## This docket is current through 02/28/2024

Today's Date: 4/23/2024

Source: U.S. Court Of Appeals For The Ninth Circuit

Court: U.S. Court Of Appeals For The Ninth Circuit

Case Title: Equal Rights Advocates, Et Al v. Elisabeth Devos, Et Al

Appeal From: U.S. District Court for Northern California, San Francisco

Termed: 10/26/2023

**Date Filed:** 12/23/2019

**CASE INFORMATION** 

Case Number: 19-17555

Fee Status: Paid

Case Type: Appeals

Case Subtype: Civil, United States

Nature of Suit: 2899 Other Statutes - Apa Review/Appeal

**Key Nature of Suit:** Other Federal Statutes; Administrative Procedure Act (340.02)

LOWER COURT INFORMATION

**District:** 0971-3

**Lower Court Docket Number:** 3:18-CV-00535-JSC

Trial Judge(s): Jacqueline Scott Corley, Magistrate Judge

Court Reporter(s): Belle Ball

Joan Marie Columbini

 Date Filed:
 01/25/2018

 Date Order/Judgment:
 11/01/2019

**Date NOA Filed:** 12/20/2019

Date COA Received: 12/20/2019

**NAMES** 

**Equal Rights Advocates** 

Type: Plaintiff - Appellant

Attorney:	Neena Chaudhry
Attorney Status:	Cor Ld Ntc Retained
Attorney Email or FTS:	nchaudhry@nwlc.org
Attorney Phone:	202-588-5180
Firm Name:	National Women's Law Center
Firm Address:	1350 I Street, Nw Suite 700 Washington, DC 20005
Attorney Email or FTS:	emartin@nwlc.org
Firm Name:	Emily Martin, Vice President And General Counsel
Firm Address:	1350 I Street, Nw Suite 700 Washington, DC 20005
Firm Phone:	202-588-5180
Attorney:	Robin Thurston
Attorney Status:	Cor Ld Ntc Retained
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Attorney Phone:	202-448-9090
Attorney:	Jennifer Reisch
Attorney Status:	Cor Ntc Retained
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Attorney Phone:	510-686-3082
Attorney Fax:	510-444-9301
Firm Name:	Reisch Law
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Attorney:	Elizabeth Tang
Attorney Status:	Cor Ntc Retained
Attorney Email or FTS:	etang@nwlc.org
Attorney Address:	Apt. 204 1355 17th Street Nw

Washington, DC 20036

Attorney Phone:	661-644-4985		
Victim Rights Law Center			
Туре:	Plaintiff - Appellant		
Attorney:	Neena Chaudhry		
Attorney Status:	Cor Ld Ntc Retained		
Attorney Phone:	202-588-5180		
Firm Name:	Emily Martin, Vice President And General Counsel		
Firm Phone:	202-588-5180		
Attorney:	Robin Thurston		
Attorney Status:	Cor Ld Ntc Retained		
Attorney Phone:	202-448-9090		
Attorney:	Jennifer Reisch		
Attorney Status:	Cor Ntc Retained		
Attorney Phone:	510-686-3082		
Attorney:	Elizabeth Tang		
Attorney Status:	Cor Ntc Retained		
Attorney Phone:	661-644-4985		
Survjustice, Inc.			
Type:	Plaintiff		
Elisabeth Devos In Her Official Capacity As Secretary Of Education			
Type:	Defendant - Appellee  Marleigh Dever Assistant Director Esquire		
Attorney Status:	Marleigh Dover Assistant Director Esquire  Cor Ntc Government		
Attorney Status:			
Attorney Email or FTS:	marleigh.dover@usdoj.gov		

Doj - U.S. Department Of Justice

Civil Division

Firm Name:

Firm Address:

	Washington, DC 20530
Attorney:	Stephanie Robin Marcus
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Attorney Email or FTS:	stephanie.marcus@usdoj.gov
Firm Name:	Doj - U.S. Department Of Justice
Firm Address:	Civil Division 950 Pennsylvania Avenue, Nw Washington, DC 20530
Candice Jackson In Her Official Capacity As Acting As	ssistant Secretary For Civil Rights
Туре:	Defendant - Appellee
Attorney:	Marleigh Dover Assistant Director Esquire
Attorney Status:	Cor Ntc Government
Attorney:	Stephanie Robin Marcus
Attorney Status:	Cor Ntc Fed Public Defender
•	
U.S. Department Of Education	
	Defendant - Appellee
U.S. Department Of Education	Defendant - Appellee Marleigh Dover Assistant Director Esquire
U.S. Department Of Education  Type:	
U.S. Department Of Education  Type: Attorney:	Marleigh Dover Assistant Director Esquire
U.S. Department Of Education  Type: Attorney: Attorney Status:	Marleigh Dover Assistant Director Esquire  Cor Ntc Government
U.S. Department Of Education  Type: Attorney: Attorney Status: Attorney:	Marleigh Dover Assistant Director Esquire  Cor Ntc Government  Stephanie Robin Marcus
U.S. Department Of Education  Type: Attorney: Attorney Status: Attorney:	Marleigh Dover Assistant Director Esquire  Cor Ntc Government  Stephanie Robin Marcus  Cor Ntc Fed Public Defender
U.S. Department Of Education  Type: Attorney: Attorney Status: Attorney: Attorney Status:	Marleigh Dover Assistant Director Esquire  Cor Ntc Government  Stephanie Robin Marcus  Cor Ntc Fed Public Defender
U.S. Department Of Education  Type: Attorney: Attorney Status: Attorney: Attorney Status:  Kenneth L. Marcus In His Official Capacity As Assista	Marleigh Dover Assistant Director Esquire  Cor Ntc Government  Stephanie Robin Marcus  Cor Ntc Fed Public Defender  Int Secretary For Civil Rights
U.S. Department Of Education  Type: Attorney: Attorney Status: Attorney Status:  Kenneth L. Marcus In His Official Capacity As Assista  Type:	Marleigh Dover Assistant Director Esquire  Cor Ntc Government  Stephanie Robin Marcus  Cor Ntc Fed Public Defender  Int Secretary For Civil Rights  Defendant - Appellee
U.S. Department Of Education  Type: Attorney: Attorney Status: Attorney Status:  Kenneth L. Marcus In His Official Capacity As Assista  Type: Attorney:	Marleigh Dover Assistant Director Esquire  Cor Ntc Government  Stephanie Robin Marcus  Cor Ntc Fed Public Defender  Int Secretary For Civil Rights  Defendant - Appellee  Marleigh Dover Assistant Director Esquire

DOCKET PROCE Entry #:	EDINGS (47) Date:	Description:	
46	10/26/2023	Filed order (Deputy Clerk: MCD): Pursuant to the stipulation of the parties (Docket Entry No. [ 45 ]), this appeal is voluntarily dismissed. Fed. R. App. P. 42(b). Costs and fees shall be allocated pursuant to the parties' stipulation. This order served on the district court acts as the mandate of this court. [12815682] (OC) [Entered: 10/26/2023 10:58 AM]	Docket Status View Add to request
45	10/19/2023	Filed (ECF) Appellants Equal Rights Advocates and Victim Rights Law Center Motion to dismiss case voluntarily pursuant to FRAP 42(b). Date of service: 10/19/2023. [12812726] [19-17555] (Thurston, Robin) [Entered: 10/19/2023 07:03 PM]	
44	09/28/2023	Filed clerk order (Deputy Clerk: MCD): This appeal has been stayed since June 9, 2020. A review of the record, the September 24, 2020 status report and suggestion of mootness, as well as the parties' subsequent status reports indicates that this appeal may be moot. Within 21 days after the date of this order, appellants shall show cause why this appeal should not be dismissed as moot. If appellants elect to show cause, appellees may file a response within 10 days after service of the memorandum. Failure to file a response to this order to show cause may result in the termination of the stay of appellate proceedings. Briefing	

		remains stayed pending further order of the court. [12800887] (OC) [Entered: 09/28/2023 03:40 PM]
43	09/11/2023	Filed (ECF) Appellants Equal Rights View Add to request Advocates and Victim Rights Law Center Renewed Motion to stay appellate proceedings. Date of service: 09/11/2023. [12789897] [19-17555] (Thurston, Robin) [Entered: 09/11/2023 01:54 PM]
42	08/02/2023	Terminated Sunu Chandy for Victim Rights Law Center and Equal Rights Advocates. [12766621] (RL) [Entered: 08/02/2023 11:35 AM]
41	08/02/2023	Filed (ECF) Notice of withdrawal of counsel. Filed by Attorney Ms. Sunu Chandy for Appellants Equal Rights Advocates and Victim Rights Law Center. Party proceeding without counsel: No. Date of service: 08/02/2023. [12766587] [19-17555] (Chandy, Sunu) [Entered: 08/02/2023 11:07 AM]
40	06/26/2023	Filed clerk order (Deputy Clerk: MCD): Appellants' motion (Docket Entry No. [39]) to further stay appellate proceedings is granted. Appellate proceedings are stayed until September 11, 2023. If no motion for further relief is filed before this date, the briefing schedule will be reset in a future order. [12743329] (OC) [Entered: 06/26/2023 04:41 PM]
39	06/13/2023	Filed (ECF) Appellants Equal Rights View Add to request Advocates and Victim Rights Law Center Renewed Motion to stay appellate proceedings. Date of

		service: 06/13/2023. [12734877] [19-17555] (Thurston, Robin) [Entered: 06/13/2023 12:27 PM]	
38	03/16/2023	Filed clerk order (Deputy Clerk: SSR): Appellants' motion (Docket Entry No. [ 37 ]) to further stay appellate proceedings is granted. Appellate proceedings are stayed until June 13, 2023. If no motion for further relief is filed before this date, the briefing schedule will be reset in a future order. [12675621] (OC) [Entered: 03/16/2023 02:29 PM]	View Add to request
37	03/15/2023	Filed (ECF) Appellants Equal Rights Advocates and Victim Rights Law Center Renewed Motion to stay appellate proceedings. Date of service: 03/15/2023. [12674669] [19-17555] (Thurston, Robin) [Entered: 03/15/2023 01:01 PM]	View Add to request
36	02/13/2023	Filed clerk order (Deputy Clerk: SSR): Appellants' motion (Docket Entry No. [35]) to further stay appellate proceedings is granted. Appellate proceedings are stayed until March 15, 2023. If no motion for further relief is filed before this date, the briefing schedule will be reset in a future order. [12651726] (OC) [Entered: 02/13/2023 11:23 AM]	View Add to request
35	08/31/2022	Filed (ECF) Appellants Equal Rights Advocates and Victim Rights Law Center Renewed Motion to stay appellate proceedings. Date of service: 08/31/2022. [12530578] [19-17555] (Thurston, Robin) [Entered: 08/31/2022 11:48 AM]	View Add to request

34	06/08/2022	Filed clerk order (Deputy Clerk: KWH): Appellants' motion to continue the stay of proceedings (Docket Entry No. [33]) is granted. Appellate proceedings are stayed until August 31, 2022. On or before the expiration of the stay, appellants must file a status report and either party may file a motion for appropriate relief. [12466909] (OC) [Entered: 06/08/2022 04:19 PM]	2
33	05/13/2022	Filed (ECF) Appellants Equal Rights Advocates and Victim Rights Law Center Renewed Motion to stay appellate proceedings. Date of service: 05/13/2022. [12445982] [19-17555] (Thurston, Robin) [Entered: 05/13/2022 07:32 AM]	View Add to request
32	02/25/2022	Terminated Karianne Jones for Victim Rights Law Center and Equa Rights Advocates. [12379849] (RL) [Entered: 02/25/2022 08:59 AM]	I
31	02/25/2022	Filed (ECF) Notice of withdrawal of counsel. Filed by Attorney Karianne Jones for Appellants Equal Rights Advocates and Victim Rights Law Center. Party proceeding without counsel: No. Date of service: 02/25/2022. [12379845] [19-17555] (Jones, Karianne) [Entered: 02/25/2022 08:56 AM]	
30	02/09/2022	Filed clerk order (Deputy Clerk: KWH): Appellants' motion to continue the stay of proceedings (Docket Entry No. [29]) is granted. Appellate proceedings are stayed until May 13, 2022. On or before	View Add to request

		the expiration of the stay, appellants must file a status report and either party may file a motion for appropriate relief. [12365321] (OC) [Entered: 02/09/2022 01:18 PM]	
29	01/18/2022	Filed (ECF) Appellants Equal Rights Advocates and Victim Rights Law Center Renewed Motion to stay appellate proceedings. Date of service: 01/18/2022. [12343360] [19-17555] (Thurston, Robin) [Entered: 01/18/2022 02:20 PM]	View Add to request
28	11/15/2021	Terminated Seth Galanter for Victim Rights Law Center and Equal Rights Advocates. [12286743] (RL) [Entered: 11/15/2021 09:50 AM]	
27	11/11/2021	Filed (ECF) Notice of withdrawal of counsel. Filed by Attorney Mr. Seth Galanter for Appellants Equal Rights Advocates and Victim Rights Law Center. Party proceeding without counsel: No. Date of service: 11/11/2021. [12284995] [19-17555] (Galanter, Seth) [Entered: 11/11/2021 10:08 AM]	
26	09/22/2021	Filed clerk order (Deputy Clerk: KWH): Appellants' motion to continue the stay of proceedings (Docket Entry No. [ 25 ]) is granted. Appellate proceedings are stayed until January 18, 2022. On or before the expiration of the stay, appellants must file a status report and either party may file a motion for appropriate relief. r [12235756] (OC) [Entered: 09/22/2021 11:47 AM]	View Add to request

25	07/20/2021	Filed (ECF) Appellants Victim Rights Law Center and Equal Rights Advocates Renewed Motion to stay appellate proceedings. Includes status report. Date of service: 07/20/2021. [12177313] [19-17555][COURT UPDATE: Updated docket text to reflect content of filing. 7/20/2021 by TYL] (Thurston, Robin) [Entered: 07/20/2021 08:56 AM]	,
24	04/27/2021	Filed clerk order (Deputy Clerk: KWH): Appellants' unopposed motion to further stay appellate proceedings (Docket Entry No. [ 23 ]) is granted. Appellate proceedings are stayed until July 20, 2021. On or before the expiration of the stay, appellants may file a status report and motion for future relief. The briefing schedule will be reset in a future order. [12088257] (OC) [Entered: 04/27/2021 11:04 AM]	View Add to request
23	04/14/2021	Filed (ECF) Appellants Equal Rights Advocates and Victim Rights Law Center Unopposed Motion to stay appellate proceedings. Filing included status report. Date of service: 04/14/2021. [12074126] [19-17555][COURT UPDATE: Updated docket text to reflect content of filing. 04/14/2021 by SLM] (Thurston, Robin) [Entered: 04/14/2021 01:24 PM]	View Add to request
22	01/14/2021	Filed clerk order (Deputy Clerk: KWH): Appellants' unopposed motion to further stay appellate proceedings (Docket Entry No. [ 21 ]) is granted. Appellate proceedings are stayed until April 14, 2021. On	View Add to request

		or before the expiration of the stay, appellants may file a status report and motion for future relief. The briefing schedule will be reset in a future order. [11963625] (OC) [Entered: 01/14/2021 10:58 AM]	
21	01/04/2021	Filed (ECF) Appellants Equal Rights Advocates and Victim Rights Law Center Unopposed Motion to stay appellate proceedings. Date of service: 01/04/2021. [11951049] [19-17555] (Thurston, Robin) [Entered: 01/04/2021 12:43 PM]	View Add to request
20	11/12/2020	Filed clerk order (Deputy Clerk: KWH): Appellants' unopposed motion to further stay appellate proceedings (Docket Entry No. [ 19 ]) is granted. Appellate proceedings are stayed until January 4, 2021. On or before the expiration of the stay, appellants may file a status report and motion for future relief. The briefing schedule will be reset in a future order. [11890917] (JMR) [Entered: 11/12/2020 03:13 PM]	
19	11/04/2020	Filed (ECF) Appellants Equal Rights Advocates and Victim Rights Law Center Unopposed Motion to stay appellate proceedings. Includes status report. Date of service: 11/04/2020. [11882009] [19-17555][COURT UPDATE: Updated docket text to reflect content of filing. 11/4/2020 by TYL] (Thurston, Robin) [Entered: 11/04/2020 02:04 PM]	View Add to request
18	10/15/2020	Filed (ECF) Appellants Equal Rights Advocates and Victim Rights Law Center Correspondence: Response	View Add to request

to Appellees' Status Report and Suggestion of Mootness. Date of service: 10/15/2020 [11859777] [19-17555] (Thurston, Robin) [Entered: 10/15/2020 10:55 AM]

17 09/25/2020

Filed (ECF) Appellees Elisabeth

DeVos, Candice Jackson, Kenneth L.

Marcus and USEDU status report
(as required by Court order dated
09/08/2020). Date of service:
09/24/2020 [11836646]--[COURT
ENTERED FILING to correct entry
[16].] (SLM) [Entered: 09/25/2020

08:51 AM]

16 09/24/2020

COURT DELETED INCORRECT ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [ 17

]. Original Text: Filed (ECF)

Appellees Elisabeth DeVos, Candice Jackson, Kenneth L. Marcus and USEDU Correspondence: Letter to Court with Attached Status Report and Suggestion of Mootness. Date of service: 09/24/2020 [11836018] [19-17555] (Marcus, Stephanie) [Entered: 09/24/2020 03:02 PM]

15 09/08/2020

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Filed clerk order (Deputy Clerk: TAH): The appellants' unopposed motion (Docket Entry No. [ 14 ]) to further stay appellate proceedings is granted. Appellate proceedings are stayed until November 4, 2020. On or before the expiration of the stay, the appellant may file a status report and motion for further relief. The briefing schedule will be reset in a future order. [11815419] (OC) [Entered: 09/08/2020 10:31

AM]

14	08/27/2020	Filed (ECF) Appellants Equal Rights Advocates and Victim Rights Law Center Unopposed Motion to stay appellate proceedings. Date of service: 08/27/2020. [11804414] [19-17555] (Thurston, Robin) [Entered: 08/27/2020 08:24 AM]	View Add to request
13	06/09/2020	Filed clerk order (Deputy Clerk: TAH): The appellant's unopposed motion (Docket Entry No. [ 12 ]) to stay appellate proceedings is granted in part. The previously established briefing schedule is vacated. Appellate proceedings are stayed until August 28, 2020. On or before the expiration of the stay, the appellant may file a status report and motion for further relief. The briefing schedule will be reset in a future order. [11716582] (OC) [Entered: 06/09/2020 04:33 PM]	
12	05/29/2020	Filed (ECF) Appellants Equal Rights Advocates and Victim Rights Law Center Motion to stay appellate proceedings. Date of service: 05/29/2020. [11705277] [19-17555] (Thurston, Robin) [Entered: 05/29/2020 01:40 PM]	View Add to request
11	04/13/2020	Filed (ECF) Appellants Equal Rights Advocates and Victim Rights Law Center Correspondence: COVID-19 Extension. Date of service: 04/13/2020 [11658583] [19-17555] (Thurston, Robin) [Entered: 04/13/2020 09:41 AM]	View Add to request
	04/13/2020	Updated deadlines. Automatic 60 day extension Re: Notice Covid 19	

(Docket Entry No. [11]). Appellants Equal Rights Advocates and Victim Rights Law Center opening brief due 06/29/2020. Appellees Elisabeth DeVos, Candice Jackson, Kenneth L. Marcus and U.S. Department of Education answering brief due 07/28/2020. The optional reply brief is due 21 days after service of the answering brief. [11659398] (EU) [Entered: 04/13/2020 02:51 PM]

10 03/04/2020

Streamlined request [9] by **Appellants Equal Rights Advocates** and Victim Rights Law Center to extend time to file the brief is approved. Amended briefing schedule: Appellants Equal Rights Advocates and Victim Rights Law Center opening brief due 04/29/2020. Appellees Elisabeth DeVos, Candice Jackson, Kenneth L. Marcus and U.S. Department of Education answering brief due 05/29/2020. The optional reply brief is due 21 days from the date of service of the answering brief. [11618546] (JN) [Entered: 03/04/2020 04:14 PM]

9 03/04/2020

Filed (ECF) Streamlined request for extension of time to file Opening Brief by Appellants Equal Rights Advocates and Victim Rights Law Center. New requested due date is 04/29/2020. [11618033] [19-17555] (Jones, Karianne) [Entered: 03/04/2020 01:28 PM]

8 01/06/2020

Attorneys Steven Andrew Myers, and Benjamin Thomas Takemoto in 19-17555 substituted by Attorneys Stephanie Robin Marcus and Marleigh Dover in 19-17555 [11551887] (RR) [Entered: 01/06/2020 01:12 PM]

7 01/06/2020

Filed (ECF) notice of appearance of Marleigh Diane Dover (Appellate Staff, Civil Division, U.S. Dept. of Justice, 950 Pennsylvania Ave. NW Washington, DC 20530) for Appellees Elisabeth DeVos, Candice Jackson, Kenneth L. Marcus and USEDU. Substitution for Benjamin Thomas Takemoto for Appellees Elisabeth DeVos, Candice Jackson, Kenneth L. Marcus and USEDU and Steven Andrew Myers for Appellees Elisabeth DeVos, Candice Jackson, Kenneth L. Marcus and USEDU. Date of service: 01/06/2020. (Party was previously proceeding with counsel.) [11551208] [19-17555] (Dover, Marleigh) [Entered: 01/06/2020 08:59 AM]

6 01/06/2020

Filed (ECF) notice of appearance of Stephanie Robin Marcus (U.S. Department of Justice, Civil Division, Appellate Staff, Room 7539, 950 Pennsylvania Ave., NW, Washington, DC 20530) for Appellees Elisabeth DeVos, Candice Jackson, Kenneth L. Marcus and USEDU. Substitution for Steven Andrew Myers for Appellees Elisabeth DeVos, Candice Jackson, Kenneth L. Marcus and USEDU and Benjamin Thomas Takemoto for Appellees Elisabeth DeVos, Candice Jackson, Kenneth L. Marcus and USEDU. Date of service: 01/06/2020. (Party was previously

proceeding with counsel.)
[11551170] [19-17555] (Marcus,
Stephanie) [Entered: 01/06/2020
08:39 AM]

5 01/03/2020

Added Attorney(s) Elizabeth Tang, Jennifer Reisch for party(s) Appellant Victim Rights Law Center Appellant Equal Rights Advocates, in case 19-17555. [11549957] (JBS) [Entered: 01/03/2020 10:25 AM]

4 01/02/2020

View Add to request

MEDIATION ORDER FILED: This case is NOT SELECTED for inclusion in the Mediation Program. Counsel may contact circuit mediator to discuss services available through the court's mediation program, to request a settlement assessment conf, or to request a stay of the appeal for settlement purposes. Also, upon agreement of the parties, the brfing sch can be modified or vacated to facilitate settlement discussions. Csl are requested to send copies of this order to their clients. Info regarding the mediation program may be found at www.ca9.uscourts.gov/mediation. [11548895] (BLS) [Entered: 01/02/2020 11:20 AM]

3 12/30/2019

The Mediation Questionnaire for this case was filed on 12/30/2019. To submit pertinent confidential information directly to the Circuit Mediators, please use the following link. Confidential submissions may include any information relevant to mediation of the case and settlement potential, including, but not limited to, settlement history,

ongoing or potential settlement discussions, non-litigated party related issues, other pending actions, and timing considerations that may impact mediation efforts.[11547323]. [19-17555] (AD) [Entered: 12/30/2019 06:44 PM]

2 12/30/2019

Filed (ECF) Appellants Equal Rights View Add to request Advocates and Victim Rights Law Center Mediation Questionnaire.

Date of service: 12/30/2019.

[11546677] [19-17555] (Thurston, Robin) [Entered: 12/30/2019 01:46

PM]

1 12/23/2019

DOCKETED CAUSE AND ENTERED View Add to request

APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: Appellants Equal Rights Advocates and Victim Rights Law Center Mediation Questionnaire due on 12/30/2019. Transcript ordered by 01/21/2020. Transcript due 02/18/2020. Appellants Equal **Rights Advocates and Victim Rights** Law Center opening brief due 03/30/2020. Appellees Elisabeth DeVos, Candice Jackson, Kenneth L. Marcus and U.S. Department of Education answering brief due 04/30/2020. Appellant's optional reply brief is due 21 days after service of the answering brief. [11542147] (RT) [Entered: 12/23/2019 12:55 PM]

**End of Document**