

CLOSED

**U.S. District Court
Northern District of Texas (Lubbock)
CIVIL DOCKET FOR CASE #: 5:13-cv-00255-C**

State of Texas v. EEOC et al
Assigned to: Judge Sam R Cummings
Case in other court: USCA – Fifth Circuit, 14–10949
USCA FIFTH CIRCUIT, 18–10638
USCA FIFTH CIRCUIT, 18–10638
Cause: 05:702 Administrative Procedure Act

Date Filed: 11/04/2013
Date Terminated: 02/01/2018
Jury Demand: None
Nature of Suit: 899 Other Statutes:
Administrative Procedure Act/Review or
Appeal of Agency Decision
Jurisdiction: U.S. Government Defendant

Plaintiff

State of Texas

represented by **Kyle Hawkins**
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V.

Defendant

EEOC

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Defendant

Jacqueline Berrien

*in her official capacity as Chair of the
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Defendant

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V.

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Intervenor Defendant

Beverly Harrison

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Texas State Conference of the NAACP
TEXAS STATE CONFERENCE OF THE
NAACP

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Date Filed	#	Docket Text
11/04/2013	<u>1</u>	COMPLAINT against Jacqueline Berrien, EEOC filed by Texas (State of). (Filer fee note– Clerk to add prior fee payment info here.) Clerk to issue summons(es). In each Notice of Electronic Filing, the judge assignment is indicated, and a link to the <u>Judges Copy Requirements</u> is provided. The court reminds the filer that any required copy of this and future documents must be delivered to the judge, in the manner prescribed, within three business days of filing. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas should seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: <u>Attorney Information – Bar Membership</u> (Attachments: # <u>1</u> Exhibit(s) EEOC Enforcement Guidance, # <u>2</u> Cover Sheet) (Mitchell, Jonathan) (Entered: 11/04/2013)
11/04/2013	<u>2</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Texas (State of). (Mitchell, Jonathan) (Main Document 2 replaced on 9/8/2014 (not flattened)) (cb). Modified per USCA Fifth Circuit on 9/8/2014 (cb). (Entered: 11/04/2013)
11/04/2013	<u>3</u>	New Case Notes: A filing fee is not due for this case. Pursuant to Misc. Order 6, Plaintiff is provided the Notice of Right to Consent to Proceed Before A U.S. Magistrate Judge. Clerk to provide copy to plaintiff if not received electronically. (cb) (Entered: 11/04/2013)
11/04/2013	<u>4</u>	Request for Clerk to issue summons filed by State of Texas. (Mitchell, Jonathan) (Entered: 11/04/2013)
11/05/2013	<u>5</u>	Summons issued as to Jacqueline Berrien, EEOC, U.S. Attorney, and U.S. Attorney General. (cb) (Entered: 11/05/2013)
11/05/2013	<u>6</u>	NOTICE of Attorney Appearance by Arthur D'Andrea on behalf of State of Texas. (Filer confirms contact info in ECF is current.) (D'Andrea, Arthur) (Entered: 11/05/2013)
11/05/2013	<u>7</u>	NOTICE of Attorney Appearance by Andrew Stephen Oldham on behalf of State of Texas. (Filer confirms contact info in ECF is current.) (Oldham, Andrew) (Entered: 11/05/2013)
12/09/2013	<u>8</u>	NOTICE of Attorney Appearance by Justin Michael Sandberg on behalf of All Defendants. (Filer confirms contact info in ECF is current.) (Sandberg, Justin) (Entered: 12/09/2013)

12/13/2013	<u>9</u>	AFFIDAVIT of Service for Summons and Complaint served on Eric H. Holder, Jr. on 11/14/2013. (Oldham, Andrew) (Entered: 12/13/2013)
12/13/2013	<u>10</u>	AFFIDAVIT of Service for Summons and Complaint served on Civil Process Clerk on 11/12/2013. (Oldham, Andrew) (Entered: 12/13/2013)
12/13/2013	<u>11</u>	AFFIDAVIT of Service for Summons and Complaint served on U.S. Equal Employment Opportunity Commission on 11/12/2013. (Oldham, Andrew) (Entered: 12/13/2013)
12/13/2013	<u>12</u>	AFFIDAVIT of Service for Summons and Complaint served on Jacqueline A. Berrien on 11/13/2013. (Oldham, Andrew) (Entered: 12/13/2013)
12/31/2013	<u>13</u>	Unopposed Motion for Extension of Time to File Answer filed by Jacqueline Berrien, EEOC with Brief/Memorandum in Support. (Attachments: # <u>1</u> Proposed Order Granting Extension of Time Until Jan. 27) (Sandberg, Justin) (Entered: 12/31/2013)
12/31/2013	<u>14</u>	ORDER granting <u>13</u> Motion for Extension of Time to File Answer re <u>1</u> Complaint. Jacqueline Berrien answer due 1/27/2014; EEOC answer due 1/27/2014. No further extensions will be granted. (Ordered by Judge Sam R Cummings on 12/31/2013) (bdg) (Entered: 12/31/2013)
01/27/2014	<u>15</u>	MOTION to Dismiss filed by Jacqueline Berrien, EEOC (Attachments: # <u>1</u> Proposed Order) (Sandberg, Justin) (Entered: 01/27/2014)
01/27/2014	<u>16</u>	Brief/Memorandum in Support filed by Jacqueline Berrien, EEOC re <u>15</u> MOTION to Dismiss (Sandberg, Justin) (Entered: 01/27/2014)
01/27/2014	<u>17</u>	Appendix in Support filed by Jacqueline Berrien, EEOC re <u>16</u> Brief/Memorandum in Support of Motion (Sandberg, Justin) (Entered: 01/27/2014)
01/27/2014	<u>18</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Jacqueline Berrien, EEOC. (Sandberg, Justin) (Main Document 18 replaced (not flattened) on 9/8/2014) (cb). Modified on 9/8/2014 per USCA Fifth Circuit (cb). (Entered: 01/27/2014)
02/13/2014	<u>19</u>	Unopposed MOTION to Extend Time to Replead and/or Oppose Motion to Dismiss filed by State of Texas (Attachments: # <u>1</u> Proposed Order) (Mitchell, Jonathan) (Entered: 02/13/2014)
02/14/2014	<u>20</u>	ORDER granting <u>19</u> Motion to Extend Time to Replead and/or Oppose Motion to Dismiss is GRANTED. The deadline for Plaintiff to replead and/or oppose Defendant's motion to dismiss is extended to March 4, 2014. (Ordered by Judge Sam R Cummings on 2/14/2014) (lkw) (Entered: 02/14/2014)
02/14/2014	<u>21</u>	NOTICE of <i>Erratum</i> filed by Jacqueline Berrien, EEOC (Sandberg, Justin) (Entered: 02/14/2014)
02/27/2014	<u>22</u>	Second MOTION to Extend Time to Replead and/or Oppose Motion to Dismiss filed by State of Texas (Attachments: # <u>1</u> Proposed Order Second Unopposed Motion for Extension of Time to Replead and/or Oppose Motion to Dismiss) (Mitchell, Jonathan) (Entered: 02/27/2014)
02/28/2014	<u>23</u>	ORDER granting <u>22</u> Motion to Extend Time. The deadline for Plaintiff to replead and/or oppose Defendants' motion to dismiss is extended to March 18, 2014. (Ordered by Judge Sam R Cummings on 2/28/2014) (cb) (Entered: 02/28/2014)
03/18/2014	<u>24</u>	AMENDED COMPLAINT against EEOC, et al, filed by State of Texas. Clerk to issue summons(es) for new federal defendant(s). (Mitchell, Jonathan) Modified text on 3/18/2014 (cb). (Entered: 03/18/2014)
03/18/2014	<u>25</u>	RESPONSE filed by State of Texas re: <u>15</u> MOTION to Dismiss (Attachments: # <u>1</u> Exhibit(s) Vance v. Ball State, # <u>2</u> Exhibit(s) UT v. Nassar) (Mitchell, Jonathan) (Entered: 03/18/2014)
03/18/2014	<u>26</u>	Summons issued as to Eric H Holder, U.S. Attorney, and U.S. Attorney General. (cb) (Entered: 03/18/2014)
03/26/2014	<u>27</u>	NOTICE of <i>Intention to File Motion to Dismiss</i> re: <u>24</u> Amended Complaint filed by Jacqueline Berrien, EEOC, Eric H Holder (Sandberg, Justin) (Entered: 03/26/2014)

03/28/2014	<u>28</u>	ORDER denying as moot <u>15</u> Motion to Dismiss. (Ordered by Judge Sam R Cummings on 3/28/2014) (cb) (Entered: 03/28/2014)
04/04/2014	<u>29</u>	MOTION to Dismiss for Lack of Jurisdiction filed by Jacqueline Berrien, EEOC, Eric H Holder (Attachments: # <u>1</u> Proposed Order) (Sandberg, Justin) (Entered: 04/04/2014)
04/04/2014	<u>30</u>	Brief/Memorandum in Support filed by Jacqueline Berrien, EEOC, Eric H Holder re <u>29</u> MOTION to Dismiss for Lack of Jurisdiction (Sandberg, Justin) (Entered: 04/04/2014)
04/04/2014	<u>31</u>	Appendix in Support filed by Jacqueline Berrien, EEOC, Eric H Holder re <u>30</u> Brief/Memorandum in Support of Motion (Sandberg, Justin) (Entered: 04/04/2014)
04/18/2014	<u>32</u>	RESPONSE filed by State of Texas re: <u>29</u> MOTION to Dismiss for Lack of Jurisdiction (Attachments: # <u>1</u> Exhibit(s) Exhibits Table of Contents, # <u>2</u> Exhibit(s) Exhibit A, # <u>3</u> Exhibit(s) Exhibit B, # <u>4</u> Exhibit(s) Exhibit C, # <u>5</u> Proposed Amendment Exhibit D) (Oldham, Andrew) (Entered: 04/18/2014)
05/02/2014	<u>33</u>	Unopposed MOTION for Leave to File Reply Brief in Support of Motion to Dismiss filed by Jacqueline Berrien, EEOC, Eric H Holder with Brief/Memorandum in Support. (Attachments: # <u>1</u> Exhibit(s) Proposed Reply Brief) (Sandberg, Justin) (Entered: 05/02/2014)
05/22/2014	<u>34</u>	MOTION to Intervene filed by Texas State Conference of the NAACP, Beverly Harrison (Attachments: # <u>1</u> Proposed Order) (Cloutman, Edward) (Entered: 05/22/2014)
07/22/2014	<u>35</u>	Supplemental Document by State of Texas as to <u>32</u> Response/Objection, . (Attachments: # <u>1</u> Declaration(s) Exhibit A, # <u>2</u> Exhibit(s) Exhibit A-1, # <u>3</u> Exhibit(s) Exhibit A-2) (Mitchell, Jonathan) (Entered: 07/22/2014)
08/20/2014	<u>36</u>	ORDER: Granting <u>33</u> Unopposed MOTION for Leave to File Reply Brief in Support of Motion to Dismiss filed by Eric H Holder, EEOC, Jacqueline Berrien. Granting <u>29</u> MOTION to Dismiss for Lack of Jurisdiction filed by Eric H Holder, EEOC, Jacqueline Berrien. Terming <u>34</u> MOTION to Intervene filed by Beverly Harrison, Texas State Conference of the NAACP, (Ordered by Judge Sam R Cummings on 8/20/2014) (cb) (Entered: 08/20/2014)
08/20/2014	<u>37</u>	JUDGMENT: This case is DISMISSED without prejudice for lack of subject-matter jurisdiction. (Ordered by Judge Sam R Cummings on 8/20/2014) (cb) (Entered: 08/20/2014)
08/25/2014	<u>38</u>	NOTICE OF APPEAL to the Fifth Circuit as to <u>37</u> Judgment, <u>36</u> Order,, Terminate Motions, by State of Texas. Filing fee \$505, receipt number 0539-6249334. T.O. form to appellant electronically at Transcript Order Form or US Mail as appropriate. Copy of NOA to be sent US Mail to parties not electronically noticed. (Oldham, Andrew) (Entered: 08/25/2014)
09/05/2014		USCA Case Number 14-10949 in USCA - Fifth Circuit for <u>38</u> Notice of Appeal, filed by State of Texas. (cb) (Entered: 09/05/2014)
09/10/2014		Record on Appeal for USCA5 14-10949 (related to <u>38</u> appeal): Record consisting of: 1 ECF electronic record (docs 1-38), certified to USCA. To request a copy of the record (on disk or on paper), contact the appeals deputy in advance to arrange delivery. (cb) (Entered: 09/11/2014)
09/17/2014		Record on Appeal for USCA5 14-10949 (related to <u>38</u> appeal): transmitted to La Tanya R. Harry, NAACP Legal Defense & Educational Fund, Inc. on disk only by mail. (cb) (Entered: 09/17/2014)
10/27/2014		Record on Appeal for USCA5 14-10949 (related to <u>38</u> appeal): 1 ECF electronic record (docs 1-38), transmitted to Sabrina Wycoff with the Office of the Solicitor General on disk only. Shipped: FedEx No. 771637523467 (cb) (Entered: 10/27/2014)
01/15/2015	<u>39</u>	NOTICE OF SUBSTITUTION OF COUNSEL Added attorney Scott A Keller, Scott A Keller for State of Texas. Motion filed by State of Texas (Keller, Scott) Modified text from Motion to Notice on 1/16/2015 (cb). (Entered: 01/15/2015)

04/21/2015	<u>40</u>	Transcript Order Form: re <u>38</u> Notice of Appeal transcript not requested. No hearings. Received from USCA on 5/12/2015. (bdg) (Entered: 05/12/2015)
09/23/2016	<u>41</u>	JUDGMENT/MANDATE of USCA as to <u>38</u> Notice of Appeal, filed by State of Texas. It is ordered and adjudged that the judgment of the District Court is vacated. Case remanded to the district court for further proceedings. Issued as Mandate: 9/23/2016. (cb) (Entered: 09/26/2016)
09/23/2016	<u>42</u>	Opinion of USCA in accordance with USCA judgment re <u>38</u> Notice of Appeal, filed by State of Texas. The USCA WITHDRAWS their prior opinion, VACATES the District Court's Judgment Dismissing Complaint, and REMANDS this case to the District Court for further proceedings. (cb) (Entered: 09/26/2016)
09/27/2016	<u>43</u>	ORDER: the Court will entertain motions and briefing on the issues that Hawkes may implicate in the instant case. Any such motions shall be filed on or before 9:00 a.m. on October 24, 2016, with any response due 21 days following the filing of a motion. (Ordered by Senior Judge Sam R Cummings on 9/27/2016) (cb) (Entered: 09/27/2016)
10/03/2016	<u>44</u>	NOTICE of Attorney Appearance by Michael Christopher Toth on behalf of State of Texas. (Filer confirms contact info in ECF is current.) (Toth, Michael) (Entered: 10/03/2016)
10/03/2016	<u>45</u>	NOTICE of Attorney Appearance by Andrew D Leonie on behalf of State of Texas. (Filer confirms contact info in ECF is current.) (Leonie, Andrew) (Entered: 10/03/2016)
10/03/2016	<u>46</u>	NOTICE of Attorney Appearance by Austin R Nimocks on behalf of State of Texas. (Filer confirms contact info in ECF is current.) (Nimocks, Austin) (Entered: 10/03/2016)
10/24/2016	<u>47</u>	Brief/Memorandum in Support filed by Jacqueline Berrien, EEOC, Eric H Holder, Jr re <u>43</u> Order, <u>30</u> Brief/Memorandum in Support of Motion <i>to Dismiss</i> (Sandberg, Justin) (Entered: 10/24/2016)
10/24/2016	<u>48</u>	Appendix in Support filed by Jacqueline Berrien, EEOC, Eric H Holder, Jr re <u>47</u> Brief/Memorandum in Support of Motion <i>to Dismiss</i> (Sandberg, Justin) (Entered: 10/24/2016)
11/10/2016	<u>49</u>	RESPONSE filed by State of Texas re: <u>47</u> Brief/Memorandum in Support of Motion (Nimocks, Austin) (Entered: 11/10/2016)
11/23/2016	<u>50</u>	Unopposed MOTION for Leave to File Supplemental Reply Brief filed by Jacqueline Berrien, EEOC, Eric H Holder, Jr (Attachments: # <u>1</u> Exhibit(s) Proposed Supplemental Reply Brief) Attorney Brian G Kennedy added to party Jacqueline Berrien(pty:dft), Attorney Brian G Kennedy added to party EEOC(pty:dft), Attorney Brian G Kennedy added to party Eric H Holder, Jr(pty:dft) (Kennedy, Brian) (Entered: 11/23/2016)
05/31/2017	<u>51</u>	MOTION to Withdraw as Attorney filed by Jacqueline Berrien, EEOC, Eric H Holder, Jr (Kennedy, Brian) (Entered: 05/31/2017)
06/02/2017	<u>52</u>	ORDER granting <u>50</u> Motion for Leave to File Reply Brief and the Reply is DEEMED filed. The Court DENIES Defendants' Motion to Dismiss. The parties shall file cross motions for summary judgment on the merits on or before 7/31/2017. The Court sets the summary judgment motions for hearing on 10/17/2017 at 9:00 AM in US Courthouse, Courtroom C-216, 1205 Texas Avenue, Lubbock, TX 79401-4091 before Senior Judge Sam R Cummings. (Ordered by Senior Judge Sam R Cummings on 6/2/2017) (bdg) (Entered: 06/02/2017)
06/22/2017	<u>53</u>	NOTICE of Attorney Appearance by James Ryan Powers on behalf of Jacqueline Berrien, EEOC, Eric H Holder, Jr. (Filer confirms contact info in ECF is current.) (Powers, James) (Entered: 06/22/2017)
06/23/2017	<u>54</u>	Unopposed Motion for Extension of Time to File Answer <i>Nunc Pro Tunc</i> filed by Jacqueline Berrien, EEOC, Eric H Holder, Jr with Brief/Memorandum in Support. (Sandberg, Justin) (Entered: 06/23/2017)
06/23/2017	<u>55</u>	ORDER granting <u>54</u> Motion for Extension of Time to File Answer as to All Defendants. Defendants shall file their Answer on or before June 28, 2017. (Ordered by Senior Judge Sam R Cummings on 6/23/2017) (bmg) (Entered: 06/23/2017)

06/26/2017	<u>56</u>	ANSWER to <u>24</u> Amended Complaint filed by Jacqueline Berrien, EEOC, Eric H Holder, Jr. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: Attorney Information – Bar Membership . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Sandberg, Justin) (Entered: 06/26/2017)
06/26/2017	<u>57</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Jacqueline Berrien, EEOC, Eric H Holder, Jr. (Sandberg, Justin) (Entered: 06/26/2017)
06/30/2017	<u>58</u>	Unopposed MOTION to Extend Time to file cross motions for summary judgment filed by Jacqueline Berrien, EEOC, Eric H Holder, Jr, Victoria Lipnic, Jefferson B Sessions, III with Brief/Memorandum in Support. (Attachments: # <u>1</u> Proposed Order) (Powers, James) (Entered: 06/30/2017)
07/05/2017	<u>59</u>	ORDER granting <u>58</u> Motion to Extend Time. Cross Motions for Summary Judgment are due on or before 9/14/2017. (Ordered by Senior Judge Sam R Cummings on 7/5/2017) (egp) (Entered: 07/05/2017)
07/26/2017	<u>60</u>	Unopposed MOTION for Leave to File Second Amended Complaint filed by State of Texas with Brief/Memorandum in Support. (Attachments: # <u>1</u> Proposed Amendment Proposed Second Amended Complaint, # <u>2</u> Proposed Order) (Nimocks, Austin) (Entered: 07/26/2017)
07/28/2017	<u>61</u>	ORDER granting <u>60</u> Motion for Leave to File. The Court finds that the Motion should be GRANTED and the Proposed Second Amended Complaint attached to the Motion for Leave is deemed filed as of the date of this Order.(Unless the document has already been filed, clerk to enter the document as of the date of this order.) (Ordered by Senior Judge Sam R Cummings on 7/28/2017) (zzm) (Entered: 07/28/2017)
07/28/2017	<u>62</u>	SECOND AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF against All Defendants filed by State of Texas. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: Attorney Information – Bar Membership . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (zzm) (Entered: 07/28/2017)
07/31/2017	<u>63</u>	*** Motion Terminated. REFILED AS DOCUMENT <u>72</u> *** MOTION to Intervene filed by Beverly Harrison, Texas State Conference of the NAACP (Attachments: # <u>1</u> Proposed Order). Party BEVERLY HARRISON and TEXAS STATE CONFERENCE OF THE NAACP added. (Cloutman, Edward) Modified to terminate motion per telephone request of Matthew Bailey with NAACP on 8/2/2017. (zzm). Modified to add document number on 8/3/2017 (zzm). (Entered: 07/31/2017)
07/31/2017	<u>64</u>	Brief/Memorandum in Support filed by Beverly Harrison, Texas State Conference of the NAACP re <u>63</u> MOTION to Intervene (Cloutman, Edward) (Entered: 07/31/2017)
07/31/2017	<u>65</u>	Appendix in Support filed by Beverly Harrison, Texas State Conference of the NAACP re <u>64</u> Brief/Memorandum in Support of Motion, <u>63</u> MOTION to Intervene (Cloutman, Edward) (Entered: 07/31/2017)
07/31/2017	<u>66</u>	NOTICE of Attorney Appearance by Edward B Cloutman, III on behalf of Beverly Harrison, Texas State Conference of the NAACP. (Filer confirms contact info in ECF is current.). Party BEVERLY HARRISON and TEXAS STATE CONFERENCE OF THE NAACP added. (Cloutman, Edward) (Entered: 07/31/2017)
07/31/2017	<u>67</u>	Application for Admission Pro Hac Vice with Certificate of Good Standing (Filing fee \$25; Receipt number 0539-8570341) filed by Beverly Harrison, Texas State Conference of the NAACP (Attachments: # <u>1</u> Exhibit(s) Certificate of Good Standing, # <u>2</u> Proposed Order) (Aden, Leah) (Entered: 07/31/2017)
07/31/2017	<u>68</u>	Application for Admission Pro Hac Vice with Certificate of Good Standing (Filing fee \$25; Receipt number 0539-8570371) filed by Beverly Harrison, Texas State Conference of the NAACP (Attachments: # <u>1</u> Exhibit(s) Certificate of Good Standing, # <u>2</u> Proposed Order) (Spital, Samuel) (Entered: 07/31/2017)

07/31/2017	<u>69</u>	Application for Admission Pro Hac Vice with Certificate of Good Standing (Filing fee \$25; Receipt number 0539-8570396) filed by Beverly Harrison, Texas State Conference of the NAACP (Attachments: # <u>1</u> Exhibit(s) Certificate of Good Standing, # <u>2</u> Proposed Order) (Montag, Coty) (Entered: 07/31/2017)
07/31/2017	<u>70</u>	Application for Admission Pro Hac Vice with Certificate of Good Standing (Filing fee \$25; Receipt number 0539-8570409) filed by Beverly Harrison, Texas State Conference of the NAACP (Attachments: # <u>1</u> Exhibit(s) Certificate of Good Standing, # <u>2</u> Proposed Order) (Merle, Natasha) (Entered: 07/31/2017)
07/31/2017	<u>71</u>	Application for Admission Pro Hac Vice with Certificate of Good Standing (Filing fee \$25; Receipt number 0539-8570428) filed by Beverly Harrison, Texas State Conference of the NAACP (Attachments: # <u>1</u> Proposed Amendment Certificate of Good Standing, # <u>2</u> Proposed Order) (Wilberforce, Nana) (Entered: 07/31/2017)
08/02/2017	<u>72</u>	MOTION to Intervene <i>CORRECTED</i> filed by Beverly Harrison, Texas State Conference of the NAACP (Attachments: # <u>1</u> Proposed Order) (Cloutman, Edward) (Entered: 08/02/2017)
08/02/2017	<u>73</u>	Brief/Memorandum in Support filed by Beverly Harrison, Texas State Conference of the NAACP re <u>72</u> MOTION to Intervene <i>CORRECTED</i> (Cloutman, Edward) (Entered: 08/02/2017)
08/02/2017	<u>74</u>	Appendix in Support filed by Beverly Harrison, Texas State Conference of the NAACP re <u>72</u> MOTION to Intervene <i>CORRECTED</i> , <u>73</u> Brief/Memorandum in Support of Motion (Cloutman, Edward) (Entered: 08/02/2017)
08/03/2017	<u>75</u>	Application for Admission Pro Hac Vice with Certificate of Good Standing (Filing fee \$25; Receipt number 0539-8578740) filed by Beverly Harrison, Texas State Conference of the NAACP (Attachments: # <u>1</u> Exhibit(s) Certificate of Standing, # <u>2</u> Proposed Order) Attorney Elizabeth Lauren Avery added to party Beverly Harrison(pty:intvd), Attorney Elizabeth Lauren Avery added to party Texas State Conference of the NAACP(pty:intvd) (Avery, Elizabeth) (Entered: 08/03/2017)
08/07/2017	<u>76</u>	Application for Admission Pro Hac Vice with Certificate of Good Standing (Filing fee \$25; Receipt number 0539-8581814) filed by Beverly Harrison, Texas State Conference of the NAACP (Attachments: # <u>1</u> Additional Page(s) Certificate of Good Standing, # <u>2</u> Proposed Order Proposed Order) Attorney Dana Lossia added to party Beverly Harrison(pty:intvd), Attorney Dana Lossia added to party Texas State Conference of the NAACP(pty:intvd) (Lossia, Dana) (Entered: 08/07/2017)
08/07/2017	<u>77</u>	ANSWER to <u>62</u> Amended Complaint,, filed by EEOC, Victoria Lipnic, Jefferson B Sessions, III. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: <u>Attorney Information – Bar Membership</u> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. Attorney Justin Michael Sandberg added to party Victoria Lipnic(pty:dft), Attorney Justin Michael Sandberg added to party Jefferson B Sessions, III(pty:dft) (Sandberg, Justin) (Entered: 08/07/2017)
08/07/2017	<u>78</u>	Application for Admission Pro Hac Vice with Certificate of Good Standing (Filing fee \$25; Receipt number 0539-8583371) filed by Beverly Harrison, Texas State Conference of the NAACP (Attachments: # <u>1</u> Additional Page(s) Certificate of Good Standing, # <u>2</u> Proposed Order) Attorney Robert H Stroup added to party Beverly Harrison(pty:intvd), Attorney Robert H Stroup added to party Texas State Conference of the NAACP(pty:intvd) (Stroup, Robert) (Entered: 08/07/2017)
08/08/2017	<u>79</u>	ORDER granting <u>67</u> Application for Admission Pro Hac Vice of Leah C. Aden. If not already done, Applicant must register as an ECF User within 14 days (LR 5.1(f)). (Ordered by Senior Judge Sam R Cummings on 8/8/2017) (zzm) (Entered: 08/08/2017)
08/08/2017	<u>80</u>	ORDER granting <u>75</u> Application for Admission Pro Hac Vice of Elizabeth L. Avery. If not already done, Applicant must register as an ECF User within 14 days (LR 5.1(f)). (Ordered by Senior Judge Sam R Cummings on 8/8/2017) (zzm) (Entered: 08/08/2017)

08/08/2017	<u>81</u>	ORDER granting <u>70</u> Application for Admission Pro Hac Vice of Natasha C. Merle. If not already done, Applicant must register as an ECF User within 14 days (LR 5.1(f)). (Ordered by Senior Judge Sam R Cummings on 8/8/2017) (zzm) (Entered: 08/08/2017)
08/08/2017	<u>82</u>	ORDER granting <u>69</u> Application for Admission Pro Hac Vice of Coty R. Montag. If not already done, Applicant must register as an ECF User within 14 days (LR 5.1(f)). (Ordered by Senior Judge Sam R Cummings on 8/8/2017) (zzm) (Entered: 08/08/2017)
08/08/2017	<u>83</u>	ORDER granting <u>68</u> Application for Admission Pro Hac Vice of Samuel Spital. If not already done, Applicant must register as an ECF User within 14 days (LR 5.1(f)). (Ordered by Senior Judge Sam R Cummings on 8/8/2017) (zzm) (Entered: 08/08/2017)
08/08/2017	<u>84</u>	ORDER granting <u>71</u> Application for Admission Pro Hac Vice of Nana Wilberforce. If not already done, Applicant must register as an ECF User within 14 days (LR 5.1(f)). (Ordered by Senior Judge Sam R Cummings on 8/8/2017) (zzm) (Entered: 08/08/2017)
08/08/2017	<u>85</u>	NOTICE of Attorney Appearance by David Jonathan Hacker on behalf of State of Texas. (Filer confirms contact info in ECF is current.) (Hacker, David) (Entered: 08/08/2017)
08/09/2017	<u>86</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>76</u> Application for Admission Pro Hac Vice of Dana Elizabeth Lossia. If not already done, Applicant must register as an ECF User within 14 days (LR 5.1(f)). (Ordered by Senior Judge Sam R Cummings on 8/9/2017) (zzm) (Entered: 08/09/2017)
08/09/2017	<u>87</u>	ORDER granting <u>78</u> Application for Admission Pro Hac Vice of Robert H. Stroup. If not already done, Applicant must register as an ECF User within 14 days (LR 5.1(f)). (Ordered by Senior Judge Sam R Cummings on 8/9/2017) (zzm) (Entered: 08/09/2017)
08/21/2017	<u>88</u>	RESPONSE filed by Jacqueline Berrien, EEOC, Eric H Holder, Jr, Victoria Lipnic, Jefferson B Sessions, III re: <u>72</u> MOTION to Intervene <i>CORRECTED</i> (Sandberg, Justin) (Entered: 08/21/2017)
08/21/2017	<u>89</u>	RESPONSE filed by State of Texas re: <u>72</u> MOTION to Intervene <i>CORRECTED</i> (Nimocks, Austin) (Entered: 08/21/2017)
08/23/2017	<u>90</u>	ORDER denying <u>72</u> Motion to Intervene. The Court finds that the Motion to Intervene filed by Beverly Harrison and the Texas State Conference of the NAACP (collectively Movants) should be DENIED for the reasons aptly argued by the Parties in their Responses. However, the Movants may seek to participate as amici curiae if they so choose. (Ordered by Senior Judge Sam R Cummings on 8/23/2017) (zzm) (Entered: 08/23/2017)
09/14/2017	<u>91</u>	MOTION for Summary Judgment filed by Jacqueline Berrien, EEOC, Eric H Holder, Jr, Victoria Lipnic, Jefferson B Sessions, III (Sandberg, Justin) (Entered: 09/14/2017)
09/14/2017	<u>92</u>	Brief/Memorandum in Support filed by Jacqueline Berrien, EEOC, Eric H Holder, Jr, Victoria Lipnic, Jefferson B Sessions, III re <u>91</u> MOTION for Summary Judgment (Sandberg, Justin) (Entered: 09/14/2017)
09/14/2017	<u>93</u>	Appendix in Support filed by Jacqueline Berrien, EEOC, Eric H Holder, Jr, Victoria Lipnic, Jefferson B Sessions, III re <u>92</u> Brief/Memorandum in Support of Motion for Summary Judgment (Sandberg, Justin) (Entered: 09/14/2017)
09/14/2017	<u>94</u>	MOTION for Summary Judgment filed by State of Texas (Nimocks, Austin) (Entered: 09/14/2017)
09/14/2017	<u>95</u>	Brief/Memorandum in Support filed by State of Texas re <u>94</u> MOTION for Summary Judgment (Nimocks, Austin) (Entered: 09/14/2017)
09/14/2017	<u>96</u>	Appendix in Support filed by State of Texas re <u>94</u> MOTION for Summary Judgment (<i>Part 1</i>) (Nimocks, Austin) (Entered: 09/14/2017)

09/14/2017	<u>97</u>	Appendix in Support filed by State of Texas re <u>94</u> MOTION for Summary Judgment (<i>Part 2</i>) (Nimocks, Austin) (Entered: 09/14/2017)
09/15/2017	<u>98</u>	Appendix in Support filed by Jacqueline Berrien, EEOC, Eric H Holder, Jr, Victoria Lipnic, Jefferson B Sessions, III re <u>92</u> Brief/Memorandum in Support of Motion <i>with Certificate of Service</i> (Sandberg, Justin) (Entered: 09/15/2017)
09/15/2017	<u>99</u>	ORDER: Defendants shall provide the Court with a courtesy copy of their Appendix to Defendants' Memorandum in Support of Motion for Summary Judgment and Plaintiff shall provide the Court with a courtesy copy of its Appendix in Support of Motion for Summary Judgment. Both courtesy copies shall be submitted on or before 3:00p.m. on September 29, 2017, and should be delivered to the Court at the following address: 1205 Texas Avenue, Room C-210, Lubbock, Texas 79401. (Ordered by Senior Judge Sam R Cummings on 9/15/2017) (bmg) (Entered: 09/15/2017)
10/05/2017	<u>100</u>	RESPONSE filed by Jacqueline Berrien, EEOC, Eric H Holder, Jr, Victoria Lipnic, Jefferson B Sessions, III re: <u>94</u> MOTION for Summary Judgment (Sandberg, Justin) (Entered: 10/05/2017)
10/05/2017	<u>101</u>	RESPONSE filed by State of Texas re: <u>91</u> MOTION for Summary Judgment (Nimocks, Austin) (Entered: 10/05/2017)
10/16/2017	<u>102</u>	ORDER: Hearing on the parties' Motions for Summary Judgment set for 10/17/2017 09:00 AM in US Courthouse, Courtroom C-216, 1205 Texas Avenue, Lubbock, TX 79401-4091 before Senior Judge Sam R Cummings. (Ordered by Senior Judge Sam R Cummings on 10/16/2017) (bmg) (Entered: 10/16/2017)
10/16/2017	<u>103</u>	Application for Admission Pro Hac Vice with Certificate of Good Standing (Filing fee \$25; Receipt number 0539-8722084) filed by Texas State Conference of the NAACP (Attachments: # <u>1</u> Exhibit(s) Good Standing, # <u>2</u> Proposed Order) Attorney Philip Mychael Hernandez added to party Texas State Conference of the NAACP(pty:intvd) (Hernandez, Philip) Modified text to reflect fee payment on 10/16/2017 (ali). (Entered: 10/16/2017)
10/17/2017	<u>104</u>	ORDER denying <u>103</u> Application for Admission Pro Hac Vice of Philip M. Hernandez. Clerk shall return admission fee to Applicant. (Ordered by Senior Judge Sam R Cummings on 10/17/2017) (bmg) (Entered: 10/17/2017)
10/17/2017	<u>105</u>	ELECTRONIC Minute Entry for proceedings held before Senior Judge Sam R Cummings: Motion Hearing held on 10/17/2017 re <u>94</u> Motion for Summary Judgment filed by State of Texas, <u>91</u> Motion for Summary Judgment filed by Eric H Holder, Jr, Victoria Lipnic, EEOC, Jacqueline Berrien, Jefferson B Sessions, III. re: <u>94</u> MOTION for Summary Judgment , <u>91</u> MOTION for Summary Judgment . Proposed Findings of Fact and Conclusions of Law due by 9:00 a.m. October 25, 2017. Attorney Appearances: Plaintiff – Austin Nimocks and Andrew Leonie; Defense – James Ryan Powers. (Court Reporter: Mechelle Daniel) (No exhibits) Time in Court – 2:15. (clf) (Entered: 10/17/2017)
10/20/2017	<u>106</u>	Notice of Filing of Official Electronic Transcript of Motion for Summary Judgment Hearing Proceedings held on 10/17/2017 before Judge Sam R. Cummings. Court Reporter/Transcriber Mechelle Daniel, Telephone number (806) 744-7667. Parties are notified of their <u>duty to review</u> the transcript. A copy may be purchased from the court reporter or viewed at the clerk's office. If redaction is necessary, a <u>Redaction Request – Transcript</u> must be filed within 21 days. If no such Request is filed, the transcript will be made available via PACER without redaction after 90 calendar days. If redaction request filed, this transcript will not be accessible via PACER; see redacted transcript. The clerk will mail a copy of this notice to parties not electronically noticed. (76 pages) Redaction Request due 11/13/2017. Redacted Transcript Deadline set for 11/20/2017. Release of Transcript Restriction set for 1/18/2018. (kmd) (Entered: 10/20/2017)
10/24/2017	<u>107</u>	Proposed Findings of Fact by Jacqueline Berrien, EEOC, Eric H Holder, Jr, Victoria Lipnic, Jefferson B Sessions, III. (Sandberg, Justin) (Entered: 10/24/2017)
10/24/2017	<u>116</u>	Proposed Findings of Fact and Conclusions of Law by State of Texas. (bmg) (Entered: 10/27/2017)

10/25/2017	<u>108</u>	MOTION for Leave to File Brief of Amici Curiae in Support of Defendants' Motion for Summary Judgment filed by Beverly Harrison, Texas State Conference of the NAACP, NAACP Legal Defense & Educational Fund, Inc., National Employment Law Project with Brief/Memorandum in Support. (Attachments: # <u>1</u> Exhibit(s) A – Brief of Amici Curiae in Support of Defendants' Motion for Summary Judgment, # <u>2</u> Proposed Order). Party Amici Curiae BEVERLY HARRISON, TEXAS STATE CONFERENCE OF THE NAACP, NAACP LEGAL DEFENSE & EDUCATIONAL FUND, AND NATIONAL EMPLOYMENT LAW PROJECT added. Attorney Leah C Aden added to party Beverly Harrison(pty:am), Attorney Leah C Aden added to party Texas State Conference of the NAACP(pty:am), Attorney Leah C Aden added to party NAACP Legal Defense & Educational Fund, Inc.(pty:am), Attorney Leah C Aden added to party National Employment Law Project(pty:am) (Aden, Leah) (Entered: 10/25/2017)
10/25/2017	<u>109</u>	NOTICE of Attorney Appearance by Edward B Cloutman, III on behalf of Beverly Harrison, NAACP Legal Defense & Educational Fund, Inc., National Employment Law Project, Texas State Conference of the NAACP. (Filer confirms contact info in ECF is current.) (Cloutman, Edward) (Entered: 10/25/2017)
10/25/2017	<u>110</u>	NOTICE of Attorney Appearance by Leah C Aden on behalf of Beverly Harrison, NAACP Legal Defense & Educational Fund, Inc., National Employment Law Project, Texas State Conference of the NAACP. (Filer confirms contact info in ECF is current.) (Aden, Leah) (Entered: 10/25/2017)
10/25/2017	<u>111</u>	NOTICE of Attorney Appearance by Samuel Spital on behalf of Beverly Harrison, NAACP Legal Defense & Educational Fund, Inc., National Employment Law Project, Texas State Conference of the NAACP. (Filer confirms contact info in ECF is current.) (Spital, Samuel) (Entered: 10/25/2017)
10/25/2017	<u>112</u>	NOTICE of Attorney Appearance by Coty Montag on behalf of Beverly Harrison, NAACP Legal Defense & Educational Fund, Inc., National Employment Law Project, Texas State Conference of the NAACP. (Filer confirms contact info in ECF is current.) (Montag, Coty) (Entered: 10/25/2017)
10/25/2017	<u>113</u>	NOTICE of Attorney Appearance by Nana Wilberforce on behalf of Beverly Harrison, NAACP Legal Defense & Educational Fund, Inc., National Employment Law Project, Texas State Conference of the NAACP. (Filer confirms contact info in ECF is current.) (Wilberforce, Nana) (Entered: 10/25/2017)
10/25/2017	<u>114</u>	NOTICE of Attorney Appearance by Dana Lossia on behalf of Beverly Harrison, NAACP Legal Defense & Educational Fund, Inc., National Employment Law Project, Texas State Conference of the NAACP. (Filer confirms contact info in ECF is current.) (Lossia, Dana) (Entered: 10/25/2017)
10/25/2017	<u>115</u>	NOTICE of Attorney Appearance by Robert H Stroup on behalf of Beverly Harrison, NAACP Legal Defense & Educational Fund, Inc., National Employment Law Project, Texas State Conference of the NAACP. (Filer confirms contact info in ECF is current.) (Stroup, Robert) (Entered: 10/25/2017)
02/01/2018	<u>117</u>	ORDER: Motion for leave to file Amici Curiae Brief <u>108</u> by Beverly Harrison is GRANTED. Texas's Motion for Summary Judgment <u>94</u> is DENIED in part as to Count I and Defendants' Motion for Summary Judgment <u>91</u> is GRANTED in part as to Count I. Texas's request for a declaratory judgment and injunction under 28 U.S.C. §§ 2201–02 is DISMISSED. Texas's Motion for Summary Judgment is GRANTED in part as to the first prong of Count II but DENIED in part as to the second and third prongs of Count II; Defendants' Motion for Summary Judgment is similarly DENIED in part and GRANTED in part as to Count II. Defendants EEOC and the Attorney General of the United States (in any enforcement action against the State of Texas) are ENJOINED from enforcing the EEOC's interpretation of the Guidance against the State of Texas until the EEOC has complied with the notice and comment requirements under the AP A for promulgating an enforceable substantive rule. Texas's remaining requests for declaratory and injunctive relief are DISMISSED. (Ordered by Senior Judge Sam R Cummings on 2/1/2018) (bmg) (Entered: 02/01/2018)
02/01/2018	<u>118</u>	JUDGMENT: IT IS ORDERED, ADJUDGED, AND DECREED, pursuant to 5 U.S.C. § 702, that the EEOC's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII" is a substantive

		rule issued without notice and the opportunity for comment. Defendants EEOC and the Attorney General of the United States (in any enforcement action against the State of Texas) are ENJOINED from enforcing the EEOC's interpretation of the Guidance against the State of Texas until the EEOC has complied with the notice and comment requirements under the APA for promulgating an enforceable substantive rule. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the State of Texas's remaining requests for declaratory and injunctive relief are all DISMISSED. (Ordered by Senior Judge Sam R Cummings on 2/1/2018) (bmg) (Entered: 02/01/2018)
02/02/2018		***Clerk's Notice of delivery: (see NEF for details) Docket No:17,18. Fri Feb 2 13:45:31 CST 2018 (crt) (Entered: 02/02/2018)
02/05/2018	<u>119</u>	Unopposed MOTION to Withdraw as Attorney filed by Beverly Harrison, NAACP Legal Defense & Educational Fund, Inc., National Employment Law Project, Texas State Conference of the NAACP (Attachments: # <u>1</u> Proposed Order) (Wilberforce, Nana) (Entered: 02/05/2018)
02/06/2018	<u>120</u>	ORDER granting <u>119</u> Motion to Withdraw as Attorney. Ms. Wilberforce is WITHDRAWN as counsel of record for the amici curiae in this case, which continue to be represented by their remaining counsel. Attorney Nana Wilberforce terminated. (Ordered by Senior Judge Sam R Cummings on 2/6/2018) (bmg) (Entered: 02/06/2018)
03/01/2018	<u>121</u>	MOTION to Alter Judgment <i>and for Clarification</i> filed by EEOC, Victoria Lipnic, Jefferson B Sessions, III with Brief/Memorandum in Support. (Powers, James) (Entered: 03/01/2018)
03/22/2018	<u>122</u>	RESPONSE filed by State of Texas re: <u>121</u> MOTION to Alter Judgment <i>and for Clarification</i> (Nimocks, Austin) (Entered: 03/22/2018)
03/27/2018	<u>123</u>	ORDER denying <u>121</u> Defendants' Motion to Amend Judgment and For Clarification, filed March 1, 2018. (Ordered by Senior Judge Sam R Cummings on 3/27/2018) (krd) (Entered: 03/27/2018)
05/25/2018	<u>124</u>	NOTICE OF APPEAL to the Fifth Circuit by Jacqueline Berrien, EEOC, Eric H Holder, Jr, Victoria Lipnic, Jefferson B Sessions, III. T.O. form to appellant electronically at Transcript Order Form or US Mail as appropriate. Copy of NOA to be sent US Mail to parties not electronically noticed. IMPORTANT ACTION REQUIRED: Provide an electronic copy of any exhibit you offered during a hearing or trial that was admitted into evidence to the clerk of the district court within 14 days of the date of this notice. Copies must be transmitted as PDF attachments through ECF by all ECF Users or delivered to the clerk on a CD by all non-ECF Users. See detailed instructions here . (Exception: This requirement does not apply to a pro se prisoner litigant.) Please note that if original exhibits are in your possession, you must maintain them through final disposition of the case. (Sandberg, Justin) (Entered: 05/25/2018)
06/01/2018		USCA Case Number 18-10638 in USCA FIFTH CIRCUIT for <u>124</u> Notice of Appeal filed by Eric H Holder, Jr, Victoria Lipnic, EEOC, Jacqueline Berrien, Jefferson B Sessions, III. (bmg) (Entered: 06/04/2018)
06/06/2018	<u>125</u>	NOTICE OF APPEAL as to <u>118</u> Judgment to the Fifth Circuit by State of Texas. Filing fee \$505, receipt number 0539-9235784. T.O. form to appellant electronically at Transcript Order Form or US Mail as appropriate. Copy of NOA to be sent US Mail to parties not electronically noticed. IMPORTANT ACTION REQUIRED: Provide an electronic copy of any exhibit you offered during a hearing or trial that was admitted into evidence to the clerk of the district court within 14 days of the date of this notice. Copies must be transmitted as PDF attachments through ECF by all ECF Users or delivered to the clerk on a CD by all non-ECF Users. See detailed instructions here . (Exception: This requirement does not apply to a pro se prisoner litigant.) Please note that if original exhibits are in your possession, you must maintain them through final disposition of the case. (Nimocks, Austin) Modified on 6/6/2018 (bmg). (Entered: 06/06/2018)
06/13/2018		USCA Case Number 18-10638 in USCA FIFTH CIRCUIT for <u>125</u> Notice of Appeal filed by State of Texas. (bmg) (Entered: 06/13/2018)

06/25/2018		Record on Appeal for USCA5 18-10638 (related to <u>124</u> , <u>125</u> appeal): Record consisting of: 2 ECF electronic record on appeal (eROA) is certified. PLEASE NOTE THE FOLLOWING: Licensed attorneys must have filed an appearance in the USCA5 case and be registered for electronic filing in the USCA5 to access the paginated eROA in the USCA5 ECF system. (Take these steps immediately if you have not already done so. Once you have filed the notice of appearance and/or USCA5 ECF registration, it may take up to 3 business days for the circuit to notify the district clerk that we may grant you access to the eROA in the USCA5 ECF system.) To access the paginated record, log in to the USCA5 ECF system, and under the Utilities menu, select Electronic Record on Appeal. Pro se litigants may request a copy of the record by <u>contacting the appeals deputy</u> in advance to arrange delivery. (bmg) (Entered: 06/25/2018)
09/18/2018	<u>126</u>	Unopposed MOTION to Withdraw as Attorney filed by State of Texas (Attachments: # <u>1</u> Proposed Order) (Nimocks, Austin) (Entered: 09/18/2018)
09/19/2018	<u>127</u>	ORDER granting <u>126</u> Motion to Withdraw as Attorney. Mr. Nimocks is hereby WITHDRAWN as counsel for Plaintiff, the State of Texas, who shall continue to be represented by remaining counsel of record, David J. Hacker. Attorney Austin Nimocks terminated (Ordered by Senior Judge Sam R Cummings on 9/19/2018) (bmg) (Entered: 09/19/2018)
09/26/2018	<u>128</u>	NOTICE of <i>Withdrawal of Arthur D'Andrea as Counsel for Plaintiff</i> filed by State of Texas (Hacker, David) (Entered: 09/26/2018)
09/26/2018	<u>129</u>	NOTICE of <i>Withdrawal of Andrew D. Leonie as Counsel for Plaintiff</i> filed by State of Texas (Hacker, David) (Entered: 09/26/2018)
09/26/2018	<u>130</u>	NOTICE of <i>Withdrawal of Andrew S. Oldham as Counsel for Plaintiff</i> filed by State of Texas (Hacker, David) (Entered: 09/26/2018)
09/26/2018	<u>131</u>	NOTICE of <i>Withdrawal of Scott A. Keller as Counsel for Plaintiff</i> filed by State of Texas (Hacker, David) (Entered: 09/26/2018)
09/26/2018	<u>132</u>	NOTICE of <i>Withdrawal of Michael C. Toth as Counsel for Plaintiff</i> filed by State of Texas (Hacker, David) (Entered: 09/26/2018)
09/30/2019	<u>133</u>	JUDGMENT/MANDATE of USCA as to <u>124</u> Notice of Appeal filed by Eric H Holder, Jr, Victoria Lipnic, EEOC, Jacqueline Berrien, Jefferson B Sessions, III, <u>125</u> Notice of Appeal filed by State of Texas. Issued as Mandate: 09/30/2019. It is ordered and adjudged that the injunction is affirmed as modified, the district courts ruling on the merits of Texass DJA claim is vacated, and the DJA claim is dismissed. IT IS FURTHER ORDERED that defendants-appellants cross-appellees pay to plaintiff-appellee cross-appellant the costs on appeal to be taxed by the Clerk of this Court. (Attachments: # <u>1</u> USCA Letter) (bmh) (Entered: 09/30/2019)
09/30/2019	<u>134</u>	Opinion of USCA in accordance with USCA judgment re <u>124</u> Notice of Appeal filed by Eric H Holder, Jr, Victoria Lipnic, EEOC, Jacqueline Berrien, Jefferson B Sessions, III, <u>125</u> Notice of Appeal filed by State of Texas. Because we affirm the injunction, we decline to consider Texass DJA claim. We thus vacate the district courts ruling on the merits of that claim. The injunction is AFFIRMED as modified, the district courts ruling on the merits of Texass DJA claim is VACATED, and the DJA claim is DISMISSED. No remand is needed. (bmh) (Entered: 09/30/2019)
10/03/2019	<u>135</u>	Unopposed MOTION to Withdraw as Attorney filed by State of Texas Attorney Kyle Hawkins added to party State of Texas(pty:pla) (Hawkins, Kyle) (Entered: 10/03/2019)
10/03/2019	<u>136</u>	Unopposed MOTION to Substitute Attorney, added attorney Kyle Hawkins. Motion filed by State of Texas (Hawkins, Kyle) (Entered: 10/03/2019)
10/07/2019	<u>137</u>	ORDER granting <u>135</u> Motion to Withdraw as Attorney. Attorney Andrew Stephen Oldham terminated. (Ordered by Senior Judge Sam R Cummings on 10/7/2019) (bmh) (Entered: 10/07/2019)
10/07/2019	<u>138</u>	ORDER granting <u>136</u> Motion to Substitute Attorney. Accordingly, Scott A. Keller is hereby WITHDRAWN as counsel of record for Plaintiff. (Ordered by Senior Judge Sam R Cummings on 10/7/2019) (bmh) (Entered: 10/07/2019)