U.S. District Court District of Columbia (Washington, DC) CIVIL DOCKET FOR CASE #: 1:12-cv-01192-RMC

AL-AULAQI et al v. PANETTA et al Assigned to: Judge Rosemary M. Collyer Cause: 28:1391 Personal Injury

<u>Plaintiff</u>

NASSER AL-AULAQI

as personal representative of the estates of Anwar Al-Aulaqi and Abdulrahman Al-Aulaqi Date Filed: 07/18/2012 Date Terminated: 04/04/2014 Jury Demand: None Nature of Suit: 440 Civil Rights: Other Jurisdiction: U.S. Government Defendant

represented by Arthur B. Spitzer

AMERICAN CIVIL LIBERTIES UNION OF THE DISTRICT OF COLUMBIA 4301 Connecticut Avenue, NW Suite 434 Washington, DC 20008 (202) 457-0800 x1004 Fax: (202) 457-0805 Email: artspitzer@gmail.com LEAD ATTORNEY ATTORNEY TO BE NOTICED

Brett Max Kaufman

AMERICAN CIVIL LIBERTIES UNION FOUNDATION 125 Broad Street 18th Floor New York, NY 10004 (212) 549-2603 Fax: (212) 549-2654 Email: bkaufman@aclu.org LEAD ATTORNEY PRO HAC VICE ATTORNEY TO BE NOTICED

Hina Shamsi

AMERICAN CIVIL LIBERTIES UNION FOUNDATION National Security Project 125 Broad Street 18th floor New York, NY 10004 (212) 284-7321 Fax: (212) 549-2654 Email: hshamsi@aclu.org *LEAD ATTORNEY ATTORNEY TO BE NOTICED*

Jameel Jaffer

KNIGHT FIRST AMENDMENT INSTITUTE AT COLUMBIA UNIVERSITY 535 West 116th Street 314 Low Library New York, NY 10027 (212) 854-9600 Fax: (212) 854-7997 Email: jameel.jaffer@knightcolumbia.org *LEAD ATTORNEY ATTORNEY TO BE NOTICED*

Maria C. LaHood

CENTER FOR CONSTITUTIONAL RIGHTS 666 Broadway 7th Floor New York, NY 10012-2317 (212) 614-6430 Fax: (212) 614-6499 Email: mlahood@ccrjustice.org LEAD ATTORNEY PRO HAC VICE ATTORNEY TO BE NOTICED

Pardiss Kebriaei

CENTER FOR CONSTITUTIONAL RIGHTS 666 Broadway 7th Floor New York, NY 10012 (212) 614-6452 Fax: (212) 614-6499 Email: pkebriaei@ccrjustice.org *LEAD ATTORNEY PRO HAC VICE ATTORNEY TO BE NOTICED*

<u>Plaintiff</u>

SARAH KHAN

as personal representative of the estate of Samir Khan

represented by Arthur B. Spitzer

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

Brett Max Kaufman

(See above for address) LEAD ATTORNEY PRO HAC VICE ATTORNEY TO BE NOTICED

Hina Shamsi

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

Jameel Jaffer (See above for address) LEAD ATTORNEY ATTORNEY TO BE NOTICED

Maria C. LaHood

(See above for address) LEAD ATTORNEY PRO HAC VICE ATTORNEY TO BE NOTICED

Pardiss Kebriaei

(See above for address) LEAD ATTORNEY PRO HAC VICE ATTORNEY TO BE NOTICED

V.

Interested Party UNITED STATES OF AMERICA

represented by Paul Elias Werner

U.S. DEPARTMENT OF JUSTICE Civil Division Ben Franklin Station P.O. Box 7146 Washington, DC 20044 (202) 616-4152 Fax: (202) 616-4314 Email: paul.werner@usdoj.gov LEAD ATTORNEY ATTORNEY TO BE NOTICED

<u>Defendant</u>

LEON PANETTA Secretary of Defense

<u>Defendant</u>

WILLIAM H. MCRAVEN *Commander, Special Operations Command*

<u>Defendant</u>

JOSEPH VOTEL Commander, Joint Special Operations Command

<u>Defendant</u>

represented by Paul Elias Werner

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

represented by Paul Elias Werner

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

represented by Paul Elias Werner

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

Paul Elias Werner

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DAVID PETRAEUS

Director, Central Intelligence Agency : all in their individual capacities

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represented by (See above for address) LEAD ATTORNEY ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text	
07/18/2012	1	MOTION for Leave to File COMPLAINT WITHOUT LISTING THEIR HOME ADDRESSES by NASSER AL-AULAQI, SARAH KHAN (rdj) (Entered: 07/23/2012)	
07/18/2012	2	RDER granting <u>1</u> Motion for Leave to File COMPLAINT WITHOUT LISTING THEIR OME ADDRESSES. Signed by Judge John D. Bates on July 18, 2012. (rdj) (Entered: 7/23/2012)	
07/18/2012	3	OMPLAINT against WILLIAM H. MCRAVEN, LEON EDWARD PANETTA, DAVID ETRAEUS, JOSEPH VOTEL (Filing fee \$ 350, receipt number 4616050207) filed by ASSER AL-AULAQI, SARAH KHAN. (Attachments: # <u>1</u> Civil Cover Sheet)(rdj) Entered: 07/23/2012)	
07/18/2012		MMONS (6) Issued as to WILLIAM H. MCRAVEN, LEON EDWARD PANETTA, AVID PETRAEUS, JOSEPH VOTEL, U.S. Attorney and U.S. Attorney General (rdj) Intered: 07/23/2012)	
07/23/2012	<u>4</u>	ETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the Inited States Attorney. Date of Service Upon United States Attorney on 7/23/2012. Inswer due for ALL FEDERAL DEFENDANTS by 9/21/2012. (Attachments: # <u>1</u>) Declaration of service of process on U.S. Attorney)(Spitzer, Arthur) (Entered: 07/23/2012)	
07/27/2012	5	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Hina Shamsi, :Firm- American Civil Liberties Union Foundation, :Address- 125 Broad Street, 18th floor, New York, NY 10004. Phone No 212-284-7321. Fax No 212-549-2654 by NASSER AL- AULAQI, SARAH KHAN (Attachments: # <u>1</u> Declaration of Hina Shamsi, # <u>2</u> Text of Proposed Order)(Spitzer, Arthur) (Entered: 07/27/2012)	
07/27/2012	6	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Jameel Jaffer, :Firm- American Civil Liberties Union Foundation, :Address- 125 Broad Street, 18th floor, New York, NY 10004. Phone No 212-519-7814. Fax No 212-549-2654 by NASSER AL- AULAQI, SARAH KHAN (Attachments: # <u>1</u> Declaration of Jameel Jaffer, # <u>2</u> Text of Proposed Order)(Spitzer, Arthur) (Entered: 07/27/2012)	
07/27/2012	2	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Maria LaHood, :Firm- Center for Constitutional Rights, :Address- 666 Broadway, 7th Floor, New York, NY 10012. Phone No (212) 614-6430. Fax No (212) 614-6499 by NASSER AL-AULAQI SARAH KHAN (Attachments: # <u>1</u> Declaration of Maria LaHood, # <u>2</u> Text of Proposed Order)(Spitzer, Arthur) (Entered: 07/27/2012)	
07/27/2012	8	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Pardiss Kebriaei, :Firm- Center for Constitutional Rights, :Address- 666 Broadway, 7th Floor, New York, NY 10012. Phone No (212) 614-6452. Fax No (212) 614-6499 by NASSER AL-AULAQI, SARAH KHAN (Attachments: # <u>1</u> Declaration of Pardiss Kebriaei, # <u>2</u> Text of Proposed Order)(Spitzer, Arthur) (Entered: 07/27/2012)	
07/30/2012		MINUTE ORDER granting 7 Motion for Leave for Maria LaHood to Appear Pro Hac Vice; granting 8 Motion for Leave for Pardiss Kebriaei to Appear Pro Hac Vice. Signed by Judge Rosemary M. Collyer on 7/30/2012. (lcrmc2) (Entered: 07/30/2012)	
08/15/2012		MINUTE ORDER granting <u>5</u> Motion for Leave to Appear Pro Hac Vice; granting <u>6</u> Motion for Leave to Appear Pro Hac Vice. Signed by Judge Rosemary M. Collyer on	

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09/19/2012	2	NOTICE of Appearance by Paul Elias Werner on behalf of All Defendants (Werner, Paul) (Entered: 09/19/2012)			
09/19/2012	<u>10</u>	NOTICE of Statement of Request for Correction to Docketed Response Date by WILLIAM H. MCRAVEN, LEON C. PANETTA, DAVID PETRAEUS, JOSEPH VOTEL (Werner, Paul) (Entered: 09/19/2012)			
09/24/2012		MINUTE ORDER re <u>10</u> Notice (Other) filed by LEON C. PANETTA, DAVID PETRAEUS, WILLIAM H. MCRAVEN, JOSEPH VOTEL. Pursuant to Fed. R. Civ P. 12(a)(3), the Defendants' responses are due 60 days after they are served with a summons and copy of the Complaint. Signed by Judge Rosemary M. Collyer on 9/24/2012. (lcrmc2) (Entered: 09/24/2012)			
10/22/2012	11	ENTERED IN ERRORNOTICE of Filing of Proof of Service of Process upon David Petraeus by NASSER AL-AULAQI, SARAH KHAN (Attachments: # <u>1</u> Affidavit Service of Process upon David Petraeus, # <u>2</u> Exhibit Return Receipt)(Kebriaei, Pardiss) Modified on 10/23/2012 (rdj). (Entered: 10/22/2012)			
10/22/2012	<u>12</u>	ENTERED IN ERRORNOTICE of Filing of Proof of Service of Process upon Leon Panetta, William McRaven and Joseph Votel by NASSER AL-AULAQI, SARAH KHAN (Attachments: # 1 Affidavit Service of Process upon Leon Panetta, William McRaven an Joseph Votel, # 2 Exhibit Return Receipt)(Kebriaei, Pardiss) Modified on 10/23/2012 (rd (Entered: 10/22/2012)			
10/22/2012	<u>13</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 08/01/2012. (Spitzer, Arthur) (Entered: 10/22/2012)			
10/22/2012	<u>14</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DAVID PETRAEUS served on 10/15/2012 (rdj) (Entered: 10/23/2012)			
10/22/2012	<u>15</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. WILLIAM H. MCRAVEN served on 10/12/2012; LEON C. PANETTA served on 10/12/2012; JOSEPH VOTEL served on 10/12/2012 (rdj) (Entered: 10/23/2012)			
10/23/2012		NOTICE OF CORRECTED DOCKET ENTRY: re <u>12</u> Notice (Other), <u>11</u> Notice (Other), was entered in error and refiled as docket entry <u>14 & <u>15</u></u> . Counsel is instructed to use the Summons Returned Executed as to Federal Defendant Event under Service of Process in the future. (rdj) (Entered: 10/23/2012)			
10/23/2012	<u>16</u>	STIPULATION Regarding Service of Process on Defendants and Agreed Date for Responsive Pleading by NASSER AL-AULAQI, SARAH KHAN. (Kebriaei, Pardiss) (Entered: 10/23/2012)			
11/20/2012	<u>17</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Brett M. Kaufman, :Firm- American Civil Liberties Union Foundation, :Address- 125 Broad Street, New York, NY 10004. Phone No 212.549.2603. Fax No 212.549.2654 by NASSER AL-AULAQI, SARAH KHAN (Attachments: # <u>1</u> Declaration of Brett Kaufman, # <u>2</u> Text of Proposed Order)(Spitzer, Arthur) (Entered: 11/20/2012)			
11/21/2012		MINUTE ORDER granting <u>17</u> Motion for Leave to Appear Pro Hac Vice by Brett M. Kaufman. Signed by Judge Rosemary M. Collyer on 11/21/2012.(lcrmc2) (Entered: 11/21/2012)			
12/14/2012	<u>18</u>	MOTION to Dismiss by WILLIAM H. MCRAVEN, LEON PANETTA, DAVID PETRAEUS, JOSEPH VOTEL (Attachments: # <u>1</u> Text of Proposed Order)(Werner, Paul) (Entered: 12/14/2012)			

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12/14/2012	<u>19</u>	NOTICE <i>Statement of Interest</i> by UNITED STATES OF AMERICA (Attachments: # <u>1</u> Exhibit (1) Clapper Declaration, # <u>2</u> Exhibit (2) Gates Declaration, # <u>3</u> Exhibit (3) Panetta Declaration, # <u>4</u> Exhibit (4) AG Memo)(Werner, Paul) (Entered: 12/14/2012)			
12/20/2012	20	Joint MOTION for Extension of Time to File Response/Reply re <u>18</u> MOTION to Dismiss, by NASSER AL-AULAQI, SARAH KHAN (Kebriaei, Pardiss) Modified on 12/20/2012 to edit event and create relationship(dr). (Entered: 12/20/2012)			
12/20/2012		IINUTE ORDER granting 20 Motion for Extension of Time to File Response/Reply to 18 Iotion to Dismiss. Plaintiffs' Opposition to Defendants' Motion to Dismiss the Complaint hall be filed no later than February 5, 2013. Defendants' Reply shall be filed no later than Iarch 7, 2013. Signed by Judge Rosemary M. Collyer on 12/20/2012.(Icrmc2) (Entered: 2/20/2012)			
02/05/2013	21	emorandum in opposition to re <u>18</u> MOTION to Dismiss filed by NASSER AL-AULAQ ARAH KHAN. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration of Pardiss ebriaei)(Shamsi, Hina) (Entered: 02/05/2013)			
03/06/2013	22	MOTION for Extension of Time to File Response/Reply as to <u>18</u> MOTION to Dismiss WILLIAM H. MCRAVEN, LEON PANETTA, DAVID PETRAEUS, JOSEPH VOTEL (Attachments: # <u>1</u> Text of Proposed Order)(Werner, Paul) (Entered: 03/06/2013)			
03/06/2013		MINUTE ORDER granting 22 MOTION for Extension of Time to File Reply as to 18 MOTION to Dismiss filed by LEON PANETTA, DAVID PETRAEUS, WILLIAM H. MCRAVEN, JOSEPH VOTEL. Defendants shall file their reply brief no later than Marc 11, 2013. Signed by Judge Rosemary M. Collyer on 3/6/2013. (lcrmc2) (Entered: 03/06/2013)			
03/06/2013		Set/Reset Deadlines/Hearings: Reply to <u>18</u> due by 3/11/2013. (cdw) (Entered: 03/07/201			
03/07/2013	23	REPLY to opposition to motion re <u>18</u> MOTION to Dismiss filed by WILLIAM H. MCRAVEN, LEON PANETTA, DAVID PETRAEUS, JOSEPH VOTEL. (Werner, Paul) (Entered: 03/07/2013)			
03/22/2013	24	MOTION for Hearing re <u>18</u> MOTION to Dismiss by NASSER AL-AULAQI, SARAH KHAN (Shamsi, Hina) (Entered: 03/22/2013)			
03/28/2013	25	NOTICE of Hearing: Oral Argument set for 7/19/2013 at 10:00 AM in Courtroom 8 before Judge Rosemary M. Collyer. (cdw) (Entered: 03/28/2013)			
03/28/2013		MINUTE ORDER granting 24 Motion for Hearing. An oral argument on 18 the Motion to Dismiss will be held on July 19, 2013, at 10:00 a.m. Signed by Judge Rosemary M. Collyer on 3/28/2013. (lcrmc2) (Entered: 03/28/2013)			
19, 2013. On May 22, 2013, the New York Times published an article touching on the subject matter of the Complaint. <i>See</i> Charlie Savage, <i>U.S. Admits for First Time Drov Killed 4 Americans</i> , N.Y. Times, May 22, 2013, available at http://www.nytimes.com/2013/05/23/us/us-acknowledges-killing-4-americans-in-drov strikes.html?_r=1&. No later than June 5, 2013, Defendants shall file a memorandum longer than fifteen pages stating how, if at all, the Attorney General's acknowledgment		http://www.nytimes.com/2013/05/23/us/us-acknowledges-killing-4-americans-in-drone- strikes.html?_r=1&. No later than June 5, 2013, Defendants shall file a memorandum of no longer than fifteen pages stating how, if at all, the Attorney General's acknowledgment affects the legal issues in this case. Signed by Judge Rosemary M. Collyer on 5/22/2013.			
06/05/2013	26	RESPONSE TO ORDER OF THE COURT re MINUTE Order filed by WILLIAM H.MCRAVEN, LEON PANETTA, DAVID PETRAEUS, JOSEPH VOTEL. (Attachments: #1 Exhibit 1, # 2 Exhibit 2)(rdj) (Entered: 06/06/2013)			
06/11/2013	27	MOTION for Leave to File Reply to Defendants' Response to the Court's May 22, 2013			

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		<i>Order</i> by NASSER AL-AULAQI, SARAH KHAN (Attachments: # <u>1</u> Text of Proposed Order Granting Plaintiffs' Motion for Leave to File Reply to Defendants' Response to the Court's May 22, 2013 Order)(Shamsi, Hina) (Entered: 06/11/2013)			
06/11/2013		MINUTE ORDER granting 27 Motion for Leave to File. Plaintiffs shall file a reply to 26 the Defendants' Response. Because the text of the proposed reply was set forth in 27 the Motion for Leave to File, Plaintiffs are directed to file a separate document containing their reply. Signed by Judge Rosemary M. Collyer on 6/11/2013. (lcrmc2) (Entered: 06/11/2013			
06/11/2013	28	REPLY re <u>26</u> Response to Order of the Court filed by NASSER AL-AULAQI, SARAH KHAN. (Shamsi, Hina) (Entered: 06/11/2013)			
06/21/2013	<u>29</u>	NOTICE of Appearance of Brian Hauck on Behalf of the Defendants by WILLIAM H. MCRAVEN, LEON PANETTA, DAVID PETRAEUS, JOSEPH VOTEL (Werner, Paul) (Entered: 06/21/2013)			
07/17/2013	<u>30</u>	NOTICE of Probate Appointments by NASSER AL-AULAQI, SARAH KHAN (rdj) Entered: 07/18/2013)			
07/19/2013		Minute Entry for proceedings held before Judge Rosemary M. Collyer: Motion Hearing held on 7/19/2013 re <u>18</u> Motion to Dismiss. Motion heard and taken under advisement. (Court Reporter: Crystal Pilgrim) (cdw) (Entered: 07/19/2013)			
09/17/2013	31	TRANSCRIPT OF PROCEEDINGS before Judge Rosemary M. Collyer held on 07/19/13 Page Numbers: 1-70. Date of Issuance:09/17/13. Court Reporter/Transcriber Crystal M. Pilgrim, Telephone number 202.354.3127, Court Reporter Email Address : crystalpilgrim@aol.com.			
		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 ww.dcd.uscourts.gov.			
		Redaction Request due 10/8/2013. Redacted Transcript Deadline set for 10/18/2013. Release of Transcript Restriction set for 12/16/2013.(Pilgrim, Crystal) (Entered: 09/17/2013)			
12/05/2013	32	NOTICE OF SUPPLEMENTAL AUTHORITY by WILLIAM H. MCRAVEN, LEON PANETTA, DAVID PETRAEUS, JOSEPH VOTEL (Attachments: # <u>1</u> Court Opinion) (Werner, Paul) (Entered: 12/05/2013)			
12/10/2013	33	RESPONSE re <u>32</u> NOTICE OF SUPPLEMENTAL AUTHORITY filed by NASSER AL- AULAQI, SARAH KHAN. (Kebriaei, Pardiss) (Entered: 12/10/2013)			
12/26/2013		VACATED PURSUANT TO THE COURT'S ORDER OF 4/4/2014MINUTE ORDER requiring the United States, an interested party <u>19</u> , to lodge no later than January 24, 2014, classified declaration(s) with court security officers, in camera and ex parte, in order to provide to the Court information implicated by the allegations in this case and why its disclosure reasonably could be expected to harm national security, include[ing] information needed to address whether or not, or under what circumstances, the United States may target a particular foreign terrorist organization and its senior leadership, the specific threat posed by Anwar-al Aulaqi, and other matters that plaintiff[s have] put at			

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		issue, including any criteria governing the use of lethal force, updated to address the facts of this record. Al-Aulaqi v. Obama, Civ. No. 10-1469(JDB)(Dkt. 29, Defendants Reply to Plaintiffs Opposition to Defendants Motion to Dismiss at 24). Signed by Judge Rosemary M. Collyer on 12/26/2013. (KD) Modified on 4/7/2014 (zcdw). (Entered: 12/26/2013)	
12/30/2013		Set/Reset Deadlines: United States to lodge classified declaration(s) with court security officers in camera and ex partte by 1/24/2014. (zmm,) (Entered: 12/30/2013)	
01/10/2014	34	MOTION for Reconsideration <i>and to Stay the Court's December 26, 2013, Order</i> by UNITED STATES OF AMERICA (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Text of Proposed Order)(Werner, Paul). Added MOTION to Stay on 1/10/2014 (jf,). (Entered: 01/10/2014)	
01/10/2014		NOTICE OF ERROR re <u>34</u> Motion for Reconsideration; emailed to paul.werner@usdoj.gov, cc'd 12 associated attorneys The PDF file you docketed contained errors: 1. Two-part docket entry, 2. DO NOT REFILECounsel is reminded to select all parts of their motion (jf,) (Entered: 01/10/2014)	
01/17/2014	35	RESPONSE re <u>34</u> MOTION for Reconsideration <i>and to Stay the Court's December 26</i> , 2013, Order MOTION to Stay filed by NASSER AL-AULAQI, SARAH KHAN. (Sham Hina) (Entered: 01/17/2014)	
01/21/2014		MINUTE ORDER. The Court takes the <u>34</u> Motion for Reconsideration and <u>35</u> Response under advisement. The Court hereby suspends the government's obligation to respond to the 12/26/2013 Minute Order. Signed by Judge Rosemary M. Collyer on 1/21/2014. (lcrmc1) (Entered: 01/21/2014)	
04/04/2014	<u>36</u>	MEMORANDUM AND OPINION regarding <u>18</u> motion to dismiss. Signed by Judge Rosemary M. Collyer on 4/4/2014. (KD) (Entered: 04/04/2014)	
04/04/2014	37	ORDER denying as moot <u>34</u> United States' Motion for Reconsideration; granting <u>18</u> Defendants' Motion to Dismiss. The Complaint is dismissed. This case is closed. Signed by Judge Rosemary M. Collyer on 4/4/2014. (KD) (Entered: 04/04/2014)	
06/03/2014	38	LEAVE TO FILE DENIED- Motion to Intervene as Plaintiffs with newly discovered evidence, Rule 24(A),24(B) This document is unavailable as the Court denied its filing Signed by Judge Rosemary M. Collyer on 6/3/14. (td,) (Entered: 06/05/2014)	

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