# **U.S. District Court** District of Columbia (Washington, DC) CIVIL DOCKET FOR CASE #: 1:20-cv-02107-JEB

NATIONAL ASSOCIATION OF THE DEAF et al v.

TRUMP et al

Assigned to: Judge James E. Boasberg

Cause: 29:0794 Job Discrimination (Handicap)

Case in other court: USCA, 20-05349

Date Filed: 08/03/2020 Jury Demand: Plaintiff

Nature of Suit: 440 Civil Rights:

Jurisdiction: U.S. Government

Defendant

**Plaintiff** 

NATIONAL ASSOCIATION OF

THE DEAF

represented by Ian S. Hoffman

ARNOLD & PORTER KAYE

SCHOLER LLP

601 Massachusetts Ave, NW

Washington, DC 20001

202-942-6406 Fax: 202-942-5999

Email:

ian.hoffman@arnoldporter.com ATTORNEY TO BE NOTICED

**Plaintiff** 

**GRAHAM FORSEY** 

represented by Ian S. Hoffman

(See above for address)

ATTORNEY TO BE NOTICED

**Plaintiff** 

**CARLTON STRAIL** 

represented by Ian S. Hoffman

(See above for address)

ATTORNEY TO BE NOTICED

**Plaintiff** 

**DEBRA FLEETWOOD** 

represented by Ian S. Hoffman

(See above for address)

ATTORNEY TO BE NOTICED

**Plaintiff** 

JOHN RIVERA, JR.

represented by Ian S. Hoffman

(See above for address)

ATTORNEY TO BE NOTICED

**Plaintiff** 

**COREY AXELROD** 

represented by Ian S. Hoffman

(See above for address)

ATTORNEY TO BE NOTICED

V.

#### **Defendant**

#### DONALD J. TRUMP

in his official capacity as President of the United States

represented by Amber Richer

U.S. DEPARTMENT OF JUSTICE 1100 L St NW Washington, DC 20005 202-514-3489 Email: amber.richer@usdoj.gov LEAD ATTORNEY ATTORNEY TO BE NOTICED

#### **Carlotta Porter Wells**

U.S. DEPARTMENT OF JUSTICE Civil Division, Federal Programs Branch 1100 L Street, NW Suite 11102 Washington, DC 20530 (202) 514-4522 Fax: (202) 616-8470 Email: carlotta.wells@usdoj.gov LEAD ATTORNEY ATTORNEY TO BE NOTICED

#### **David Michael Morrell**

U.S. DEPARTMENT OF JUSTICE 950 Pennsylvania Ave. NW Suite 3131 Washington, DC 20530 202-514-2331 Email: david.m.morrell@usdoj.gov *TERMINATED:* 09/11/2020

**Defendant** 

# EXECUTIVE OFFICE OF THE PRESIDENT

represented by Amber Richer

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

**Carlotta Porter Wells** 

(See above for address) *LEAD ATTORNEY* 

ATTORNEY TO BE NOTICED

**David Michael Morrell** 

(See above for address) *TERMINATED: 09/11/2020* 

#### **Defendant**

WHITE HOUSE OFFICE

represented by Amber Richer

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

**Carlotta Porter Wells** 

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

**David Michael Morrell** 

(See above for address) *TERMINATED: 09/11/2020* 

# **Defendant**

OFFICE OF THE VICE PRESIDENT

represented by Amber Richer

(See above for address) *LEAD ATTORNEY* 

ATTORNEY TO BE NOTICED

**Carlotta Porter Wells** 

(See above for address) *LEAD ATTORNEY* 

ATTORNEY TO BE NOTICED

**David Michael Morrell** 

(See above for address) *TERMINATED: 09/11/2020* 

#### **Defendant**

# **KAYLEIGH MCENANY**

in her official capacity as Press Secretary to the President of the United States represented by Amber Richer

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

# **Carlotta Porter Wells**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

#### **David Michael Morrell**

(See above for address) *TERMINATED: 09/11/2020* 

Date Filed	#	Docket Text		
08/03/2020	1	COMPLAINT against All Defendants with Jury Demand (Filing fee \$ 400 receipt number ADCDC-7416200) filed by COREY AXELROD, CARLTON STRAIL, GRAHAM FORSEY, DEBRA FLEETWOOD, NATIONAL ASSOCIATION OF THE DEAF, JOHN RIVERA, JR (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Civil Cover Sheet, # 7 Summons Donald J. Trump, in his official capacity as President of the United States, # 8 Summons Executive Office of the President, # 9 Summons The White House Office, # 10 Summons Office of the Vice President, # 11 Summons Kayleigh McEnany, in her official capacity as Press Secretary to the President of the United States)(Hoffman, Ian) (Entered: 08/03/2020)		
08/03/2020	2	MOTION for Preliminary Injunction by COREY AXELROD, DEBRA FLEETWOOD, GRAHAM FORSEY, NATIONAL ASSOCIATION OF THE DEAF, JOHN RIVERA, JR., CARLTON STRAIL (Attachments: # 1		

		# <u>11</u> Exhibit C, # <u>12</u> Exhibit D, # <u>13</u> Exhibit E)(Hoffman, Ian) (Entered: 08/03/2020)		
08/03/2020	<u>3</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by NATIONAL ASSOCIATION OF THE DEAF (Hoffman, Ian) (Entered: 08/03/2020)		
08/03/2020		Case Assigned to Judge James E. Boasberg. (adh, ) (Entered: 08/03/2020)		
08/03/2020	4	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Marc P. Charmatz, Filing fee \$ 100, receipt number ADCDC-7416902. Fee Status: Fee Paid. by COREY AXELROD, DEBRA FLEETWOOD, GRAHAM FORSEY, NATIONAL ASSOCIATION OF THE DEAF, JOHN RIVERA, JR., CARLTON STRAIL (Attachments: # 1 Declaration of Marc P. Charmatz in Support of Motion for Admission Pro Hac Vice, # 2 Text of Proposed Order)(Hoffman, Ian) (Entered: 08/03/2020)		
08/03/2020	<u>5</u>	SUMMONS (5) Issued Electronically as to EXECUTIVE OFFICE OF THE PRESIDENT, KAYLEIGH MCENANY, OFFICE OF THE VICE PRESIDENT, THE WHITE HOUSE OFFICE, DONALD J. TRUMP. (Attachment: # 1 Notice and Consent) (ztth) (Entered: 08/03/2020)		
08/03/2020		MINUTE ORDER GRANTING 4 Motion for Admission <i>Pro Hac Vice</i> of MARC P. CHARMATZ. So ORDERED by Judge James E. Boasberg on 08/03/2020. (lcjeb2) (Entered: 08/03/2020)		
08/04/2020		MINUTE ORDER: The Court ORDERS that a conference call is hereby set for Wednesday, August 5, at 2:00 p.m. to discuss a briefing schedule regarding Plaintiffs' 2 Motion for Preliminary Injunction. The Court ORDERS that the parties shall dial into Chambers' toll-free conference-call number, (877) 402-9753, at this time. Chambers will contact the parties via email with the dial-in code. So ORDERED by Judge James E. Boasberg on 08/04/2020. (lcjeb2) (Entered: 08/04/2020)		
08/04/2020		Set/Reset Hearings: Status Conference set for 8/5/2020 at 02:00 PM in Telephonic/VTC before Judge James E. Boasberg. (znbn) (Entered: 08/05/2020)		
08/05/2020	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon		

		United States Attorney on 8/4/2020. Answer due for ALL FEDERAL DEFENDANTS by 10/3/2020. (Hoffman, Ian) (Entered: 08/05/2020)	
08/05/2020	7	NOTICE of Appearance by Amber Richer on behalf of All Defendants (Richer, Amber) (Entered: 08/05/2020)	
08/05/2020		MINUTE ORDER: As discussed in today's scheduling hearing, the Court ORDERS that: 1) Defendants' PI Opposition shall be due by August 13, 2020; 2) Plaintiffs' Reply shall be due by August 19, 2020; and 3) The parties shall appear for video hearing on August 26, 2020, at 11:00 a.m. So ORDERED by Judge James E. Boasberg on 08/05/2020. (lcjeb2) (Entered: 08/05/2020)	
08/05/2020		Minute Entry for proceedings held before Judge James E. Boasberg: Status Conference held on 8/5/2020. Opposition due by 8/13/2020. Reply due by 8/19/2020. Motion Hearing set for 8/26/2020 at 11:00 AM in Telephonic/VTC before Judge James E. Boasberg. (Court Reporter Lisa Griffith) (znbn) (Entered: 08/05/2020)	
08/13/2020	8	Unopposed MOTION for Extension of Time to File  Response/Reply as to 2 MOTION for Preliminary Injunction by EXECUTIVE OFFICE OF THE PRESIDENT, KAYLEIGH MCENANY, OFFICE OF THE VICE PRESIDENT, DONALD J. TRUMP, WHITE HOUSE OFFICE (Richer, Amber) (Entered: 08/13/2020)	
08/13/2020		MINUTE ORDER GRANTING Defendants' 8 Motion for Extension of Time. The Court ORDERS that 1) Defendants shall file their opposition by August 14, 2020; and 2) Plaintiffs shall file their reply by August 20, 2020. So ORDERED by Judge James E. Boasberg on 08/13/2020. (lcjeb2) (Entered: 08/13/2020)	
08/13/2020		Set/Reset Deadlines: Responses due by 8/14/2020. Replies due by 8/20/2020. (znbn) (Entered: 08/14/2020)	
08/14/2020	9	Memorandum in opposition to re 2 MOTION for Preliminary Injunction filed by EXECUTIVE OFFICE OF THE PRESIDENT, KAYLEIGH MCENANY, OFFICE OF THE VICE PRESIDENT, DONALD J. TRUMP, WHITE HOUSE OFFICE. (Attachments:  # 1 Declaration, # 2 Text of Proposed Order)(Richer, Amber) (Entered: 08/14/2020)	

08/19/2020	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. WHITE HOUSE OFFICE served on 8/12/2020 (Hoffman, Ian) (Entered: 08/19/2020)	
08/20/2020	11	REPLY to opposition to motion re 2 MOTION for Preliminary Injunction filed by COREY AXELROD, DEBRA FLEETWOOD, GRAHAM FORSEY, NATIONAL ASSOCIATION OF THE DEAF, JOHN RIVERA, JR., CARLTON STRAIL. (Hoffman, Ian) (Entered: 08/20/2020)	
08/24/2020	12	NOTICE of Appearance by David Michael Morrell on behalf of All Defendants (Morrell, David) (Entered: 08/24/2020)	
08/26/2020		Minute Entry for proceedings held before Judge James E. Boasberg:  Motion Hearing held on 8/26/2020 re 2 MOTION for Preliminary Injunction filed by CARLTON STRAIL, JOHN RIVERA, JR., DEBRA FLEETWOOD, NATIONAL ASSOCIATION OF THE DEAF, COREY AXELROD, GRAHAM FORSEY. Oral arguments heard and motion taken under advisement. (Court Reporter Lisa Griffith) (znbn) (Entered: 08/26/2020)	
08/28/2020	13	· · · · · · · · · · · · · · · · · · ·	

		Redaction Request due 9/18/2020. Redacted Transcript Deadline set for 9/28/2020. Release of Transcript Restriction set for 11/26/2020.(Griffith, Lisa) (Entered: 08/28/2020)	
08/28/2020	14	Unopposed MOTION for Extension of Time to <i>File Supplemental Declaration</i> by EXECUTIVE OFFICE OF THE PRESIDENT, KAYLEIGH MCENANY, OFFICE OF THE VICE PRESIDENT, DONALD J. TRUMP, WHITE HOUSE OFFICE (Attachments: # 1 Text of Proposed Order)(Wells, Carlotta) (Entered: 08/28/2020)	
08/31/2020		MINUTE ORDER GRANTING 14 Motion for Extension of Time. The Court ORDERS that Defendants shall file their supplemental declaration by August 31, 2020. So ORDERED Judge James E. Boasberg on 08/31/2020. (lcjeb3) (Entered: 08/31/2020)	
08/31/2020	<u>15</u>	NOTICE of Filing of Supplemental Declaration by EXECUTIVE OFFICE OF THE PRESIDENT, KAYLEIGH MCENANY, OFFICE OF THE VICE PRESIDENT, DONALD J. TRUMP, WHITE HOUSE OFFICE (Attachments: # 1 Exhibit)(Wells, Carlotta) (Entered: 08/31/2020)	
08/31/2020		Set/Reset Deadlines: Supplemental Declaration due by 8/31/2020. (znbn) (Entered: 08/31/2020)	
08/31/2020	<u>16</u>	RESPONSE re 15 Notice (Other) of Filing of Supplemental Declaration filed by COREY AXELROD, DEBRA FLEETWOOD, GRAHAM FORSEY, NATIONAL ASSOCIATION OF THE DEAF, JOHN RIVERA, JR., CARLTON STRAIL. (Hoffman, Ian) (Entered: 08/31/2020)	
09/09/2020	17	ORDER: The Court ORDERS that: 1) Plaintiffs' 2 Motion for a Preliminary Injunction is GRANTED IN PART and DENIED IN PART; 2) This Order is STAYED until the Court determines the precise remedy; and 3) The Parties shall appear for a hearing on September 17, 2020, at 12:00 PM, to discuss the remedy. Signed by Judge James E. Boasberg on 09/09/2020. (lcjeb3) Modified on 9/9/2020 (znbn). (Entered: 09/09/2020)	
09/09/2020	18	MEMORANDUM OPINION re <u>17</u> Order on Motion for a Preliminary Injunction. Signed by Judge James E. Boasberg on 09/09/2020. (lcjeb3) (Entered: 09/09/2020)	
09/11/2020		Set/Reset Hearings: Hearing set for 9/17/2020 at 12:00 PM in Telephonic/VTC before Judge James E. Boasberg. (znbn) (Entered: 09/11/2020)	

09/11/2020	19	NOTICE OF WITHDRAWAL OF APPEARANCE as to EXECUTIVE OFFICE OF THE PRESIDENT, KAYLEIGH MCENANY, OFFICE OF THE VICE PRESIDENT, DONALD J. TRUMP, WHITE HOUSE OFFICE. Attorney David Michael Morrell terminated. (Morrell, David) (Entered: 09/11/2020)	
09/16/2020	20	NOTICE of Appearance by Amber Richer on behalf of All Defendants (Richer, Amber) (Entered: 09/16/2020)	
09/17/2020		Minute Entry for proceedings held before Judge James E. Boasberg:  Motion Hearing held on 9/17/2020 re 2 MOTION for Preliminary Injunction filed by CARLTON STRAIL, JOHN RIVERA, JR., DEBRA FLEETWOOD, NATIONAL ASSOCIATION OF THE DEAF, COREY AXELROD, GRAHAM FORSEY. (Court Reporter Lisa Griffith) (znbn) (Entered: 09/17/2020)	
09/17/2020		MINUTE ORDER: As discussed in today's telephonic hearing, the Court ORDERS that: 1) By September 22, 2020, the parties shall submit a joint proposed injunction Order; and 2) All other deadlines in the case are STAYED until further Order of the Court. So ORDERED by Judge James E. Boasberg on 09/17/2020. (lcjeb3) (Entered: 09/17/2020)	
09/17/2020		Set/Reset Deadlines: Parties shall submit a joint proposed injunction by 9/22/2020. (znbn) (Entered: 09/18/2020)	
09/22/2020	21	NOTICE of Proposed Order <i>Joint Notice of Filing Joint Proposed Injunction Order</i> by COREY AXELROD, DEBRA FLEETWOOD, GRAHAM FORSEY, NATIONAL ASSOCIATION OF THE DEAF, JOHN RIVERA, JR., CARLTON STRAIL (Hoffman, Ian) (Entered: 09/22/2020)	
09/23/2020	22	ORDER: The Court ORDERS that Plaintiffs' 2 Motion for a Preliminary Injunction is GRANTED IN PART and DENIED IN PART. Signed by Judge James E. Boasberg on 09/23/2020. (lcjeb3) (Entered: 09/23/2020)	
10/06/2020	23	TRANSCRIPT OF PROCEEDINGS before Judge James E. Boasberg held on 9-17-2020; Page Numbers: 1-31. Date of Issuance:10-6-2020. Court Reporter/Transcriber Lisa Griffith, Telephone number (202)354-3247, Transcripts may be ordered by submitting the Transcript Order Form. 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. 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. Redaction Request due 10/27/2020. Redacted Transcript Deadline set for 11/6/2020. Release of Transcript Restriction set for 1/4/2021.(Griffith, Lisa) (Entered: 10/06/2020)	
10/08/2020		MINUTE ORDER: The Court ORDERS that the parties shall file a Joint Status Report by October 15, 2020, regarding proposed next steps in the litigation. So ORDERED by Judge James E. Boasberg on 10/08/2020. (lcjeb2) (Entered: 10/08/2020)	
10/08/2020		Set/Reset Deadlines: Joint Status Report due by 10/15/2020. (nbn) (Entered: 10/09/2020)	
10/15/2020	<u>24</u>	Joint STATUS REPORT by COREY AXELROD, DEBRA FLEETWOOD, GRAHAM FORSEY, NATIONAL ASSOCIATION OF THE DEAF, JOHN RIVERA, JR., CARLTON STRAIL. (Attachments: # 1 Text of Proposed Order)(Hoffman, Ian) (Entered: 10/15/2020)	
10/16/2020		MINUTE ORDER: Per the parties' <u>24</u> Joint Status Report, the Court ORDERS that Defendants shall respond to the Complaint by November 23, 2020. So ORDERED by Judge James E. Boasberg on 10/16/2020. (lcjeb3) (Entered: 10/16/2020)	
10/16/2020		Set/Reset Deadlines: Responses due by 11/23/2020. (znbn) (Entered: 10/16/2020)	
11/20/2020	<u>25</u>	Consent MOTION for Extension of Time to <i>Respond to Complaint</i> by EXECUTIVE OFFICE OF THE PRESIDENT, KAYLEIGH MCENANY, OFFICE OF THE VICE PRESIDENT, DONALD J. TRUMP, WHITE HOUSE OFFICE (Richer, Amber) (Entered: 11/20/2020)	
11/20/2020		MINUTE ORDER GRANTING Consent 25 Motion for Extension of Time. The Court ORDERS that Defendants shall file their Answer or otherwise respond to Plaintiffs' Complaint by January 22, 2021. So ORDERED by Judge James E. Boasberg on 11/20/2020. (lcjeb2) (Entered: 11/20/2020)	

11/20/2020		Set/Reset Deadlines: Answer or otherwise respond by 1/22/2021. (znbn) (Entered: 11/23/2020)
11/23/2020	<u>26</u>	Order, 18 Memorandum & Opinion by KAYLEIGH MCENANY, DONALD J. TRUMP, WHITE HOUSE OFFICE, EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF THE VICE PRESIDENT. Fee Status: No Fee Paid. Parties have been notified. (Richer, Amber) (Entered: 11/23/2020)
11/24/2020	27	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 26 Notice of Appeal to DC Circuit Court. (zrdj) (Entered: 11/24/2020)
11/25/2020		USCA Case Number 20-5349 for <u>26</u> Notice of Appeal to DC Circuit Court, filed by OFFICE OF THE VICE PRESIDENT, DONALD J. TRUMP, KAYLEIGH MCENANY, WHITE HOUSE OFFICE, EXECUTIVE OFFICE OF THE PRESIDENT. (zrdj) (Entered: 11/25/2020)
01/22/2021	28	Consent MOTION to Stay <i>Proceedings Pending Appeal</i> by EXECUTIVE OFFICE OF THE PRESIDENT, KAYLEIGH MCENANY, OFFICE OF THE VICE PRESIDENT, DONALD J. TRUMP, WHITE HOUSE OFFICE. (Richer, Amber) (Entered: 01/22/2021)
01/22/2021		MINUTE ORDER GRANTING Consent 28 Motion to Stay. The Court ORDERS that: (1) Further proceedings in this case shall be STAYED pending resolution of Defendants' appeal from this Court's Order granting Plaintiffs' motion for preliminary injunction; and (2) The parties shall file a joint status report within 7 days of the resolution of the appeal. So ORDERED by Judge James E. Boasberg on 1/22/2021. (lcjeb2) (Entered: 01/22/2021)
01/22/2021		Case Stayed. (znbn) (Entered: 01/22/2021)

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