

**U.S. District Court
District of Oregon (Portland (3))
CIVIL DOCKET FOR CASE #: 3:20-cv-01193-IM**

Wise et al v. City of Portland et al
Assigned to: Judge Karin J. Immergut
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 07/22/2020
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights:
Other
Jurisdiction: U.S. Government
Defendant

Plaintiff

Christopher Wise
individual

represented by **Courtney Peck**
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Plaintiff

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individual

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Plaintiff

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individual

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Plaintiff

Savannah Guest

individual

represented by **Courtney Peck**

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V.

Defendant

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a municipal corporation

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Defendant

Stephen B. Pettey
in his individual capacity

represented by **Robert T. Yamachika**
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William W. Manlove , III
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Defendant

John Does 1-60

*individual and supervisory officers
of Portland Police Bureau*

Defendant

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Security**

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Defendant

U.S. Marshals Service

represented by **Andrew Warden**

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Defendant

John Does 61-100

*individual and supervisory officers
of the federal government*

Date Filed	#	Docket Text
07/22/2020	<u>1</u>	Complaint. Filing fee in the amount of \$400 collected. Agency Tracking ID: AORDC-7018610 Jury Trial Requested: Yes. Filed by Michael Martinez, Christopher Wise, Christopher Durkee, Savannah Guest against All Plaintiffs (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Proposed Summons City of Portland, # <u>3</u> Proposed Summons Officer Stephen B. Pettay, # <u>4</u> Proposed Summons John Does 1-60,

		# 5 Proposed Summons U.S. Department of Homeland Security, # 6 Proposed Summons U.S. Marshals Service, # 7 Proposed Summons John Does 61-100). (Peck, Courtney) (Entered: 07/22/2020)
07/22/2020	2	Notice of Case Assignment to Judge Karin J. Immergut and Discovery and Pretrial Scheduling Order. NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3-5. Discovery is to be completed by 11/19/2020. Joint Alternate Dispute Resolution Report is due by 12/21/2020. Pretrial Order is due by 12/21/2020. Ordered by Judge Karin J. Immergut. (joha) (Entered: 07/22/2020)
07/22/2020	3	Summons Issued Electronically as to City of Portland, Stephen B. Pettey, U.S. Department of Homeland Security, U.S. Marshals Service. NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3-5. (joha) (Entered: 07/22/2020)
07/24/2020	4	Motion for Temporary Restraining Order <i>and Order to Show Cause Why Preliminary Injunction Should Not Enter</i> . Oral Argument requested.Expedited Hearing requested. Filed by All Plaintiffs. (Morales, Nathan) (Entered: 07/24/2020)
07/24/2020	5	Declaration of Christopher Durkee <i>in Support of Plaintiffs' Motion for Temporary Restraining Order</i> . Filed by All Plaintiffs. (Related document(s): Motion for Temporary Restraining Order 4 .) (Morales, Nathan) (Entered: 07/24/2020)
07/24/2020	6	Declaration of Christopher Wise <i>in Support of Plaintiffs' Motion for Temporary Restraining Order</i> . Filed by All Plaintiffs. (Related document(s): Motion for Temporary Restraining Order 4 .) (Morales, Nathan) (Entered: 07/24/2020)
07/24/2020	7	Declaration of Dr. Catherine Morgans <i>in Support of Plaintiffs' Motion for Temporary Restraining Order</i> . Filed by All Plaintiffs. (Related document(s): Motion for Temporary Restraining Order 4 .) (Morales, Nathan) (Entered: 07/24/2020)
07/24/2020	8	Declaration of Jeffrey Paul <i>in Support of Plaintiffs' Motion for Temporary Restraining Order</i> . Filed by All Plaintiffs. (Related document(s): Motion for Temporary Restraining Order 4 .) (Morales, Nathan) (Entered: 07/24/2020)

07/24/2020	<u>9</u>	Declaration of Michael Martinez <i>in Support of Plaintiffs' Motion for Temporary Restraining Order</i> . Filed by All Plaintiffs. (Related document(s): Motion for Temporary Restraining Order <u>4</u> .) (Morales, Nathan) (Entered: 07/24/2020)
07/24/2020	<u>10</u>	Declaration of Peyton Dully Hubbard <i>in Support of Plaintiffs' Motion for Temporary Restraining Order</i> . Filed by All Plaintiffs. (Related document(s): Motion for Temporary Restraining Order <u>4</u> .) (Morales, Nathan) (Entered: 07/24/2020)
07/24/2020	<u>11</u>	Declaration of Savannah Guest <i>in Support of Plaintiffs' Motion for Temporary Restraining Order</i> . Filed by All Plaintiffs. (Related document(s): Motion for Temporary Restraining Order <u>4</u> .) (Morales, Nathan) (Entered: 07/24/2020)
07/25/2020	12	Scheduling Order by Judge Karin J. Immergut. Defendants are required to respond to plaintiffs' Motion for Temporary Restraining Order <u>4</u> by Tuesday, July 28, 2020 at 5:00 p.m. Any reply from Plaintiffs must be filed by Wednesday, July 29, 2020 by 5:00 p.m. Oral Argument is set for Thursday, July 30, 2020 at 1:30 p.m. in Portland by videoconference before Judge Karin J. Immergut. Ordered by Judge Karin J. Immergut. (jy) (Entered: 07/25/2020)
07/27/2020	<u>13</u>	Return of Service Executed as to U.S. Department of Homeland Security served on 7/27/2020, answer due on 9/25/2020. Service specifically made upon Local U.S. Attorney. (Peck, Courtney) (Entered: 07/27/2020)
07/27/2020	<u>14</u>	Return of Service Executed as to U.S. Marshals Service served on 7/27/2020, answer due on 9/25/2020. Service specifically made upon Local U.S. Attorney. (Peck, Courtney) (Entered: 07/27/2020)
07/28/2020	<u>15</u>	Declaration of Nathan Cohen <i>in Support of Plaintiffs' Motion for Temporary Restraining Order</i> . Filed by All Plaintiffs. (Related document(s): Motion for Temporary Restraining Order <u>4</u> .) (Peck, Courtney) (Entered: 07/28/2020)
07/28/2020	<u>16</u>	Notice of Appearance of Andrew Warden appearing on behalf of U.S. Department of Homeland Security, U.S. Marshals Service Filed by on behalf of U.S. Department of Homeland Security, U.S. Marshals Service. (Warden, Andrew) (Entered: 07/28/2020)
07/28/2020	<u>17</u>	Memorandum in Opposition to Motion for Temporary Restraining Order <i>and Order to Show Cause Why Preliminary Injunction Should</i>

		<i>Not Enter 4</i> . Filed by U.S. Department of Homeland Security, U.S. Marshals Service. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit, # 6 Exhibit, # 7 Exhibit) (Warden, Andrew) (Entered: 07/28/2020)
07/28/2020	18	Response to Motion for Temporary Restraining Order <i>and Order to Show Cause Why Preliminary Injunction Should Not Enter 4</i> Oral Argument requested. Filed by City of Portland, Stephen B. Pettey. (Manlove, William) (Entered: 07/28/2020)
07/28/2020	19	Declaration of Craig Dobson . Filed by City of Portland, Stephen B. Pettey. (Related document(s): Response to Motion 18 .) (Manlove, William) (Entered: 07/28/2020)
07/28/2020	20	Notice of Appearance of Robert T. Yamachika appearing on behalf of City of Portland, Stephen B. Pettey Filed by on behalf of City of Portland, Stephen B. Pettey. (Yamachika, Robert) (Entered: 07/28/2020)
07/29/2020	21	<i>Proof of Service</i> Return of Service Executed as to Stephen B. Pettey served on 7/29/2020, answer due on 8/19/2020. (Peck, Courtney) (Entered: 07/29/2020)
07/29/2020	22	Unopposed Notice re Motion for Temporary Restraining Order 4 <i>Deferral</i> Filed by All Plaintiffs. (Related document(s): Motion for Temporary Restraining Order 4 .) (Peck, Courtney) (Entered: 07/29/2020)
07/29/2020	23	Order by Judge Karin J. Immergut. Unopposed Notice 22 of Deferral of Plaintiff's Motion for Temporary Restraining Order and Order to Show Cause Why Preliminary Injunction Should Not Enter is GRANTED. Plaintiffs' Reply in Support of their Motion will be filed by noon on Sunday, August 2, 2020. The hearing on Plaintiffs' Motion is rescheduled for 8/3/2020 at 2:00PM. The parties shall inform the Court no later than noon on Sunday, August 2, 2020 if a hearing is no longer required. The previous hearing date of 7/30/2020 is VACATED. Ordered by Judge Karin J. Immergut. (jy) (Entered: 07/29/2020)
08/02/2020	24	Order by Judge Karin J. Immergut. By email dated 8/2/20202, Plaintiffs seek to withdraw their motion for temporary restraining order as to both the Federal and Municipal Defendants, without prejudice to their right to seek emergency relief as necessary in the future. The Court GRANTS Plaintiffs' request to withdraw and

		VACATES the hearing scheduled for 8/3/2020. Ordered by Judge Karin J. Immergut. (jy) (Entered: 08/02/2020)
08/06/2020	25	Motion for Leave to Appear <i>Pro Hac Vice</i> . <i>Pro Hac Vice</i> admission requested by attorney Shane A. Grannum. Filing fee in the amount of \$300 collected; Agency Tracking ID: AORDC-7080703. Filed by All Plaintiffs. (Grannum, Shane) (Entered: 08/06/2020)
08/06/2020	26	Motion for Leave to Appear <i>Pro Hac Vice</i> . <i>Pro Hac Vice</i> admission requested by attorney Zachary Tyler Watterson. Filing fee in the amount of \$300 collected; Agency Tracking ID: AORDC-7080717. Filed by All Plaintiffs. (Watterson, Zachary) (Entered: 08/06/2020)
08/07/2020		Clerk's Review of Motion for Leave to Appear <i>Pro Hac Vice</i> . <i>Pro Hac Vice</i> admission requested by attorney Zachary Tyler Watterson. Filing fee in the amount of \$300 collected; Agency Tracking ID: AORDC-7080717 26 , and Motion for Leave to Appear <i>Pro Hac Vice</i> . <i>Pro Hac Vice</i> admission requested by attorney Shane A. Grannum. Filing fee in the amount of \$300 collected; Agency Tracking ID: AORDC-7080703 25 : Both Reviewed and Ready for Ruling. (sss) (Entered: 08/07/2020)
08/09/2020	27	ORDER: Granting Motion for Leave to Appear <i>Pro Hac Vice</i> by attorney Shane A. Grannum 25 . Ordered by Judge Karin J. Immergut. (jy) (Entered: 08/09/2020)
08/09/2020	28	ORDER: Granting Motion for Leave to Appear <i>Pro Hac Vice</i> by attorney Zachary Tyler Watterson 26 . Ordered by Judge Karin J. Immergut. (jy) (Entered: 08/09/2020)
08/17/2020	29	<i>Proof of Certified Mailing</i> Return of Service Unexecuted as to U.S. Department of Homeland Security, U.S. Marshals Service. (Attachments: # 1 Attachment 1 - Receipts for U.S. Dept. of Homeland Security - Summons and Complaint, # 2 Attachment 2 - Receipts for U.S. Dept. of Homeland Security - TRO and Supporting Declarations, # 3 Attachment 3 - Receipts for U.S. Marshals - Summons and Complaint, # 4 Attachment 4 - Receipts for U.S. Marshals - TRO and Supporting Declarations) (Peck, Courtney) (Entered: 08/17/2020)
08/17/2020	30	<i>Proof of Certified Mailing</i> Return of Service Unexecuted as to City of Portland. (Attachments: # 1 Attachment 1 - Receipt for City of Portland - Summons, Waiver, Complaint, TRO, and Supporting Declarations) (Peck, Courtney) (Entered: 08/17/2020)
08/19/2020	31	Waiver of Service of Summons Returned Executed by City of Portland waiver sent on 8/17/2020. Filed by All Plaintiffs. (Peck, Courtney) (Entered: 08/19/2020)

08/19/2020	32	Unopposed Motion for Extension of Time to Answer . Filed by Stephen B. Pettey. (Manlove, William) (Entered: 08/19/2020)
08/19/2020	33	Declaration of William W. Manlove . Filed by Stephen B. Pettey. (Related document(s): Motion for Extension of Time to Answer a Complaint/Petition 32 .) (Manlove, William) (Entered: 08/19/2020)
08/20/2020	34	ORDER: Defendant Officer Stephen B. Pettey's Motion for Extension of Time to Answer 32 is GRANTED. Defendant's first response to Plaintiffs' Complaint is now due on October 16, 2020. Ordered by Judge Karin J. Immergut. (jy) (Entered: 08/20/2020)
08/21/2020	35	Motion for Temporary Restraining Order <i>and Order to Show Cause Why Preliminary Injunction Should Not Enter Against Municipal Defendants</i> . Oral Argument requested.Expedited Hearing requested. Filed by All Plaintiffs. (Morales, Nathan) (Entered: 08/21/2020)
08/21/2020	36	Declaration of Jiri Rivera <i>in Support of Plaintiffs' Motion for Temporary Restraining Order</i> . Filed by All Plaintiffs. (Related document(s): Motion for Temporary Restraining Order 35 .) (Morales, Nathan) (Entered: 08/21/2020)
08/21/2020	37	Declaration of Jessica Shifflett <i>in Support of Plaintiffs' Motion for Temporary Restraining Order</i> . Filed by All Plaintiffs. (Related document(s): Motion for Temporary Restraining Order 35 .) (Morales, Nathan) (Entered: 08/21/2020)
08/21/2020	38	Supplemental Declaration of Christopher Wise <i>in Support of Plaintiffs' Motion for Temporary Restraining Order</i> . Filed by All Plaintiffs. (Related document(s): Motion for Temporary Restraining Order 35 .) (Morales, Nathan) (Entered: 08/21/2020)
08/21/2020	39	Supplemental Declaration of Michael Martinez <i>in Support of Plaintiffs' Motion for Temporary Restraining Order</i> . Filed by All Plaintiffs. (Related document(s): Motion for Temporary Restraining Order 35 .) (Morales, Nathan) (Entered: 08/21/2020)
08/21/2020	40	Scheduling Order by Judge Karin J. Immergut regarding Motion for Temporary Restraining Order and Order to Show Cause Why Preliminary Injunction Should Not Enter Against Municipal Defendants 35 . Defendants' Response is due by Wednesday, 8/26/20 at 5:00 PM (Pacific). Plaintiffs' reply is due by Friday, 8/28/2020 at 5:00 PM (Pacific). Oral Argument is set for 9/1/2020 at 10:00AM (Pacific) in Portland by videoconference before Judge

		Karin J. Immergut. Ordered by Judge Karin J. Immergut. (jy) (Entered: 08/21/2020)
08/25/2020	41	Supplemental Declaration of Peyton Dully Hubbard <i>in Support of Plaintiffs' Motion for Temporary Restraining Order</i> . Filed by All Plaintiffs. (Related document(s): Motion for Temporary Restraining Order 35 .) (Peck, Courtney) (Entered: 08/25/2020)
08/26/2020	42	Response to Motion for Temporary Restraining Order <i>and Order to Show Cause Why Preliminary Injunction Should Not Enter Against Municipal Defendants</i> 35 Oral Argument requested. Filed by City of Portland, Stephen B. Pettey. (Manlove, William) (Entered: 08/26/2020)
08/26/2020	43	Supplemental Declaration of Craig Dobson . Filed by City of Portland, Stephen B. Pettey. (Related document(s): Response to Motion, 42 .) (Attachments: # 1 Exhibit 1) (Manlove, William) (Entered: 08/26/2020)
08/28/2020	44	Reply to Motion for Temporary Restraining Order <i>and Order to Show Cause Why Preliminary Injunction Should Not Enter Against Municipal Defendants</i> 35 Oral Argument requested. Filed by All Plaintiffs. (Peck, Courtney) (Entered: 08/28/2020)
08/28/2020	45	Declaration of Dustin Chilton <i>in Support of Plaintiffs' Motion for Temporary Restraining Order</i> . Filed by All Plaintiffs. (Related document(s): Motion for Temporary Restraining Order 35 .) (Peck, Courtney) (Entered: 08/28/2020)
08/28/2020	46	Supplemental Declaration of Jiri Rivera <i>in Support of Plaintiffs' Motion for Temporary Restraining Order</i> . Filed by All Plaintiffs. (Related document(s): Motion for Temporary Restraining Order 35 .) (Peck, Courtney) (Entered: 08/28/2020)
09/01/2020	47	Notice of Appearance of Jeffrey Aaron Hall appearing on behalf of U.S. Department of Homeland Security, U.S. Marshals Service Filed by on behalf of U.S. Department of Homeland Security, U.S. Marshals Service. (Hall, Jeffrey) (Entered: 09/01/2020)
09/01/2020	48	MINUTES of Proceedings: Hearing on Motion for Temporary Restraining Order and Order to Show Cause Why Preliminary Injunction Should Not Enter Against Municipal Defendants 35 Held. Ryan Peck, Kelly K. Simon, Misha Isaak, and Nathan R. Morales present as counsel for plaintiff(s). Robert T. Yamachika,

		William W. Manlove, III, and Jeffrey Aaron Hall present as counsel for defendant(s). Court Reporter: Jill Jessup. Judge Karin J. Immergut presiding. (jy) (Entered: 09/01/2020)
09/02/2020	49	Opinion and Order. Plaintiffs' Motion for a Temporary Restraining Order, ECF 35 , is DENIED. IT IS SO ORDERED. See attached order for details. Signed on 9/2/20 by Judge Karin J. Immergut. (jy) (Entered: 09/02/2020)
09/09/2020	50	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Motion Hearing held on September 1, 2020, before Judge Karin J. Immergut, Court Reporter Jill L. Jessup, telephone number (503)326-8191 or email at jill_jessup@ord.uscourts.gov. Transcript may be viewed at Court's public terminal or purchased from the Court Reporter before the deadline for Release of Transcript Restriction. Afterwards it may be obtained through the Court Reporter at (503)326-8191 or email at jill_jessup@ord.uscourts.gov or PACER. See Policy at ord.uscourts.gov. Notice of Intent to Redact Transcript is due by 9/16/2020. Redaction Request due 9/30/2020. Redacted Transcript Deadline set for 10/13/2020. Release of Transcript Restriction set for 12/8/2020. (jjcr) (Entered: 09/09/2020)
09/24/2020	51	Unopposed Motion for Extension of Time to Answer Complaint,, 1 . Filed by U.S. Department of Homeland Security, U.S. Marshals Service. (Attachments: # 1 Proposed Order) (Hall, Jeffrey) (Entered: 09/24/2020)
09/25/2020	52	ORDER: Federal Defendants' Unopposed Motion for an Extension of Time to Answer or Otherwise Respond to the Complaint 51 is GRANTED. Federal Defendants' first response to Plaintiffs' Complaint is now due on October 16, 2020. Ordered by Judge Karin J. Immergut. (jy) (Entered: 09/25/2020)