

CLOSED

**U.S. District Court
District of North Dakota (Eastern)
CIVIL DOCKET FOR CASE #: 3:20-cv-00071-PDW-ARS**

Self Advocacy Solutions N.D. et al v. Jaeger et al
Assigned to: Chief Judge Peter D. Welte
Referred to: Magistrate Judge Alice R. Senechal
Cause: 42:1983 Civil Rights Act

Date Filed: 05/01/2020
Date Terminated: 08/28/2020
Jury Demand: None
Nature of Suit: 441 Civil Rights:
Voting
Jurisdiction: Federal Question

Plaintiff

Self Advocacy Solutions N.D.

represented by **Derrick L. Braaten**
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Plaintiff

**League of Women Voters of North
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Danielle Marie Lang
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Mark Gaber
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Plaintiff

Maria Fallon Romo

represented by **Derrick L. Braaten**
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V.

Defendant

Alvin Jaeger
*in his official capacity as Secretary
of State*

represented by **David R. Phillips**
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Defendant

Debbie Nelson
*in her official capacity as County
Auditor of Grand Forks County*

represented by **Howard D. Swanson**
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Date Filed	#	Docket Text
05/01/2020	<u>1</u>	COMPLAINT against Alvin Jaeger, Debbie Nelson (Filing fee: TBD, receipt number: 320000279) filed by Self Advocacy Solutions N.D., League of Women Voters of North Dakota, Maria Fallon Romo. (Attachments: # <u>1</u> Exhibit A - 2018 Election Official Manual, # <u>2</u> Exhibit B - Absentee/Mail Ballot Application, # <u>3</u> Exhibit C - Voter Affidavit, # <u>4</u> Exhibit D - Voter Qualifications, # <u>5</u> Civil Cover Sheet)(js) Modified on 5/13/2020o add receipt number. (as) (Entered: 05/01/2020)
05/01/2020	<u>2</u>	Summons Issued as to Alvin Jaeger, Debbie Nelson. (js) (Entered: 05/01/2020)
05/04/2020	<u>3</u>	MOTION to Appear Pro Hac Vice Attorney Dana Paikowsky (Filing fee \$150, receipt number: ANDDC-1949450) by League of Women Voters of North Dakota, Maria Fallon Romo, Self Advocacy Solutions N.D. (Paikowsky, Dana) (Main Document 3 replaced on 5/5/2020 with non-fillable pdf; modified on 5/5/2020 to add receipt # - NEF Regenerated) (js). (Entered: 05/04/2020)
05/04/2020	<u>4</u>	MOTION to Appear Pro Hac Vice Attorney Aseem Mulji (Filing fee \$150, receipt number: ANDDC-1949452) by League of Women Voters of North Dakota, Maria Fallon Romo, Self Advocacy Solutions N.D.. (Mulji, Aseem) (Main Document 4 replaced on 5/5/2020 with non-fillable pdf; modified on 5/5/2020 to add receipt # - NEF Regenerated) (js). (Entered: 05/04/2020)
05/04/2020	<u>5</u>	MOTION to Appear Pro Hac Vice Attorney Mark Gaber (Filing fee \$150, receipt number ANDDC-1949455) by League of Women Voters of North Dakota, Maria Fallon Romo, Self Advocacy Solutions N.D.. (Gaber, Mark) Modified on 5/5/2020 to add receipt number (am). (Main Document 5 replaced on 5/5/2020 with non-fillable PDF) (am). NEF regenerated on 5/5/2020 (am). (Entered: 05/04/2020)
05/04/2020	<u>6</u>	MOTION to Appear Pro Hac Vice Attorney Danielle Lang (Filing fee \$150, receipt number ANDDC-1949457) by League of Women Voters of North Dakota, Maria Fallon Romo, Self Advocacy Solutions N.D.. (Lang, Danielle) Modified on 5/5/2020 to add receipt number (am). (Main Document 6 replaced on 5/5/2020 with non-fillable PDF) (am). NEF regenerated on 5/5/2020 (am). (Entered: 05/04/2020)
05/05/2020	7	(Text Only) ORDER by Magistrate Judge Alice R. Senechal granting <u>5</u> Motion to Appear Pro Hac Vice for Attorney Mark Gaber; granting <u>6</u> Motion to Appear Pro Hac Vice for Attorney Danielle M. Lang. (am) (Entered: 05/05/2020)
05/05/2020	8	(Text Only) ORDER by Magistrate Judge Alice R. Senechal granting <u>3</u> Motion to Appear Pro Hac Vice for Attorney Dana

		Paikowsky; granting 4 Motion to Appear Pro Hac Vice for Attorney Aseem Mulji. (js) (Entered: 05/05/2020)
05/11/2020	9	ACKNOWLEDGMENT OF SERVICE Executed filed by Self Advocacy Solutions N.D., League of Women Voters of North Dakota, Maria Fallon Romo. Alvin Jaeger served on 5/11/2020, answer due 6/1/2020. (Gaber, Mark) (Entered: 05/11/2020)
05/11/2020	10	NOTICE of Appearance by Carey A. Goetz on behalf of League of Women Voters of North Dakota, Maria Fallon Romo, Self Advocacy Solutions N.D. (Goetz, Carey) (Entered: 05/11/2020)
05/11/2020	11	MOTION for Preliminary Injunction by League of Women Voters of North Dakota, Maria Fallon Romo, Self Advocacy Solutions N.D.. (Attachments: # 1 Memorandum of Law in Support of Motion for Preliminary Injunction, # 2 Gaber Declaration, # 3 Mulji Declaration, # 4 Exhibit 1: EAVS Data, # 5 Exhibit 2: 2020 Election Officials' Manual, # 6 Exhibit 3: Compiled County Training Materials, # 7 Exhibit 4: McKenzie County Nov. 2018 Canvassing Board Minutes, # 8 Exhibit 5: McLean County Nov. 2018 Canvassing Board Minutes, # 9 Exhibit 6: Traill County Nov. 2018 Canvassing Board Minutes, # 10 Exhibit 7: Kidder County Nov. 2018 Canvassing Board Minutes, # 11 Exhibit 8: Dickey County Nov. 2018 Canvassing Board Minutes, # 12 Exhibit 9: Mar. 25, 2019 Email from Barnes County Auditor, # 13 Exhibit 10: Absentee Ballot Application, # 14 Exhibit 11: Voter Affidavit, # 15 Exhibit 12: Sec'y of State Absentee Voting Instructions, # 16 Exhibit 13: Mohammed Declaration, # 17 Exhibit 14: Romo Declaration, # 18 Exhibit 15: Culver Declaration, # 19 Exhibit 16: Marx Declaration, # 20 Exhibit 17: Lynch Declaration, # 21 Exhibit 18: EO 2020-13, # 22 Exhibit 19: ND Health Announcement, # 23 Exhibit 20: Article re Incremental Opening, # 24 Exhibit 21: Article re Grand Forks COVID-19 Outbreak, # 25 Exhibit 22: CDC Guidance for At-Risk Populations, # 26 Exhibit 23: Pembina County Canvassing List, # 27 Exhibit 24: Grand Forks County Auditor Absentee Voting for June 2020 Primary Announcement, # 28 Exhibit 25: Grand Forks District 17 Rejected Ballots (Nov. 2018 Canvass))(Braaten, Derrick) (Entered: 05/11/2020)
05/12/2020	12	NOTICE of Appearance by David R. Phillips on behalf of Alvin Jaeger (Phillips, David) (Entered: 05/12/2020)
05/12/2020	13	MOTION to Expedite (<i>Assented Motion to Expedite Briefing Schedule re Motion for Preliminary Injunction</i>) by League of Women Voters of

		North Dakota, Maria Fallon Romo, Self Advocacy Solutions N.D.. (Gaber, Mark) (Entered: 05/12/2020)
05/12/2020	14	NOTICE of Appearance by Howard D. Swanson on behalf of Debbie Nelson (Swanson, Howard) (Entered: 05/12/2020)
05/12/2020	15	NOTICE of Appearance by Matthew A. Sagsveen on behalf of Alvin Jaeger (Sagsveen, Matthew) (Entered: 05/12/2020)
05/13/2020	16	(Text Only) ORDER by Magistrate Judge Alice R. Senechal granting unopposed 13 Motion to Expedite Briefing Schedule re 11 Motion for Preliminary Injunction. Responses are due by 5/22/2020. Replies are due by 5/25/2020. (LF) (Entered: 05/13/2020)
05/13/2020		Set/Reset Deadlines as to 11 MOTION for Preliminary Injunction . Responses due by 5/22/2020. Replies due by 5/25/2020. (js) (Entered: 05/13/2020)
05/14/2020	17	ACKNOWLEDGMENT OF SERVICE Executed filed by Self Advocacy Solutions N.D., League of Women Voters of North Dakota, Maria Fallon Romo. Debbie Nelson served on 5/13/2020, answer due 6/3/2020. (Gaber, Mark) (Entered: 05/14/2020)
05/22/2020	18	RESPONSE to Motion re 11 MOTION for Preliminary Injunction filed by Debbie Nelson. (Attachments: # 1 Declaration of Debbie Nelson)(Swanson, Howard) (Entered: 05/22/2020)
05/22/2020	19	MOTION for Videoconference or Telephonic Oral Argument by League of Women Voters of North Dakota, Maria Fallon Romo, Self Advocacy Solutions N.D.. (Gaber, Mark) (Entered: 05/22/2020)
05/22/2020	20	MOTION for Videoconference or Telephonic Oral Argument (Corrected) by League of Women Voters of North Dakota, Maria Fallon Romo, Self Advocacy Solutions N.D.. (Gaber, Mark) (Entered: 05/22/2020)
05/22/2020	21	RESPONSE to Motion re 11 MOTION for Preliminary Injunction filed by Alvin Jaeger. (Attachments: # 1 Affidavit of Silrum, # 2 Exhibit 1 to Affidavit of Silrum (Mail Ballot Application), # 3 Exhibit 2 to Affidavit of Silrum (Ballot Affidavit and Envelope))(Phillips, David) (Entered: 05/22/2020)
05/25/2020	22	REPLY to Response to Motion re 11 MOTION for Preliminary Injunction filed by League of Women Voters of North Dakota, Maria Fallon Romo, Self Advocacy Solutions N.D.. (Gaber, Mark) (Entered: 05/25/2020)
05/26/2020	23	(Text Only) ORDER by Chief Judge Peter D. Welte granting 20 Motion for Telephonic Hearing and Oral Argument on Motion for Preliminary Injunction. (EA) (Entered: 05/26/2020)
05/26/2020	24	NOTICE of Hearing on 11 MOTION for Preliminary Injunction: Motion Hearing set for 6/1/2020 at 02:30 PM CT by telephone before

		Chief Judge Peter D. Welte. Counsel provided conference call dial-in information for the hearing via e-mail. (EA) (Entered: 05/26/2020)
05/26/2020	25	(Text Only) ORDER by Chief Judge Peter D. Welte finding as moot 19 Motion for Telephonic Oral Argument in light of 23 Order granting Motion for Telephonic Oral Argument and 24 Notice of Hearing on Motion. (EA) (Entered: 05/26/2020)
06/01/2020	26	ANSWER to 1 Complaint, by Alvin Jaeger.(Phillips, David) (Entered: 06/01/2020)
06/01/2020	27	Minute Entry for proceedings held before Chief Judge Peter D. Welte: Motion Hearing held on 6/1/2020 re 11 MOTION for Preliminary Injunction filed by Maria Fallon Romo, Self Advocacy Solutions N.D., League of Women Voters of North Dakota. (Court Reporter kk) (lh) (Entered: 06/02/2020)
06/03/2020	28	ANSWER to 1 Complaint, by Debbie Nelson.(Swanson, Howard) (Entered: 06/03/2020)
06/03/2020	29	ORDER by Chief Judge Peter D. Welte granting 11 Motion for Preliminary Injunction. (MK) (Entered: 06/03/2020)
06/05/2020	30	NOTICE by Alvin Jaeger re 29 Order on Motion for Preliminary Injunction (Phillips, David) (Entered: 06/05/2020)
06/05/2020	31	ORDER by Chief Judge Peter D. Welte re 30 Notice filed by Alvin Jaeger. (MK) (Entered: 06/05/2020)
06/15/2020	32	ORDER for Rule 26(f) Planning Meeting and Rule 16(b) Scheduling Conference, and ORDER regarding resolution of Discovery Disputes by Magistrate Judge Alice R. Senechal. Scheduling Conference set for 7/28/2020 at 10:00 AM before Magistrate Judge Alice R. Senechal. (LF) (Entered: 06/15/2020)
07/23/2020	33	NOTICE of Hearing: Scheduling Conference RESET for 8/28/2020 at 10:00 AM before Magistrate Judge Alice R. Senechal. (Previously set for 7/28/2020 at 10:00 AM). See written instructions at Doc. 32 . (LF) (Entered: 07/23/2020)
08/27/2020	34	MOTION for Permanent Injunction <i>and Final Judgment (Joint)</i> by League of Women Voters of North Dakota, Maria Fallon Romo, Self Advocacy Solutions N.D.. (Gaber, Mark) (Entered: 08/27/2020)
08/27/2020	35	(Text Only) ORDER by Magistrate Judge Alice R. Senechal. In light of the parties' 34 Joint Motion for Permanent Injunction and Final

		Judgment, the Scheduling Conference set for 8/28/2020 at 10:00 is CANCELLED. (AS) (Entered: 08/27/2020)
08/28/2020	36	ORDER by Chief Judge Peter D. Welte granting 34 Motion for Permanent Injunction. (MK) (Entered: 08/28/2020)
08/28/2020	37	CLERK'S JUDGMENT re 36 Order Granting (Joint) Motion for Permanent Injunction(pb) (Entered: 08/28/2020)
09/02/2020	38	MOTION for Extension of Time to File <i>Motion for Attorneys' Fees, Expenses, and Costs</i> by League of Women Voters of North Dakota, Maria Fallon Romo, Self Advocacy Solutions N.D.. (Gaber, Mark) (Entered: 09/02/2020)
09/03/2020	39	(Text Only) ORDER by Magistrate Judge Alice R. Senechal granting unopposed 38 Motion for Extension of Time to File Motion for Attorneys' Fees, Expenses, and Costs. Plaintiffs' motion is due by 9/25/2020. (AS) (Entered: 09/03/2020)
09/24/2020	40	MOTION for Extension of Time to File <i>Motion for Attorneys Fees and Costs Until October 16, 2020 (Consented)</i> by League of Women Voters of North Dakota, Maria Fallon Romo, Self Advocacy Solutions N.D.. (Gaber, Mark) (Entered: 09/24/2020)
09/25/2020	41	(Text Only) ORDER by Magistrate Judge Alice R. Senechal Motion for Attorneys' Fees, Expenses, and Costs. Plaintiffs' motion is due by 10/16/2020. (AS) (Entered: 09/25/2020)
10/16/2020	42	MOTION for Attorney Fees (<i>Joint</i>) by League of Women Voters of North Dakota, Maria Fallon Romo, Self Advocacy Solutions N.D.. (Attachments: # 1 Proposed Order)(Gaber, Mark) (Entered: 10/16/2020)
10/23/2020	43	ORDER by Chief Judge Peter D. Welte granting 42 Motion for Attorney Fees. (MK) (Entered: 10/23/2020)
10/23/2020	44	AMENDED CLERK'S JUDGMENT.(sj) (Entered: 10/23/2020)

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