

CLOSED

**U.S. District Court
District of South Carolina (Columbia)
CIVIL DOCKET FOR CASE #: 3:20-cv-01730-JMC**

Middleton et al v. Andino et al
Assigned to: Honorable J Michelle Childs
related Case: [3:20-cv-01552-JMC](#)
Case in other court: USCA, 20-02022
Cause: 42:1983 Civil Rights Act

Date Filed: 05/01/2020
Date Terminated: 12/17/2020
Jury Demand: None
Nature of Suit: 441 Civil Rights:
Voting
Jurisdiction: Federal Question

Plaintiff

Kylon Middleton

represented by **Christopher James Bryant**
Perkins Coie LLP
700 Thirteenth Street NW
Suite 600
Washington, DC 20005
202-654-6289
Fax: 202-624-9513
Email: cbryant@perkinscoie.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bruce V Spiva
Perkins Coie LLP
700 Thirteenth Street NW
Suite 800
Washington, DC 20005
202-654-6200
Email: bspiva@perkinscoie.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

K'Shaani Smith
Perkins Coie LLP
700 Thirteenth Street NW
Suite 800
Washington, DC 20005
202-654-6200
Email:
kshaanismith@perkinscoie.com
TERMINATED: 08/03/2020

*PRO HAC VICE
ATTORNEY TO BE NOTICED*

Marc Erik Elias
Perkins Coie LLP
700 Thirteenth Street NW
Suite 800
Washington, DC 20005
202-654-6200
Email: melias@perkinscoie.com
*PRO HAC VICE
ATTORNEY TO BE NOTICED*

Sopen B Shah
Perkins Coie LLP
33 East Main Street
Suite 201
Madison, WI 53703
608-663-7460
Email: sshah@perkinscoie.com
*PRO HAC VICE
ATTORNEY TO BE NOTICED*

Plaintiff

Deon Tedder

represented by **Christopher James Bryant**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Bruce V Spiva
(See above for address)
*PRO HAC VICE
ATTORNEY TO BE NOTICED*

K'Shaani Smith
(See above for address)
*TERMINATED: 08/03/2020
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Marc Erik Elias
(See above for address)
*PRO HAC VICE
ATTORNEY TO BE NOTICED*

Sopen B Shah

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

Plaintiff

Amos Wells

represented by **Christopher James Bryant**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bruce V Spiva
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

K'Shaani Smith
(See above for address)
TERMINATED: 08/03/2020
PRO HAC VICE
ATTORNEY TO BE NOTICED

Marc Erik Elias
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Sopen B Shah
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff

Carlyle Dixon

represented by **Christopher James Bryant**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bruce V Spiva
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

K'Shaani Smith
(See above for address)
TERMINATED: 08/03/2020
PRO HAC VICE
ATTORNEY TO BE NOTICED

Marc Erik Elias
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Sopen B Shah
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff

Tonya Winbush

represented by **Christopher James Bryant**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bruce V Spiva
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

K'Shaani Smith
(See above for address)
TERMINATED: 08/03/2020
PRO HAC VICE
ATTORNEY TO BE NOTICED

Marc Erik Elias
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Sopen B Shah
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff

Ernestine Moore

represented by **Christopher James Bryant**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bruce V Spiva
(See above for address)
PRO HAC VICE

ATTORNEY TO BE NOTICED

K'Shaani Smith

(See above for address)

TERMINATED: 08/03/2020

PRO HAC VICE

ATTORNEY TO BE NOTICED

Marc Erik Elias

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Sopen B Shah

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Plaintiff

South Carolina Democratic Party

represented by **Christopher James Bryant**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Bruce V Spiva

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

K'Shaani Smith

(See above for address)

TERMINATED: 08/03/2020

PRO HAC VICE

ATTORNEY TO BE NOTICED

Marc Erik Elias

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Sopen B Shah

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Plaintiff

**DNC Services
Corporation/Democratic National
Committee**

represented by **Christopher James Bryant**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bruce V Spiva
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

K'Shaani Smith
(See above for address)
TERMINATED: 08/03/2020
PRO HAC VICE
ATTORNEY TO BE NOTICED

Marc Erik Elias
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Sopen B Shah
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff
DCCC

represented by **Christopher James Bryant**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bruce V Spiva
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

K'Shaani Smith
(See above for address)
TERMINATED: 08/03/2020
PRO HAC VICE
ATTORNEY TO BE NOTICED

Marc Erik Elias
(See above for address)
PRO HAC VICE

ATTORNEY TO BE NOTICED

Sopen B Shah

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

V.

Defendant

Marci Andino

*in her official capacity as Executive
Director of the South Carolina State
Election Commission*

represented by **Jane W Trinkley**

Burr and Forman LLP

PO Box 11390

Columbia, SC 29211

803-799-9800

Fax: 803-753-3278

Email: jtrinkley@burr.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Mary Elizabeth Crum

Burr and Forman LLP-Cola

1221 Main Street

Suite 1800

Columbia, SC 29201

803-799-9800

Fax: 803-753-2219

Email: lcrum@burr.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

William Grayson Lambert

Burr and Forman LLP-Cola

1221 Main Street

Suite 1800

Columbia, SC 29201

803-753-3261

Fax: 803-933-1446

Email: glambert@burr.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Harrison David Brant

Office of the State Treasurer

1200 Senate Street

Suite 214

Wade Hampton Office Building
Columbia, SC 29201
803-734-5884
Email: harrison.brant@gmail.com
ATTORNEY TO BE NOTICED

J Robert Bolchoz
1901 Assembly Street
Suite 300
Columbia, SC 29201
803-799-4000
Fax: 803-799-7083
Email: robert@bolchoz.com
ATTORNEY TO BE NOTICED

Karl S Bowers , Jr
Bowers Law Office
PO Box 50549
Columbia, SC 29250
803-753-1099
Fax: 803-250-3985
Email: butch@butchbowers.com
ATTORNEY TO BE NOTICED

Defendant

John Wells
*in his official capacity as Chair of the
South Carolina State Election
Commission*

represented by **Jane W Trinkley**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mary Elizabeth Crum
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William Grayson Lambert
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Harrison David Brant
(See above for address)
ATTORNEY TO BE NOTICED

J Robert Bolchoz
(See above for address)

ATTORNEY TO BE NOTICED

Karl S Bowers , Jr

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

Clifford J Elder

*in his official capacity as member of
the South Carolina Election
Commission*

represented by **Jane W Trinkley**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Mary Elizabeth Crum

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

William Grayson Lambert

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Harrison David Brant

(See above for address)

ATTORNEY TO BE NOTICED

J Robert Bolchoz

(See above for address)

ATTORNEY TO BE NOTICED

Karl S Bowers , Jr

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

Scott Moseley

*in his official capacity as member of
the South Carolina Election
Commission*

represented by **Jane W Trinkley**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Mary Elizabeth Crum

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

William Grayson Lambert

(See above for address)

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Harrison David Brant
(See above for address)
ATTORNEY TO BE NOTICED

J Robert Bolchoz
(See above for address)
ATTORNEY TO BE NOTICED

Karl S Bowers , Jr
(See above for address)
ATTORNEY TO BE NOTICED

V.

Intervenor Defendant

James ("Jay") H. Lucas
*Speaker of the South Carolina House
of Representatives*

represented by **Mark Carroll Moore**
Nexsen Pruet (Cola)
PO Drawer 2426
Columbia, SC 29201
803-540-2146
Fax: 803-727-1458
Email: mmoore@nexsenpruet.com
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Sara Sofia Svedberg
Nexsen Pruet (Cola)
1230 Main Street
Suite 700
Columbia, SC 29201
803-771-8900
Email: ssvedberg@nexsenpruet.com
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Susan Pedrick McWilliams
Nexsen Pruet Jacobs and Pollard
PO Drawer 2426
Columbia, SC 29202
803-253-8221
Fax: 803-253-8277
Email:
smcwilliams@nexsenpruet.com

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Intervenor Defendant

Harvey Peeler

*in his capacity as President of the
South Carolina Senate*

represented by **Kevin A Hall**

Womble Bond Dickinson US LLP
1221 Main Street
Suite 1600
Columbia, SC 29201
803-454-6504
Email: kevin.hall@wbd-us.com
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Matthew Todd Carroll

Womble Bond Dickinson US LLP
1221 Main Street
Suite 1600
Columbia, SC 29201
803-454-6504
Email: todd.carroll@wbd-us.com
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Amicus

Attorney General Alan Wilson

represented by **James Emory Smith , Jr**

SC Attorney General's Office
PO Box 11549
Columbia, SC 29211
803-734-3970
Fax: 803-734-3677
Email: esmith@scag.gov
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

V.

Intervenor

South Carolina Republican Party

represented by **Robert Erving Stepp**

Robinson Gray Stepp and Laffitte
LLC
1310 Gadsden Street
Columbia, SC 29201
803-929-1400
Fax: 803-929-0300
Email: rstepp@robinsongray.com
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Robert E Tyson , Jr

Robinson Gray Stepp and Laffitte
LLC

1310 Gadsden Street

Columbia, SC 29201

803-929-1400

Fax: 803-929-0300

Email: rtyson@robinsongray.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Vordman Carlisle Traywick

Robinson Gray Stepp and Laffitte
LLC

1310 Gadsden Street

Columbia, SC 29201

803-929-1400

Fax: 803-929-0300

Email: ltraywick@robinsongray.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/01/2020	<u>1</u>	COMPLAINT against Marci Andino, Clifford J Elder, Scott Moseley, John Wells (Filing fee \$ 400 receipt number 0420-9082057.), filed by Ernestine Moore, Deon Tedder, Carlyle Dixon, Tonya Winbush, DCCC, DNC Services Corporation/Democratic National Committee, Kylon Middleton, South Carolina Democratic Party, Amos Wells. Service due by 7/30/2020 (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(asni,) (Entered: 05/04/2020)
05/01/2020	<u>2</u>	Summons Issued as to Marci Andino. (asni,) (Entered: 05/04/2020)
05/01/2020	<u>3</u>	Summons Issued as to John Wells. (asni,) (Entered: 05/04/2020)
05/01/2020	<u>4</u>	Summons Issued as to Clifford J Elder. (asni,) (Entered: 05/04/2020)
05/01/2020	<u>5</u>	Summons Issued as to Scott Moseley. (asni,) (Entered: 05/04/2020)
05/01/2020	<u>6</u>	Local Rule 26.01 Answers to Interrogatories by DNC Services Corporation/Democratic National Committee, Carlyle Dixon, Kylon Middleton, Ernestine Moore, South Carolina Democratic Party, Deon Tedder, Amos Wells, Tonya Winbush.(asni,) (Entered: 05/04/2020)
05/05/2020	<u>8</u>	DISCLOSURE STATEMENT PURSUANT TO FRCP 7.1 by DCCC.(Bryant, Christopher) (Entered: 05/05/2020)

05/05/2020	<u>9</u>	DISCLOSURE STATEMENT PURSUANT TO FRCP 7.1 by DNC Services Corporation/Democratic National Committee.(Bryant, Christopher) (Entered: 05/05/2020)
05/05/2020	<u>10</u>	DISCLOSURE STATEMENT PURSUANT TO FRCP 7.1 by South Carolina Democratic Party.(Bryant, Christopher) (Entered: 05/05/2020)
05/07/2020	<u>11</u>	MOTION for Leave to File <i>Amicus Brief</i> by Alan Wilson. Response to Motion due by 5/21/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Smith, James) (Entered: 05/07/2020)
05/07/2020	12	TEXT ORDER granting <u>11</u> Motion for Leave to File Amicus Brief. Signed by Honorable J Michelle Childs on 5/7/2020.(asni,) (Entered: 05/07/2020)
05/07/2020	<u>13</u>	MOTION for Preliminary Injunction by DCCC, DNC Services Corporation/Democratic National Committee, Carlyle Dixon, Kylon Middleton, Ernestine Moore, South Carolina Democratic Party, Deon Tedder, Amos Wells, Tonya Winbush. Response to Motion due by 5/21/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Exhibit 1 - Declaration of Deon Tedder, # <u>2</u> Exhibit 2 - Declaration of Kylon Middleton)No proposed order.(Bryant, Christopher) (Entered: 05/07/2020)
05/07/2020	<u>14</u>	MOTION for Hearing <i>Rule 42(a)(1) to Consolidate the Hearing of the Motion for Preliminary Injunction</i> by DCCC, DNC Services Corporation/Democratic National Committee, Carlyle Dixon, Kylon Middleton, Ernestine Moore, South Carolina Democratic Party, Deon Tedder, Amos Wells, Tonya Winbush. Response to Motion due by 5/21/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Bryant, Christopher) (Entered: 05/07/2020)
05/08/2020	15	TEXT ORDER granting <u>14</u> Motion to Consolidate the Hearing. Signed by Honorable J Michelle Childs on 5/8/2020.(asni,) (Entered: 05/08/2020)
05/08/2020	16	NOTICE of Hearing on Motion <u>13</u> MOTION for Preliminary Injunction : Motion Hearing set for 5/15/2020 09:00 AM in Columbia #1, Matthew J. Perry Court House, 901 Richland St, Columbia before Honorable J Michelle Childs. (asni,) (Entered: 05/08/2020)
05/08/2020	<u>18</u>	NOTICE of Appearance by William Grayson Lambert on behalf of Marci Andino, Clifford J Elder, Scott Moseley, John Wells (Lambert, William) (Entered: 05/08/2020)
05/08/2020	<u>19</u>	NOTICE of Appearance by Mary Elizabeth Crum on behalf of Marci Andino, Clifford J Elder, Scott Moseley, John Wells (Crum, Mary) (Entered: 05/08/2020)

05/08/2020	<u>20</u>	NOTICE of Appearance by Jane W Trinkley on behalf of Marci Andino, Clifford J Elder, Scott Moseley, John Wells (Trinkley, Jane) (Entered: 05/08/2020)
05/08/2020	21	TEXT ORDER directing defendants to file a response due Thursday May 14, 2020 by noon re <u>13</u> MOTION for Preliminary Injunction. Signed by Honorable J Michelle Childs on 5/8/2020. (asni,) (Entered: 05/08/2020)
05/11/2020	<u>22</u>	MOTION to Intervene by South Carolina Republican Party. Response to Motion due by 5/26/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)No proposed order.(Tyson, Robert) (Entered: 05/11/2020)
05/11/2020	<u>23</u>	MOTION to Appear Pro Hac Vice by Bruce V. Spiva (Filing fee \$ 250 receipt number 0420-9094490) by DCCC, DNC Services Corporation/Democratic National Committee, Carlyle Dixon, Kylon Middleton, Ernestine Moore, South Carolina Democratic Party, Deon Tedder, Amos Wells, Tonya Winbush. Response to Motion due by 5/26/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Supporting Documents Application/Affidavit of Bruce Spiva, # <u>2</u> Proposed Order)No proposed order.(Bryant, Christopher) (Entered: 05/11/2020)
05/11/2020	<u>24</u>	MOTION to Appear Pro Hac Vice by Marc E. Elias (Filing fee \$ 250 receipt number 0420-9094511) by DCCC, DNC Services Corporation/Democratic National Committee, Carlyle Dixon, Kylon Middleton, Ernestine Moore, South Carolina Democratic Party, Deon Tedder, Amos Wells, Tonya Winbush. Response to Motion due by 5/26/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Supporting Documents Application/Affidavit of Marc Elias, # <u>2</u> Proposed Order)No proposed order.(Bryant, Christopher) (Entered: 05/11/2020)
05/11/2020	25	TEXT ORDER granting <u>23</u> Motion to Appear Pro Hac Vice. Signed by Honorable J Michelle Childs on 5/11/2020.(asni,) (Entered: 05/11/2020)
05/11/2020	26	TEXT ORDER granting <u>24</u> Motion to Appear Pro Hac Vice. Signed by Honorable J Michelle Childs on 5/11/2020.(asni,) (Entered: 05/11/2020)
05/12/2020	27	TEXT ORDER: This matter is before the court pursuant to the South Carolina Republican Party's ("SCRP") Motion to Intervene pursuant to Rules 24(a) and 24(b) of the Federal Rules of Civil Procedure. (ECF No. 22.) Neither Plaintiffs nor Defendants have any stated position as to the merits of the SCRP's Motion. (Id. at 1.) For the

		reasons set forth in the related case, <i>Thomas v. Andino</i> , C/A No.: 3:20-cv-01552-JMC, 2020 WL 2306615 (D.S.C. May 8, 2020), the court GRANTS the SCRP's Motion to Intervene pursuant to Rule 24(b)(2) of the Federal Rules of Civil Procedure. (ECF No. 22) The South Carolina Republican Party is subject to the same expedited schedule previously entered by the court requiring briefs in response to Plaintiffs' Motion for Preliminary Injunction (ECF No. 13) to be filed by noon on Thursday, May 14, 2020. (See ECF No. 21.) Signed by Honorable J Michelle Childs on 5/12/2020.(asni,) (Entered: 05/12/2020)
05/12/2020	28	ORDER regarding posture of case for hearing May 15, 2020. Signed by Honorable J Michelle Childs on 5/12/2020. (asni,) (Entered: 05/12/2020)
05/13/2020	29	Amicus Curiae Brief entered by James Emory Smith, Jr on behalf of Alan Wilson. (Attachments: # 1 Exhibit SC Legislature Bill S635)(Smith, James) (Main Document 29 replaced on 5/13/2020 with corrected pdf) (kbos). (Entered: 05/13/2020)
05/14/2020	30	TEXT ORDER: The court observes that on May 12, 2020, the South Carolina General Assembly passed legislation that now allows all qualified South Carolina voters to vote via absentee ballot for the June 9, 2020 and June 23, 2020 Primaries due to the current state of emergency. S.635 (2020). Governor McMaster signed the bill into law on May 13, 2020. The pertinent portion of the bill states, as follows, in Section 2(A): "Elections, absentee ballots during the state of emergency, expiring on July 1, 2020" SECTION 2. A. A qualified elector must be permitted to vote by absentee ballot in an election if the qualified elector's place of residence or polling place is located in an area subject to a state of emergency declared by the Governor and there are fewer than forty six days remaining until the date of the election. The court determines, based on the aforementioned change in law, that Plaintiff Thomas' Preliminary Injunction Motion as it pertains to the challenged "Excuse Requirement" affecting the June Primaries and Plaintiff Middleton's Preliminary Injunction Motion as it relates to the "Absentee Ballot Age Requirement" affecting the June Primaries are MOOT because there is no longer any case or controversy as to those limited aspects of the case. As a result, the court deems it unnecessary to hear arguments relating to the "Excuse Requirement" or the "Absentee Ballot Age Requirement" at the Friday, May 15, 2020 Hearing. In order for the court and all parties to be properly prepared for the hearing, the court DIRECTS the parties to submit, in writing, any remaining issues that any party intends to address to the court. Please respond no later than 10:00 A.M. on Thursday, May 14, 2020. Signed by Honorable J Michelle Childs on 5/14/2020.Associated Cases: 3:20-cv-01552-JMC, 3:20-cv-01730-JMC(asni,) (Entered: 05/14/2020)

05/14/2020	<u>31</u>	Letter from Christopher J. Bryant. (Bryant, Christopher) (Entered: 05/14/2020)
05/14/2020	<u>32</u>	RESPONSE in Opposition re <u>13</u> MOTION for Preliminary Injunction <i>Defendants' Opposition to Motion for Preliminary Injunction</i> Response filed by Marci Andino, Clifford J Elder, Scott Moseley, John Wells.Reply to Response to Motion due by 5/21/2020 Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Lambert, William) (Entered: 05/14/2020)
05/14/2020	<u>33</u>	RESPONSE in Opposition re <u>13</u> MOTION for Preliminary Injunction Response filed by South Carolina Republican Party.Reply to Response to Motion due by 5/21/2020 Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6. (Attachments: # <u>1</u> Exhibit)(Tyson, Robert) (Entered: 05/14/2020)
05/14/2020	<u>34</u>	ORDER addressing the oral arguments schedule for the hearing on May 15, 2020. Signed by Honorable J Michelle Childs on 5/14/2020. Associated Cases: 3:20-cv-01552-JMC, 3:20-cv-01730-JMC(asni,) (Entered: 05/14/2020)
05/14/2020	35	TEXT ORDER: This matter is before the court to address the posture of the May 15, 2020 hearing on Plaintiffs' Motions for Preliminary Injunction. The court observes that in response to its request for the parties to submit in writing the issues they intended to present at the hearing, Middleton Plaintiffs stated that "the Excuse Requirement and Absentee Ballot Age Requirement are not moot with respect to that election and other elections occurring after July 1, 2020." Middleton v. Andino, C/A No.: 3:20-cv-01730-JMC, ECF No. 31 at 1 (D.S.C May 14, 2020) (emphasis added). Upon the court's review of Middleton Plaintiffs' Motion for Preliminary Injunction (id. at ECF No. 13), it is clear that the injunctive relief sought is in connection with the June 2020 primaries. For this reason, the court finds that it cannot consider argument on elections after the June 2020 primaries because Defendants did not receive proper notice under Rule 65(a)(1) of the Federal Rules of Civil Procedure. Therefore, the court advises the parties that the May 15, 2020 hearing will be limited to the remaining issues pertaining to the June 2020 primaries. If an appropriate motion for injunctive relief addressing the Excuse Requirement and the Absentee Ballot Age Requirement with respect to any other election is filed, the court will consider that matter at the appropriate time. Signed by Honorable J Michelle Childs on 5/14/2020. Associated Cases: 3:20-cv-01552-JMC, 3:20-cv-01730-JMC(asni,) (Entered: 05/14/2020)
05/15/2020	36	Minute Entry. Proceedings held before Honorable J Michelle Childs: Oral arguments. Motions taken under advisement.Motion Hearing held on 5/15/2020 re (13 in 3:20-cv-01730-JMC) MOTION for

		Preliminary Injunction filed by Tonya Winbush, Amos Wells, DNC Services Corporation/Democratic National Committee, Deon Tedder, Carlyle Dixon, South Carolina Democratic Party, Kylon Middleton, DCCC, Ernestine Moore, (7 in 3:20-cv-01552-JMC) MOTION for Preliminary Injunction filed by Mary T Thomas, Brenda Williams, Jeremy Rutledge, Family Unit Inc, The, Nea Richard, Trena Walker. Court Reporter Kathleen Richardson. Associated Cases: 3:20-cv-01552-JMC, 3:20-cv-01730-JMC(kbos) (Entered: 05/15/2020)
05/25/2020	<u>37</u>	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER AND OPINION granting in part (7) Motion for Preliminary Injunction in case 3:20-cv-01552-JMC; granting in part (13) Motion for Preliminary Injunction in case 3:20-cv-01730-JMC. Signed by Honorable J Michelle Childs on 5/25/2020. Associated Cases: 3:20-cv-01552-JMC, 3:20-cv-01730-JMC(asni,) (Entered: 05/25/2020)
05/28/2020	<u>39</u>	AFFIDAVIT of Service for Summons and Complaint for Injunctive and Declaratory Relief served on Marci Andino on 05/08/2020, filed by DCCC, DNC Services Corporation/Democratic National Committee, Carlyle Dixon, Kylon Middleton, Ernestine Moore. (Bryant, Christopher) (Entered: 05/28/2020)
05/28/2020	<u>40</u>	AFFIDAVIT of Service for Summons and Complaint for Injunctive and Declaratory Relief served on Clifford J. Elder on 05/08/2020, filed by DCCC, DNC Services Corporation/Democratic National Committee, Carlyle Dixon, Kylon Middleton, Ernestine Moore. (Bryant, Christopher) (Entered: 05/28/2020)
05/28/2020	<u>41</u>	AFFIDAVIT of Service for Summons and Complaint for Injunctive and Declaratory Relief served on Scott Moseley on 05/08/2020, filed by DCCC, DNC Services Corporation/Democratic National Committee, Carlyle Dixon, Kylon Middleton, Ernestine Moore. (Bryant, Christopher) (Entered: 05/28/2020)
05/28/2020	<u>42</u>	AFFIDAVIT of Service for Summons and Complaint for Injunctive and Declaratory Relief served on John Wells on 05/08/2020, filed by DCCC, DNC Services Corporation/Democratic National Committee, Carlyle Dixon, Kylon Middleton, Ernestine Moore. (Bryant, Christopher) (Entered: 05/28/2020)
05/29/2020	<u>44</u>	ANSWER to <u>1</u> Complaint, by Marci Andino, Clifford J Elder, Scott Moseley, John Wells.(Trinkley, Jane) (Entered: 05/29/2020)
05/29/2020	<u>45</u>	Local Rule 26.01 Answers to Interrogatories by Marci Andino, Clifford J Elder, Scott Moseley, John Wells.(Trinkley, Jane) (Entered: 05/29/2020)
06/02/2020	<u>47</u>	ANSWER to <u>1</u> Complaint, by South Carolina Republican Party.(Tyson, Robert) (Entered: 06/02/2020)
06/02/2020	<u>48</u>	Local Rule 26.01 Answers to Interrogatories by South Carolina Republican Party.(Tyson, Robert) (Entered: 06/02/2020)

06/09/2020	49	MOTION to Appear Pro Hac Vice by Sopen Shah (Filing fee \$ 250 receipt number 0420-9146188) by DCCC, DNC Services Corporation/Democratic National Committee, Carlyle Dixon, Kylon Middleton, Ernestine Moore, South Carolina Democratic Party, Deon Tedder, Amos Wells, Tonya Winbush. Response to Motion due by 6/23/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # 1 Supporting Documents Application/Affidavit of Sopen Shah, # 2 Proposed Order)No proposed order.(Bryant, Christopher) (Entered: 06/09/2020)
06/09/2020	50	TEXT ORDER granting 49 Motion to Appear Pro Hac Vice. Signed by Honorable J Michelle Childs on 6/9/2020.(asni,) (Entered: 06/09/2020)
06/11/2020	51	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings. Motion hearing held on May 15, 2020, before Judge J. Michelle Childs. Court Reporter/Transcriber Kathleen Richardson, RMR, CRR, Telephone number/E-mail Kathleen_Richardson@scd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Parties have 7 calendar days from the filing of the transcript to file with the court a Notice of Intent to Request Redaction.. Redaction Request due 7/2/2020. Redacted Transcript Deadline set for 7/13/2020. Release of Transcript Restriction set for 9/9/2020. (kari,) (Entered: 06/11/2020)
06/15/2020	52	NOTICE of Hearing: Scheduling Conference set for 6/16/2020 11:00 AM before Honorable J Michelle Childs. This hearing will be conducted by telephone. Plaintiff's counsel shall initiate the call and have all parties on the line prior to contacting the court at 803-765-6475.(asni,) Modified to correct phone number on 6/15/2020 (asni,). (Entered: 06/15/2020)
06/16/2020	53	Minute Entry. Proceedings held before Honorable J Michelle Childs: Scheduling Conference held on 6/16/2020. Counsel to submit proposed scheduling orders by Thursday, June 18, 2020. Court Reporter Jenny Williams. (mflo,) (Entered: 06/16/2020)
06/19/2020	54	SCHEDULING ORDER: Plaintiffs ID of Expert Witness due by 1/15/2021, Defendants ID of Expert Witnesses Due by 2/22/2021, Records Custodian Affidavit due by 3/15/2021, Discovery due by 3/15/2021, Motions due by 4/1/2021, Rule 26(a)(3) Disclosures due by 4/26/2021, Bench Trial Deadline 6/7/2021, Signed by Honorable J Michelle Childs on June 19, 2020. (kbos) (Entered: 06/19/2020)
06/26/2020	55	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings. Telephonic Scheduling Conference held on June 16, 2020, before Judge J. Michelle Childs. Court Reporter/Transcriber Jennifer H. Williams, RPR, Telephone number/E-mail Jenny_Williams@scd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court

		Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Parties have 7 calendar days from the filing of the transcript to file with the court a Notice of Intent to Request Redaction.. Redaction Request due 7/17/2020. Redacted Transcript Deadline set for 7/27/2020. Release of Transcript Restriction set for 9/24/2020. (jwil,) (Entered: 06/26/2020)
06/26/2020	56	MOTION for Judgment on the Pleadings by Marci Andino, Clifford J Elder, Scott Moseley, John Wells. Response to Motion due by 7/10/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # 1 Memo in Support, # 2 Exhibit Declaration of Marci Andino)No proposed order.(Lambert, William) (Entered: 06/26/2020)
07/08/2020	58	STIPULATION of Dismissal Without Prejudice <i>on Prepaid Postal Claims</i> by DCCC, DNC Services Corporation/Democratic National Committee, Carlyle Dixon, Kylon Middleton, Ernestine Moore, South Carolina Democratic Party. (Bryant, Christopher) (Entered: 07/08/2020)
07/10/2020	59	NOTICE OF JOINDER re 56 MOTION for Judgment on the Pleadings by Robert E Tyson, Jr on behalf of South Carolina Republican Party (Tyson, Robert) (Entered: 07/10/2020)
07/10/2020	61	RESPONSE in Opposition re 56 MOTION for Judgment on the Pleadings Response filed by DCCC, DNC Services Corporation/Democratic National Committee, Carlyle Dixon, Kylon Middleton, Ernestine Moore, South Carolina Democratic Party, Deon Tedder, Amos Wells, Tonya Winbush.Reply to Response to Motion due by 7/17/2020 Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6. (Attachments: # 1 Exhibit Allendale County Absentee Ballots Postmarked on or before Election Day but Rejected Due to the Election Day Cutoff (June 2020), # 2 Exhibit Marion County Absentee Ballots Signed and Dated before the Election and Rejected Due to the Election Day Cutoff (June 2020), # 3 Exhibit USPS OIG July 7, 2020 Report)(Bryant, Christopher) (Entered: 07/10/2020)
07/13/2020	62	MOTION to Appear Pro Hac Vice by K'Shaani Smith (Filing fee \$ 250 receipt number 0420-9213735) by DCCC, DNC Services Corporation/Democratic National Committee, Carlyle Dixon, Kylon Middleton, Ernestine Moore, South Carolina Democratic Party. Response to Motion due by 7/27/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # 1 Supporting Documents Application/Affidavit of K'Shaani Smith, # 2 Supporting Documents Proposed Order)Proposed order is being emailed to chambers with copy to opposing counsel.(Bryant, Christopher) (Entered: 07/13/2020)
07/14/2020	64	TEXT ORDER granting 62 Motion to Appear Pro Hac Vice. Signed by Honorable J Michelle Childs on 7/14/2020.(asni,) (Entered: 07/14/2020)

07/16/2020	65	REPLY to Response to Motion re 56 MOTION for Judgment on the Pleadings Response filed by Marci Andino, Clifford J Elder, Scott Moseley, John Wells. (Lambert, William) (Entered: 07/16/2020)
07/20/2020	67	Consent MOTION to Amend/Correct 1 Complaint, by DCCC, DNC Services Corporation/Democratic National Committee, Carlyle Dixon, Kylon Middleton, Ernestine Moore, South Carolina Democratic Party, Deon Tedder, Amos Wells, Tonya Winbush. Response to Motion due by 8/3/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # 1 Exhibit Proposed First Amended Complaint, # 2 Exhibit Redlined Proposed First Amended Complaint)No proposed order.(Bryant, Christopher) (Entered: 07/20/2020)
07/21/2020	68	TEXT ORDER The matter before the court is Plaintiffs Kylon Middleton, Deon Tedder, Amos Wells, Carlyle Dixon, Tonya Winbush, Ernestine Moore, the South Carolina Democratic Party ("SCDP"), Democratic National Committee ("DNC"), and DCCC's Motion for Leave to Amend their Complaint (ECF No. 67). In their Motion, Plaintiffs "certify that they have obtained the written consent of Defendants for the Amendment." (Id. at 2.) Pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, after the time has passed to amend a pleading as a matter of course, "a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires." Rule 15(a) is a "liberal rule [that] gives effect to the federal policy in favor of resolving cases on their merits instead of disposing of them on technicalities." Laber v. Harvey, 438 F.3d 404, 426 (4th Cir. 2006) (en banc). Here, because Plaintiffs have obtained Defendants' written consent and because justice so requires, the court GRANTS Plaintiffs' Motion to Amend (ECF No. 67). Plaintiffs shall file their Amended Complaint within three (3) days of the date of this Order. Signed by Honorable J Michelle Childs on 7/21/2020.(asni,) (Entered: 07/21/2020)
07/21/2020	69	AMENDED COMPLAINT against All Defendants, filed by Ernestine Moore, Deon Tedder, Carlyle Dixon, Tonya Winbush, DCCC, DNC Services Corporation/Democratic National Committee, Kylon Middleton, South Carolina Democratic Party, Amos Wells. Service due by 10/19/2020 (Bryant, Christopher) (Entered: 07/21/2020)
07/24/2020	70	MOTION to Intervene by South Carolina Republican Party. Response to Motion due by 8/7/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Tyson, Robert) (Entered: 07/24/2020)
07/24/2020	71	ORDER AND OPINION denying 56 Motion for Judgment on the Pleadings. Signed by Honorable J Michelle Childs on 7/24/2020.(asni,) (Entered: 07/24/2020)

07/28/2020	72	ANSWER to 69 Amended Complaint, by South Carolina Republican Party.(Tyson, Robert) (Entered: 07/28/2020)
08/03/2020	73	MOTION to Withdraw as Attorney <i>K'Shaani Smith</i> by DCCC, DNC Services Corporation/Democratic National Committee, Carlyle Dixon, Kylon Middleton, Ernestine Moore, South Carolina Democratic Party, Deon Tedder, Amos Wells, Tonya Winbush. Response to Motion due by 8/17/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Bryant, Christopher) (Entered: 08/03/2020)
08/03/2020	74	TEXT ORDER granting 73 Motion to Withdraw as Attorney. Signed by Honorable J Michelle Childs on 8/3/2020.(asni,) (Entered: 08/03/2020)
08/03/2020	76	MOTION for Leave to File Excess Pages by DCCC, DNC Services Corporation/Democratic National Committee, Carlyle Dixon, Kylon Middleton, Ernestine Moore, South Carolina Democratic Party, Deon Tedder, Amos Wells, Tonya Winbush. Response to Motion due by 8/17/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Bryant, Christopher) (Entered: 08/03/2020)
08/03/2020	77	MOTION for Preliminary Injunction by DCCC, DNC Services Corporation/Democratic National Committee, Carlyle Dixon, Kylon Middleton, Ernestine Moore, South Carolina Democratic Party, Deon Tedder, Amos Wells, Tonya Winbush. Response to Motion due by 8/17/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # 1 Declaration of Dr. Joseph John, # 2 Declaration of Dr. Marc Meredith, # 3 Declaration of Deon Tedder, # 4 Declaration of Kylon Middleton, # 5 Declaration of Tonya Winbush, # 6 Declaration of Bobby Dukes, # 7 Declaration of Rebecca Kirby, # 8 Declaration of Dr. Allan Lichtman)No proposed order.(Bryant, Christopher) (Entered: 08/03/2020)
08/04/2020	78	AFFIDAVIT in Support re 77 MOTION for Preliminary Injunction . (Attachments: # 1 Exhibit July 17 2020 Andino Letter, # 2 Exhibit CDC Publication - People With Certain Medical Conditions, # 3 Exhibit UCSF Article re COVID-19 and Young Adults, # 4 Exhibit Johns Hopkins Article Regarding COVID-19 and Younger Adults, # 5 Exhibit CDC Publication - Health Equity Considerations and Racial and Ethnic Minority Groups, # 6 Exhibit WBTV Article - McMaster Hopeful Safe to Resume Activities in Late June, # 7 Exhibit uly 30 2020 DHEC News Release, # 8 Exhibit July 12 2020 DHEC News Release, # 9 Exhibit The State August 1 2020 Coronavirus Update, # 10 Exhibit HHS News Release, # 11 Exhibit Article Regarding Dr. Fauci's Vaccine Estimate, # 12 Exhibit Arizona Department of Health COVID-19 Risk Index, # 13 Exhibit CDC Publication - Deciding to Go Out, # 14 Exhibit CDC Publication - Considerations for Election Polling Locations and Voters,

		# 15 Exhibit Article Regarding COVID-19 Skyrocketing in SC, # 16 Exhibit Article Regarding Georgia June 9 Primary Election, # 17 Exhibit Sarah Ellis Tweet regarding SC June Primary, # 18 Exhibit Maayan Schechter Tweet regarding SC June Primary, # 19 Exhibit USPS Inspector General Report, # 20 Exhibit Washington Post Article regarding USPS, # 21 Exhibit Philadelphia Inquirer Article regarding USPS, # 22 Exhibit Absentee Ballot Return Envelopes of Elizabeth milledge, Rebecca Kirby, and James S. Cotter, # 23 Exhibit Article about SC election officials and the November election, # 24 Exhibit Article regarding SC election officials encouraging voting by mail)(Bryant, Christopher) (Entered: 08/04/2020)
08/04/2020	79	TEXT ORDER granting 76 Motion for Leave to File Excess Pages Signed by Honorable J Michelle Childs on 8/3/2020.(asni,) (Entered: 08/04/2020)
08/04/2020	80	ANSWER to 69 Amended Complaint, by Marci Andino, Clifford J Elder, Scott Moseley, John Wells.(Trinkley, Jane) (Entered: 08/04/2020)
08/04/2020	81	TEXT ORDER This matter is before the court pursuant to the South Carolina Republican Party's ("SCRP") Motion to Re-Intervene pursuant to Rule 24(b) of the Federal Rules of Civil Procedure. (ECF No. 70.) On May 12, 2020, this court previously granted SCRP's Motion to Intervene. (ECF No. 27.) While SCRP seeks to re-intervene due to Plaintiffs' Amended Complaint and requests the court to include them in the caption as permissive intervenors, the court finds this to be unnecessary because SCRP is recognized on the official court docket as intervenors. Because the court has already allowed SCRP to intervene and that intervention is still in effect despite the filing of the Amended Complaint, the court DENIES SCRP's Motion to Re-Intervene (ECF No. 70) as MOOT. Signed by Honorable J Michelle Childs on 8/4/2020.(asni,) (Entered: 08/04/2020)
08/12/2020	83	NOTICE of Appearance by Susan Pedrick McWilliams on behalf of James ("Jay") H. Lucas (McWilliams, Susan) (Entered: 08/12/2020)
08/12/2020	84	NOTICE of Appearance by Sara Sofia Svedberg on behalf of James ("Jay") H. Lucas (Svedberg, Sara) (Entered: 08/12/2020)
08/12/2020	85	NOTICE of Appearance by Mark Carroll Moore on behalf of James ("Jay") H. Lucas (Moore, Mark) (Entered: 08/12/2020)
08/12/2020	86	MOTION to Intervene by James ("Jay") H. Lucas. Response to Motion due by 8/26/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # 1 Exhibit A - Speaker Lucas' Proposed Answer)No proposed order.(McWilliams, Susan) (Entered: 08/12/2020)
08/12/2020	87	MOTION to Intervene by Harvey Peeler. Response to Motion due by 8/26/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments:

		# 1 Exhibit A - Petition, part 1, # 2 Exhibit A - Petition, part 2, # 3 Exhibit A - Petition, part 3, # 4 Exhibit A - Petition, part 4, # 5 Exhibit A - Petition, part 5)No proposed order.(Hall, Kevin) (Entered: 08/12/2020)
08/17/2020	88	MOTION for Leave to File Excess Pages by Marci Andino, Clifford J Elder, Scott Moseley, John Wells. Response to Motion due by 8/31/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Lambert, William) (Entered: 08/17/2020)
08/17/2020	89	TEXT ORDER granting 88 Motion for Leave to File Excess Pages. Signed by Honorable J Michelle Childs on 8/17/2020.(asni,) (Entered: 08/17/2020)
08/17/2020	90	RESPONSE in Opposition re 87 MOTION to Intervene , 86 MOTION to Intervene Response filed by DCCC, DNC Services Corporation/Democratic National Committee, Carlyle Dixon, Kylon Middleton, Ernestine Moore, South Carolina Democratic Party, Deon Tedder, Amos Wells, Tonya Winbush.Reply to Response to Motion due by 8/24/2020 Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6. (Bryant, Christopher) (Entered: 08/17/2020)
08/17/2020	91	MOTION for Leave to File Excess Pages by South Carolina Republican Party. Response to Motion due by 8/31/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Tyson, Robert) (Entered: 08/17/2020)
08/17/2020	92	TEXT ORDER granting 91 Motion for Leave to File Excess Pages. Signed by Honorable J Michelle Childs on 8/17/2020.(asni,) (Entered: 08/17/2020)
08/17/2020	93	RESPONSE in Opposition re 77 MOTION for Preliminary Injunction <i>Election Defendants' Memorandum in Opposition to Motion for Preliminary Injunction</i> Response filed by Marci Andino, Clifford J Elder, Scott Moseley, John Wells.Reply to Response to Motion due by 8/24/2020 Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6. (Attachments: # 1 Exhibit SEC Bailey Brief, # 2 Exhibit AG Bailey Brief, # 3 Exhibit Middleton - Andino Decl., # 4 Exhibit Salgado Expert Report, # 5 Exhibit Tedder Facebook Photos, # 6 Exhibit Middleton Facebook Photos, # 7 Exhibit 2007-GS-47-01 Indictment and Sentencing Sheets, # 8 Exhibit Declaration dated 8-14-2020)(Lambert, William) (Entered: 08/17/2020)
08/17/2020	94	RESPONSE in Opposition re 77 MOTION for Preliminary Injunction Response filed by South Carolina Republican Party.Reply to Response to Motion due by 8/24/2020 Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6.

		(Attachments: # 1 Exhibit, # 2 Exhibit)(Tyson, Robert) supplement 108 added on 9/21/2020 (asni,). (Entered: 08/17/2020)
08/21/2020	95	NOTICE of Hearing on Motion 77 MOTION for Preliminary Injunction : Motion Hearing set for 9/11/2020 09:30 AM in Columbia #1, Matthew J. Perry Court House, 901 Richland St, Columbia before Honorable J Michelle Childs. This hearing will be conducted via video-conference for out-of-state counsel. The court will provide further instructions.(asni,) (Entered: 08/21/2020)
08/21/2020	96	ORDER AND OPINION granting 86 Motion to Intervene; granting 87 Motion to Intervene. The court further ORDERS the Proposed Intervenor file any potential responsive briefing to Plaintiffs' pending Motion for Preliminary Injunction (ECF No. 77) by no later than August 31, 2020. Signed by Honorable J Michelle Childs on 8/21/2020.(asni,) (Entered: 08/21/2020)
08/24/2020	97	MOTION for Leave to File Excess Pages <i>For Reply in Support of Their Motion for Preliminary Injunction</i> by DCCC, DNC Services Corporation/Democratic National Committee, Carlyle Dixon, Kylon Middleton, Ernestine Moore, South Carolina Democratic Party, Deon Tedder, Amos Wells, Tonya Winbush. Response to Motion due by 9/8/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Bryant, Christopher) (Entered: 08/24/2020)
08/24/2020	98	REPLY to Response to Motion re 77 MOTION for Preliminary Injunction <i>SCEC and SCGOP</i> Response filed by DCCC, DNC Services Corporation/Democratic National Committee, Carlyle Dixon, Kylon Middleton, Ernestine Moore, South Carolina Democratic Party, Deon Tedder, Amos Wells, Tonya Winbush. (Attachments: # 1 Exhibit SCEC's Responses to Plaintiffs' First Set of Requests to Admit, # 2 Exhibit Absentee Authorization to Return Ballot, # 3 Exhibit USPS Postmaster General Briefing - Service Performance Management)(Bryant, Christopher) (Entered: 08/24/2020)
08/25/2020	99	TEXT ORDER granting 97 Motion for Leave to File Excess Pages. Signed by Honorable J Michelle Childs on 8/25/2020.(asni,) (Entered: 08/25/2020)
08/31/2020	100	RESPONSE in Opposition re 77 MOTION for Preliminary Injunction Response filed by Harvey Peeler.Reply to Response to Motion due by 9/8/2020 Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6. (Carroll, Matthew) (Entered: 08/31/2020)
08/31/2020	101	RESPONSE in Opposition re 77 MOTION for Preliminary Injunction Response filed by James ("Jay") H. Lucas.Reply to Response to Motion due by 9/8/2020 Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6. (Attachments:

		# 1 Exhibit A: Excerpts of Deposition Transcript of John Wells)(McWilliams, Susan) (Entered: 08/31/2020)
09/08/2020	102	ORDER setting schedule for arguments regarding 77 MOTION for Preliminary Injunction filed by Plaintiffs. Signed by the Honorable J. Michelle Childs on 9/8/2020. (jowa) (Entered: 09/08/2020)
09/08/2020	103	MOTION for Leave to File Excess Pages by DCCC, DNC Services Corporation/Democratic National Committee, Carlyle Dixon, Kylon Middleton, Ernestine Moore, South Carolina Democratic Party, Deon Tedder, Amos Wells, Tonya Winbush. Response to Motion due by 9/22/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Bryant, Christopher) (Entered: 09/08/2020)
09/08/2020	104	REPLY to Response to Motion re 77 MOTION for Preliminary Injunction <i>Speaker Lucas and President Peeler</i> Response filed by DCCC, DNC Services Corporation/Democratic National Committee, Carlyle Dixon, Kylon Middleton, Ernestine Moore, South Carolina Democratic Party, Deon Tedder, Amos Wells, Tonya Winbush. (Bryant, Christopher) (Entered: 09/08/2020)
09/09/2020	105	TEXT ORDER granting 103 Motion for Leave to File Excess Pages. Signed by Honorable J Michelle Childs on 9/9/2020.(asni,) (Entered: 09/09/2020)
09/11/2020	107	Minute Entry. Proceedings held before Honorable J Michelle Childs: Motion Hearing held on 9/11/2020 re 77 MOTION for Preliminary Injunction filed by Tonya Winbush, Amos Wells, DNC Services Corporation/Democratic National Committee, Deon Tedder, Carlyle Dixon, South Carolina Democratic Party, Kylon Middleton, DCCC, Ernestine Moore. taking under advisement 77 Motion for Preliminary Injunction. Court Reporter Carly Horenkamp. (mflo,) (Entered: 09/11/2020)
09/18/2020	108	SUPPLEMENT by South Carolina Republican Party . (Attachments: # 1 Exhibit DCCC v. Ziriaux, No. 20-cv-211-JED-2 JFJ, 2020 WL 5569576, at 1 (N.D. Okl. Sept. 17, 2020), # 2 Exhibit H.5305, 123d Leg., 2d Sess. (S.C. 2020), ratified, R.149 (Sept. 16, 2020))(Tyson, Robert) (Entered: 09/18/2020)
09/18/2020	109	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER AND OPINION granting in part and denying in part Plaintiffs' Motion for Preliminary Injunction (ECF No. 77). The court enjoins the Witness Requirement set forth in S.C. Code Ann. § 7-15-380 and any other South Carolina statute and orders Defendants to inform

		South Carolina voters about its elimination. Signed by Honorable J Michelle Childs on 9/18/20.(vdou,) (Entered: 09/18/2020)
09/21/2020	<u>110</u>	MOTION to Consolidate Cases by Family Unit Inc, The, Nea Richard, Jeremy Rutledge, Mary T Thomas. Response to Motion due by 10/5/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.Associated Cases: 3:20-cv-01552-JMC, 3:20-cv-01730-JMC(Dunn, Susan) (Entered: 09/21/2020)
09/21/2020	<u>111</u>	NOTICE OF APPEAL as to <u>109</u> Order on Motion for Preliminary Injunction, by Marci Andino, Clifford J Elder, James ("Jay") H. Lucas, Scott Moseley, Harvey Peeler, South Carolina Republican Party, John Wells, Alan Wilson. - Filing fee \$ 505, receipt number 0420-9355367. The Docketing Statement form, Transcript Order form and CJA 24 form may be obtained from the Fourth Circuit website at www.ca4.uscourts.gov (Lambert, William) (Entered: 09/21/2020)
09/22/2020	<u>112</u>	Transmittal Sheet for Notice of Appeal to USCA re <u>111</u> Notice of Appeal, The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (kbos) (Entered: 09/22/2020)
09/22/2020	113	TEXT ORDER re <u>110</u> MOTION to Consolidate Cases filed by Plaintiffs. The court finds it does not have jurisdiction to address the Motion to Consolidate Cases because this case is currently before the Fourth Circuit. <u>Jones v. South Carolina</u>, No. CV.A.2:01-00069-13AJ, 2001 WL 34553963, at *1 (D.S.C. July 5, 2001), <u>aff'd</u>, 26 F. App'x 329 (4th Cir. 2002) (district court does not have "jurisdiction to consolidate any action currently pending in the Fourth Circuit with any other action"). See <u>Thomas v. Andino</u>, 3:20-cv-01552-JMC, ECF No. 184 (D.S.C. Sept. 22, 2020) (denying motion to consolidate the instant case with <u>Thomas</u>). Signed by the Honorable J. Michelle Childs on 9/22/2020. (jowa) (Entered: 09/22/2020)
09/25/2020	<u>116</u>	ORDER granting rehearing en banc of USCA as to <u>111</u> Notice of Appeal, filed by Harvey Peeler, Clifford J Elder, South Carolina Republican Party, Scott Moseley, James ("Jay") H. Lucas, John Wells, Marci Andino, Alan Wilson (asni,) (Entered: 09/28/2020)
10/06/2020	<u>118</u>	Supreme Court Remark re <u>111</u> Notice of Appeal : stay granted. (asni,) (Entered: 10/07/2020)
12/04/2020	<u>119</u>	MOTION for Partial Summary Judgment by Marci Andino, Clifford J Elder, Scott Moseley, John Wells. Response to Motion due by 12/18/2020. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Memo in Support)No proposed order.(Lambert, William) (Entered: 12/04/2020)

12/17/2020	120	ORDER of USCA dismissing the appeal as moot as to 111 Notice of Appeal, filed by Harvey Peeler, Clifford J Elder, South Carolina Republican Party, Scott Moseley, James ("Jay") H. Lucas, John Wells, Marci Andino, Alan Wilson (asni,) (Entered: 12/17/2020)
12/17/2020	121	STIPULATION of Dismissal Without Prejudice by DCCC, DNC Services Corporation/Democratic National Committee, Carlyle Dixon, Kylon Middleton, Ernestine Moore, South Carolina Democratic Party, Deon Tedder, Amos Wells, Tonya Winbush. (Bryant, Christopher) (Entered: 12/17/2020)
01/08/2021	123	USCA MANDATE and JUDGMENT dismissing the appeal as to 111 Notice of Appeal, filed by Harvey Peeler, Clifford J Elder, South Carolina Republican Party, Scott Moseley, James ("Jay") H. Lucas, John Wells, Marci Andino, Alan Wilson (asni,) (Additional attachment(s) added on 1/11/2021: # 1 judgment) (asni,). (Entered: 01/08/2021)

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04/16/2021 15:07:58

PACER Login:	CRClearinghouse:2563377:0	Client Code:	Gillan
Description:	Docket Report	Search Criteria:	3:20-cv-01730-JMC
Billable Pages:	21	Cost:	2.10