collected Research, Data, and Case Summaries to Demonstrate how Due Process is Compromised for Male Accused Students in Title IX Proceedings., # <u>3</u> Exhibit Non Exhaustive List of Universities That Have Come Into Compliance)(Davis, Tara) (Entered: 08/18/2020)
08/18/2020	<u>120</u>	AMICUS BRIEF filed by American Men's Studies Association, CONNECT, Inc., Jana's Campaign, Inc., Men Stopping Violence, Men and Masculinities Knowledge Community, Men's Story Project, North American MenEngage Network, Promundo, Ten Men – Rhode Island Coalition Against Domestic Violence, Vera House, Inc. . (Khouri, Lauren) (Entered: 08/18/2020)
08/19/2020	<u>121</u>	AMICUS BRIEF filed by Survivors of Sexual Violence . (Cloutier, Lisa) (Entered: 08/19/2020)

08/20/2020	<u>122</u>	AMICUS BRIEF filed by Law Professors . (Austin, Roy) (Entered: 08/20/2020)
08/21/2020	<u>123</u>	Consent MOTION for Leave to File AMICUS BRIEF by Families Advocating for Campus Equality . (Attachments: # <u>1</u> Exhibit Proposed Amicus Brief, # <u>2</u> Exhibit Students, # <u>3</u> Exhibit Plaintiff Demographics in Accused Student Lawsuits, # <u>4</u> Text of Proposed Order Proposed)(Davis, Tara) (Modified on 8/26/2020 to Correct CM/ECF Filing Event as Counsel Filed the Motion for Leave to File Under the Wrong Event in CM/ECF) (Paine, Matthew). (Entered: 08/21/2020)
08/25/2020	<u>124</u>	NOTICE of Appearance by Jennifer B. Dickey on behalf of Elizabeth D. DeVos, Kenneth L. Marcus, U.S. Department of Education (Dickey, Jennifer) (Entered: 08/25/2020)
08/26/2020	125	Judge William G. Young: ELECTRONIC ORDER entered granting <u>123</u> Consent MOTION for Leave to File AMICUS BRIEF ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Paine, Matthew) (Entered: 08/26/2020)
08/27/2020	<u>126</u>	AMICUS BRIEF filed by Families Advocating for Campus Equality <i>as Amicus Curiae in Opposition to Plaintiffs' Motion for Preliminary Injunction of Section 705 Stay</i> . (Attachments: # <u>1</u> Exhibit Students, # <u>2</u> Exhibit Plaintiff Demographics in Accused Student Lawsuits)(Davis, Tara) (Entered: 08/27/2020)
08/31/2020	<u>127</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Cynthia P. Garrett Filing fee: \$ 100, receipt number 0101–8396731 by Families Advocating for Campus Equality. (Attachments: # <u>1</u> Exhibit Motion for Admission Pro Hac Vice of Cynthia P. Garrett, Esq.)(Davis, Tara) (Entered: 08/31/2020)
09/01/2020	128	Judge William G. Young: ELECTRONIC ORDER entered granting <u>127</u> Motion for Leave to Appear Pro Hac Vice. Added Cynthia P. Garrett. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Paine, Matthew) (Entered: 09/01/2020)
09/02/2020	<u>129</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Jesse R. Binnall Filing fee: \$ 100, receipt number 0101–8400325 by Stop Abusive and Violent Environments. (Attachments: # <u>1</u> Affidavit Affidavit of Jesse R. Binnall in Support of Motion for Admission Pro Hac Vice)(Davis, Tara) (Entered: 09/02/2020)
09/02/2020	130	Electronic Clerk's Notes for proceedings held before Judge William G. Young: Motion Hearing held on 9/2/2020 by video re <u>31</u> MOTION for Preliminary Injunction <i>or Stay Pending Judicial Review</i> filed by Anne Doe, Chicago Alliance Against Sexual Exploitation, Nancy Doe, Victim Rights Law Center, Jane Doe, Lisa Doe, Jill Doe, Legal Voice, Susan Doe, Sobia Doe, Equal Rights Advocates. The Court enters an order dismissing University of California, Santa Barbara and Harvard University without prejudice to the filing within 30 days a motion for leave to file an amended complaint. The motion for preliminary injunction is collapsed with trial on the merits in accordance with Rule 65A and set for hearing on October 14, 2020 at 9:00 AM. Counsel are instructed to notify the Court at their earliest convenience whether evidence need by received. (Bench Trial (hearing on the merits) set for 10/14/2020 09:00 AM in Courtroom 18 before Judge William G. Young.) (Court Reporter: Richard Romanow at bulldog@richromanow.com .) (Attorneys present: Attorneys Patel, Newman and Fleming–Nolen for the plaintiffs, Attorney Dickey for the defendants) (Gaudet, Jennifer) (Entered: 09/02/2020)
09/04/2020	131	Judge William G. Young: ELECTRONIC ORDER entered granting <u>129</u> Motion for Leave to Appear Pro Hac Vice. Added Jesse R. Binnall. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Paine, Matthew) (Entered: 09/04/2020)

09/10/2020	<u>132</u>	NOTICE of Appearance by Steven A. Myers on behalf of Elizabeth D. DeVos, Kenneth L. Marcus, U.S. Department of Education (Myers, Steven) (Entered: 09/10/2020)
09/10/2020	<u>133</u>	Consent MOTION for Extension of Time to 14 days after ruling on merits to File Answer re <u>13</u> Amended Complaint, by Elizabeth D. DeVos, Kenneth L. Marcus, U.S. Department of Education. (Attachments: # <u>1</u> Text of Proposed Order)(Myers, Steven) (Entered: 09/10/2020)
09/10/2020	<u>134</u>	NOTICE OF MANUAL FILING by Elizabeth D. DeVos, Kenneth L. Marcus, U.S. Department of Education (Kopplin, Rebecca) (Entered: 09/10/2020)
09/11/2020	135	Judge William G. Young: ELECTRONIC ORDER entered granting <u>133</u> Consent Motion for Extension of Time to 14 days after ruling on merits to File Answer. (Gaudet, Jennifer) (Entered: 09/11/2020)
09/17/2020	<u>136</u>	Transcript of Motion Hearing held on September 2, 2020, before Judge William G. Young. COA Case No. 20-1748. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Richard Romanow at bulldog@richromanow.com. Redaction Request due 10/8/2020. Redacted Transcript Deadline set for 10/19/2020. Release of Transcript Restriction set for 12/16/2020. (Belpedio, Lisa) (Entered: 09/24/2020)
09/17/2020	137	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Belpedio, Lisa) (Entered: 09/24/2020)
10/02/2020	<u>138</u>	Consent MOTION for Leave to File <i>Second Amended Complaint</i> by Chicago Alliance Against Sexual Exploitation, Anne Doe, Jane Doe, Jill Doe, Lisa Doe, Nancy Doe, Sobia Doe, Susan Doe, Legal Voice, Victim Rights Law Center. (Attachments: # <u>1</u> Exhibit A 2nd Amended Complaint, # <u>2</u> Exhibit B redline 2nd Amended Complaint)(Newman, David) (Entered: 10/02/2020)
10/07/2020	<u>139</u>	NOTICE of Appearance by Jennifer L. Mascott on behalf of U.S. Department of Education (Mascott, Jennifer) (Entered: 10/07/2020)
10/08/2020	<u>140</u>	Joint MOTION for Order to to issue an Order Governing the Proceedings by Chicago Alliance Against Sexual Exploitation, Anne Doe, Jane Doe, Jill Doe, Lisa Doe, Nancy Doe, Sobia Doe, Susan Doe, Equal Rights Advocates, Legal Voice, Victim Rights Law Center. (Attachments: # <u>1</u> Text of Proposed Order)(Newman, David) (Entered: 10/08/2020)
10/09/2020	141	Judge William G. Young: ELECTRONIC ORDER entered granting <u>140</u> Joint Motion for Order to issue an Order Governing the Proceedings by Chicago Alliance Against Sexual Exploitation, Anne Doe, Jane Doe, Jill Doe, Lisa Doe, Nancy Doe, Sobia Doe, Susan Doe, Equal Rights Advocates, Legal Voice, Victim Rights Law Center. (Gaudet, Jennifer) (Entered: 10/09/2020)
10/09/2020	<u>142</u>	Judge William G. Young: ORDER Governing Proceedings entered. (Bench Trial reset for 11/12/2020 at 2:00 PM in Remote Proceeding : Boston before Judge William G. Young.)(Gaudet, Jennifer) (Entered: 10/09/2020)