

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:20-cv-05238-MKV**

League of Women Voters of the United States et al v.
Kosinski et al
Assigned to: Judge Mary Kay Vyskocil
Cause: 42:1983 Civil Rights Act

Date Filed: 07/08/2020
Jury Demand: None
Nature of Suit: 441 Civil Rights:
Voting
Jurisdiction: Federal Question

Plaintiff

**League of Women Voters of the
United States**

represented by **Faith E. Gay**
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Plaintiff

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Plaintiff

Carmelina Palmer

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Simone Tyler Leeper
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Joshua Scott Margolin
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V.

Defendant

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Defendant

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Defendant

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Defendant

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Co-Executive Director of the New
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Defendant

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York State Board of Elections*

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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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07/08/2020	<u>1</u>	COMPLAINT against Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, Andrew J. Spano, Todd D. Valentine. (Filing Fee \$ 400.00, Receipt Number ANYSDC-20601485)Document filed by League of Women Voters of the United States, Carmelina Palmer, League of Women Voters of New York State..(Margolin, Joshua) (Entered: 07/08/2020)
07/08/2020	<u>2</u>	CIVIL COVER SHEET filed..(Margolin, Joshua) (Entered: 07/08/2020)
07/08/2020	<u>3</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Peter S. Kosinski, Douglas A. Kellner, Andrew Spano, Todd D. Valentine, and Robert A. Brehm, re: <u>1</u> Complaint,. Document filed by League of Women Voters of New York State, League of Women Voters of the United States, Carmelina Palmer..(Margolin, Joshua) (Entered: 07/08/2020)
07/08/2020	<u>4</u>	NOTICE OF APPEARANCE by Faith E. Gay on behalf of League of Women Voters of New York State, League of Women Voters of the United States, Carmelina Palmer..(Gay, Faith) (Entered: 07/08/2020)
07/08/2020	<u>5</u>	NOTICE OF APPEARANCE by Jordan Lionell Weatherwax on behalf of League of Women Voters of New York State, League of Women Voters of the United States, Carmelina Palmer..(Weatherwax, Jordan) (Entered: 07/08/2020)
07/08/2020	<u>6</u>	NOTICE OF APPEARANCE by Shelby P. Rokito on behalf of League of Women Voters of New York State, League of Women Voters of the United States, Carmelina Palmer..(Rokito, Shelby) (Entered: 07/08/2020)
07/08/2020	<u>7</u>	NOTICE OF APPEARANCE by Katie Elizabeth Renzler on behalf of League of Women Voters of New York State, League of Women Voters of the United States, Carmelina Palmer..(Renzler, Katie) (Entered: 07/08/2020)
07/08/2020	<u>8</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by League of Women Voters of the United States..(Margolin, Joshua) (Entered: 07/08/2020)
07/08/2020	<u>9</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by League of Women Voters of New York State..(Margolin, Joshua) (Entered: 07/08/2020)

07/09/2020		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Mary Kay Vyskocil. Please download and review the Individual Practices of the assigned District Judge, located at https://nysd.uscourts.gov/judges/district-judges . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at https://nysd.uscourts.gov/rules/ecf-related-instructions..(jgo) (Entered: 07/09/2020)
07/09/2020		Magistrate Judge Ona T. Wang is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf . (jgo) (Entered: 07/09/2020)
07/09/2020		Case Designated ECF. (jgo) (Entered: 07/09/2020)
07/09/2020	10	ELECTRONIC SUMMONS ISSUED as to Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, Andrew J. Spano, Todd D. Valentine..(jgo) (Entered: 07/09/2020)
07/10/2020	11	NOTICE OF APPEARANCE by Douglas A. Kellner on behalf of Douglas A. Kellner..(Kellner, Douglas) (Entered: 07/10/2020)
07/10/2020	12	SUMMONS RETURNED EXECUTED Summons and Complaint, served. Peter S. Kosinski served on 7/9/2020, answer due 7/30/2020. Service was accepted by Brian Quail. Document filed by League of Women Voters of the United States; Carmelina Palmer; League of Women Voters of New York State..(Margolin, Joshua) (Entered: 07/10/2020)
07/10/2020	13	SUMMONS RETURNED EXECUTED Summons and Complaint, served. Douglas A. Kellner served on 7/9/2020, answer due 7/30/2020. Service was accepted by Brian Quail. Document filed by League of Women Voters of the United States; Carmelina Palmer; League of Women Voters of New York State..(Margolin, Joshua) (Entered: 07/10/2020)
07/10/2020	14	SUMMONS RETURNED EXECUTED Summons and Complaint, served. Andrew J. Spano served on 7/9/2020, answer due 7/30/2020. Service was accepted by Brian Quail. Document filed by League of Women Voters of the United States; Carmelina Palmer; League of Women Voters of New York State..(Margolin, Joshua) (Entered: 07/10/2020)

07/10/2020	15	SUMMONS RETURNED EXECUTED Summons and Complaint, served. Todd D. Valentine served on 7/9/2020, answer due 7/30/2020. Service was accepted by Brian Quail. Document filed by League of Women Voters of the United States; Carmelina Palmer; League of Women Voters of New York State..(Margolin, Joshua) (Entered: 07/10/2020)
07/10/2020	16	SUMMONS RETURNED EXECUTED Summons and Complaint, served. Robert A. Brehm served on 7/9/2020, answer due 7/30/2020. Service was accepted by Brian Quail. Document filed by League of Women Voters of the United States; Carmelina Palmer; League of Women Voters of New York State..(Margolin, Joshua) (Entered: 07/10/2020)
07/10/2020	17	AFFIDAVIT OF SERVICE of Summons in a Civil Action and Complaint, Rule 7.1 Corporate Disclosure Statement of Plaintiff League of Women Voters of New York State, Rule 7.1 Corporate Disclosure Statement of Plaintiff League of Women Voters of the United States, Civil Cover Sheet, Electronic Case Filing Rules & Instructions, Addendum to Electronic Case Filing Rules & Instructions [Dated April I, 2020] served on Office of the Attorney General on July 9, 2020. Service was made by MAIL. Document filed by League of Women Voters of New York State, League of Women Voters of the United States, Carmelina Palmer..(Margolin, Joshua) (Entered: 07/10/2020)
07/28/2020	18	NOTICE OF APPEARANCE by Nicholas Robert Cartagena on behalf of Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, Andrew J. Spano, Todd D. Valentine..(Cartagena, Nicholas) (Entered: 07/28/2020)
07/28/2020	19	FIRST LETTER MOTION for Extension of Time to File Answer re: 1 Complaint, addressed to Judge Mary Kay Vyskocil from Nicholas R. Cartagena dated July 28, 2020. Document filed by Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, Andrew J. Spano, Todd D. Valentine..(Cartagena, Nicholas) (Entered: 07/28/2020)
07/28/2020	20	ORDER granting 19 Letter Motion for Extension of Time to Answer. Granted. Robert A. Brehm answer due 8/13/2020; Douglas A. Kellner answer due 8/13/2020; Peter S. Kosinski answer due 8/13/2020; Andrew J. Spano answer due 8/13/2020; Todd D. Valentine answer due 8/13/2020. (Signed by Judge Mary Kay Vyskocil on 7/28/2020) (mro) (Entered: 07/28/2020)

08/04/2020	21	MOTION for Ravi Raj Doshi to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-20992176. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by League of Women Voters of New York State, League of Women Voters of the United States, Carmelina Palmer. (Attachments: # 1 Exhibit Certificate of Good Standing, # 2 Exhibit Certificate of Good Standing, # 3 Affidavit Notarized Affidavit, # 4 Text of Proposed Order Proposed Order of Admission).(Doshi, Ravi) (Entered: 08/04/2020)
08/04/2020		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 21 MOTION for Ravi Raj Doshi to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-20992176. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu) (Entered: 08/04/2020)
08/05/2020	22	ORDER granting 21 Motion for Ravi Raj Doshi to Appear Pro Hac Vice (HEREBY ORDERED by Judge Mary Kay Vyskocil)(Text Only Order) (rz) (Entered: 08/05/2020)
08/05/2020	23	MOTION for Simone Tyler Leeper to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-21012843. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by League of Women Voters of New York State, League of Women Voters of the United States, Carmelina Palmer. (Attachments: # 1 Cert. of Good Standing, # 2 Affidavit, # 3 Proposed Order for Admission).(Leeper, Simone) (Entered: 08/05/2020)
08/05/2020		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 23 MOTION for Simone Tyler Leeper to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-21012843. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 08/05/2020)
08/06/2020	24	ORDER granting 23 Motion for Simone Tyler Leper to Appear Pro Hac Vice (HEREBY ORDERED by Judge Mary Kay Vyskocil)(Text Only Order) (rz) (Entered: 08/06/2020)
08/12/2020	25	SECOND LETTER MOTION for Extension of Time to File Answer re: 20 Order on Motion for Extension of Time to Answer, 1 Complaint, addressed to Judge Mary Kay Vyskocil from

		Nicholas R. Cartagena dated 8/12/2020. Document filed by Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, Andrew J. Spano, Todd D. Valentine..(Cartagena, Nicholas) (Entered: 08/12/2020)
08/12/2020	26	ORDER granting 25 Letter Motion for Extension of Time to Answer. Granted. Robert A. Brehm answer due 8/20/2020; Douglas A. Kellner answer due 8/20/2020; Peter S. Kosinski answer due 8/20/2020; Andrew J. Spano answer due 8/20/2020; Todd D. Valentine answer due 8/20/2020. (Signed by Judge Mary Kay Vyskocil on 8/12/2020) (mro) (Entered: 08/12/2020)
08/19/2020	27	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION for Danielle Marie Lang to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-21225424. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by League of Women Voters of New York State, League of Women Voters of the United States, Carmelina Palmer. (Attachments: # 1 CA Certificate of Good Standing, # 2 DC Certificate of Good Standing, # 3 NY Certificate of Good Standing, # 4 Notarized Affidavit, # 5 Proposed Order for Admission).(Lang, Danielle) Modified on 8/19/2020 (wb). (Entered: 08/19/2020)
08/19/2020		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. 27 MOTION for Danielle Marie Lang to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-21225424. Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s): expired Certificate of Good Standing from Supreme Court of California; MISSING DECLARATION OR NOTARIZED AFFIDAVIT;. Re-file the motion as a Corrected Motion to Appear Pro Hac Vice - attach the correct signed PDF - select the correct named filer/filers - attach valid Certificates of Good Standing issued within the past 30 days - attach Proposed Order.. (wb) (Entered: 08/19/2020)
08/19/2020	28	ANSWER to 1 Complaint,. Document filed by Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, Andrew J. Spano, Todd D. Valentine..(Cartagena, Nicholas) (Entered: 08/19/2020)
08/19/2020	29	NOTICE of Certificate of Service of Answer re: 28 Answer to Complaint. Document filed by Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, Andrew J. Spano, Todd D. Valentine..(Cartagena, Nicholas) (Entered: 08/19/2020)

08/20/2020	30	NOTICE OF INITIAL PRETRIAL CONFERENCE: The Court directs counsel for all parties to appear at an Initial Pretrial Conference on September 8, 2020, at 3:30PM. The conference will be held telephonically. To join the conference, dial 888-278-0296 and enter access code 5195844. In advance of the Initial Pretrial Conference, and within 14 days of this Order, counsel must meet face-to-face for at least one hour to discuss the possibility of settlement. Counsel are further directed to submit a Proposed Case Management Plan and Scheduling Order and joint letter, as required by this Courts Individual Rules of Practice. The documents should be filed on ECF and sent to this Court via email (in both PDF and Microsoft Word formats) one week prior to the conference date. Initial Conference set for 9/8/2020 at 03:30 PM before Judge Mary Kay Vyskocil. (Signed by Judge Mary Kay Vyskocil on 8/20/2020) (nb) (Entered: 08/21/2020)
08/28/2020	31	LETTER MOTION to Adjourn Conference <i>scheduled for September 8, 2020 and Extension for filing the Proposed Case Management Order</i> addressed to Judge Mary Kay Vyskocil from Joshua S. Margolin dated August 28, 2020. Document filed by League of Women Voters of New York State, League of Women Voters of the United States, Carmelina Palmer..(Margolin, Joshua) (Entered: 08/28/2020)
08/28/2020	32	ORDER granting 31 LETTER MOTION to Adjourn Conference scheduled for September 8, 2020 and Extension for filing the Proposed Case Management Order addressed to Judge Mary Kay Vyskocil from Joshua S. Margolin dated August 28, 2020. Document filed by League of Women Voters of New York State, League of Women Voters of the United States, Carmelina Palmer. The Initial Pretrial Conference is HEREBY ADJOURNED to September 29, 2020, at 12:30 PM. The Parties shall file the Proposed Case Management Plan on or before September 21, 2020. SO ORDERED. (Initial Conference set for 9/29/2020 at 12:30 PM before Judge Mary Kay Vyskocil). (Signed by Judge Mary Kay Vyskocil on 8/28/2020) (rjm) (Entered: 08/28/2020)
09/01/2020	33	MOTION for Dana Miriam Paikowsky to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-21432230. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by League of Women Voters of New York State, League of Women Voters of the United States, Carmelina Palmer. (Attachments: # 1 Certificate of Good Standing, # 2 Notarized Affidavit, # 3 Proposed Order for Admission).(Paikowsky, Dana) (Entered: 09/01/2020)

09/01/2020		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>33</u> MOTION for Dana Miriam Paikowsky to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-21432230. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu) (Entered: 09/01/2020)
09/02/2020	34	ORDER granting <u>33</u> Motion for Dana Miriam Paikowsky to Appear Pro Hac Vice (HEREBY ORDERED by Judge Mary Kay Vyskocil)(Text Only Order) (rz) (Entered: 09/02/2020)
09/08/2020	<u>35</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION to Amend/Correct Notice Regarding Deficient Motion to Appear Pro Hac vice,,, . Document filed by League of Women Voters of New York State, League of Women Voters of the United States, Carmelina Palmer. (Attachments: # <u>1</u> Certificate of Good Standing, # <u>2</u> Certificate of Good Standing, # <u>3</u> Certificate of Good Standing, # <u>4</u> Notarized Affidavit, # <u>5</u> Proposed Order for Admission).(Lang, Danielle) Modified on 9/17/2020 (wb). (Entered: 09/08/2020)
09/17/2020		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. <u>35</u> MOTION to Amend/Correct Notice Regarding Deficient Motion to Appear Pro Hac vice,,, ... The filing is deficient for the following reason(s): the wrong event type was used to file the motion; expired Certificate of Good Standing from New York;. Re-file the motion as a Motion to Appear Pro Hac Vice using the event type Motion to Appear Pro Hac Vice found under the event list Motions - attach the correct signed PDF - select the correct named filer/filers - attach valid Certificates of Good Standing issued within the past 30 days - attach Proposed Order.. (wb) (Entered: 09/17/2020)
09/17/2020	<u>36</u>	LETTER addressed to Judge Mary Kay Vyskocil from Joshua Margolin dated September 17, 2020 re: an agreement in this matter with respect to the November 3, 2020 General Election. Document filed by League of Women Voters of New York State, League of Women Voters of the United States, Carmelina Palmer. (Attachments: # <u>1</u> Text of Proposed Order).(Margolin, Joshua) (Entered: 09/17/2020)
09/17/2020	<u>37</u>	Vacated as per Judge's Order dated 9/18/2020, Doc. #38 STIPULATED CONSENT ORDER: NOW, THEREFORE, it is stipulated and agreed, by and among the parties and hereby ordered by the Court that: Defendant New York State Board of

		<p>Elections shall issue binding instructions to New York's boards of elections in order to implement verification, notice, and cure provisions and procedures in conformity with Exhibit "A" which is incorporated herein for the November 3, 2020 General Election. This Stipulation embodies the entire agreement of the parties. SO ORDERED. (Signed by Judge Mary Kay Vyskocil on 9/17/2020) (ama) Modified on 9/18/2020 (mro). (Entered: 09/18/2020)</p>
09/18/2020	38	<p>ORDER VACATING STIPULATED CONSENT ORDER: Upon further review and consideration, IT IS HEREBY ORDERED that the Stipulated Consent Order dated September 17, 2020 [ECF No. 37], is VACATED. There are no motions pending in this action. Indeed, the parties ask the Court to endorse their private agreement in lieu of litigating a preliminary injunction. This stipulation would thus operate as a consent decree. See <i>In re Masters Mates & Pilots Pension Plan & IRAP Litig.</i>, 957 F.2d 1020, 1025 (2d Cir. 1992) ("A consent decree is no more than a settlement that contains an injunction."). The parties are free to agree to their stipulation and it will be enforceable in accordance with governing law. See, e.g., <i>In re Enron Creditors Recovery Corp.</i>, No. 09 Civ. 4168 (RJS), 2011 WL 1345254, at *4 (S.D.N.Y. Mar. 31, 2011) ("When parties enter into a stipulation, the agreement is enforceable as a contract." (citations omitted)); <i>N.Y. Bus Tours, Inc. v. Kheel</i>, No. 85 Civ. 4724(RO), 1985 WL 4410, at *1 (S.D.N.Y. Dec. 13, 1985) ("[O]rdinarily an action to enforce a stipulation is a state law contract action."). However, the Court has not been asked to and has not analyzed the issues that might be framed by the complaint or might be framed by motion practice that the stipulation avoids. Accordingly, at this juncture, the Court cannot blindly lend its imprimatur and endorse the contents of the agreement between the parties. See <i>In re Masters Mates</i>, 957 F.2d at 1026 (noting that "where the rights of one who is not a party to a settlement are at stake, the fairness of the settlement to the settling parties is not enough to earn the judicial stamp of approval"). (Signed by Judge Mary Kay Vyskocil on 9/18/2020) (mro) (Entered: 09/18/2020)</p>
09/21/2020	39	<p>LETTER MOTION to Adjourn Conference <i>scheduled for September 29, 2020</i> addressed to Judge Mary Kay Vyskocil from Joshua Margolin dated September 21, 2020. Document filed by League of Women Voters of New York State, League of Women Voters of the United States, Carmelina Palmer..(Margolin, Joshua) (Entered: 09/21/2020)</p>
09/22/2020	40	<p>ORDER granting 39 Letter Motion to Adjourn Conference. The parties' request to adjourn the pretrial conference is GRANTED. The pretrial conference scheduled for September 29, 2020, is</p>

		HEREBY ADJOURNED to November 24, 2020, at 11:30 AM. SO ORDERED. Initial Conference set for 11/24/2020 at 11:30 AM before Judge Mary Kay Vyskocil. (Signed by Judge Mary Kay Vyskocil on 9/22/2020) (rj) (Entered: 09/22/2020)
11/13/2020	41	LETTER MOTION to Adjourn Conference <i>currently scheduled for November 24, 2020 at 11:30 am</i> addressed to Judge Mary Kay Vyskocil from Joshua Margolin dated November 13, 2020. Document filed by League of Women Voters of New York State, League of Women Voters of the United States, Carmelina Palmer..(Margolin, Joshua) (Entered: 11/13/2020)
11/16/2020	42	ORDER granting 41 Letter Motion to Adjourn Conference. The parties' request to adjourn the Initial Pretrial Conference scheduled for November 24, 2020, at 11:30 AM is GRANTED. The Initial Pretrial Conference is adjourned to January 26, 2021, at 1:00 PM. The parties shall file the joint letter and proposed Case Management Plan on or before January 19, 2021. Initial Conference set for 1/26/2021 at 01:00 PM before Judge Mary Kay Vyskocil. (Signed by Judge Mary Kay Vyskocil on 11/16/2020) (mro) (Entered: 11/16/2020)

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