

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01636-TSC**

COUNCIL OF PARENT ATTORNEYS AND ADVOCATES,
INC. v. DEVOS et al
Assigned to: Judge Tanya S. Chutkan
Case in other court: USCA, 19-05137
Cause: 05:0706 Judicial Review of Agency Actions

Date Filed: 07/12/2018
Date Terminated: 05/16/2019
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: U.S. Government Defendant

Plaintiff

**COUNCIL OF PARENT
ATTORNEYS AND ADVOCATES,
INC.**

represented by **Jennifer J. Clark**
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V.

Defendant

ELIZABETH (BETSY) DEVOS
*in her official capacity as Secretary of
Education*

represented by **Kevin Matthew Snell**
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TERMINATED: 05/06/2019

Defendant

JOHNNY W. COLLET
*in his official capacity as Assistant
Secretary for Special Education and
Rehabilitative Services*

represented by **Kevin Matthew Snell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jason Lee
(See above for address)
TERMINATED: 05/06/2019

Defendant

**U.S. DEPARTMENT OF
EDUCATION**

represented by **Kevin Matthew Snell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jason Lee
(See above for address)
TERMINATED: 05/06/2019

Date Filed	#	Docket Text
07/12/2018	<u>1</u>	COMPLAINT against JOHNNY W. COLLET, ELIZABETH (BETSY) DEVOS, U.S. DEPARTMENT OF EDUCATION (Filing fee \$ 400 receipt number 0090-5583940) filed by COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons Elizabeth (Betsy) DeVos, # <u>3</u> Summons Johnny W. Collet, # <u>4</u> Summons U.S. Department of Education, # <u>5</u> Summons Jefferson B. Sessions, III, # <u>6</u> Summons Jessie K. Liu)(Clark, Jennifer) (Attachment 1 replaced on 7/12/2018) (zmd). (Entered: 07/12/2018)

07/12/2018	<u>2</u>	Corporate Disclosure Statement by COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC.. (Clark, Jennifer) (Entered: 07/12/2018)
07/12/2018		Case Assigned to Judge Tanya S. Chutkan. (zmd) (Entered: 07/12/2018)
07/13/2018	<u>3</u>	SUMMONS (5) Issued Electronically as to JOHNNY W. COLLET, ELIZABETH (BETSY) DEVOS, U.S. DEPARTMENT OF EDUCATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent) (zmd) (Entered: 07/13/2018)
07/19/2018	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. ELIZABETH (BETSY) DEVOS served on 7/19/2018 (Clark, Jennifer) (Entered: 07/19/2018)
07/19/2018	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. JOHNNY W. COLLET served on 7/19/2018 (Clark, Jennifer) (Entered: 07/19/2018)
07/19/2018	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF EDUCATION served on 7/19/2018 (Clark, Jennifer) (Entered: 07/19/2018)
07/19/2018	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 7/19/2018. (Clark, Jennifer) (Entered: 07/19/2018)
07/19/2018	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/19/2018. Answer due for ALL FEDERAL DEFENDANTS by 9/17/2018. (Clark, Jennifer) (Entered: 07/19/2018)
07/19/2018	<u>9</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Jean-Claude Andr, :Firm- Sidley Austin LLP, :Address- 555 West Fifth Street, Suite 4000, Los Angeles, CA 90013. Phone No. - 213-896-6000. Fax No. - 213-896-6600 Filing fee \$ 100, receipt number 0090-5596876. Fee Status: Fee Paid. by COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC. (Attachments: # <u>1</u> Declaration, # <u>2</u> Certificate of Good Standing, # <u>3</u> Text of Proposed Order)(Clark, Jennifer) (Entered: 07/19/2018)
07/19/2018	<u>10</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Benjamin G. Barokh, :Firm- Sidley Austin LLP, :Address- 555 W. Fifth Street, Suite 4000, Los Angeles, CA 90013. Phone No. - 213-896-6000. Fax No. - 213-896-6600 Filing fee \$ 100, receipt number 0090-5596925. Fee Status: Fee Paid. by COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC. (Attachments: # <u>1</u> Declaration, # <u>2</u> Certificate of Good Standing, # <u>3</u> Text of Proposed Order)(Clark, Jennifer) (Entered: 07/19/2018)
07/19/2018	<u>11</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Michael Harris, :Firm- National Center for Youth Law, :Address- 405 14th St., 15th Floor, Oakland, CA 94612. Phone No. - 510-835-8098. Fax No. - 510-835-8099 Filing fee \$ 100, receipt number 0090-5596936. Fee Status: Fee Paid. by COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC. (Attachments: # <u>1</u> Declaration, # <u>2</u> Certificate of Good Standing, # <u>3</u> Text of Proposed Order)(Clark, Jennifer) (Entered: 07/19/2018)
07/19/2018	<u>12</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Crystal M. Adams, :Firm- National Center for Youth Law, :Address- 1313 L St. NW, Suite #130, Washington, DC 20005. Phone No. - 202-868-4785. Fax No. - 202-868-4788 Filing fee \$ 100, receipt number 0090-5596952. Fee Status: Fee Paid. by COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC. (Attachments: # <u>1</u> Declaration, # <u>2</u> Certificate of Good Standing, # <u>3</u> Text of Proposed Order)(Clark, Jennifer) (Entered: 07/19/2018)
07/25/2018		MINUTE ORDER: Granting <u>9</u> <u>10</u> <u>11</u> Motions for Leave to Appear Pro Hac Vice. JEAN-CLAUDE ANDR, BENJAMIN G. BAROKH, and MICHAEL HARRIS are hereby admitted pro hac vice to appear in this matter on behalf of Plaintiff. Signed by Judge Tanya S. Chutkan on 7/25/18. (DJS) (Entered: 07/25/2018)
07/25/2018		MINUTE ORDER: Granting in part and denying in part <u>12</u> Motion for Admission Pro Hac Vice. Attorney CRYSTAL M. ADAMS may be heard in open court on behalf of

		Plaintiff, but may not file papers in this court. See Local Civil Rule 83.2(c)(2) ("An attorney who engages in the practice of law from an office located in the District of Columbia must be a member of the District of Columbia Bar AND the Bar of this Court to file papers in this Court."). Signed by Judge Tanya S. Chutkan on 7/25/18. (DJS) (Entered: 07/25/2018)
09/14/2018	<u>13</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC.. Attorney Benjamin G. Barokh terminated. (Barokh, Benjamin) (Entered: 09/14/2018)
09/17/2018	<u>14</u>	MOTION to Dismiss by JOHNNY W. COLLET, ELIZABETH (BETSY) DEVOS, U.S. DEPARTMENT OF EDUCATION (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Lee, Jason) (Entered: 09/17/2018)
10/01/2018	<u>15</u>	Memorandum in opposition to re <u>14</u> MOTION to Dismiss filed by COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC.. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Affidavit, # <u>5</u> Affidavit, # <u>6</u> Affidavit, # <u>7</u> Affidavit, # <u>8</u> Exhibit)(Clark, Jennifer) (Entered: 10/01/2018)
10/01/2018	<u>16</u>	Cross MOTION for Summary Judgment by COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Affidavit, # <u>5</u> Affidavit, # <u>6</u> Affidavit, # <u>7</u> Affidavit, # <u>8</u> Exhibit, # <u>9</u> Text of Proposed Order)(Clark, Jennifer) (Entered: 10/01/2018)
10/03/2018	<u>17</u>	MOTION to Stay <i>Defendants' Response to Plaintiff's Cross-Motion for Summary Judgment</i> by JOHNNY W. COLLET, ELIZABETH (BETSY) DEVOS, U.S. DEPARTMENT OF EDUCATION (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Lee, Jason) (Entered: 10/03/2018)
10/09/2018	<u>18</u>	ERRATA by COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC. <u>15</u> Memorandum in Opposition, filed by COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC., <u>16</u> Cross MOTION for Summary Judgment filed by COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC.. (Clark, Jennifer) (Entered: 10/09/2018)
10/09/2018	<u>19</u>	REPLY to opposition to motion re <u>14</u> MOTION to Dismiss filed by JOHNNY W. COLLET, ELIZABETH (BETSY) DEVOS, U.S. DEPARTMENT OF EDUCATION. (Lee, Jason) (Entered: 10/09/2018)
10/10/2018	<u>20</u>	Memorandum in opposition to re <u>17</u> MOTION to Stay <i>Defendants' Response to Plaintiff's Cross-Motion for Summary Judgment</i> filed by COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC.. (Attachments: # <u>1</u> Declaration of Jean-Claude Andre, # <u>2</u> Text of Proposed Order)(Clark, Jennifer) (Entered: 10/11/2018)
10/12/2018	<u>21</u>	REPLY to opposition to motion re <u>17</u> MOTION to Stay <i>Defendants' Response to Plaintiff's Cross-Motion for Summary Judgment</i> filed by JOHNNY W. COLLET, ELIZABETH (BETSY) DEVOS, U.S. DEPARTMENT OF EDUCATION. (Lee, Jason) (Entered: 10/12/2018)
10/12/2018		MINUTE ORDER: Granting in part and denying in part <u>17</u> Defendants' Motion to Stay. Defendants shall file their response to Plaintiffs' Motion for Summary Judgement by November 12, 2018. Signed by Judge Tanya S. Chutkan on 10/12/18. (lctsc3) (Entered: 10/12/2018)
10/15/2018		Set/Reset Deadlines: Response due by 11/12/2018. (tb) (Entered: 10/15/2018)
11/12/2018	<u>22</u>	MOTION for Summary Judgment <i>and Opposition to Plaintiff's Cross-Motion for Summary Judgment</i> by JOHNNY W. COLLET, ELIZABETH (BETSY) DEVOS, U.S. DEPARTMENT OF EDUCATION (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit Certification of the Administrative Record, # <u>3</u> Text of Proposed Order)(Lee, Jason) (Entered: 11/12/2018)
11/12/2018	<u>23</u>	Memorandum in opposition to re <u>16</u> Cross MOTION for Summary Judgment <i>and Motion for Summary Judgment</i> filed by JOHNNY W. COLLET, ELIZABETH (BETSY) DEVOS, U.S. DEPARTMENT OF EDUCATION. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit Certification of the Administrative Record, # <u>3</u> Text of Proposed Order)(Lee, Jason) (Entered: 11/12/2018)

11/15/2018	<u>24</u>	Consent MOTION to Modify <i>Briefing Schedule</i> as to <u>22</u> MOTION for Summary Judgment <i>and Opposition to Plaintiff's Cross-Motion for Summary Judgment</i> , <u>16</u> Cross MOTION for Summary Judgment by COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC. (Attachments: # <u>1</u> Text of Proposed Order)(Clark, Jennifer) Modified event title on 11/20/2018 (znmw). (Entered: 11/15/2018)
11/15/2018		MINUTE ORDER: The <u>24</u> Consent Motion for Extension of Time to File Response/Reply is GRANTED. COPAA's Combined Reply and Opposition is due on November 30, 2018. The Government's Reply is due on December 14, 2018. Signed by Judge Tanya S. Chutkan on 11/15/2018.(lctsc3) (Entered: 11/15/2018)
11/20/2018		Set/Reset Deadlines: Response to Cross Motion due by 11/30/2018. Reply to Cross Motion due by 12/14/2018. Reply to Motion for Summary Judgment due by 11/30/2018. (tb) (Entered: 11/20/2018)
11/30/2018	<u>25</u>	Memorandum in opposition to re <u>22</u> MOTION for Summary Judgment <i>and Opposition to Plaintiff's Cross-Motion for Summary Judgment</i> filed by COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC.. (Attachments: # <u>1</u> Declaration of Crystal Adams)(Clark, Jennifer) (Entered: 11/30/2018)
11/30/2018	<u>26</u>	REPLY to opposition to motion re , <u>16</u> Cross MOTION for Summary Judgment filed by COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC.. (Attachments: # <u>1</u> Declaration of Crystal Adams)(Clark, Jennifer) Modified text and linkage on 12/3/2018 (ztd). (Entered: 11/30/2018)
12/13/2018	<u>27</u>	REPLY to opposition to motion re <u>22</u> MOTION for Summary Judgment <i>and Opposition to Plaintiff's Cross-Motion for Summary Judgment</i> filed by JOHNNY W. COLLET, ELIZABETH (BETSY) DEVOS, U.S. DEPARTMENT OF EDUCATION. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Lee, Jason) (Entered: 12/13/2018)
12/21/2018	<u>28</u>	NOTICE of filing of <i>Administrative Record Joint Appendix</i> by COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC. re <u>22</u> MOTION for Summary Judgment <i>and Opposition to Plaintiff's Cross-Motion for Summary Judgment</i> , <u>16</u> Cross MOTION for Summary Judgment , <u>14</u> MOTION to Dismiss (Attachments: # <u>1</u> Appendix of the Administrative Record)(Clark, Jennifer) (Entered: 12/21/2018)
01/10/2019	<u>29</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC. (Clark, Jennifer) (Entered: 01/10/2019)
01/25/2019	<u>30</u>	NOTICE of Appearance by Seth Michael Galanter on behalf of COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC. (Galanter, Seth) (Main Document 30 replaced on 1/25/2019) (zjf). (Entered: 01/25/2019)
03/07/2019	<u>31</u>	MEMORANDUM OPINION: Regarding Defendants' Motion to Dismiss <u>14</u> , Plaintiff's Motion for Summary Judgment <u>16</u> , and Defendants' Motion for Summary Judgment <u>22</u> . Signed by Judge Tanya S. Chutkan on 3/7/2019. (lctsc3) (Entered: 03/07/2019)
03/07/2019	<u>32</u>	ORDER denying Defendants' Motion to Dismiss <u>14</u> , granting Plaintiff's Motion for Summary Judgment <u>16</u> , and denying Defendants' Motion for Summary Judgment <u>22</u> . Signed by Judge Tanya S. Chutkan on 3/7/2019. (lctsc3) (Entered: 03/07/2019)
05/06/2019	<u>33</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Kevin Matthew Snell on behalf of JOHNNY W. COLLET, ELIZABETH (BETSY) DEVOS, U.S. DEPARTMENT OF EDUCATION Substituting for attorney Jason Lee (Snell, Kevin) (Entered: 05/06/2019)
05/06/2019	<u>34</u>	NOTICE OF APPEAL TO DC CIRCUIT COURT as to <u>31</u> Memorandum & Opinion, <u>32</u> Order on Motion to Dismiss, Order on Motion for Summary Judgment, by U.S. DEPARTMENT OF EDUCATION, JOHNNY W. COLLET, ELIZABETH (BETSY) DEVOS. Fee Status: No Fee Paid. Parties have been notified. (Snell, Kevin) (Entered: 05/06/2019)
05/06/2019	<u>35</u>	Transmission of the Notice of Appeal, Order Appealed (Memorandum Opinion), and Docket Sheet to US Court of Appeals. The Court of Appeals docketing fee was not paid because the appeal was filed by the government re <u>34</u> Notice of Appeal to DC Circuit Court,. (ztd) (Entered: 05/06/2019)

05/10/2019		USCA Case Number 19-5137 for <u>34</u> Notice of Appeal to DC Circuit Court, filed by JOHNNY W. COLLET, ELIZABETH (BETSY) DEVOS, U.S. DEPARTMENT OF EDUCATION. (zrdj) (Entered: 05/13/2019)
09/18/2019	<u>36</u>	MANDATE of USCA as to <u>34</u> Notice of Appeal to DC Circuit Court, filed by JOHNNY W. COLLET, ELIZABETH (BETSY) DEVOS, U.S. DEPARTMENT OF EDUCATION ; USCA Case Number 19-5137. (Attachments: # <u>1</u> USCA Order)(zrdj) (Entered: 09/24/2019)
10/15/2019	<u>37</u>	Unopposed MOTION to Permit Skeletal Filing of Motion for Attorneys' Fees Pursuant to the Equal Access to Justice Act with Supplement Permitted at Later Date If No Settlement Reached , Unopposed MOTION to Stay <i>Briefing</i> by COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC. (Attachments: # <u>1</u> Text of Proposed Order)(Clark, Jennifer) Modified event on 10/16/2019 (znmw). (Entered: 10/15/2019)
10/16/2019		NOTICE OF ERROR re <u>37</u> Motion for Miscellaneous Relief; emailed to jennifer.clark@sidley.com, cc'd 7 associated attorneys -- The PDF file you docketed contained errors: 1. Do Not Refile. FYI, Please remember to use the /s/ and a typed or signed name of the filer on the signature line. (ztd,) (Entered: 10/16/2019)
10/16/2019		MINUTE ORDER: Granting <u>37</u> Plaintiff's motion to file a skeletal application for attorneys' fees and costs pursuant before October 18, 2019, with leave to alter, supplement, and/or amend the application should a settlement not be reached on the fees-and-costs issue. Briefing on Plaintiff's fee application, including Plaintiff's opportunity to alter, supplement, and/or amend, is stayed pending further order of the court. This case is ADMINISTRATIVELY CLOSED until further order of the court. In the event that the parties reach a settlement agreement for attorneys' fees and costs, Plaintiff shall withdraw its fee application. In the event the parties are unable to reach a settlement agreement, they shall file a joint motion to return this case to the active docket. I proposed order shall accompanying any such motion. Signed by Judge Tanya S. Chutkan on 10/16/19. (DJS) (Entered: 10/16/2019)
10/18/2019	<u>38</u>	MOTION for Attorney Fees <i>and Costs Pursuant to the Equal Access to Justice Act</i> by COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC. (Attachments: # <u>1</u> Declaration of Selene Almazan)(Clark, Jennifer) (Entered: 10/18/2019)