

**U.S. District Court**  
**Eastern District of Virginia - (Alexandria)**  
**CIVIL DOCKET FOR CASE #: 1:20-cv-00860-CMH-TCB**

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Gary et al v. Virginia Department of Elections et al  
Assigned to: District Judge Claude M. Hilton  
Referred to: Magistrate Judge Theresa Carroll Buchanan  
Cause: 42:12101 Americans with Disabilities Act

Date Filed: 07/27/2020  
Jury Demand: None  
Nature of Suit: 441 Civil Rights: Voting  
Jurisdiction: Federal Question

**Plaintiff**

**Carshena Gary**

represented by **Zachary Scott DeVore**  
Disability Law Center of Virginia  
1512 Willow Lawn Avenue  
Suite 100  
Richmond, VA 23230  
804-225-2042  
Fax: 804-662-7431  
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*ATTORNEY TO BE NOTICED*

**Steven Michael Traubert**  
Disability Law Center of Virginia  
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Richmond, VA 23230  
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Email: steven.traubert@dlcv.org  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Lori Scharff**

represented by **Zachary Scott DeVore**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Steven Michael Traubert**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Regina Root**

represented by **Zachary Scott DeVore**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Steven Michael Traubert**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Naim Muawia Abu-El Hawa**

represented by **Zachary Scott DeVore**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Steven Michael Traubert**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**John Halverson**

represented by **Zachary Scott DeVore**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Steven Michael Traubert**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**National Federation of the Blind of Virginia**

represented by **Zachary Scott DeVore**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Steven Michael Traubert**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**American Council of the Blind of Virginia**

represented by **Zachary Scott DeVore**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Steven Michael Traubert**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Virginia Department of Elections**

represented by **Carol Louise Lewis**  
Office of the Attorney General (Richmond)  
202 North 9th Street  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Heather Hays Lockerman**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Blaire Hawkins O'Brien**  
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*ATTORNEY TO BE NOTICED*

**Ronald Nicholas Regnery**  
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202 North 9th Street  
Richmond, VA 23219  
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Email: RRegnery3@oag.state.va.us  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Christopher E. Piper**  
*Commissioner of the Virginia Department of  
Election in his official capacity*

represented by **Carol Louise Lewis**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Heather Hays Lockerman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Blaire Hawkins O'Brien**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Ronald Nicholas Regnery**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Virginia Board of Elections**

represented by **Carol Louise Lewis**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Heather Hays Lockerman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Blaire Hawkins O'Brien**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Ronald Nicholas Regnery**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Robert H. Brink**

*Chair of the Virginia Board of Elections in  
his official capacity*

represented by **Carol Louise Lewis**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Heather Hays Lockerman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Blaire Hawkins O'Brien**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Ronald Nicholas Regnery**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**John O'Bannon**

*Vice Chair the Virginia Board of Election in  
his official capacity*

represented by **Carol Louise Lewis**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Heather Hays Lockerman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Blaire Hawkins O'Brien**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Ronald Nicholas Regnery**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Jamilah D LeCruise**

*Secretary of the Virginia Board of Elections,  
in her official capacity*

represented by **Carol Louise Lewis**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Heather Hays Lockerman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Blaire Hawkins O'Brien**  
(See above for address)

**ATTORNEY TO BE NOTICED****Ronald Nicholas Regnery**

(See above for address)

**ATTORNEY TO BE NOTICED**

| <b>Date Filed</b> | <b>#</b>                          | <b>Docket Text</b>  |
|-------------------|-----------------------------------|---|
| 07/27/2020        | <a href="#"><u>1</u></a> <b>R</b> | Complaint against Virginia Department of Elections, Christopher Piper, Virginia Board of Elections, Robert H. Brink, John O'Bannon, Jamilah D. LeCruise ( Filing fee \$ 400, receipt number 0422-7322040.), filed by Regina Root. (Attachments: # <a href="#"><u>1</u></a> Document filed in error and removed re Civil Cover Sheet, # <a href="#"><u>2</u></a> Civil Cover Sheet Additional Counsel pending pro hac vice, # <a href="#"><u>3</u></a> Affidavit Financial Disclosure ACB-VA, # <a href="#"><u>4</u></a> Affidavit Financial Disclosure NFBV)(Traubert, Steven) Modified text on 7/28/2020 (klau, ). (Attachment 1 replaced on 7/28/2020) (klau, ). Modified text on 7/28/2020 (klau, ). (Entered: 07/27/2020) |
| 07/28/2020        |                                   | Initial Case Assignment to District Judge Claude M. Hilton and Magistrate Judge Theresa Carroll Buchanan. (klau, ) (Entered: 07/28/2020)  |
| 07/28/2020        |                                   | Notice of Correction re [1-1] Civil Cover Sheet, The filing user has been notified that document [1-1] is an incorrectly saved PDF fillable form and has been removed. The filing user was directed to refile the document.(klau, ) (Entered: 07/28/2020)   |
| 07/28/2020        |                                   | Notice of Correction re [1-3] [1-4] Financial Disclosure, The filing user has been notified to file financial disclosure separately for future filing. (klau, ) (Entered: 07/28/2020)   |
| 07/28/2020        | <a href="#"><u>2</u></a>          | Civil Cover Sheet re <a href="#"><u>1</u></a> <b>R</b> Complaint,, <i>Proper PDF resubmission</i> by Regina Root. (Attachments: # <a href="#"><u>1</u></a> Supplement Additional Counsel)(Traubert, Steven) (Entered: 07/28/2020)   |
| 07/31/2020        | <a href="#"><u>3</u></a>          | NOTICE of Appearance by Zachary Scott DeVore on behalf of Naim Muawia Abu-El Hawa, American Council of the Blind of Virginia, Carshena Gary, John Halverson, National Federation of the Blind of Virginia, Regina Root, Lori Scharff (DeVore, Zachary) (Entered: 07/31/2020)  |
| 07/31/2020        | <a href="#"><u>4</u></a>          | First Motion to appear Pro Hac Vice by Kaitlin Banner and Certification of Local Counsel Steven M Traubert Filing fee \$ 75, receipt number 0422-7330355. by American Council of the Blind of Virginia. (Traubert, Steven) (Entered: 07/31/2020)  |
| 07/31/2020        | <a href="#"><u>5</u></a>          | Motion to appear Pro Hac Vice by Steven Paul Hollman and Certification of Local Counsel Steven M Traubert Filing fee \$ 75, receipt number 0422-7330381. by American Council of the Blind of Virginia, National Federation of the Blind of Virginia. (Traubert, Steven) (Entered: 07/31/2020)   |
| 07/31/2020        | <a href="#"><u>6</u></a>          | Motion to appear Pro Hac Vice by Margaret F Hart and Certification of Local Counsel Steven M Traubert Filing fee \$ 75, receipt number 0422-7330394. by American Council of the Blind of Virginia. (Traubert, Steven) (Entered: 07/31/2020)   |
| 07/31/2020        | <a href="#"><u>7</u></a>          | Motion to appear Pro Hac Vice by Abigail Alice Graber and Certification of Local Counsel Steven M Traubert Filing fee \$ 75, receipt number 0422-7330405. by American Council of the Blind of Virginia. (Traubert, Steven) (Entered: 07/31/2020)  |
| 07/31/2020        | <a href="#"><u>8</u></a>          | Motion to appear Pro Hac Vice by Eve Lynne Hill and Certification of Local Counsel Steven M Traubert Filing fee \$ 75, receipt number 0422-7330416. by National Federation of the Blind of Virginia. (Traubert, Steven) (Entered: 07/31/2020)   |

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| 08/04/2020 | <a href="#">9</a>  | WAIVER OF SERVICE Returned Executed, served on 7/31/20, answer due 9/29/20 by Carshena Gary. All Defendants. (DeVore, Zachary) Modified text on 8/5/2020 to add answer due date (klau, ). (Entered: 08/04/2020)  |
| 08/05/2020 | <a href="#">10</a> | ORDER granting <a href="#">5</a> Motion for Pro hac vice. Signed by District Judge Claude M. Hilton on 8/5/20. (klau, ) (Entered: 08/05/2020)  |
| 08/05/2020 | <a href="#">11</a> | ORDER granting <a href="#">6</a> Motion for Pro hac vice. Signed by District Judge Claude M. Hilton on 8/5/20. (klau, ) (Entered: 08/05/2020)  |
| 08/05/2020 | <a href="#">12</a> | ORDER granting <a href="#">4</a> Motion for Pro hac vice. Signed by District Judge Claude M. Hilton on 8/5/20. (klau, ) (Entered: 08/05/2020)  |
| 08/05/2020 | <a href="#">13</a> | ORDER granting <a href="#">8</a> Motion for Pro hac vice. Signed by District Judge Claude M. Hilton on 8/5/20. (klau, ) (Entered: 08/05/2020)  |
| 08/05/2020 | <a href="#">14</a> | ORDER granting <a href="#">7</a> Motion for Pro hac vice. Signed by District Judge Claude M. Hilton on 8/5/20. (klau, ) (Entered: 08/05/2020)  |
| 08/07/2020 | <a href="#">15</a> | NOTICE by Naim Muawia Abu-El Hawa, American Council of the Blind of Virginia, Carshena Gary, John Halverson, National Federation of the Blind of Virginia, Regina Root, Lori Scharff <i>of Appearance by Margaret Hart</i> (DeVore, Zachary) (Entered: 08/07/2020)   |
| 08/07/2020 | <a href="#">16</a> | NOTICE by Naim Muawia Abu-El Hawa, American Council of the Blind of Virginia, Carshena Gary, John Halverson, National Federation of the Blind of Virginia, Regina Root, Lori Scharff <i>of appearance by Kailin Banner</i> (DeVore, Zachary) (Entered: 08/07/2020)   |
| 08/07/2020 | <a href="#">17</a> | NOTICE by Naim Muawia Abu-El Hawa, American Council of the Blind of Virginia, Carshena Gary, John Halverson, National Federation of the Blind of Virginia, Regina Root, Lori Scharff <i>of appearance by Steven Hollman</i> (DeVore, Zachary) (Entered: 08/07/2020)  |
| 08/07/2020 | <a href="#">18</a> | NOTICE by Naim Muawia Abu-El Hawa, American Council of the Blind of Virginia, Carshena Gary, John Halverson, National Federation of the Blind of Virginia, Regina Root, Lori Scharff <i>of appearance by Abigail Graber</i> (DeVore, Zachary) (Entered: 08/07/2020)  |
| 08/07/2020 | <a href="#">19</a> | NOTICE by Naim Muawia Abu-El Hawa, American Council of the Blind of Virginia, Carshena Gary, John Halverson, National Federation of the Blind of Virginia, Regina Root, Lori Scharff <i>of appearance of Eve Hill</i> (DeVore, Zachary) (Entered: 08/07/2020)  |
| 08/10/2020 | <a href="#">20</a> | MOTION for Preliminary Injunction by Regina Root. (Attachments: # <a href="#">1</a> Supplement Memorandum in Support, # <a href="#">2</a> Proposed Order, # <a href="#">3</a> Exhibit NFB VA Declaration, # <a href="#">4</a> Exhibit ACB VA Declaration, # <a href="#">5</a> Exhibit PI Gary Declaration, # <a href="#">6</a> Exhibit PI Scharff Declaration, # <a href="#">7</a> Exhibit PI Root Declaration, # <a href="#">8</a> Exhibit PI Abu-El Hawa Declaration, # <a href="#">9</a> Exhibit PI Halverson Declaration, # <a href="#">10</a> Exhibit PI Gilbert Declaration)(Traubert, Steven) (Entered: 08/10/2020) |
| 08/10/2020 | <a href="#">21</a> | Memorandum in Support re <a href="#">20</a> MOTION for Preliminary Injunction filed by Regina Root. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Exhibit, # <a href="#">3</a> Exhibit, # <a href="#">4</a> Exhibit, # <a href="#">5</a> Exhibit, # <a href="#">6</a> Exhibit, # <a href="#">7</a> Exhibit, # <a href="#">8</a> Exhibit)(Traubert, Steven) (Entered: 08/10/2020)  |
| 08/11/2020 | <a href="#">22</a> | MOTION to Expedite <i>Unopposed</i> by National Federation of the Blind of Virginia. (Attachments: # <a href="#">1</a> Proposed Order, # <a href="#">2</a> Notice of Hearing)(Traubert, Steven) (Entered: 08/11/2020)  |
| 08/12/2020 | <a href="#">23</a> | ORDERED that Plaintiffs' unopposed motion (Dkt. 22) is GRANTED, it is further  |

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|            |                    | ORDERED as follows: (1) Defendants shall respond to Plaintiffs' Motion for Preliminary Injunction ("Motion") by Friday, August 21, 2020; (2) Plaintiffs shall file their reply, if any, by Wednesday, August 26, 2020; and (3) a hearing on this motion before the Honorable Claude Hilton shall be set for Friday, August 28, 2020 at 10:00 am. Signed by Magistrate Judge Theresa Carroll Buchanan on 08/12/2020. (jlan) (Entered: 08/12/2020) |
| 08/12/2020 |                    | Set Deadline as to <a href="#">20</a> MOTION for Preliminary Injunction. Motion Hearing set for 8/28/2020 at 10:00 AM in Alexandria Courtroom 800 before District Judge Claude M. Hilton. (jlan) (Entered: 08/12/2020)   |
| 08/12/2020 | <a href="#">24</a> | Motion to appear Pro Hac Vice by Natalia Maria Szlarb and Certification of Local Counsel Steven M Traubert Filing fee \$ 75, receipt number 0422-7349698. by Carshena Gary. (Traubert, Steven) (Entered: 08/12/2020)   |
| 08/19/2020 | <a href="#">25</a> | ORDER granting <a href="#">24</a> Motion for Pro hac vice. Signed by District Judge Claude M. Hilton on 8/19/20. (klau, ) (Entered: 08/20/2020)  |
| 08/21/2020 | <a href="#">26</a> | NOTICE by Naim Muawia Abu-El Hawa, American Council of the Blind of Virginia, Carshena Gary, John Halverson, National Federation of the Blind of Virginia, Regina Root, Lori Scharff <i>of appearance Pro Hoc Vice by Natalia Szlarb</i> (DeVore, Zachary) (Entered: 08/21/2020)   |
| 08/21/2020 | <a href="#">27</a> | NOTICE of Appearance by Heather Hays Lockerman on behalf of Robert H. Brink, Jamilah D LeCruise, John O'Bannon, Christopher E. Piper, Virginia Board of Elections, Virginia Department of Elections (Lockerman, Heather) (Entered: 08/21/2020)   |
| 08/21/2020 | <a href="#">28</a> | NOTICE of Appearance by Carol Louise Lewis on behalf of Robert H. Brink, Jamilah D LeCruise, John O'Bannon, Christopher E. Piper, Virginia Board of Elections, Virginia Department of Elections (Lewis, Carol) (Entered: 08/21/2020)   |
| 08/21/2020 |                    | Notice of Correction re <a href="#">26</a> NOTICE, The filing user has been notified to file a pro hac vice application and pay \$75.00 fee. (klau, ) (Entered: 08/21/2020)  |
| 08/21/2020 | <a href="#">29</a> | NOTICE of Appearance by Blaire Hawkins O'Brien on behalf of Robert H. Brink, Jamilah D LeCruise, John O'Bannon, Christopher E. Piper, Virginia Board of Elections, Virginia Department of Elections (O'Brien, Blaire) (Entered: 08/21/2020)  |
| 08/21/2020 | <a href="#">30</a> | Opposition to <a href="#">20</a> MOTION for Preliminary Injunction filed by Robert H. Brink, Jamilah D LeCruise, John O'Bannon, Christopher E. Piper, Virginia Board of Elections, Virginia Department of Elections. (Attachments: # <a href="#">1</a> Exhibit Chris Piper Declaration, # <a href="#">2</a> Exhibit James Heo Declaration)(Lewis, Carol) (Entered: 08/21/2020)   |
| 08/24/2020 | <a href="#">31</a> | MOTION for Electronic Device Application by Naim Muawia Abu-El Hawa, American Council of the Blind of Virginia, Carshena Gary, John Halverson, National Federation of the Blind of Virginia, Regina Root, Lori Scharff. (Traubert, Steven) (Entered: 08/24/2020)   |
| 08/24/2020 | <a href="#">32</a> | Motion for use of Courtroom Technology re <a href="#">31</a> MOTION for Electronic Device Application by Naim Muawia Abu-El Hawa, American Council of the Blind of Virginia, Carshena Gary, John Halverson, National Federation of the Blind of Virginia, Regina Root, Lori Scharff. (Traubert, Steven) (Entered: 08/24/2020)  |
| 08/25/2020 | <a href="#">33</a> | NOTICE of Appearance by Ronald Nicholas Regnery on behalf of Robert H. Brink, Jamilah D LeCruise, John O'Bannon, Christopher E. Piper, Virginia Board of Elections, Virginia Department of Elections (Regnery, Ronald) (Entered: 08/25/2020)   |
| 08/26/2020 | <a href="#">34</a> | Motion for use of Courtroom Technology re <a href="#">32</a> Motion for use of Courtroom Technology re <a href="#">31</a> MOTION for Electronic Device Application <i>Remote Witness and</i>   |



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|            |                             | <i>Telephonic Hearing Access</i> by Naim Muawia Abu-El Hawa, American Council of the Blind of Virginia, Carshena Gary, John Halverson, National Federation of the Blind of Virginia, Regina Root, Lori Scharff. (Traubert, Steven) (Entered: 08/26/2020)   |
| 08/26/2020 | <a href="#">35</a>          | ORDER granting <a href="#">31</a> Motion for Electronic Device Application; granting <a href="#">32</a> Motion for use of courtroom technology. Signed by District Judge Claude M. Hilton on 8/26/20. (klau, ) (Entered: 08/26/2020)   |
| 08/26/2020 | <a href="#">36</a>          | REPLY to Response to Motion re <a href="#">20</a> MOTION for Preliminary Injunction filed by Naim Muawia Abu-El Hawa, American Council of the Blind of Virginia, Carshena Gary, John Halverson, National Federation of the Blind of Virginia, Regina Root, Lori Scharff. (Attachments: # <a href="#">1</a> Exhibit Declaration of Belanger, # <a href="#">2</a> Exhibit Declaration of Hill)(DeVore, Zachary) (Entered: 08/26/2020)  |
| 08/27/2020 | <a href="#">37</a> <b>R</b> | Joint Motion for Entry of Partial Consent Judgment and Decree/SETTLEMENT AGREEMENT <i>Joint Proposal</i> by Naim Muawia Abu-El Hawa, American Council of the Blind of Virginia, Carshena Gary, John Halverson, National Federation of the Blind of Virginia, Regina Root, Lori Scharff. (Attachments: # <a href="#">1</a> <b>R</b> Proposed Order)(Traubert, Steven) Modified text on 8/28/2020 to correct event. (klau, ). (Entered: 08/27/2020)  |
| 08/28/2020 | <a href="#">38</a> <b>R</b> | Minute Entry for proceedings held before District Judge Claude M. Hilton: Motion Hearing held on 08/28/2020. Appearance of Counsel. Plaintiffs <a href="#">20</a> MOTION for Preliminary Injunction was withdrawn and order entered. (Court Reporter J. Egal)(jlan) (Entered: 08/28/2020)  |
| 08/28/2020 | <a href="#">39</a> <b>R</b> | ORDER granting <a href="#">37</a> <b>R</b> Joint Motion for Entry of Partial Consent Judgment (see order for details). Signed by District Judge Claude M. Hilton on 08/28/2020. (jlan) (Entered: 09/01/2020)   |
| 09/29/2020 | <a href="#">40</a>          | ANSWER to Complaint by Robert H. Brink, Jamilah D LeCruise, John O'Bannon, Christopher E. Piper, Virginia Board of Elections, Virginia Department of Elections. (Lewis, Carol) (Entered: 09/29/2020)   |
| 10/22/2020 | <a href="#">41</a>          | SCHEDULING ORDER:<br><b>Initial Pretrial Conference set for 11/18/2020 at 11:00 AM</b> in Alexandria Courtroom 500 before Magistrate Judge Theresa Carroll Buchanan.<br>Discovery due by 2/12/2021.<br><b>Final Pretrial Conference set for 2/18/2021 at 10:00 AM</b> in Alexandria Courtroom 800 before District Judge Claude M. Hilton. Signed by District Judge Claude M. Hilton on 10/22/2020.<br>(Attachments: # <a href="#">1</a> Magistrate Consent Form, # <a href="#">2</a> Pretrial Notice)<br>(tran) Modified on 11/13/2020 <b>VACATED per order dated 11/13/20</b> (klau, ). (Entered: 10/22/2020) |
| 11/13/2020 | <a href="#">42</a>          | ORDER that the Court's Scheduling Order entered on October 22, 2020 is VACATED. Signed by District Judge Claude M. Hilton on 11/13/20. (klau, ) (Entered: 11/13/2020)  |

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|-----------------------------|---------------------------|-------------------------|-----------------------|
| <b>PACER Service Center</b> |                           |                         |                       |
| <b>Transaction Receipt</b>  |                           |                         |                       |
| 01/25/2021 02:24:22         |                           |                         |                       |
| <b>PACER Login:</b>         | CRClearinghouse:2563377:0 | <b>Client Code:</b>     | Boyer                 |
| <b>Description:</b>         | Docket Report             | <b>Search Criteria:</b> | 1:20-cv-00860-CMH-TCB |



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| <b>Billable<br/>Pages:</b> | 9 | <b>Cost:</b> | 0.90 |
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