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**U. S. District Court
Western District of Arkansas (Fayetteville)
CIVIL DOCKET FOR CASE #: 5:20-cv-05070-PKH**

Miller et al v. Thurston
Assigned to: Honorable P. K. Holmes III
Case in other court: 8th Circuit Court of Appeals, 20-02095
Cause: 42:1983 Civil Rights Act

Date Filed: 04/22/2020
Date Terminated: 05/29/2020
Jury Demand: None
Nature of Suit: 441 Civil Rights: Voting
Jurisdiction: Federal Question

Plaintiff

Bonnie Heather Miller

represented by **Annabelle Harless**
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Plaintiff

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Plaintiff

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Plaintiff

Arkansas Voters First

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David A. Couch
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ATTORNEY TO BE NOTICED

V.

Defendant


John Thurston

*in his official capacity as Secretary of State
of Arkansas*

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Date Filed	#	Docket Text
04/22/2020	1	<p>CIVIL COVER SHEET for case initiated by Robert William Allen, Arkansas Voters First, Adella Dozier Gray, Bonnie Heather Miller. Please proceed with filing your case initiating document(s).</p> <p>If the case initiating documents are not filed by Close of Business the next business day your case may be terminated. (tg) (Entered: 04/22/2020)</p>
04/22/2020	2	<p>COMPLAINT against John Thurston (Filing fee \$ 400 receipt number AARWDC-2126620), filed by Bonnie Heather Miller, Robert William Allen, Arkansas Voters First, Adella Dozier Gray.(Couch, David) (Entered: 04/22/2020)</p>
04/22/2020	3	<p>THE DOCUMENT IS RESTRICTED TO COURT USERS.</p> <p>Summons Requested as to John Thurston for service of the following document: 2 Complaint. (Couch, David) (Entered: 04/22/2020)</p>
04/22/2020	4	<p>Magistrate Notice/Consent Form (tg) (Entered: 04/22/2020)</p>
04/22/2020	5	<p>MOTION for Preliminary Injunction by Robert William Allen, Arkansas Voters First, Adella Dozier Gray, Bonnie Heather Miller. (Couch, David) (Entered: 04/22/2020)</p>
04/22/2020		<p>***PLEASE DISREGARD FILING FEE PAID*** CLERK'S NOTICE REGARDING FILING FEE. The following document was received and filed without the appropriate filing fee: 2 Complaint.</p> <p>You <u>MUST</u> pay the filing fee of \$ 400.00 or file a motion to proceed In Forma Pauperis, if appropriate, within 2 business days.</p> <p>If the proper fees or motion are not received for case initiating documents, your case may be subject to dismissal.</p> <p>Present your payment to the appropriate Divisional Office or Pay Online, using the Civil -> Other Documents -> Filing Fee Submitted event. Filing Fee due by 4/24/2020 (tg) Modified on 4/22/2020 (tg). (Entered: 04/22/2020)</p>
04/22/2020	6	<p>THE DOCUMENT IS RESTRICTED TO COURT USERS AND CASE PARTICIPANTS.</p> <p>Summons Issued as to John Thurston and returned to attorney or plaintiff for service.</p> <p>YOU MUST PRINT THIS ISSUED SUMMONS, WHICH IS THE MAIN DOCUMENT. PAPER COPIES WILL <u>NOT</u> BE MAILED.</p> <p>(tg) (tg). (Entered: 04/22/2020)</p>
04/22/2020	7 	<p>MEMORANDUM BRIEF in Support of 5 MOTION for Preliminary Injunction by Robert William Allen, Arkansas Voters First, Adella Dozier Gray, Bonnie Heather Miller. (Attachments: # 1 Exhibit 1: Kincaid Declaration, # 2 Exhibit 2: E.O. 20-03, # 3 Exhibit 3: E.O. 20-05, # 4 Exhibit 4: E.O. 20-08, # 5 Exhibit 5: E.O. 20-09, # 6 Exhibit 6: E.O. 20-10, # 7 Exhibit 7: Little Rock Curfew Order, # 8 Exhibit 8: Little Rock Declaration, # 9 Exhibit 9: E.O. 20-12, # 10 Exhibit 10: E.O. 20-14, # 11 Exhibit 11: E.O. 20-15, # 12 Exhibit 12: E.O. 20-13, # 13 Exhibit 13: W.D. Ark. Admin. Order 2020-1, # 14 Exhibit 14: W.D. Ark. Admin. Order 2020-3, # 15 Exhibit 15: Ark. Sup. Ct. Order, # 16 Exhibit 16: W.D. Ark. Admin. Order 2020-4, # 17 Exhibit 17: Miller Declaration, # 18 Exhibit 18: Gray Declaration, # 19 Exhibit 19: Allen Declaration, #</p>

		20 Exhibit 20: Eshshaki v. Whitmer Decision, # 21 Exhibit 21: AVF Petition Filed with Sec'y of State)(Couch, David) (Entered: 04/22/2020)
04/22/2020	8	MOTION for Attorney Ruth Merewyn Greenwood to Appear Pro Hac Vice (PHV Application fee paid \$ 100; receipt number AARWDC-2126768) by Robert William Allen, Arkansas Voters First, Adella Dozier Gray, Bonnie Heather Miller. (Greenwood, Ruth) (Entered: 04/22/2020)
04/22/2020	9	TEXT ONLY ORDER granting 8 Motion to Appear Pro Hac Vice. Ruth Merewyn Greenwood is directed to immediately register for Pro Hac Vice filer access through PACER and enter her appearance in this matter. Signed by Honorable P. K. Holmes III on April 22, 2020. (jas) (Entered: 04/22/2020)
04/22/2020	10	MOTION for Attorney Mark P. Gaber to Appear Pro Hac Vice (PHV Application fee paid \$ 100; receipt number AARWDC-2126833) by Robert William Allen, Arkansas Voters First, Adella Dozier Gray, Bonnie Heather Miller. (Gaber, Mark) (Entered: 04/22/2020)
04/22/2020	11	MOTION for Attorney Annabelle E. Harless to Appear Pro Hac Vice (PHV Application fee paid \$ 100; receipt number AARWDC-2126846) by Robert William Allen, Arkansas Voters First, Adella Dozier Gray, Bonnie Heather Miller. (Harless, Annabelle) (Entered: 04/22/2020)
04/22/2020	12	Corporate Disclosure Statement by Arkansas Voters First. (Couch, David) (Entered: 04/22/2020)
04/23/2020	13	TEXT ONLY ORDER granting 10 Motion to Appear Pro Hac Vice. Mark P. Gaber is directed to immediately register for Pro Hac Vice filer access through PACER and enter his appearance in this matter. Signed by Honorable P. K. Holmes III on April 23, 2020. (jas) (Entered: 04/23/2020)
04/23/2020	14	TEXT ONLY ORDER granting 11 Motion to Appear Pro Hac Vice. Annabelle E. Harless is directed to immediately register for Pro Hac Vice filer access through PACER and enter her appearance in this matter. Signed by Honorable P. K. Holmes III on April 23, 2020. (jas) (Entered: 04/23/2020)
04/23/2020	15	MOTION for Attorney Christopher Lamar to Appear Pro Hac Vice (PHV Application fee paid \$ 100; receipt number AARWDC-2127364) by Robert William Allen, Arkansas Voters First, Adella Dozier Gray, Bonnie Heather Miller. (Lamar, Christopher) (Entered: 04/23/2020)
04/23/2020	16	NOTICE of Appearance by Ruth M. Greenwood on behalf of All Plaintiffs. (Greenwood, Ruth) (Entered: 04/23/2020)
04/23/2020	17	TEXT ONLY ORDER granting 15 Motion to Appear Pro Hac Vice. Christopher Lamar is directed to immediately register for Pro Hac Vice filer access through PACER and enter his appearance in this matter. Signed by Honorable P. K. Holmes III on April 23, 2020. (jas) (Entered: 04/23/2020)
04/23/2020	18	NOTICE of Appearance by Mark Gaber on behalf of Robert William Allen, Arkansas Voters First, Adella Dozier Gray, Bonnie Heather Miller. (Gaber, Mark) (Entered: 04/23/2020)
04/23/2020	19	NOTICE of Appearance by Annabelle Harless on behalf of All Plaintiffs. (Harless, Annabelle) (Entered: 04/23/2020)
04/23/2020	20	MOTION Leave to Effect Service by Electronic Mail by Robert William Allen, Arkansas Voters First, Adella Dozier Gray, Bonnie Heather Miller. (Couch, David) (Entered: 04/23/2020)

04/23/2020	21	MEMORANDUM BRIEF in Support of 20 MOTION Leave to Effect Service by Electronic Mail by Robert William Allen, Arkansas Voters First, Adella Dozier Gray, Bonnie Heather Miller. (Attachments: # 1 Exhibit 1: Affidavit of Service and Email Accepting Service)(Couch, David) (Entered: 04/23/2020)
04/24/2020	22	TEXT ONLY ORDER granting 20 motion to effect service by electronic mail. Signed by Honorable P. K. Holmes III on April 24, 2020. (rab) (Entered: 04/24/2020)
04/24/2020	23	MOTION for Attorney Robert N. Weiner to Appear Pro Hac Vice (PHV Application fee paid \$ 100; receipt number AARWDC-2128191) by Robert William Allen, Arkansas Voters First, Adella Dozier Gray, Bonnie Heather Miller. (Weiner, Robert) (Entered: 04/24/2020)
04/24/2020	24	TEXT ONLY ORDER granting 23 Motion to Appear Pro Hac Vice. Robert N. Weiner is directed to immediately register for Pro Hac Vice filer access through PACER and enter his appearance in this matter. Signed by Honorable P. K. Holmes III on April 24, 2020. (jas) (Entered: 04/24/2020)
04/24/2020	25	SUMMONS Returned Executed by Bonnie Heather Miller, Robert William Allen, Arkansas Voters First, Adella Dozier Gray. John Thurston served on 4/23/2020, answer due 5/14/2020. (Couch, David) (Entered: 04/24/2020)
04/24/2020	26	NOTICE of Appearance by Robert Weiner on behalf of All Plaintiffs. (Weiner, Robert) (Entered: 04/24/2020)
04/24/2020	27	MOTION to Expedite Briefing on Motion for Preliminary Injunction by Robert William Allen, Arkansas Voters First, Adella Dozier Gray, Bonnie Heather Miller. (Greenwood, Ruth) (Entered: 04/24/2020)
04/24/2020	28	MEMORANDUM BRIEF in Support of 27 MOTION to Expedite Briefing on Motion for Preliminary Injunction by Robert William Allen, Arkansas Voters First, Adella Dozier Gray, Bonnie Heather Miller. (Greenwood, Ruth) (Entered: 04/24/2020)
04/24/2020	29	NOTICE of Appearance by Christopher Lamar on behalf of All Plaintiffs. (Lamar, Christopher) (Entered: 04/24/2020)
04/24/2020		<p>TEXT ONLY ORDER granting in part and denying in part 27 Motion to Expedite Briefing. Following a conference call with Plaintiffs' counsel David Couch and attorneys Gary Sullivan from the office of the Arkansas Secretary of State and William Bird from the office of the Arkansas Attorney General, the following agreed briefing deadlines are entered.</p> <p>Any response to the pending 5 motion for preliminary injunction must be filed by May 4, 2020. A reply to that response is permitted, and must be filed by May 6, 2020. The Court will reserve the setting of any hearing until briefing is complete. Signed by Honorable P. K. Holmes III on April 24, 2020. (rab) (Entered: 04/24/2020)</p>
04/27/2020	30	NOTICE of Appearance by William C. Bird, III on behalf of John Thurston. (Bird, William) (Entered: 04/27/2020)
05/04/2020	31	RESPONSE IN OPPOSITION TO Motion re 5 MOTION for Preliminary Injunction filed by John Thurston. (Attachments: # 1 Exhibit Order - Bambenek v. White)(Bird, William) (Entered: 05/04/2020)
05/06/2020	32 R	REPLY to Response to Motion re 5 MOTION for Preliminary Injunction filed by Robert William Allen, Arkansas Voters First, Adella Dozier Gray, Bonnie Heather Miller. (Attachments: # 1 Exhibit Exhibit 1 - Second Declaration of Brett Kincaid, dated May 6, 2020, # 2 Exhibit Exhibit 2 - Letter from Secretary of State to Nate Steel dated July 25, 2018 setting cure period for casino ballot initiative on August 24, 2018, # 3

		Exhibit Exhibit 3 - Letter from Secretary of State to David Couch dated July 30, 2018 setting cure period for minimum wage ballot initiative on August 29, 2018, # 4 Exhibit Exhibit 4 - Letter from Secretary of State to David Couch dated July 28, 2016 setting cure period for medical marijuana initiative on August 29, 2016, # 5 Exhibit Exhibit 5 - Participating Addendum adding Arkansas to Utah Cloud Solutions contract with Carahsoft Technology Corporation dated December 20, 2019)(Greenwood, Ruth) (Entered: 05/06/2020)
05/11/2020	33	STIPULATION re 5 MOTION for Preliminary Injunction by Robert William Allen, Arkansas Voters First, Adella Dozier Gray, Bonnie Heather Miller. (Greenwood, Ruth) (Entered: 05/11/2020)
05/11/2020	34	STATEMENT OF FACTS in support of 5 MOTION for Preliminary Injunction by Robert William Allen, Arkansas Voters First, Adella Dozier Gray, Bonnie Heather Miller. (Greenwood, Ruth) (Entered: 05/11/2020)
05/12/2020	35	MOTION to Dismiss for Failure to State a Claim by John Thurston. (Bird, William) (Entered: 05/12/2020)
05/12/2020	36	MEMORANDUM BRIEF in Support of 35 MOTION to Dismiss for Failure to State a Claim by John Thurston. (Bird, William) (Entered: 05/12/2020)
05/15/2020	37	TEXT ONLY ORDER Setting Hearing on 5 MOTION for Preliminary Injunction: Motion Hearing set for 5/19/2020 at 10:30 AM before Honorable P. K. Holmes III. This hearing will be accessible via video conference ONLY. Access to the courthouse will not be allowed. Any nonparty desiring access to the hearing should contact chambers at PKHinfo@arwd.uscourts.gov. Signed by Honorable P. K. Holmes III on May 15, 2020. (rab) (Entered: 05/15/2020)
05/18/2020	38	NOTICE of Appearance by Michael A. Cantrell on behalf of All Defendants. (Cantrell, Michael) (Entered: 05/18/2020)
05/19/2020	39	Minute Entry for proceedings held before Honorable P. K. Holmes III: Motion Hearing held on 5/19/2020 re 5 MOTION for Preliminary Injunction filed by Robert William Allen, Arkansas Voters First, Adella Dozier Gray, Bonnie Heather Miller. (Rick Congdon-Court Reporter) (jas) (Entered: 05/19/2020)
05/20/2020	40 R	NOTICE by Robert William Allen, Arkansas Voters First, Adella Dozier Gray, Bonnie Heather Miller (<i>Notice of Supplemental Authority</i>) (Attachments: # 1 Exhibit 1: Thompson v. DeWine Opinion and Order Granting Preliminary Injunction)(Gaber, Mark) (Entered: 05/20/2020)
05/25/2020	41 R	OPINION AND ORDER granting in part 5 Motion for Preliminary Injunction, as set forth. The parties are ordered to confer on a proposed schedule to expedite final resolution of this lawsuit and communicate that proposal to the Court by May 28, 2020. Signed by Honorable P. K. Holmes III on May 25, 2020. (jas) (Entered: 05/25/2020)
05/26/2020	42	RESPONSE IN OPPOSITION TO Motion re 35 MOTION to Dismiss for Failure to State a Claim filed by Robert William Allen, Arkansas Voters First, Adella Dozier Gray, Bonnie Heather Miller. (Lamar, Christopher) (Entered: 05/26/2020)
05/29/2020	43	NOTICE by Robert William Allen, Arkansas Voters First, Adella Dozier Gray, Bonnie Heather Miller <i>Joint Request for Entry of Judgment</i> (Greenwood, Ruth) (Entered: 05/29/2020)
05/29/2020	44	ORDER DENYING AS MOOT 35 Motion to Dismiss for Failure to State a Claim; and IT IS ORDERED that the preliminary injunction entered by this Court will be made permanent by judgment entered separately. (See Order for specifics). Signed by Honorable P. K. Holmes III on May 29, 2020. (lgd) (Entered: 05/29/2020)

05/29/2020	45 R	JUDGMENT pursuant to the opinion and order 41 R entered on May 25, 2020, and the order entered the same day; IT IS HEREBY ADJUDGED that Plaintiffs should have permanent injunctive relief on their First and Fourteenth Amendment claims (See Judgment for specifics). Signed by Honorable P. K. Holmes III on May 29, 2020. (lgd) (Entered: 05/29/2020)
06/01/2020	46	NOTICE of Appearance by Vincent M. Wagner on behalf of John Thurston. (Wagner, Vincent) (Entered: 06/01/2020)
06/01/2020	47	NOTICE OF APPEAL as to 45 R Judgment, 41 R Order on Motion for Preliminary Injunction, 44 Order on Motion to Dismiss for Failure to State a Claim, by John Thurston. Filing fee \$ 505, receipt number AARWDC-2152250. (Wagner, Vincent) (Entered: 06/01/2020)
06/01/2020	48	MOTION to Stay <i>Pending Appeal</i> by John Thurston. (Bird, William) (Entered: 06/01/2020)
06/01/2020	49	MEMORANDUM BRIEF in Support of 48 MOTION to Stay <i>Pending Appeal</i> by John Thurston. (Bird, William) (Entered: 06/01/2020)
06/02/2020	50	NOA SUPPLEMENT FORM re 47 Notice of Appeal (atty) filed by John Thurston. (src) (Entered: 06/02/2020)
06/02/2020	51 R	USCA Scheduling Order as to 47 Notice of Appeal (atty) filed by John Thurston. Case Appealed to 8th Circuit Court of Appeals Case Number 20-2095. (Attachments: # 1 USCA Cover Letter)(tg) (Entered: 06/02/2020)
06/02/2020	52 R	OPINION AND ORDER denying 48 Motion to Stay filed by John Thurston. Signed by Honorable P. K. Holmes III on June 2, 2020. (tg) (Entered: 06/02/2020)
06/11/2020	53	NOTICE OF FILING OFFICIAL TRANSCRIPT of hearing held on 05-19-2020, before Judge P.K. Holmes, III. Court Reporter/Transcriber: Rick Congdon, RMR, FCRR, Telephone number 479-652-0146. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber. After the Release of Transcript Restriction deadline, it, or a redacted transcript, may be obtained through the Court Reporter/Transcriber or PACER A Notice of Intent to Request Redaction of the Transcript MUST be filed within 7 calendar days of the filing of the transcript and served manually on the court reporter/transcriber. Redaction Request due 7/2/2020. Redacted Transcript Deadline set for 7/13/2020. Release of Transcript Restriction set for 9/9/2020. (rlc) (Entered: 06/11/2020)
06/18/2020	54	Unopposed MOTION to Defer Attorneys' Fees Briefing by Robert William Allen, Arkansas Voters First, Adella Dozier Gray, Bonnie Heather Miller. (Greenwood, Ruth) (Entered: 06/18/2020)
06/18/2020	55	TEXT ONLY ORDER granting 54 motion to defer briefing on attorney's fees until resolution of the pending appeal. Signed by Honorable P. K. Holmes III on June 18, 2020. (rab) (Entered: 06/18/2020)
06/30/2020	56	TRANSMITTAL SHEET re 47 Notice of Appeal (atty) filed by John Thurston to 8USCA. (tg) (Entered: 06/30/2020)
08/18/2020	57	MANDATE of USCA Reversing district court decision as to 47 Notice of Appeal (atty) filed by John Thurston (Attachments: # 1 USCA Opinion, # 2 R USCA Judgment)(src) (Entered: 08/18/2020)