

ACCO,(PVCx),CLOSED,DISCOVERY,MANADR,PROTORD

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)
CIVIL DOCKET FOR CASE #: 2:20-cv-04502-PSG-PVC**

J.P. on behalf of her minor son R.P., et al v. Educational
Testing Services , et al
Assigned to: Judge Philip S. Gutierrez
Referred to: Magistrate Judge Pedro V. Castillo
Demand: \$9,999,000
Cause: 28:1332 Diversity-Contract Dispute

Date Filed: 05/19/2020
Date Terminated: 10/30/2020
Jury Demand: Plaintiff
Nature of Suit: 190 Contract: Other
Jurisdiction: Diversity

Plaintiff

J.P.

*on behalf of her minor son R.P., and
all others similarly situated*

represented by **Christina N Hoffman**

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ATTORNEY TO BE NOTICED

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Marci Lerner Miller

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ATTORNEY TO BE NOTICED

Plaintiff

**The National Center for Fair and
Open Testing**

*a Massachusetts corporation
doing business as
Fairtest*

represented by **Christina N Hoffman**

(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Jennifer Stone

(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Marci Lerner Miller

(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Derrick S Lowe

(See above for address)
ATTORNEY TO BE NOTICED

Phillip A Baker

(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

A.K.

*individually and on behalf of all
others similarly situated*

represented by **Christina N Hoffman**

(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Jennifer Stone
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LEAD ATTORNEY
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Marci Lerner Miller
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Derrick S Lowe
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ATTORNEY TO BE NOTICED

Phillip A Baker
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

R.G.
on behalf of her minor son J.G., and
all others similarly situated

represented by **Christina N Hoffman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jennifer Stone
(See above for address)
LEAD ATTORNEY
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Derrick S Lowe
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ATTORNEY TO BE NOTICED

Phillip A Baker
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

M.S.
on behalf of her minor daughter Z.S.,
and all others similarly situated

represented by **Christina N Hoffman**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Jennifer Stone

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Marci Lerner Miller

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Derrick S Lowe

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ATTORNEY TO BE NOTICED

Phillip A Baker

(See above for address)

ATTORNEY TO BE NOTICED

V.

Defendant

Educational Testing Services (ETS)
a New York corporation

represented by **Alan E. Schoenfeld**
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ATTORNEY TO BE NOTICED

Defendant

**The College Entrance Examination
Board**

*a New York corporation
doing business as
The College Board*

represented by **Alan E. Schoenfeld**

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Bruce M. Berman

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Matthew D Benedetto

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

DOES

1 through 50, inclusive

Date Filed	#	Docket Text
05/19/2020	<u>1</u>	COMPLAINT Receipt No: ACACDC-26495301 - Fee: \$400, filed by Plaintiffs A.K., individually and on behalf of all others similarly situated, The National Center for Fair & Open Testing, doing business as FairTest, a Massachusetts corporation, M.S. on behalf of her minor daughter Z.S., and all others similarly situated, J.P. on behalf of her minor son R.P., and all others similarly situated, R.G. on behalf of her minor son J.G., and all others similarly situated. (Attorney Phillip A Baker added to party A.K., individually and on behalf of all others similarly situated(pty:pla), Attorney Phillip A Baker added to party J.P. on behalf of her minor son R.P., and all others similarly situated(pty:pla), Attorney Phillip A Baker added to party M.S. on behalf of her minor daughter Z.S., and all others similarly situated(pty:pla), Attorney Phillip A Baker added to party R.G. on behalf of her minor son J.G., and all others similarly situated(pty:pla), Attorney Phillip A Baker added to party The National Center for Fair & Open

		Testing, doing business as FairTest, a Massachusetts corporation(pty:pla))(Baker, Phillip) (Entered: 05/19/2020)
05/19/2020	<u>2</u>	CIVIL COVER SHEET filed by Plaintiffs A.K., individually and on behalf of all others similarly situated, J.P. on behalf of her minor son R.P., and all others similarly situated, M.S. on behalf of her minor daughter Z.S., and all others similarly situated, R.G. on behalf of her minor son J.G., and all others similarly situated, The National Center for Fair & Open Testing, doing business as FairTest, a Massachusetts corporation. (Baker, Phillip) (Entered: 05/19/2020)
05/19/2020	<u>3</u>	<i>CERTIFICATION</i> and NOTICE of Interested Parties filed by Plaintiffs All Plaintiffs, (Baker, Phillip) (Entered: 05/19/2020)
05/20/2020	<u>4</u>	NOTICE OF ASSIGNMENT to District Judge Philip S. Gutierrez and Magistrate Judge Pedro V. Castillo. (jtil) (Entered: 05/20/2020)
05/20/2020	<u>5</u>	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (jtil) (Entered: 05/20/2020)
05/20/2020	<u>6</u>	STANDING ORDER REGARDING NEWLY ASSIGNED CASES by Judge Philip S. Gutierrez. (ji) (Entered: 05/20/2020)
05/27/2020	<u>7</u>	Request for Clerk to Issue Summons on Complaint (Attorney Civil Case Opening),,,, <u>1</u> filed by Plaintiffs A.K., J.P., M.S., R.G., The National Center for Fair and Open Testing. (Baker, Phillip) (Entered: 05/27/2020)
05/27/2020	<u>8</u>	Request for Clerk to Issue Summons on Complaint (Attorney Civil Case Opening),,,, <u>1</u> filed by Plaintiffs A.K., J.P., M.S., R.G., The National Center for Fair and Open Testing. (Baker, Phillip) (Entered: 05/27/2020)
05/28/2020	<u>9</u>	21 DAY Summons Issued re Complaint <u>1</u> as to Defendant The College Entrance Examination Board. (bm) (Entered: 05/28/2020)
05/28/2020	<u>10</u>	21 DAY Summons Issued re Complaint <u>1</u> as to Defendant Educational Testing Services (ETS). (bm) (Entered: 05/28/2020)
06/02/2020	<u>11</u>	WAIVER OF SERVICE Returned Executed filed by defendant Educational Testing Services (ETS). upon Educational Testing Services (ETS) waiver sent by Plaintiff on 6/1/2020, answer due 7/31/2020. Waiver of Service signed by Alan E. Schoenfeld. (Benedetto, Matthew) (Entered: 06/02/2020)
06/02/2020	<u>12</u>	WAIVER OF SERVICE Returned Executed filed by defendant The College Entrance Examination Board. upon The College Entrance Examination Board waiver sent by Plaintiff on 6/1/2020, answer due 7/31/2020. Waiver of Service signed by Alan E. Schoenfeld. (Benedetto, Matthew) (Entered: 06/02/2020)
06/02/2020	<u>13</u>	NOTICE of Appearance filed by attorney Matthew D Benedetto on behalf of Defendants Educational Testing Services (ETS), The College Entrance Examination Board (Attorney Matthew D Benedetto added to party Educational Testing Services (ETS)(pty:dft), Attorney Matthew D

		Benedetto added to party The College Entrance Examination Board(pty:dft))(Benedetto, Matthew) (Entered: 06/02/2020)
06/02/2020	<u>14</u>	CORPORATE DISCLOSURE STATEMENT filed by Defendants Educational Testing Services (ETS), The College Entrance Examination Board (Benedetto, Matthew) (Entered: 06/02/2020)
06/22/2020	<u>15</u>	FIRST AMENDED COMPLAINT against Defendants All Defendants amending Complaint (Attorney Civil Case Opening),,,, <u>1</u> , filed by Plaintiffs A.K., The National Center for Fair and Open Testing, M.S., J.P., R.G.(Baker, Phillip) (Entered: 06/22/2020)
07/02/2020	<u>16</u>	NOTICE OF MOTION AND Joint MOTION for Protective Order for The Minor Plaintiffs' Identities , filed by Defendants Educational Testing Services (ETS), The College Entrance Examination Board. (Attachments: # <u>1</u> Proposed Order)(Benedetto, Matthew) (Entered: 07/02/2020)
07/07/2020	<u>17</u>	STIPULATION for Extension of Time to File Answer re Amended Complaint/Petition <u>15</u> filed by defendants Educational Testing Services (ETS), The College Entrance Examination Board. (Attachments: # <u>1</u> Proposed Order)(Benedetto, Matthew) (Entered: 07/07/2020)
07/08/2020	<u>18</u>	ORDER by Judge Philip S. Gutierrez, re Stipulation to Extend Time to Answer (More than 30 days) <u>17</u> . Pursuant to the parties' stipulation, it is SO ORDERED that: by August 31, 2020, Defendants shall file their motion under the Federal Arbitration Act, 9 U.S.C. Sections 1-16. Plaintiffs shall respond by September 30, 2020. Defendants shall reply by October 15, 2020. Defendants shall answer or otherwise respond to the complaint within 30 days after resolution of the arbitration motion under 9 U.S.C. Sections 1-16. (smo) (Entered: 07/08/2020)
07/09/2020	<u>19</u>	PROTECTIVE ORDER by Magistrate Judge Pedro V. Castillo: granting <u>16</u> Motion for Protective Order. (see document for details) (hr) (Entered: 07/09/2020)
08/31/2020	<u>20</u>	APPLICATION of Non-Resident Attorney Bruce M. Berman to Appear Pro Hac Vice on behalf of Defendants Educational Testing Services (ETS), The College Entrance Examination Board (Pro Hac Vice Fee - \$400 Fee Paid, Receipt No. ACACDC-27860690) filed by defendant Educational Testing Services (ETS), The College Entrance Examination Board. (Attachments: # <u>1</u> Certificate of Good Standing, # <u>2</u> Proposed Order) (Benedetto, Matthew) (Entered: 08/31/2020)
08/31/2020	<u>21</u>	NOTICE OF MOTION AND MOTION to Stay Case pending Arbitration Pursuant to the Federal Arbitration Act, 9 U.S.C. § 3 filed by defendant Educational Testing Services (ETS), The College Entrance Examination Board. Motion set for hearing on 11/2/2020 at 01:30 PM before Judge Philip S. Gutierrez. (Attachments: # <u>1</u> Declaration of James A. Clewley Jr., # <u>2</u> Exhibit 1 - My AP Terms, # <u>3</u> Exhibit 2 - AP Exam Terms, # <u>4</u> Proposed Order) (Benedetto, Matthew) (Entered: 08/31/2020)

09/02/2020	<u>22</u>	ORDER by Judge Philip S. Gutierrez: granting <u>20</u> Non-Resident Attorney Bruce M Berman APPLICATION to Appear Pro Hac Vice on behalf of Defendants Educational Testing Service and The College Board, designating Matthew D Benedetto as local counsel. (bm) (Entered: 09/02/2020)
09/15/2020	<u>23</u>	APPLICATION of Non-Resident Attorney Alan E. Schoenfeld to Appear Pro Hac Vice on behalf of Defendants Educational Testing Services (ETS), The College Entrance Examination Board (Pro Hac Vice Fee - \$500 Fee Paid, Receipt No. ACACDC-28091764) filed by defendants Educational Testing Services (ETS), The College Entrance Examination Board. (Attachments: # <u>1</u> Certificate of Good Standing - NJ, # <u>2</u> Certificate of Good Standing - NY, # <u>3</u> Proposed Order) (Benedetto, Matthew) (Entered: 09/15/2020)
09/17/2020	<u>24</u>	ORDER by Judge Philip S. Gutierrez: granting <u>23</u> Non-Resident Attorney Alan E Schoenfeld APPLICATION to Appear Pro Hac Vice on behalf of Defendants Educational Testing Service and The College Board, designating Matthew D Benedetto as local counsel. (bm) (Entered: 09/17/2020)
09/30/2020	<u>25</u>	MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION to Stay Case pending Arbitration Pursuant to the Federal Arbitration Act, 9 U.S.C. § 3 <u>21</u> filed by Plaintiffs A.K., J.P., M.S., R.G., The National Center for Fair and Open Testing. (Attachments: # <u>1</u> Supplement Plaintiffs' Objections to Declaration of James A. Clewley, Jr. in support of Defendants' Motion to Compel Arbitration, # <u>2</u> Declaration A.K., # <u>3</u> Declaration A.S. (w Exhs A-C), # <u>4</u> Declaration C.M., # <u>5</u> Declaration D.K., # <u>6</u> Declaration Expert, Jay Rosner (w Exhs A-E), # <u>7</u> Declaration J.G., # <u>8</u> Declaration L.B. (w Exh A), # <u>9</u> Declaration M.W., # <u>10</u> Declaration N.C., # <u>11</u> Declaration Robert Schaeffer, # <u>12</u> Declaration R.P., # <u>13</u> Declaration Z.S.)(Baker, Phillip) (Entered: 09/30/2020)
09/30/2020	<u>26</u>	DECLARATION of Derrick S. Lowe in support of Plaintiffs' Opposition to Defendants' Motion to Compel Arbitration NOTICE OF MOTION AND MOTION to Stay Case pending Arbitration Pursuant to the Federal Arbitration Act, 9 U.S.C. § 3 <u>21</u> filed by Plaintiffs A.K., J.P., M.S., R.G., The National Center for Fair and Open Testing. (Baker, Phillip) (Entered: 09/30/2020)
09/30/2020	<u>27</u>	DECLARATION of Marci Lerner Miller in support of Plaintiffs' Opposition to Defendants' NOTICE OF MOTION AND MOTION to Stay Case pending Arbitration Pursuant to the Federal Arbitration Act, 9 U.S.C. § 3 <u>21</u> filed by Plaintiffs A.K., J.P., M.S., R.G., The National Center for Fair and Open Testing. (Baker, Phillip) (Entered: 09/30/2020)
10/05/2020	<u>28</u>	STIPULATION for Extension of Time to File a Reply Brief filed by Defendant Educational Testing Services (ETS), The College Entrance

		Examination Board. (Attachments: # 1 Proposed Order)(Benedetto, Matthew) (Entered: 10/05/2020)
10/07/2020	29	ORDER by Judge Philip S. Gutierrez. Pursuant to the parties' stipulation 28 , it is SO ORDERED that Defendants shall file their reply by October 22, 2020. (yl) (Entered: 10/08/2020)
10/22/2020	30	REPLY IN SUPPORT OF NOTICE OF MOTION AND MOTION to Stay Case pending Arbitration Pursuant to the Federal Arbitration Act, 9 U.S.C. § 3 21 filed by Defendants Educational Testing Services (ETS), The College Entrance Examination Board. (Attachments: # 1 Supplemental Declaration of James A. Clewley Jr.)(Benedetto, Matthew) (Entered: 10/22/2020)
10/27/2020	31	OBJECTION in Opposition to Supplemental Declaration of James A Clewley, Jr. re: NOTICE OF MOTION AND MOTION to Stay Case pending Arbitration Pursuant to the Federal Arbitration Act, 9 U.S.C. § 3 21 filed by Plaintiffs A.K., J.P., M.S., R.G., The National Center for Fair and Open Testing. (Baker, Phillip) (Entered: 10/27/2020)
10/30/2020	32	MINUTES (IN CHAMBERS) The Court GRANTS IN PART and DENIES IN PART Defendants motion to compel arbitration and GRANTS Defendants motion to dismiss 21 by Judge Philip S. Gutierrez: The Court GRANTS Defendants' motion to stay all Plaintiffs' claims pending arbitration of the arbitrable claims. The case is administratively closed and may be reopened by application of any party. IT IS SO ORDERED. (See minutes for further details) (yl) (Entered: 10/30/2020)
02/22/2021	33	Notice of Appearance or Withdrawal of Counsel: for attorney Derrick S Lowe counsel for Plaintiffs A.K., J.P., M.S., R.G., The National Center for Fair and Open Testing. Adding Derrick S. Lowe as counsel of record for Plaintiffs for the reason indicated in the G-123 Notice. Filed by Plaintiffs J.P. on behalf of her minor son R.P.. (Attorney Derrick S Lowe added to party A.K.(pty:pla), Attorney Derrick S Lowe added to party J.P.(pty:pla), Attorney Derrick S Lowe added to party M.S.(pty:pla), Attorney Derrick S Lowe added to party R.G.(pty:pla), Attorney Derrick S Lowe added to party The National Center for Fair and Open Testing(pty:pla))(Lowe, Derrick) (Entered: 02/22/2021)
02/23/2021	34	NOTICE OF MOTION AND MOTION to Alter Judgment re Order on Motion to Stay Case, 32 . , NOTICE OF MOTION AND MOTION to Reopen Case filed by Plaintiffs A.K., J.P., M.S., R.G., The National Center for Fair and Open Testing. Motion set for hearing on 4/5/2021 at 01:30 PM before Judge Philip S. Gutierrez. (Attachments: # 1 Memorandum Points & Authorities, # 2 Declaration Derrick S. Lowe, # 3 Exhibit A to D. Lowe Declaration, # 4 Exhibit B to D. Lowe Declaration, # 5 Declaration Philllip A. Baker, # 6 Exhibit C to P. Baker Declaration, # 7 Exhibit D to P. Baker Declaration, # 8 Exhibit E to P. Baker Declaration, # 9 Exhibit F to P. Baker Declaration, # 10 Exhibit G to P. Baker Declaration, # 11 Declaration A.K., # 12 Declaration and Exh - C.M., # 13 Declaration

		and Exh - D.K., # 14 Declaration and Exh - J.G., # 15 Declaration and Exh - K.L., # 16 Declaration L.B., # 17 Declaration M.W., # 18 Declaration and Exh - N.C., # 19 Declaration and Exh - R.P., # 20 Declaration Robert Schaeffer, # 21 Declaration Z.S., # 22 Proposed Order re Plaintiffs Motion to Re-Open Litigation Pursuant to Court Order) (Baker, Phillip) (Entered: 02/23/2021)
02/24/2021	35	NOTICE OF MOTION AND MOTION to Correct NOTICE OF MOTION AND MOTION to Alter Judgment re Order on Motion to Stay Case, 32 . NOTICE OF MOTION AND MOTION to Reopen Case 34 filed by Plaintiffs A.K., J.P., M.S., R.G., The National Center for Fair and Open Testing. Motion set for hearing on 4/5/2021 at 01:30 PM before Judge Philip S. Gutierrez. (Attachments: # 1 Memorandum of Points & Authorities, # 2 Declaration of Phillip A. Baker, # 3 Exhibit C - P. Baker, # 4 Exhibit D - P. Baker, # 5 Exhibit E - P. Baker, # 6 Exhibit F - P. Baker, # 7 Exhibit G - P. Baker, # 8 Proposed Order to Motion to Correct) (Lowe, Derrick) (Entered: 02/24/2021)
02/24/2021	36	ORDER RE: MOTION TO CORRECT DOCKET ITEMS NOS. 34-1 AND 34-9 TO REMOVE AND REPLACE INCORRECTLY FILED DOCUMENTS INADVERTENTLY CONTAINING CONFIDENTIAL INFORMATION by Judge Philip S. Gutierrez: NOW, THEREFORE, IT IS ADJUGED, ORDERED AND DECREED that the Motion is GRANTED. Accordingly, the temporary seal of items at Dkt. 34-1 and Dkt. 34-9 shall remain in place until such time as those items are fully withdrawn and removed from the ECF system and the concurrently filed, replacement items for Dkt. 34-1 and 34-9 shall be accepted for filing and shall replace the removed items with respect to Plaintiffs Motion to Re-Open Litigation Pursuant to Court Order. IT IS SO ORDERED. (See document for further details) 35 (yl) (Entered: 02/24/2021)
02/25/2021	37	NOTICE of Change of Attorney Business or Contact Information: for attorney Marci Lerner Miller counsel for Plaintiffs A.K., J.P., M.S., R.G., The National Center for Fair and Open Testing. Changing Firm Name to Potomac Law Group, PLLC. Changing email to mmiller@potomaclaw.com. Filed by Plaintiffs A.K., J.P., M.S., R.G., The National Center for Fair and Open Testing. (Miller, Marci) (Entered: 02/25/2021)
03/15/2021	38	NOTICE of Change of Attorney Business or Contact Information: for attorney Christina N Hoffman counsel for Plaintiffs J.P., M.S., R.G., The National Center for Fair and Open Testing. Changing firm name to Christina N. Hoffman Law LLC, 307 North Garfield Ave. P.O. Box 1039, Alhambra, CA 91802. Changing email to cnhoffman@cnhoffmanlaw.com. Filed by Plaintiffs J.P., M.S., R.G., The National Center for Fair and Open Testing. (Hoffman, Christina) (Entered: 03/15/2021)
03/15/2021	39	OPPOSITION to NOTICE OF MOTION AND MOTION to Alter Judgment re Order on Motion to Stay Case, 32 . NOTICE OF MOTION

		AND MOTION to Reopen Case 34 filed by Defendants Educational Testing Services (ETS), The College Entrance Examination Board. (Attachments: # 1 Declaration of James A. Clewley, Jr. in Support of Opposition Brief to Plaintiffs Motion to Re-Open Litigation)(Benedetto, Matthew) (Entered: 03/15/2021)
03/18/2021	40	Joint STIPULATION for Extension of Time to File Reply as to NOTICE OF MOTION AND MOTION to Alter Judgment re Order on Motion to Stay Case, 32 . NOTICE OF MOTION AND MOTION to Reopen Case 34 , NOTICE OF MOTION AND MOTION to Correct NOTICE OF MOTION AND MOTION to Alter Judgment re Order on Motion to Stay Case, 32 . NOTICE OF MOTION AND MOTION to Reopen Case 34 35 filed by Plaintiffs A.K., J.P., M.S., R.G., The National Center for Fair and Open Testing. (Attachments: # 1 Proposed Order)(Baker, Phillip) (Entered: 03/18/2021)
03/19/2021	41	ORDER re: PARTIES' STIPULATION EXTENDING PLAINTIFFS' TIME TO FILE REPLY BRIEF AND CONTINUANCE OF HEARING ON MOTION TO REOPEN LITIGATION by Judge Philip S. Gutierrez 40 Pursuant to parties' Stipulation, it is SO ORDERED that: by March 29, 2021, Plaintiffs shall file a reply brief to the Motion to Re-Open Litigation. The hearing for said Motion to Re- Open Litigation will be continued from April 5, 2021 at 1:30 p.m. to April 19, 2021 at 1:30 p.m. unless ordered otherwise. IT IS SO ORDERED. (yl) (Entered: 03/22/2021)
03/24/2021	42	REPLY in support of NOTICE OF MOTION AND MOTION to Alter Judgment re Order on Motion to Stay Case, 32 . NOTICE OF MOTION AND MOTION to Reopen Case 34 , NOTICE OF MOTION AND MOTION to Correct NOTICE OF MOTION AND MOTION to Alter Judgment re Order on Motion to Stay Case, 32 . NOTICE OF MOTION AND MOTION to Reopen Case 34 35 filed by Plaintiffs A.K., J.P., M.S., R.G., The National Center for Fair and Open Testing. (Attachments: # 1 Supplement Objections to Third Declaration of James A. Clewley, Jr.)(Baker, Phillip) (Entered: 03/24/2021)
04/15/2021	43	MINUTES (IN CHAMBERS) The Court DENIES Plaintiffs' motion for reconsideration 34 by Judge Philip S. Gutierrez: For the foregoing reasons, the Court DENIES Plaintiffs' motion for reconsideration under Local Rule 7-18. IT IS SO ORDERED. (See document for further details) (yl) (Entered: 04/15/2021)

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Gillan

Description:	Docket Report	Search Criteria:	2:20-cv-04502-PSG- PVC End date: 11/2/2021
Billable Pages:	10	Cost:	1.00