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**U.S. District Court
Eastern District of Michigan (Detroit)
CIVIL DOCKET FOR CASE #: 2:20-cv-12363-LJM-DRG**

Detroit Will Breathe et al v. Detroit, City of et al
Assigned to: District Judge Laurie J. Michelson
Referred to: Magistrate Judge David R. Grand
Cause: 42:1983 Civil Rights Act

Date Filed: 08/31/2020
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights:
Other
Jurisdiction: Federal Question

Plaintiff

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(See above for address)
ATTORNEY TO BE NOTICED

Counter Defendant

Nakia Wallace

represented by **Amanda M. Ghannam**
(See above for address)
ATTORNEY TO BE NOTICED

Julie H. Hurwitz
(See above for address)
ATTORNEY TO BE NOTICED

Melissa A. Brown

(See above for address)
ATTORNEY TO BE NOTICED

Sean A. Riddell
(See above for address)
ATTORNEY TO BE NOTICED

William H. Goodman
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ATTORNEY TO BE NOTICED

Jack W. Schulz
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/31/2020	<u>1</u>	COMPLAINT filed by All Plaintiffs against All Defendants with Jury Demand. Plaintiff requests summons issued. Receipt No: AMIEDC-8017294 - Fee: \$ 400. County of 1st Plaintiff: Wayne - County Where Action Arose: Wayne - County of 1st Defendant: Wayne. [Previously dismissed case: No] [Possible companion case(s): Federal Court for Eastern District of Michigan, 20-cv-11697, Judge Hon. Laurie J. Michelson] (Schulz, Jack) (Entered: 08/31/2020)
08/31/2020	<u>2</u>	Emergency MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> by All Plaintiffs. (Schulz, Jack) (Entered: 08/31/2020)
08/31/2020		A United States Magistrate Judge of this Court is available to conduct all proceedings in this civil action in accordance with 28 U.S.C. 636c and FRCP 73. The Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form is available for download at http://www.mied.uscourts.gov (LGra) (Entered: 08/31/2020)
08/31/2020	<u>3</u>	SUMMONS Issued for * All Defendants * (LGra) (Entered: 08/31/2020)
08/31/2020	<u>4</u>	Emergency MOTION for Temporary Restraining Order by All Plaintiffs. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K, # <u>13</u> Exhibit L, # <u>14</u> Exhibit M, # <u>15</u> Exhibit N, # <u>16</u> Exhibit O, # <u>17</u> Exhibit P, # <u>18</u> Exhibit Q, # <u>19</u> Exhibit R, # <u>20</u> Exhibit S, # <u>21</u> Exhibit T) (Schulz, Jack) (Entered: 08/31/2020)
08/31/2020	<u>5</u>	ATTORNEY APPEARANCE: Sean A. Riddell appearing on behalf of All Plaintiffs (Riddell, Sean) (Entered: 08/31/2020)

09/01/2020	<u>6</u>	ORDER for Status Conference on Plaintiffs' Motion for Temporary Restraining Order. (TELEPHONIC Status Conference set for 9/2/2020 at 09:00 AM before District Judge Laurie J. Michelson) Signed by District Judge Laurie J. Michelson. (EKar) (Entered: 09/01/2020)
09/01/2020	<u>7</u>	ORDER REASSIGNING CASE from District Judge Robert H. Cleland and Magistrate Judge Anthony P. Patti in Port Huron to District Judge Laurie J. Michelson and Magistrate Judge David R. Grand in Detroit. (NAhm) (Entered: 09/01/2020)
09/01/2020	<u>8</u>	NOTICE of Appearance by Amanda M. Ghannam on behalf of All Plaintiffs. (Ghannam, Amanda) (Entered: 09/01/2020)
09/01/2020	<u>9</u>	CERTIFICATE of Service/Summons Returned Executed. Detroit, City of served on 9/1/2020, answer due 9/22/2020. (Schulz, Jack) (Entered: 09/01/2020)
09/01/2020	<u>10</u>	CERTIFICATE of Service/Summons Returned Executed. Michael Duggan served on 9/1/2020, answer due 9/22/2020. (Schulz, Jack) (Entered: 09/01/2020)
09/01/2020	<u>11</u>	NOTICE of Appearance by William H. Goodman on behalf of All Plaintiffs. (Goodman, William) (Entered: 09/01/2020)
09/01/2020	<u>12</u>	NOTICE of Appearance by Julie H. Hurwitz on behalf of All Plaintiffs. (Hurwitz, Julie) (Entered: 09/01/2020)
09/01/2020	<u>13</u>	NOTICE of Appearance by Melissa A. Brown on behalf of All Plaintiffs. (Brown, Melissa) (Entered: 09/01/2020)
09/01/2020	<u>14</u>	NOTICE of Appearance by Maria Fracassa Dwyer on behalf of Detroit, City of, Michael Duggan. (Dwyer, Maria) (Entered: 09/01/2020)
09/01/2020	<u>15</u>	NOTICE of Appearance by Christopher M. Trebilcock on behalf of Detroit, City of, Michael Duggan. (Trebilcock, Christopher) (Entered: 09/01/2020)
09/01/2020	<u>16</u>	NOTICE of Appearance by Reginald M. Turner, Jr on behalf of Detroit, City of, Michael Duggan. (Turner, Reginald) (Entered: 09/01/2020)
09/02/2020		Minute Entry for proceedings before District Judge Laurie J. Michelson: Telephonic Status Conference held on 9/2/2020. A follow-up telephonic status conference regarding the motion for TRO is set for 9/4/2020 at 03:30 PM before District Judge Laurie J. Michelson , parties will receive an email with the call-in information. (Court Reporter: None Present, Not on the Record) (EKar) (Entered: 09/02/2020)

09/02/2020	<u>17</u>	CERTIFICATE of Service/Summons Returned Executed. James Craig served on 9/2/2020, answer due 9/23/2020. (Schulz, Jack) (Entered: 09/02/2020)
09/04/2020	<u>18</u>	OPINION and ORDER Granting in Part Plaintiffs' <u>4</u> MOTION for a Temporary Restraining Order. Signed by District Judge Laurie J. Michelson. (EKar) (Entered: 09/04/2020)
09/04/2020	<u>19</u>	SCHEDULING ORDER for Plaintiffs' Motion for Preliminary Injunction. (Defendants' Response due by 9/18/2020; TELEPHONIC Status Conference set for 9/25/2020 at 10:00 AM ; and Motion Hearing set for 9/29/2020 at 08:30 AM before District Judge Laurie J. Michelson) [Refer to Image for Additional Deadlines] Signed by District Judge Laurie J. Michelson. (EKar) (Entered: 09/04/2020)
09/10/2020	<u>20</u>	NOTICE TO APPEAR BY TELEPHONE: Status Conference set for 9/18/2020 at 01:00 PM before District Judge Laurie J. Michelson. (EKar) (Entered: 09/10/2020)
09/10/2020	<u>21</u>	CERTIFICATE of Service/Summons Returned Executed. Stephen Anouti served on 9/10/2020, answer due 10/1/2020. (Riddell, Sean) (Entered: 09/10/2020)
09/10/2020	<u>22</u>	CERTIFICATE of Service/Summons Returned Executed. Mariah Erard served on 9/10/2020, answer due 10/1/2020. (Riddell, Sean) (Entered: 09/10/2020)
09/10/2020	<u>23</u>	CERTIFICATE of Service/Summons Returned Executed. David Hornshaw served on 9/10/2020, answer due 10/1/2020. (Riddell, Sean) (Entered: 09/10/2020)
09/10/2020	<u>24</u>	MOTION for Temporary Restraining Order <i>To Modify Temporary Restraining Order and to Protect Public Safety</i> by Stephen Anouti, James Craig, Detroit, City of, Michael Duggan, Mariah Erard, David Hornshaw, Officer Does 1-100. (Attachments: # <u>1</u> Index of Exhibits For Defendants' Motion to Modify TRO, # <u>2</u> Exhibit 1 - Photos 9, 10 Macomb Statue, # <u>3</u> Exhibit 2 - Photos 8, 15, 21 protesters at Calxico, # <u>4</u> Exhibit 3 - Affidavit of Todd Bettison, # <u>5</u> Exhibit 4 - Detroit Activist Tristan Taylor, # <u>6</u> Exhibit 5 - Det News 84 Arrested, # <u>7</u> Exhibit 6 - Angry Protesters, # <u>8</u> Exhibit 7 - Wanted Photo, # <u>9</u> Exhibit 8 - Marking 100 Days of Protests, # <u>10</u> Exhibit 9 - Tweet 9-5-20, # <u>11</u> Exhibit 10 - Photo - Protesters throw tear gas, # <u>12</u> Exhibit 11 - Tweet 8-22-20) (Turner, Reginald) (Entered: 09/10/2020)
09/10/2020	<u>25</u>	NOTICE of Appearance by Reginald M. Turner, Jr on behalf of Stephen Anouti, James Craig, Detroit, City of, Michael Duggan, Mariah Erard, David Hornshaw, Officer Does 1-100. (Turner, Reginald) (Entered: 09/10/2020)

09/10/2020	<u>26</u>	NOTICE of Appearance by Christopher M. Trebilcock on behalf of Stephen Anouti, James Craig, Detroit, City of, Michael Duggan, Mariah Erard, David Hornshaw, Officer Does 1-100. (Trebilcock, Christopher) (Entered: 09/10/2020)
09/10/2020	<u>27</u>	NOTICE of Appearance by Maria Fracassa Dwyer on behalf of Stephen Anouti, James Craig, Detroit, City of, Michael Duggan, Mariah Erard, David Hornshaw, Officer Does 1-100. (Dwyer, Maria) (Entered: 09/10/2020)
09/11/2020	<u>28</u>	ORDER Requiring Response to <u>24</u> Motion to Modify Temporary Restraining Order and to Protect Public Safety. Response due by 9/15/2020 Signed by District Judge Laurie J. Michelson. (EKar) (Entered: 09/11/2020)
09/11/2020	<u>29</u>	MOTION for Order <i>Allowing Limited Expedited Discovery</i> by All Plaintiffs. (Schulz, Jack) (Entered: 09/11/2020)
09/11/2020	<u>30</u>	ORDER Granting in Part Limited Expedited Discovery <u>29</u> . Signed by District Judge Laurie J. Michelson. (EKar) (Entered: 09/11/2020)
09/14/2020	<u>31</u>	ATTORNEY APPEARANCE: Lawrence T. Garcia appearing on behalf of Stephen Anouti, Timothy Barr, James Craig, Detroit, City of, Michael Duggan, Mariah Erard, David Hornshaw (Garcia, Lawrence) (Entered: 09/14/2020)
09/14/2020	<u>32</u>	CERTIFICATE of Service/Summons Returned Executed. Timothy Barr served on 9/14/2020, answer due 10/5/2020. (Riddell, Sean) (Entered: 09/14/2020)
09/14/2020	<u>33</u>	Emergency MOTION for Extension of Time to File Response/Reply as to <u>28</u> Order Requiring Responsive Pleading by All Plaintiffs. (Schulz, Jack) Modified on 9/15/2020 (EKar). (Entered: 09/14/2020)
09/15/2020		TEXT-ONLY ORDER: Plaintiffs have filed an emergency motion to extend their time for responding to Defendants motion to modify the TRO. <u>33</u> While the Court still believes the parties should be able to reach agreement on language to preserve the status quo while the case is litigated, it understands that counsel are busy with other aspects of this case. Thus, while the Court is inclined to grant the extension, upon more extensive review of the underlying motion, the Court believes it can enter an appropriate order without a response from Plaintiffs. Issued by District Judge Laurie J. Michelson. (EKar) (Entered: 09/15/2020)
09/15/2020	<u>34</u>	MOTION To Modify Scheduling Order for Plaintiff Motion for Preliminary Injunction to Allow for Additional Witnesses re <u>19</u> Order,, Set Motion and R&R Deadlines/Hearings,, Set Deadlines/Hearings, by All Plaintiffs. (Hurwitz, Julie) (Entered: 09/15/2020)

09/15/2020	<u>35</u>	MOTION for Reconsideration re <u>30</u> Order on Motion for Order , MOTION for Protective Order by All Defendants. (Attachments: # <u>1</u> Index of Exhibits Index, # <u>2</u> Exhibit A - Declaration of Art Thompson, # <u>3</u> Exhibit B - Policies) (Dwyer, Maria) (Entered: 09/15/2020)
09/15/2020	<u>36</u>	MOTION to Expedite <i>Discovery</i> by All Defendants. (Attachments: # <u>1</u> Index of Exhibits Index, # <u>2</u> Exhibit 1 - Articles of Incorporation) (Dwyer, Maria) (Entered: 09/15/2020)
09/16/2020		RESET Hearing: **TIME CHANGE ONLY** TELEPHONIC Status Conference RESET for 9/18/2020 at 10:00 AM before District Judge Laurie J. Michelson. (EKar) (Entered: 09/16/2020)
09/16/2020	<u>37</u>	ORDER on Defendants' Motion to Modify Temporary Restraining Order <u>24</u> . Signed by District Judge Laurie J. Michelson. (EKar) (Entered: 09/16/2020)
09/16/2020	<u>38</u>	ORDER on Discovery Motions <u>34</u> <u>35</u> <u>36</u> . Signed by District Judge Laurie J. Michelson. (EKar) (Entered: 09/16/2020)
09/17/2020	<u>39</u>	NOTICE of Appearance by Maria Fracassa Dwyer on behalf of Timothy Barr. (Dwyer, Maria) (Entered: 09/17/2020)
09/17/2020	<u>40</u>	NOTICE of Appearance by Christopher M. Trebilcock on behalf of Timothy Barr. (Trebilcock, Christopher) (Entered: 09/17/2020)
09/17/2020	<u>41</u>	NOTICE of Appearance by Reginald M. Turner, Jr on behalf of Timothy Barr. (Turner, Reginald) (Entered: 09/17/2020)
09/18/2020		Minute Entry for proceedings before District Judge Laurie J. Michelson: Telephonic Status Conference held on 9/18/2020. (Court Reporter: None Present, Not on the Record) (EKar) (Entered: 09/18/2020)
09/18/2020	<u>42</u>	JOINT ORDER to Preserve the Status Quo. Signed by District Judge Laurie J. Michelson. (EKar) (Entered: 09/18/2020)
09/18/2020		TEXT-ONLY ORDER: As a result of the Joint Order to Preserve the Status Quo (ECF No. <u>42</u>), the status conference scheduled for September 25, 2020 and the preliminary injunction hearing scheduled for September 29, 2020 are hereby CANCELLED. And the motions pending at ECF Nos. <u>4</u> , <u>34</u> , <u>35</u> , and <u>36</u> are DISMISSED AS MOOT. The Defendants have advised that they will be filing an answer to the complaint on September 25, 2020. Thereafter, the Court will set this matter for a scheduling conference. Issued by District Judge Laurie J. Michelson. (EKar) (Entered: 09/18/2020)
09/25/2020	<u>43</u>	ANSWER to Complaint with Affirmative Defenses , COUNTERCLAIM filed by All Defendants against All Plaintiffs by All Defendants. (Turner, Reginald) (Entered: 09/25/2020)

10/01/2020	<u>44</u>	ORDER TO ATTEND SCHEDULING CONFERENCE AND NOTICE OF REQUIREMENTS FOR SUBMISSION OF DISCOVERY PLAN. (TELEPHONIC Scheduling Conference set for 10/22/2020 at 02:00 PM before District Judge Laurie J. Michelson) Signed by District Judge Laurie J. Michelson. (EKar) (Entered: 10/01/2020)
10/07/2020	<u>45</u>	STIPULATION AND ORDER to File a Responsive Pleading to Defendants/Counter-Plaintiffs Counterclaim Against Plaintiffs/Counter-Defendants. (Response due by 10/30/2020) Signed by District Judge Laurie J. Michelson. (EKar) (Entered: 10/07/2020)
10/07/2020		RESET Hearing: TELEPHONIC Scheduling Conference RESET for 11/13/2020 at 10:00 AM before District Judge Laurie J. Michelson. (EKar) (Entered: 10/07/2020)
10/30/2020	<u>46</u>	MOTION to Dismiss <i>Defendants' Counterclaim</i> by All Plaintiffs. (Attachments: # <u>1</u> Index of Exhibits Index of Exhibits, # <u>2</u> Exhibit Ex. 1, # <u>3</u> Exhibit Ex. 2, # <u>4</u> Exhibit Ex. 3, # <u>5</u> Exhibit Ex. 4, # <u>6</u> Exhibit Ex. 5) (Ghannam, Amanda) (Entered: 10/30/2020)
11/06/2020	<u>47</u>	MOTION <i>for Leave to File Amici Curiae Brief</i> by American Civil Liberties Union of Michigan, American Civil Liberties Union. (Mayor, Philip) (Entered: 11/06/2020)
11/06/2020	<u>48</u>	Amicus Curiae BRIEF by American Civil Liberties Union, American Civil Liberties Union of Michigan (Mayor, Philip) (Entered: 11/06/2020)
11/06/2020	<u>49</u>	MOTION for Leave to File Amicus Brief re <u>46</u> MOTION to Dismiss <i>Defendants' Counterclaim</i> by Protect the Protest Task Force. (Dugan, Marianne) Modified on 11/12/2020 (TTho). [APPENDIX A HAS AN ERROR, CORRECTED DOCUMENT WILL BE UPLOADED] (Entered: 11/06/2020)
11/06/2020	<u>50</u>	NOTICE of Appearance by Daniel S. Korobkin on behalf of American Civil Liberties Union, American Civil Liberties Union of Michigan. (Korobkin, Daniel) (Entered: 11/06/2020)
11/09/2020	<u>51</u>	DISCOVERY plan jointly filed pursuant to Federal Rules of Civil Procedure 26(f) (Ghannam, Amanda) (Entered: 11/09/2020)
11/12/2020	<u>52</u>	APPENDIX re: <u>49</u> MOTION for Leave to File Amicus Brief re <u>46</u> MOTION to Dismiss <i>Defendants' Counterclaim</i> filed by Protect the Protest Task Force. by Protect the Protest Task Force (<i>Corrected</i>) (Dugan, Marianne) (Entered: 11/12/2020)

11/13/2020		Minute Entry for proceedings before District Judge Laurie J. Michelson: Telephonic Scheduling Conference held on 11/13/2020. (Court Reporter: None Present, Not on the Record) (EKar) (Entered: 11/13/2020)
11/13/2020	<u>53</u>	CASE MANAGEMENT REQUIREMENTS AND SCHEDULING ORDER: Interim Status Conference set for 4/6/2021 at 02:00 PM before District Judge Laurie J. Michelson; Expert Discovery due by 1/28/2022; and Dispositive Motion Cut-off set for 2/28/2022. Signed by District Judge Laurie J. Michelson. (Refer to image for additional dates) (EKar) (Entered: 11/13/2020)
12/04/2020	<u>54</u>	RESPONSE to <u>46</u> MOTION to Dismiss <i>Defendants' Counterclaim Defendants/Counter-Plaintiffs' Response in Opposition to Plaintiffs/Counter-Defendants' Motion to Dismiss Counterclaim</i> filed by All Defendants. (Turner, Reginald) (Entered: 12/04/2020)
12/11/2020	<u>55</u>	MOTION for Leave to File <i>Amicus Brief</i> by National Police Association. (Attachments: # <u>1</u> Exhibit Brief of Amicus Curiae National Police Association) (Milbank, Courtney) (Entered: 12/11/2020)
12/18/2020	<u>56</u>	REPLY to Response re <u>46</u> MOTION to Dismiss <i>Defendants' Counterclaim</i> filed by All Plaintiffs. (Ghannam, Amanda) (Entered: 12/18/2020)
01/08/2021	<u>57</u>	NOTICE of Change of Address/Contact Information by Amanda M. Ghannam on behalf of All Plaintiffs. (Ghannam, Amanda) (Entered: 01/08/2021)
01/13/2021	<u>58</u>	NOTICE of Appearance by Beth M. Rivers on behalf of All Plaintiffs. (Rivers, Beth) (Entered: 01/13/2021)
02/16/2021	<u>59</u>	NOTICE TO APPEAR BY TELEPHONE: Status Conference set for 2/18/2021 at 02:30 PM before District Judge Laurie J. Michelson. (EKar) (Entered: 02/16/2021)
02/18/2021		Minute Entry for proceedings before District Judge Laurie J. Michelson: Telephonic Status Conference held to discuss discovery dispute on 2/18/2021. (Court Reporter: None Present, Not on the Record) (EKar) (Entered: 02/19/2021)
02/19/2021	<u>60</u>	NOTICE TO APPEAR BY TELEPHONE: Status Conference set for 3/26/2021 at 02:00 PM before District Judge Laurie J. Michelson. (EKar) (Entered: 02/19/2021)

03/10/2021	61	OPINION and ORDER Granting Plaintiffs/Counter-Defendants' Motion to Dismiss Counterclaim 46 . Signed by District Judge Laurie J. Michelson. (EKar) (Entered: 03/10/2021)
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