

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-02192-BAH**

OPEN COMMUNITIES ALLIANCE et al v. CARSON et al
Assigned to: Chief Judge Beryl A. Howell
Cause: 05:551 Administrative Procedure Act

Date Filed: 10/23/2017
Date Terminated: 08/16/2018
Jury Demand: None
Nature of Suit: 899 Administrative
Procedure Act/Review or Appeal of
Agency Decision
Jurisdiction: U.S. Government Defendant

Plaintiff

OPEN COMMUNITIES ALLIANCE

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Plaintiff

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Plaintiff

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V.

Defendant

BEN S. CARSON, SR.
*Secretary of Housing and Urban
Development, in his official capacity*

represented by **Johnny Hillary Walker , III**
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Defendant

**U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT**

represented by **Johnny Hillary Walker , III**
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Amicus

**INSTITUTE FOR POLICY
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Date Filed	#	Docket Text
10/23/2017	<u>1</u>	COMPLAINT against BEN S. CARSON, SR, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Filing fee \$ 400 receipt number 0090-5170494) filed by OPEN COMMUNITIES ALLIANCE, TIARA MOORE, CRYSTAL CARTER. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit Exhibit A, # <u>3</u> Exhibit Exhibit B, # <u>4</u> Summons)(Samberg-Champion, Sasha) (Entered: 10/23/2017)
10/23/2017	<u>2</u>	NOTICE of Appearance by Allison Marcy Zieve on behalf of All Plaintiffs (Zieve, Allison) (Entered: 10/23/2017)
10/23/2017	<u>3</u>	NOTICE of Appearance by Michael Gerhart Allen on behalf of All Plaintiffs (Allen, Michael) (Entered: 10/23/2017)
10/23/2017	<u>4</u>	NOTICE of Appearance by Jon M. Greenbaum on behalf of All Plaintiffs (Greenbaum, Jon) (Entered: 10/23/2017)
10/23/2017		Case Assigned to Chief Judge Beryl A. Howell. (sth) (Entered: 10/23/2017)
10/23/2017		SUMMONS Not Issued as to BEN S. CARSON, SR, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (sth) (Entered: 10/23/2017)
10/23/2017	<u>5</u>	REQUEST FOR SUMMONS TO ISSUE <i>against Ben Carson</i> re <u>1</u> Complaint, filed by OPEN COMMUNITIES ALLIANCE, TIARA MOORE, CRYSTAL CARTER. Related document: <u>1</u> Complaint, filed by CRYSTAL CARTER, TIARA MOORE, OPEN COMMUNITIES ALLIANCE.(Samberg-Champion, Sasha) (Entered: 10/23/2017)
10/23/2017	<u>6</u>	REQUEST FOR SUMMONS TO ISSUE <i>against HUD</i> re <u>1</u> Complaint, filed by OPEN COMMUNITIES ALLIANCE, TIARA MOORE, CRYSTAL CARTER. Related document: <u>1</u> Complaint, filed by CRYSTAL CARTER, TIARA MOORE, OPEN COMMUNITIES ALLIANCE.(Samberg-Champion, Sasha) (Entered: 10/23/2017)
10/26/2017	<u>7</u>	ENTERED IN ERROR.....NOTICE of Appearance by Samuel Spital on behalf of CRYSTAL CARTER, TIARA MOORE, OPEN COMMUNITIES ALLIANCE (Spital, Samuel) Modified on 10/27/2017 (znmw). (Entered: 10/26/2017)
10/26/2017	<u>8</u>	ENTERED IN ERROR.....STANDING ORDER. Signed by Chief Judge Beryl A. Howell on October 26, 2017. (lcbah1) Modified on 10/27/2017 (tg). (Entered: 10/26/2017)
10/27/2017		NOTICE OF CORRECTED DOCKET ENTRY: ECF <u>8</u> Order was entered in error, the parties shall disregard the entry. A new corrected Standing Order will be posted in this case. (tg) (Entered: 10/27/2017)
10/27/2017	<u>9</u>	STANDING ORDER. Signed by Chief Judge Beryl A. Howell on October 27, 2017. (lcbah1) (Entered: 10/27/2017)
10/27/2017		NOTICE OF ERROR re <u>7</u> Notice of Appearance; emailed to sspital@naacpldf.org , cc'd 7 associated attorneys — The PDF file you docketed contained errors: 1. Incorrect document/case, 2. Please refile document, 3. ENTERED IN ERROR: Appearance form is blank; Please refile. (znmw,) (Entered: 10/27/2017)

10/27/2017	<u>10</u>	NOTICE of Appearance by Samuel Spital on behalf of CRYSTAL CARTER, TIARA MOORE, OPEN COMMUNITIES ALLIANCE (Spital, Samuel) (Entered: 10/27/2017)
10/27/2017	<u>11</u>	SUMMONS (2) Issued Electronically as to BEN S. CARSON, SR, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Attachment: # <u>1</u> Notice and Consent)(jd) (Entered: 10/27/2017)
10/27/2017		SUMMONS Not Issued as to U.S. Attorney General and U.S. Attorney for the District of Columbia.(jd) (Entered: 10/27/2017)
10/27/2017	<u>12</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed BEN S. CARSON, SR served on 10/27/2017. (Samberg-Champion, Sasha) Modified party served on 10/30/2017; summons not issued to U.S. Attorney. (znmw). (Entered: 10/27/2017)
10/27/2017	<u>13</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT served on 10/27/2017. (Samberg-Champion, Sasha) Modified party served on 10/30/2017; summons not issued to U.S. Attorney. (znmw). (Entered: 10/27/2017)
11/03/2017	<u>14</u>	NOTICE of Appearance by Johnny Hillary Walker, III on behalf of All Defendants (Walker, Johnny) (Entered: 11/03/2017)
11/08/2017	<u>15</u>	MOTION for Preliminary Injunction by CRYSTAL CARTER, TIARA MOORE, OPEN COMMUNITIES ALLIANCE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order, # <u>3</u> Declaration, # <u>4</u> Declaration, # <u>5</u> Declaration, # <u>6</u> Declaration, # <u>7</u> Declaration, # <u>8</u> Declaration, # <u>9</u> Declaration)(Samberg-Champion, Sasha) (Entered: 11/08/2017)
11/08/2017	<u>16</u>	DECLARATION OF SASHA SAMBERG-CHAMPION re <u>15</u> MOTION for Preliminary Injunction by CRYSTAL CARTER, TIARA MOORE, OPEN COMMUNITIES ALLIANCE (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J)(Samberg-Champion, Sasha) Modified on 11/8/2017 (zrdj). Modified on 11/8/2017 (zrdj). (Entered: 11/08/2017)
11/08/2017	<u>17</u>	NOTICE of Appearance by Coty R. Montag on behalf of CRYSTAL CARTER, TIARA MOORE, OPEN COMMUNITIES ALLIANCE (Montag, Coty) (Entered: 11/08/2017)
11/08/2017	<u>18</u>	NOTICE of Appearance by Ajmel A. Quereshi on behalf of CRYSTAL CARTER, TIARA MOORE, OPEN COMMUNITIES ALLIANCE (Quereshi, Ajmel) (Entered: 11/08/2017)
11/08/2017		MINUTE ORDER (paperless) ISSUING the following SCHEDULING ORDER to control the timing of proceedings in this matter: (1) by November 15, 2017, the defendants shall file any Opposition to the plaintiffs' <u>15</u> Motion for Preliminary Injunction, see LCvR 65.1(c); and (2) by November 22, 2017, the plaintiffs shall file any Reply to the defendants' Opposition. Signed by Chief Judge Beryl A. Howell on November 8, 2017. (lcbah1) (Entered: 11/08/2017)
11/09/2017	<u>19</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>15</u> MOTION for Preliminary Injunction by BEN S. CARSON, SR, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Johnny) (Entered: 11/09/2017)
11/13/2017	<u>20</u>	Unopposed MOTION for Leave to File <i>Amicus Brief</i> by INSTITUTE FOR POLICY INTEGRITY (Attachments: # <u>1</u> Exhibit Proposed Amicus Brief, # <u>2</u> Text of Proposed Order)(Zevin, Avi) (Entered: 11/13/2017)
11/14/2017		MINUTE ORDER (paperless) GRANTING the parties' <u>19</u> Consent Motion for Extension of Time. Accordingly, the defendants shall file their opposition to the plaintiffs' <u>15</u> Motion for Preliminary Injunction by December 1, 2017, and the plaintiffs shall file their reply by December 11, 2017. Signed by Chief Judge Beryl A. Howell on November 14, 2017. (lcbah1) (Entered: 11/14/2017)

11/14/2017		MINUTE ORDER (paperless) GRANTING Institute for Policy Integrity's <u>20</u> Unopposed Motion for Leave to File Brief as Amicus Curiae. The proposed brief attached to the motion as Exhibit 1 is hereby accepted and considered filed as of November 14, 2017. Signed by Chief Judge Beryl A. Howell on November 14, 2017. (lcbah1) (Entered: 11/14/2017)
11/14/2017		Set/Reset Deadlines: Opposition to <u>15</u> Motion for Preliminary Injunction due by 12/1/2017; Reply due by 12/11/2017. (tg) (Entered: 11/14/2017)
11/14/2017	<u>21</u>	AMICUS BRIEF by INSTITUTE FOR POLICY INTEGRITY. (jf) (Entered: 11/14/2017)
11/15/2017	<u>22</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. BEN S. CARSON, SR served on 11/3/2017; U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT served on 11/3/2017 (Samberg-Champion, Sasha) (Entered: 11/15/2017)
11/15/2017	<u>23</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 11/6/2017. (Samberg-Champion, Sasha) (Entered: 11/15/2017)
12/01/2017		NOTICE of Hearing on Motion. The parties shall take notice that a hearing to hear oral argument on the plaintiffs' <u>15</u> Motion for Preliminary Injunction is scheduled for 12/19/2017, at 9:30 AM in Courtroom 22A before Chief Judge Beryl A. Howell. (tg) (Entered: 12/01/2017)
12/01/2017	<u>24</u>	Memorandum in opposition to re <u>15</u> MOTION for Preliminary Injunction filed by BEN S. CARSON, SR, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Attachments: # <u>1</u> Declaration of Todd Richardson, # <u>2</u> Declaration of Aaron Santa Anna, # <u>3</u> Declaration of Marianne Nazzaro, # <u>4</u> Exhibit 1: Interim Report, # <u>5</u> Exhibit 2: Suspension Memorandum, # <u>6</u> Exhibit 3: Letter to PHAs, # <u>7</u> Exhibit 4: NAHRO Comment Letter)(Walker, Johnny) (Entered: 12/01/2017)
12/11/2017	<u>25</u>	REPLY to opposition to motion re <u>15</u> MOTION for Preliminary Injunction filed by CRYSTAL CARTER, TIARA MOORE, OPEN COMMUNITIES ALLIANCE. (Attachments: # <u>1</u> Declaration of Sasha Samberg-Champion)(Samberg-Champion, Sasha) (Entered: 12/11/2017)
12/19/2017		Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Motion Hearing held on 12/19/2017 regarding <u>15</u> MOTION for Preliminary Injunction filed by CRYSTAL CARTER, TIARA MOORE, OPEN COMMUNITIES ALLIANCE. The Court reserved its decision; ruling forthcoming. (Court Reporter Elizabeth Saint-Loth.) (tg) (Entered: 12/19/2017)
12/21/2017	<u>26</u>	MOTION for Extension of Time to File Answer by BEN S. CARSON, SR, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Johnny) (Entered: 12/21/2017)
12/21/2017	<u>27</u>	RESPONSE re <u>26</u> MOTION for Extension of Time to File Answer filed by CRYSTAL CARTER, TIARA MOORE, OPEN COMMUNITIES ALLIANCE. (Samberg-Champion, Sasha) (Entered: 12/21/2017)
12/22/2017		MINUTE ORDER (paperless) GRANTING the defendants' <u>26</u> Motion for Extension of Time to File Answer. Signed by Chief Judge Beryl A. Howell on December 22, 2017. (lcbah1) (Entered: 12/22/2017)
12/23/2017	<u>28</u>	ORDER GRANTING the plaintiffs' <u>15</u> Motion for Preliminary Injunction. See Order for further details. Signed by Chief Judge Beryl A. Howell on December 23, 2017. (lcbah1) (Entered: 12/23/2017)
12/23/2017	<u>29</u>	MEMORANDUM OPINION regarding the plaintiffs' <u>15</u> Motion for Preliminary Injunction. Signed by Chief Judge Beryl A. Howell on December 23, 2017. (lcbah1) (Entered: 12/23/2017)
12/26/2017		Set/Reset Deadlines: Defendants' answer due by 1/16/2018. (hmc) (Entered: 12/26/2017)
12/28/2017	<u>30</u>	TRANSCRIPT OF MOTION HEARING, before Chief Judge Beryl A. Howell, held on 12-19-2017; Page Numbers: 1 - 39. Date of Issuance: 12-28-2017. Court

		<p>Reporter/Transcriber: Elizabeth SaintLoth, Telephone number: 202-354-3242, Transcripts may be ordered by submitting the Transcript Order Form</p> <p>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.</p> <p>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 www.dcd.uscourts.gov.</p> <p>Redaction Request due 1/18/2018. Redacted Transcript Deadline set for 1/28/2018. Release of Transcript Restriction set for 3/28/2018.(Saint-Loth, Elizabeth) (Entered: 12/28/2017)</p>
01/10/2018	31	Second MOTION for Extension of Time to File Answer by BEN S. CARSON, SR, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Attachments: # 1 Text of Proposed Order)(Walker, Johnny) (Entered: 01/10/2018)
01/11/2018	32	RESPONSE re 31 Second MOTION for Extension of Time to File Answer filed by CRYSTAL CARTER, TIARA MOORE, OPEN COMMUNITIES ALLIANCE. (Samberg-Champion, Sasha) (Entered: 01/11/2018)
01/12/2018		MINUTE ORDER (paperless) GRANTING in part and DENYING in part the defendants' 31 Second Motion for Extension of Time to File Answer. The defendants, by February 15, 2018, shall file any answer to the plaintiffs' complaint. The defendants' February 15, 2018 deadline to file the certified list of the contents of the administrative record, however, remains unchanged. See LCvR 7(n)(1) ("In cases involving the judicial review of administrative agency actions, unless otherwise ordered by the Court, the agency must file a certified list of the contents of the administrative record with the Court within 30 days following service of the answer to the complaint or simultaneously with the filing of a dispositive motion, whichever occurs first."); Minute Order, dated December 22, 2017 (extending from December 26, 2017 to January 16, 2018 the defendants' deadline to file an answer). Signed by Chief Judge Beryl A. Howell on January 12, 2018. (lcbah1) (Entered: 01/12/2018)
01/12/2018		Set/Reset Deadlines: Answer to the Complaint due by 2/15/2018. (tg) (Entered: 01/16/2018)
02/15/2018	33	STIPULATION of Judgment and Proposed Order by BEN S. CARSON, SR, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Walker, Johnny) (Entered: 02/15/2018)
02/16/2018	34	STIPULATED JUDGMENT AND ORDER. See Order for further details. Signed by Chief Judge Beryl A. Howell on February 16, 2018. (lcbah1) (Entered: 02/16/2018)
02/20/2018		Set/Reset Deadlines: Plaintiffs' motion for attorney's fees and costs due due by 3/15/2018. (tg) (Entered: 02/20/2018)
03/15/2018	35	MOTION for Attorney Fees by CRYSTAL CARTER, TIARA MOORE, OPEN COMMUNITIES ALLIANCE (Attachments: # 1 Declaration of Erin Boggs, # 2 Declaration of Sasha Samberg-Champion, # 3 Exhibit A - RDC Rates (2017), # 4 Exhibit B - David Cynamon Decl., # 5 Exhibit C - John Devaney Decl., # 6 Exhibit D - Jeffrey Robinson Decl., # 7 Exhibit E - RDC Fees Detail, # 8 Exhibit F - LDF Fees, # 9 Exhibit G - Lawyers' Committee Fees, # 10 Exhibit H - PRRAC Fees, # 11 Exhibit I - Public Citizen Fees, # 12 Exhibit J - Expenses - Filing Fee, # 13 Exhibit K - Expenses - Online Research, # 14 Exhibit L - Expenses - Printing and Copying, # 15 Text of Proposed Order)(Samberg-Champion, Sasha) (Entered: 03/15/2018)
03/29/2018	36	Memorandum in opposition to re 35 MOTION for Attorney Fees filed by BEN S. CARSON, SR, INSTITUTE FOR POLICY INTEGRITY, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E)(Walker, Johnny) (Entered: 03/29/2018)

		03/29/2018)
04/02/2018	<u>37</u>	MOTION for Leave to File <i>Supplement</i> by BEN S. CARSON, SR, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Text of Proposed Order)(Walker, Johnny) (Entered: 04/02/2018)
04/03/2018	<u>38</u>	RESPONSE re <u>37</u> MOTION for Leave to File <i>Supplement</i> filed by CRYSTAL CARTER, TIARA MOORE, OPEN COMMUNITIES ALLIANCE. (Attachments: # <u>1</u> Text of Proposed Order)(Samberg-Champion, Sasha) (Entered: 04/03/2018)
04/04/2018		MINUTE ORDER (paperless) GRANTING, over the plaintiffs' opposition, the defendants' <u>37</u> Motion for Leave to Supplement Their Response to Plaintiffs' Motion for Attorney's Fees and Costs. By April 5, 2018, the defendants shall file any supplement to their response. By April 12, 2018, the plaintiffs shall file any reply to the defendants' response. Signed by Chief Judge Beryl A. Howell on April 4, 2018. (lcbah1) (Entered: 04/04/2018)
04/05/2018		Set/Reset Deadlines: Defendants' supplemental memorandum due by 4/5/2018; plaintiffs' reply due by 4/12/2018. (tg) (Entered: 04/05/2018)
04/05/2018	<u>39</u>	SUPPLEMENTAL MEMORANDUM to re <u>36</u> Memorandum in Opposition, filed by BEN S. CARSON, SR, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Walker, Johnny) (Entered: 04/05/2018)
04/12/2018	<u>40</u>	REPLY to opposition to motion re <u>35</u> MOTION for Attorney Fees filed by CRYSTAL CARTER, TIARA MOORE, OPEN COMMUNITIES ALLIANCE. (Samberg-Champion, Sasha) (Entered: 04/12/2018)
06/15/2018	<u>41</u>	MEMORANDUM OPINION AND ORDER granting the plaintiffs' <u>35</u> Motion for Attorneys' Fees. See Memorandum Opinion and Order for further details. Signed by Chief Judge Beryl A. Howell on June 15, 2018. (lcbah3) (Entered: 06/15/2018)
06/18/2018		Set/Reset Deadlines: Payment of attorney fees to the plaintiffs by the defendant due by 8/14/2018, unless the parties reach an alternative mutually agreeable date. (tg) (Entered: 06/18/2018)
07/17/2018	<u>42</u>	NOTICE of Compliance with Court Order by BEN S. CARSON, SR, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT re <u>41</u> Order on Motion for Attorney Fees (Attachments: # <u>1</u> Exhibit 1)(Walker, Johnny) (Entered: 07/17/2018)
08/15/2018		MINUTE ORDER (paperless) DIRECTING, in light of the <u>34</u> Stipulated Judgment and Order, the Clerk to close this case. Signed by Chief Judge Beryl A. Howell on August 15, 2018. (lcbah3) (Entered: 08/15/2018)