

ADRMOPTERM,APPEAL,CLOSED,RELATE

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:18-cv-05169-WHO**

State of California v. Sessions et al
Assigned to: Judge William H. Orrick
Relate Case Case: 3:17-cv-00485-WHO
Case in other court: 9th Circuit, 19-15950
Cause: 28:2201 Declaratory Judgement

Date Filed: 08/23/2018
Date Terminated: 03/04/2019
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: U.S. Government Defendant

Plaintiff

State of California
*STATE OF CALIFORNIA, ex rel,
XAVIER BECERRA, in his official
capacity as Attorney General of the State
of California*

represented by **Cherokee Dawn-Marie Melton**
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V.

Defendant

Jefferson Beauregard Sessions, III
*In his official capacity as Attorney
General of United States*

represented by **Daniel D. Mauler**
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TERMINATED: 04/30/2019
LEAD ATTORNEY

Defendant

Laura L. Rogers

*In her official capacity as Acting
Assistant Attorney General of United
States*

represented by **Daniel D. Mauler**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

United States Department of Justice
*UNITED STATES DEPARTMENT OF
JUSTICE*

represented by **Daniel D. Mauler**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

W. Scott Simpson
(See above for address)
TERMINATED: 04/30/2019
LEAD ATTORNEY

Defendant

Matt M. Dummermuth

*in his official capacity as Principal
Deputy Assistant Attorney General*

represented by **Daniel D. Mauler**
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W. Scott Simpson
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LEAD ATTORNEY

Defendant

Mathew Whitaker

represented by **Daniel D. Mauler**
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W. Scott Simpson
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TERMINATED: 04/30/2019
LEAD ATTORNEY

Defendant

William P. Barr

represented by **Daniel D. Mauler**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

W. Scott Simpson
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TERMINATED: 04/30/2019
LEAD ATTORNEY

Amicus

Los Angeles Unified School District
OFFICE OF GENERAL COUNSEL

represented by **Devora Montoya Navera**
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Date Filed	#	Docket Text
08/23/2018	<u>1</u>	COMPLAINT <i>FY 2018 JAG</i> against All Defendants (Filing fee \$ 400, receipt number 0971-12619589.). Filed by State of California. (Attachments: # <u>1</u> Civil Cover Sheet Civil Cover Sheet)(Sherman, Lee) (Filed on 8/23/2018) (Entered: 08/23/2018)
08/23/2018	<u>2</u>	Proposed Summons. (Sherman, Lee) (Filed on 8/23/2018) (Entered: 08/23/2018)
08/23/2018	<u>3</u>	Proposed Summons. (Sherman, Lee) (Filed on 8/23/2018) (Entered: 08/23/2018)
08/23/2018	<u>4</u>	Proposed Summons. (Sherman, Lee) (Filed on 8/23/2018) (Entered: 08/23/2018)
08/23/2018	5	<p>Case assigned to Magistrate Judge Kandis A. Westmore.</p> <p>Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at http://cand.uscourts.gov/ecf/caseopening.</p> <p>Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges. Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5-1(e)(7). A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by 9/6/2018. (as, COURT STAFF) (Filed on 8/23/2018) (Entered: 08/23/2018)</p>

08/24/2018	<u>6</u>	Summons Issued as to Laura L. Rogers, Jefferson Beauregard Sessions, III, United States Department of Justice, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons, # <u>2</u> Summons)(jmlS, COURT STAFF) (Filed on 8/24/2018) (Entered: 08/24/2018)
08/24/2018	<u>7</u>	Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 11/20/2018. Initial Case Management Conference set for 11/27/2018 01:30 PM. (jmlS, COURT STAFF) (Filed on 8/24/2018) (Entered: 08/24/2018)
08/31/2018	<u>8</u>	CERTIFICATE OF SERVICE by State of California (Sherman, Lee) (Filed on 8/31/2018) (Entered: 08/31/2018)
09/10/2018	<u>9</u>	ORDER RELATING CASE – This matter is found to be related to Case No. 3:17cv485–WHO. Signed by Judge William H. Orrick on 09/10/2018. (jmdS, COURT STAFF) (Filed on 9/10/2018) (Entered: 09/10/2018)
09/11/2018	<u>10</u>	Case Reassigned to Judge William H. Orrick. Magistrate Judge Kandis A. Westmore no longer assigned to the case. This case is assigned to a judge who participates in the Cameras in the Courtroom Pilot Project. See General Order 65 and http://cand.uscourts.gov/cameras . (jmlS, COURT STAFF) (Filed on 9/11/2018) (Entered: 09/11/2018)
09/11/2018	<u>11</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by State of California.. (Sherman, Lee) (Filed on 9/11/2018) (Entered: 09/11/2018)
09/11/2018	<u>12</u>	CASE MANAGEMENT CONFERENCE ORDER – Case Management Conference set for 11/27/2018 02:00 PM in San Francisco, Courtroom 02, 17th Floor. Case Management Statement due by 11/20/2018. Signed by Judge William H. Orrick on 09/11/2018. (jmdS, COURT STAFF) (Filed on 9/11/2018) (Entered: 09/11/2018)
09/12/2018	<u>13</u>	NOTICE of Appearance by Sarah Elizabeth Belton <i>for Plaintiff State of California</i> (Belton, Sarah) (Filed on 9/12/2018) (Entered: 09/12/2018)
10/12/2018	<u>14</u>	MOTION for Extension of Time to File Response/Reply as to <u>1</u> Complaint filed by Jefferson Beauregard Sessions, III, United States Department of Justice, Matt M. Dummermuth. (Attachments: # <u>1</u> Declaration of W. Scott Simpson, # <u>2</u> Proposed Order)(Simpson, W.) (Filed on 10/12/2018) (Entered: 10/12/2018)
10/16/2018	<u>15</u>	STIPULATION WITH PROPOSED ORDER <i>Stipulation and [Proposed] Order on Amendment of Complaints and Defendants' Responses to Amended Complaints</i> filed by State of California. (Sherman, Lee) (Filed on 10/16/2018) (Entered: 10/16/2018)
10/16/2018	<u>16</u>	ORDER by Judge William H. Orrick granting (18) Stipulation in case 3:18–cv–05146–WHO and (15) Stipulation in case 3:18–cv–05169–WHO. Plaintiffs shall have until November 1, 2018 to file an amended complaint in this action. Defendants' responses to the complaints shall be due on December 3, 2018. (jmdS, COURT STAFF) (Filed on 10/16/2018) (Entered: 10/16/2018)
10/31/2018	<u>17</u>	NOTICE of Appearance by Cherokee Dawn–Marie Melton <i>for Plaintiff State of California</i> (Melton, Cherokee) (Filed on 10/31/2018) (Entered: 10/31/2018)
11/01/2018	<u>18</u>	Joint ADMINISTRATIVE MOTION <i>Automatic Referral to the ADR Multi–Option Program</i> filed by State of California. Responses due by 11/5/2018. (Attachments: # <u>1</u> Proposed Order)(Sherman, Lee) (Filed on 11/1/2018) (Entered: 11/01/2018)
11/01/2018	<u>19</u>	ORDER ON JOINT ADMINISTRATIVE MOTION FOR RELIEF FROM AUTOMATIC REFERRAL TO THE ADR MULTI–OPTION PROGRAM by Judge William H. Orrick granting (20) Administrative Motion in case 3:18–cv–05146–WHO. Associated Cases: 3:18–cv–05146–WHO, 3:18–cv–05169–WHO (jmdS, COURT STAFF) (Filed on 11/1/2018) (Entered: 11/01/2018)
11/01/2018	<u>20</u>	FIRST AMENDED COMPLAINT FOR DECLARATORY, INJUNCTIVE, AND MANDAMUS RELIEF; against Matt M. Dummermuth, Jefferson Beauregard Sessions, III, United States Department of Justice. Filed by State of California. (Attachments: # <u>1</u> Exhibit A–D)(Sherman, Lee) (Filed on 11/1/2018) Modified on 11/2/2018 (aaaS, COURT STAFF). (Entered: 11/01/2018)

11/09/2018	<u>21</u>	NOTICE of Appearance by Garrett Murlan Lindsey (Lindsey, Garrett) (Filed on 11/9/2018) (Entered: 11/09/2018)
11/20/2018	<u>22</u>	JOINT CASE MANAGEMENT STATEMENT ; [PROPOSED] Order filed by State of California. (Sherman, Lee) (Filed on 11/20/2018) Modified on 11/21/2018 (mclS, COURT STAFF). (Entered: 11/20/2018)
11/27/2018	<u>23</u>	Minute Entry for proceedings held before Judge William H. Orrick: Case Management Conference held on 11/27/2018. Briefing schedule set and Motion Hearing on anticipated motion to enforce judgment scheduled for 12/21/2018 10:00 AM. Briefing schedule set and Motion Hearing on competing dispositive motions scheduled for 2/13/2019 02:00 PM. (Both hearings to be conducted in San Francisco, Courtroom 02, 17th Floor before Judge William H. Orrick.) FTR Time: 2:09–2:32. (jmdS, COURT STAFF) (Date Filed: 11/27/2018) (Entered: 11/27/2018)
12/03/2018	<u>24</u>	NOTICE by Matt M. Dummermuth, United States Department of Justice, Matthew G. Whitaker <i>of Filing of Administrative Record</i> (Attachments: # <u>1</u> Admin. Record Part 1, # <u>2</u> Admin. Record Part 2, # <u>3</u> Admin. Record Part 3, # <u>4</u> Admin. Record Part 4)(Simpson, W.) (Filed on 12/3/2018) (Entered: 12/03/2018)
12/03/2018	<u>25</u>	MOTION to Dismiss (<i>Partial</i>), MOTION for Summary Judgment (<i>Partial</i>) filed by Matt M. Dummermuth, United States Department of Justice, Matthew G. Whitaker. Motion Hearing set for 2/13/2019 02:00 PM in San Francisco, Courtroom 02, 17th Floor before Judge William H. Orrick. Responses due by 12/21/2018. Replies due by 1/16/2019. (Attachments: # <u>1</u> Defendants' Request for Judicial Notice, # <u>2</u> Proposed Order)(Simpson, W.) (Filed on 12/3/2018) (Entered: 12/03/2018)
12/04/2018	<u>26</u>	Clerk's Notice of Video Recording Request. Video Camera hearings set for 12/21/2018 10:00 AM and 2/13/2019 02:00 PM. Objections to Video Recording due 12/11/2018. (jmdS, COURT STAFF) (Filed on 12/4/2018) (Entered: 12/04/2018)
12/19/2018	<u>27</u>	Clerk's Notice CONSENTING TO Video Recording of hearing re: 155 Motion to Enforce in Case No. 17–cv–4701–WHO. (jmdS, COURT STAFF) (Filed on 12/19/2018) (Entered: 12/19/2018)
12/21/2018	<u>28</u>	NOTICE by Matt M. Dummermuth, United States Department of Justice, Matthew G. Whitaker re <u>24</u> Notice (Other), <i>Notice of Lodging</i> (Simpson, W.) (Filed on 12/21/2018) (Entered: 12/21/2018)
12/21/2018	<u>29</u>	MOTION for Summary Judgment <i>and Opposition to Defendants' Partial Motions to Dismiss and for Summary Judgment</i> filed by State of California. Motion Hearing set for 2/13/2019 02:00 PM in San Francisco, Courtroom 02, 17th Floor before Judge William H. Orrick. Responses due by 1/16/2019. Replies due by 1/30/2019. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Request for Judicial Notice in Support of Plaintiff's Motion for Summary Judgment and Opposition to Defendants' Partial Motions to Dismiss and for Summary Judgment, # <u>3</u> Declaration of Lee I. Sherman in Support of Plaintiff's Motion for Summary Judgment and Opposition to Defendants' Partial Motions to Dismiss and for Summary Judgment)(Melton, Cherokee) (Filed on 12/21/2018) (Entered: 12/21/2018)
12/21/2018	<u>30</u>	Appendix re <u>29</u> MOTION for Summary Judgment <i>and Opposition to Defendants' Partial Motions to Dismiss and for Summary Judgment (Part 1)</i> filed by State of California. (Related document(s) <u>29</u>) (Melton, Cherokee) (Filed on 12/21/2018) (Entered: 12/21/2018)
12/21/2018	<u>31</u>	Appendix re <u>29</u> MOTION for Summary Judgment <i>and Opposition to Defendants' Partial Motions to Dismiss and for Summary Judgment (Part 2)</i> filed by State of California. (Related document(s) <u>29</u>) (Melton, Cherokee) (Filed on 12/21/2018) (Entered: 12/21/2018)
12/27/2018	<u>32</u>	Clerk's Notice CONSENTING TO Video Recording of Motion Hearing set for 2/13/2019 in Cases 3:18–cv–05169–WHO and 3:18–cv–05146–WHO. (jmdS, COURT STAFF) (Filed on 12/27/2018) (Entered: 12/27/2018)
12/27/2018	<u>33</u>	MOTION to Stay <i>Proceedings in Light of Lapse of Appropriations</i> filed by Matt M. Dummermuth, United States Department of Justice, Matthew G. Whitaker. Responses due by 1/10/2019. Replies due by 1/17/2019. (Attachments: # <u>1</u> Declaration of W.

		Scott Simpson, # <u>2</u> Proposed Order)(Simpson, W.) (Filed on 12/27/2018) (Entered: 12/27/2018)
12/28/2018	<u>34</u>	ORDER REGARDING AMICUS BRIEFING. Signed by Judge William H. Orrick on 12/28/2018. (jmdS, COURT STAFF) (Filed on 12/28/2018) (Entered: 12/28/2018)
01/02/2019	<u>35</u>	ORDER by Judge William H. Orrick denying (46) Motion to Stay in case 3:18-cv-05146-WHO; denying (33) Motion to Stay in case 3:18-cv-05169-WHO. (jmdS, COURT STAFF) (Filed on 1/2/2019) (Entered: 01/02/2019)
01/16/2019	<u>36</u>	OPPOSITION/RESPONSE (re <u>29</u> MOTION for Summary Judgment <i>and Opposition to Defendants' Partial Motions to Dismiss and for Summary Judgment</i>) filed byMatt M. Dummermuth, United States Department of Justice, Mathew Whitaker. (Simpson, W.) (Filed on 1/16/2019) (Entered: 01/16/2019)
01/16/2019	<u>37</u>	REPLY (re <u>25</u> MOTION to Dismiss (<i>Partial</i>) MOTION for Summary Judgment (<i>Partial</i>)) filed byMatt M. Dummermuth, United States Department of Justice, Mathew Whitaker. (Simpson, W.) (Filed on 1/16/2019) (Entered: 01/16/2019)
01/29/2019	<u>38</u>	Brief <i>Motion for Leave to File Amicus Curiae Brief</i> filed byLos Angeles Unified School District. (Attachments: # <u>1</u> Exhibit A – Proposed Amicus Curiae Brief)(Navera, Devora) (Filed on 1/29/2019) (Entered: 01/29/2019)
01/29/2019	<u>39</u>	NOTICE of Appearance by Sue Ann Salmon Evans <i>for Amicus Curiae Los Angeles Unified School District</i> (Salmon Evans, Sue) (Filed on 1/29/2019) (Entered: 01/29/2019)
01/29/2019	<u>40</u>	NOTICE of Appearance by Bryan Justin Park <i>for Amicus Curiae Los Angeles Unified School District</i> (Park, Bryan) (Filed on 1/29/2019) (Entered: 01/29/2019)
01/30/2019		Electronic filing error. Re: <u>39</u> Notice of Appearance filed by Los Angeles Unified School District, <u>40</u> Notice of Appearance filed by Los Angeles Unified School District Attorney Devora Montoya Navera Reed Must Contact Attorneys' Admissions for the Northern District of California and Correct Their Name. After, Counsel is Instructed to E-file a Notice Regarding Change in Counsel's Name. Informing the Judge of this Correction. (aaaS, COURT STAFF) (Filed on 1/30/2019) (Entered: 01/30/2019)
01/30/2019	<u>41</u>	REPLY (re <u>29</u> MOTION for Summary Judgment <i>and Opposition to Defendants' Partial Motions to Dismiss and for Summary Judgment</i>) filed byState of California. (Attachments: # <u>1</u> Supplemental Request for Judicial Notice & Exs. A–B)(Sherman, Lee) (Filed on 1/30/2019) (Entered: 01/30/2019)
01/30/2019	<u>42</u>	ERRATA re Electronic Filing Error,, <u>38</u> Brief, <u>39</u> Notice of Appearance, <u>40</u> Notice of Appearance by Los Angeles Unified School District. (Navera, Devora) (Filed on 1/30/2019) (Entered: 01/30/2019)
02/13/2019	<u>43</u>	TRANSCRIPT ORDER for proceedings held on 2/13/2019 before Judge William H. Orrick by Matt M. Dummermuth, United States Department of Justice, Mathew Whitaker, for Court Reporter Debra Pas. (Simpson, W.) (Filed on 2/13/2019) (Entered: 02/13/2019)
02/14/2019	<u>44</u>	TRANSCRIPT ORDER for proceedings held on 2/13/2019 before Judge William H. Orrick by State of California, for Court Reporter Debra Pas. (Sherman, Lee) (Filed on 2/14/2019) (Entered: 02/14/2019)
02/19/2019	<u>45</u>	Request for Judicial Notice re <u>29</u> MOTION for Summary Judgment <i>and Opposition to Defendants' Partial Motions to Dismiss and for Summary Judgment and Exhibit A</i> filed byState of California. (Related document(s) <u>29</u>) (Sherman, Lee) (Filed on 2/19/2019) (Entered: 02/19/2019)
03/01/2019	<u>46</u>	Transcript of Proceedings held on 2–13–2019, before Judge William H. Orrick. Court Reporter/Transcriber Debra L. Pas, CRR, telephone number (415) 431–1477/Email: Debra_Pas@cand.uscourts.gov. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerk's Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release

		of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. (Re (55 in 3:18-cv-05146-WHO) Transcript Order, (43 in 3:18-cv-05169-WHO) Transcript Order) Release of Transcript Restriction set for 5/30/2019. (pasdl50S, COURT STAFF) (Filed on 3/1/2019) (Entered: 03/01/2019)
03/04/2019	<u>47</u>	ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND DENYING DEFENDANTS' MOTION FOR PARTIAL DISMISSAL OR PARTIAL SUMMARY JUDGMENT. Signed by Judge William H. Orrick on 3/4/2019. (jmdS, COURT STAFF) (Filed on 3/4/2019) (Entered: 03/04/2019)
03/14/2019	<u>48</u>	STIPULATION WITH PROPOSED ORDER re <u>47</u> Order Dismissing Case filed by Matt M. Dummermuth, United States Department of Justice, William P. Barr. (Simpson, W.) (Filed on 3/14/2019) (Entered: 03/14/2019)
03/22/2019	<u>49</u>	Order by Judge William H. Orrick granting (61) Stipulation in case 3:18-cv-05146-WHO and associated case 3:18-cv-05169-WHO. The deadline to submit either a stipulated form or judgment or competing judgments is extended by one week to March 25, 2019. (jmdS, COURT STAFF) (Filed on 3/22/2019) (Entered: 03/22/2019)
03/25/2019	<u>50</u>	STIPULATION WITH PROPOSED ORDER filed by State of California. (Attachments: # <u>1</u> Exhibit A – Proposed Judgment and Order)(Sherman, Lee) (Filed on 3/25/2019) (Entered: 03/25/2019)
03/26/2019	<u>51</u>	JUDGMENT AND ORDER GRANTING PLAINTIFFS' MOTIONS FOR SUMMARY JUDGMENT by Judge William H. Orrick in case 3:18-cv-05146-WHO; granting (50) Stipulation in case 3:18-cv-05169-WHO. Associated Cases: 3:18-cv-05169-WHO, 3:18-cv-05146-WHO(jmdS, COURT STAFF) (Filed on 3/26/2019) (Entered: 03/26/2019)
04/30/2019	<u>52</u>	NOTICE of Substitution of Counsel by Daniel D. Mauler <i>and withdrawal of W. Scott Simpson as counsel for Defendants</i> (Mauler, Daniel) (Filed on 4/30/2019) (Entered: 04/30/2019)
05/03/2019	<u>53</u>	NOTICE OF APPEAL to the 9th Circuit Court of Appeals filed by William P. Barr, Matt M. Dummermuth, Laura L. Rogers, Jefferson Beauregard Sessions, III, United States Department of Justice, Mathew Whitaker. Appeal of Order on Stipulation, <u>51</u> (Appeal fee FEE WAIVED.) (Mauler, Daniel) (Filed on 5/3/2019) Modified on 11/8/2019 (aaaS, COURT STAFF). USCA NUMBER: 19-15950 (Entered: 05/03/2019)
05/03/2019	<u>54</u>	USCA Case Number 19-15950 9th Circuit for <u>53</u> Notice of Appeal, filed by Jefferson Beauregard Sessions, III, United States Department of Justice, Matt M. Dummermuth, Mathew Whitaker, Laura L. Rogers, William P. Barr. (amgS, COURT STAFF) (Filed on 5/3/2019) (Entered: 05/10/2019)
11/08/2019	<u>55</u>	ORDER of USCA These appeals remained stayed pending further order of the court. FOR THE COURT ; as to <u>53</u> Notice of Appeal, filed by Jefferson Beauregard Sessions, III, United States Department of Justice, Matt M. Dummermuth, Mathew Whitaker, Laura L. Rogers, William P. Barr (aaaS, COURT STAFF) (Filed on 11/8/2019) (Entered: 11/08/2019)
11/12/2019	<u>56</u>	AMENDED <u>55</u> ORDER of USCA These appeals remained stayed pending order of this court. Counsel should contact the undersigned by email within 10 days after this court's decision in City & County of San Francisco v. Barr, Appeals Nos. 18-17308, 18-17311. FOR THE COURT ; as to <u>53</u> Notice of Appeal, filed by Jefferson Beauregard Sessions, III, United States Department of Justice, Matt M. Dummermuth, Mathew Whitaker, Laura L. Rogers, William P. Barr (aaaS, COURT STAFF) (Filed on 11/12/2019) (Entered: 11/12/2019)