

CLOSED

**U.S. District Court [LIVE]  
Western District of Texas (San Antonio)  
CIVIL DOCKET FOR CASE #: 5:18-cv-01265-XR**

Rodriguez, et al v. Mach et al  
Assigned to: Judge Xavier Rodriguez  
Cause: 42:1983 Civil Rights Act

Date Filed: 12/05/2018  
Date Terminated: 09/03/2019  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Graciela Rodriguez**  
*On Behalf of Themselves and Others*  
*Similarly Situated*

represented by **Marissa K. Hatton**  
Equal Justice Under Law  
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**LEAD ATTORNEY**  
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**ATTORNEY TO BE NOTICED**

**Phil Telfeyan**  
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**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Charles Stevens**  
*On Behalf of Themselves and Others*  
*Similarly Situated*

represented by **Marissa K. Hatton**  
(See above for address)  
**LEAD ATTORNEY**  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Phil Telfeyan**  
(See above for address)  
**LEAD ATTORNEY**  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Brian Rolland McGiverin**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Khalid Salahuddin**  
*On Behalf of Themselves and Others*

represented by **Marissa K. Hatton**  
(See above for address)

*Similarly Situated*

*LEAD ATTORNEY  
PRO HAC VICE  
ATTORNEY TO BE NOTICED*

**Phil Telfeyan**  
(See above for address)  
*LEAD ATTORNEY  
PRO HAC VICE  
ATTORNEY TO BE NOTICED*

**Brian Rolland McGiverin**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Nathan Alexander**  
*On Behalf of Themselves and Others  
Similarly Situated*

represented by **Marissa K. Hatton**  
(See above for address)  
*LEAD ATTORNEY  
PRO HAC VICE  
ATTORNEY TO BE NOTICED*

**Phil Telfeyan**  
(See above for address)  
*LEAD ATTORNEY  
PRO HAC VICE  
ATTORNEY TO BE NOTICED*

**Brian Rolland McGiverin**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Steven Mach**  
*In His Official Capacity as Chairman of  
the Texas Department of Public Safety  
Commission*

represented by **Adam Arthur Biggs**  
Special Litigation Counsel  
General Litigation Division  
P.O. Box 12548, Capitol Station  
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*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Randall Wilson Miller**  
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*TERMINATED: 06/27/2019  
ATTORNEY TO BE NOTICED*

**Defendant**

**STEVEN McCRAW**  
*In His Official Capacity as Director of  
the Texas Department of Public Safety*

represented by **Adam Arthur Biggs**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Randall Wilson Miller**

(See above for address)  
 TERMINATED: 06/27/2019  
 ATTORNEY TO BE NOTICED

**Defendant**

**Skylor Hearn**  
*In His Official Capacity as Deputy  
 Director of Administration and Services  
 of the Texas Department of Public Safety*

represented by **Adam Arthur Biggs**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Randall Wilson Miller**  
 (See above for address)  
 TERMINATED: 06/27/2019  
 ATTORNEY TO BE NOTICED

**Defendant**

**Amanda Arriaga**  
*In Her Official Capacity as Division  
 Director of the Driver License Division  
 of the Texas Department of Public Safety*

represented by **Adam Arthur Biggs**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Randall Wilson Miller**  
 (See above for address)  
 TERMINATED: 06/27/2019  
 ATTORNEY TO BE NOTICED

**Defendant**

**GREG ABBOTT**  
*In His Official Capacity as Governor of  
 Texas*

represented by **Adam Arthur Biggs**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Randall Wilson Miller**  
 (See above for address)  
 TERMINATED: 06/27/2019  
 ATTORNEY TO BE NOTICED

| Date Filed | #        | Docket Text  |
|------------|----------|--|
| 12/05/2018 | <u>1</u> | COMPLAINT ( Filing fee \$ 400 receipt number 0542-11521456). No Summons requested at this time, filed by KHALID SALAHUDDIN, CHARLES STEVENS, NATHAN ALEXANDER, GRACIELA RODRIGUEZ. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8)(McGiverin, Brian) (Entered: 12/05/2018) |
| 12/05/2018 |          | Case assigned to Judge Xavier Rodriguez. CM WILL NOW REFLECT THE JUDGE INITIALS AS PART OF THE CASE NUMBER. PLEASE APPEND THESE JUDGE INITIALS TO THE CASE NUMBER ON EACH DOCUMENT THAT YOU FILE IN THIS CASE. (bc) (Entered: 12/06/2018)  |
| 12/05/2018 |          | If ordered by the court, all referrals will be assigned to Magistrate Judge Bemporad (bc) (Entered: 12/06/2018)  |
| 12/06/2018 | <u>2</u> | Letter to attorney Phil Telfeyan regarding attorney admission to the Western District of Texas. (bc) (Entered: 12/06/2018)   |
| 12/06/2018 | <u>3</u> | Letter to attorney Marissa K. Hatton regarding attorney admission to the Western District of Texas. (bc) (Entered: 12/06/2018)   |
| 12/10/2018 | <u>4</u> | MOTION to Appear Pro Hac Vice by Brian Rolland McGiverin <i>for Phil Telfeyan</i> ( Filing fee \$ 100 receipt number 0542-11535515) by on behalf of NATHAN ALEXANDER, GRACIELA RODRIGUEZ, KHALID SALAHUDDIN, CHARLES STEVENS. (Attachments: # <u>1</u> Proposed Order)(McGiverin, Brian) (Entered: 12/10/2018)   |

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|            |           | 12/10/2018)   |
| 12/10/2018 | <u>5</u>  | MOTION to Appear Pro Hac Vice by Brian Rolland McGiverin <i>for Marissa Hatton</i> ( Filing fee \$ 100 receipt number 0542-11535550) by on behalf of NATHAN ALEXANDER, GRACIELA RODRIGUEZ, KHALID SALAHUDDIN, CHARLES STEVENS. (Attachments: # <u>1</u> Proposed Order)(McGiverin, Brian) (Entered: 12/10/2018)   |
| 12/10/2018 |           | Text Order GRANTING <u>4</u> Motion to Appear Pro Hac Vice entered by Judge Xavier Rodriguez. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. (This is a text-only entry generated by the court. There is no document associated with this entry.) (md) (Entered: 12/10/2018)  |
| 12/10/2018 |           | Text Order GRANTING <u>5</u> Motion to Appear Pro Hac Vice entered by Judge Xavier Rodriguez. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. (This is a text-only entry generated by the court. There is no document associated with this entry.) (md) (Entered: 12/10/2018)  |
| 01/04/2019 | <u>6</u>  | WAIVER OF SERVICE Returned Executed by Khalid Salahuddin, Charles Stevens, Nathan Alexander, Graciela Rodriguez as to All Defendants. (Hatton, Marissa) (Entered: 01/04/2019)   |
| 02/14/2019 | <u>7</u>  | Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by GREG ABBOTT, Amanda Arriaga, Skylor Hearn, Steven Mach, STEVEN McCRAW. (Attachments: # <u>1</u> Proposed Order)(Biggs, Adam) (Entered: 02/14/2019)  |
| 02/14/2019 |           | Text Order GRANTING <u>7</u> Motion for Extension of Time to Answer entered by Judge Xavier Rodriguez. The responsive pleading deadline is extended to March 5, 2019. (This is a text-only entry generated by the court. There is no document associated with this entry.) (mdxr) (Entered: 02/14/2019)   |
| 02/14/2019 |           | Set/Reset Deadlines: Answer Due 3/5/19 as to All Defendants. (aej) (Entered: 02/14/2019)  |
| 03/05/2019 | <u>8</u>  | MOTION for Leave to Exceed Page Limitation by GREG ABBOTT, Amanda Arriaga, Skylor Hearn, Steven Mach, STEVEN McCRAW. (Attachments: # <u>1</u> Exhibit Defendants' Motion to Dismiss, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Proposed Order)(Biggs, Adam) (Entered: 03/05/2019)  |
| 03/06/2019 |           | Text Order GRANTING <u>8</u> Motion for Leave to File Excess Pages entered by Judge Xavier Rodriguez. (This is a text-only entry generated by the court. There is no document associated with this entry.) (mdxr) (Entered: 03/06/2019)   |
| 03/06/2019 | <u>9</u>  | MOTION to Dismiss by GREG ABBOTT, Amanda Arriaga, Skylor Hearn, Steven Mach, STEVEN McCRAW. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Biggs, Adam) (Entered: 03/06/2019)  |
| 03/06/2019 | <u>10</u> | NOTICE of Attorney Appearance by Randall Wilson Miller on behalf of GREG ABBOTT, Amanda Arriaga, Skylor Hearn, Steven Mach, STEVEN McCRAW. Attorney Randall Wilson Miller added to party GREG ABBOTT(pty:dft), Attorney Randall Wilson Miller added to party Amanda Arriaga(pty:dft), Attorney Randall Wilson Miller added to party Skylor Hearn(pty:dft), Attorney Randall Wilson Miller added to party Steven Mach(pty:dft), Attorney Randall Wilson Miller added to party STEVEN McCRAW(pty:dft) (Miller, Randall) (Entered: 03/06/2019) |
| 03/08/2019 | <u>11</u> | ORDER AND ADVISORY for Scheduling Recommendations/Proposed Scheduling Order. Plaintiff shall submit agreed scheduling recommendations/proposed scheduling order to the Court.(Scheduling Recommendations/Proposed Schedule Order due April 8, 2019); Notice of right to consent to disposition of a civil case by a U.S. Magistrate Judge. Signed by Judge Xavier Rodriguez.(jhw) (Entered: 03/08/2019)   |
| 03/18/2019 | <u>12</u> | Unopposed MOTION for Extension of Time to File Response/Reply to <i>Motion to Dismiss</i> <u>8</u> , Unopposed MOTION for Leave to Exceed Page Limitation , Joint MOTION to Stay <i>Discovery Pending Resolution of the Motion to Dismiss</i> <u>8</u> by GREG  |

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|            |           | ABBOTT, Amanda Arriaga, Skylor Hearn, Steven Mach, STEVEN McCRAW. (Attachments: # <u>1</u> Proposed Order)(Biggs, Adam) (Entered: 03/18/2019)  |
| 03/19/2019 | <u>13</u> | ORDER GRANTING <u>12</u> Motion for Extension of Time to File Response/Reply ; GRANTING <u>12</u> Motion for Leave to File Excess Pages; GRANTING <u>12</u> Motion to Stay. Signed by Judge Xavier Rodriguez. (aej) (Entered: 03/19/2019)  |
| 04/08/2019 | <u>14</u> | Response in Opposition to Motion, filed by Nathan Alexander, Graciela Rodriguez, Khalid Salahuddin, Charles Stevens, re <u>9</u> MOTION to Dismiss filed by Defendant Steven Mach, Defendant Amanda Arriaga, Defendant STEVEN McCRAW, Defendant Skylor Hearn, Defendant GREG ABBOTT (Attachments: # <u>1</u> Proposed Order)(Hatton, Marissa) (Entered: 04/08/2019)  |
| 04/09/2019 | <u>15</u> | ORDER, ( Status Conference and Pending Motion Hearing set for 5/9/2019 10:30 AM before Judge Xavier Rodriguez). Signed by Judge Xavier Rodriguez. (aej) (Entered: 04/09/2019)  |
| 04/15/2019 | <u>16</u> | RESPONSE in Support, filed by GREG ABBOTT, Amanda Arriaga, Skylor Hearn, Steven Mach, STEVEN McCRAW, re <u>9</u> MOTION to Dismiss filed by Defendant Steven Mach, Defendant Amanda Arriaga, Defendant STEVEN McCRAW, Defendant Skylor Hearn, Defendant GREG ABBOTT (Miller, Randall) (Entered: 04/15/2019)  |
| 05/08/2019 | <u>17</u> | ADVISORY TO THE COURT by GREG ABBOTT, Amanda Arriaga, Skylor Hearn, Steven Mach, STEVEN McCRAW. (Attachments: # <u>1</u> Exhibit A)(Miller, Randall) (Entered: 05/08/2019)   |
| 05/09/2019 | <u>18</u> | Minute Entry for proceedings held before Judge Xavier Rodriguez: Status Conference held on 5/9/2019 (Minute entry documents are not available electronically.). (Court Reporter Gigi Simcox.)(aej) (Entered: 05/09/2019)   |
| 05/10/2019 | <u>19</u> | TRANSCRIPT REQUEST by GREG ABBOTT, Amanda Arriaga, Skylor Hearn, Steven Mach, STEVEN McCRAW for proceedings held on 05/09/19. Proceedings Transcribed: Status Conference and hearing on Defendants' Motion to Dismiss. Court Reporter: Gigi Simcox. (Miller, Randall) (Entered: 05/10/2019)  |
| 06/06/2019 | <u>20</u> | NOTICE of vacation dates by GREG ABBOTT, Amanda Arriaga, Skylor Hearn, Steven Mach, STEVEN McCRAW (Biggs, Adam) (Entered: 06/06/2019)  |
| 06/06/2019 | <u>21</u> | Transcript filed of Proceedings held on 5/9/19, Proceedings Transcribed: Motion to Dismiss. Court Reporter/Transcriber: Gigi Simcox, Telephone number: 210-244-5037, email: gigi_simcox@txwd.uscourts.gov. Parties are notified of their duty to review the transcript to ensure compliance with the FRCP 5.2(a)/FRCrP 49.1(a). A copy may be purchased from the court reporter or viewed at the clerk's office public terminal. If redaction is necessary, a Notice of Redaction Request must be filed within 21 days. If no such Notice is filed, the transcript will be made available via PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed Redaction Request due 6/27/2019, Redacted Transcript Deadline set for 7/8/2019, Release of Transcript Restriction set for 9/4/2019, (gs) (Entered: 06/06/2019) |
| 06/17/2019 | <u>22</u> | ORDER. Signed by Judge Xavier Rodriguez. (aej) (Entered: 06/17/2019)   |
| 06/24/2019 | <u>23</u> | RESPONSE Parties' Joint Response to Court Advisory regarding HB 2048 to <u>22</u> Order by Nathan Alexander, Graciela Rodriguez, Khalid Salahuddin, Charles Stevens. (Hatton, Marissa) (Entered: 06/24/2019)   |
| 06/27/2019 | <u>24</u> | Unopposed MOTION to Withdraw as Attorney <i>Randall Miller</i> by GREG ABBOTT, Amanda Arriaga, Skylor Hearn, Steven Mach, STEVEN McCRAW. (Attachments: # <u>1</u> Proposed Order)(Miller, Randall) (Entered: 06/27/2019)   |
| 06/27/2019 |           | Text Order GRANTING <u>24</u> Motion to Withdraw as Attorney. IT IS THEREFORE ORDERED that Defendants' Unopposed Motion to Withdraw Randall W. Miller as Counsel is hereby GRANTED. Assistant Attorney General Adam Arthur Biggs should remain as lead counsel for Defendants. The Clerk is instructed to remove Mr. Miller from all further electronic notifications regarding this case. Entered by Judge Xavier Rodriguez. (This is a text-only entry generated by the court. There is no document associated with this entry.) (mdxr) (Entered: 06/27/2019)  |

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| 08/20/2019 | <u>25</u> | MOTION to Stay Case <i>for Ninety (90) Days Pending Legislative Enforcement</i> by Nathan Alexander, Graciela Rodriguez, Khalid Salahuddin, Charles Stevens. (Attachments: # <u>1</u> Exhibit HB 2048 Enrolled Bill, # <u>2</u> Exhibit Plaintiff DPS Documents, # <u>3</u> Proposed Order)(Hatton, Marissa) (Entered: 08/20/2019)  |
| 08/22/2019 | <u>26</u> | Response in Opposition to Motion, filed by GREG ABBOTT, Amanda Arriaga, Skylor Hearn, Steven Mach, STEVEN McCRAW, re <u>25</u> MOTION to Stay Case <i>for Ninety (90) Days Pending Legislative Enforcement</i> filed by Plaintiff Graciela Rodriguez, Plaintiff Nathan Alexander, Plaintiff Charles Stevens, Plaintiff Khalid Salahuddin (Biggs, Adam) (Entered: 08/22/2019)  |
| 08/22/2019 | <u>27</u> | REPLY to Response to Motion, filed by Nathan Alexander, Graciela Rodriguez, Khalid Salahuddin, Charles Stevens, re <u>25</u> MOTION to Stay Case <i>for Ninety (90) Days Pending Legislative Enforcement</i> filed by Plaintiff Graciela Rodriguez, Plaintiff Nathan Alexander, Plaintiff Charles Stevens, Plaintiff Khalid Salahuddin (Hatton, Marissa) (Entered: 08/22/2019)  |
| 09/03/2019 | <u>28</u> | ORDER This suit concerns the constitutionality of the Texas DRP; thus, the DRPs repeal moots this case, and there is no indication that the state will reenact the statute. Accordingly, Plaintiffs claims are DISMISSED AS MOOT. The Clerk is DIRECTED to close this case and TERMINATE Defendants Motion to Dismiss (docket no. 9). TERMINATING <u>9</u> MOTION to Dismiss; DENYING <u>25</u> MOTION to Stay Case. Signed by Judge Xavier Rodriguez. (rg) (Entered: 09/03/2019) |
| 09/04/2019 | <u>29</u> | CLERK'S JUDGMENT (aej) (Entered: 09/04/2019)  |