

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:20-cv-00846-RJL**

A.B.-B et al v. MORGAN et al
Assigned to: Judge Richard J. Leon
Cause: 05:0706 Judicial Review of Agency Actions

Date Filed: 04/01/2020
Jury Demand: Plaintiff
Nature of Suit: 465 Immigration:
Other Immigration Actions
Jurisdiction: U.S. Government
Defendant

Plaintiff

A.B.-B
a minor

represented by **Brian Rene Frazelle**
CONSTITUTIONAL
ACCOUNTABILITY CENTER
1200 18th Street, NW
Suite 501
Washington, DC 20036
(202) 296-6889 ext. 308
Email: brian@theusconstitution.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brianne Jenna Gorod
CONSTITUTIONAL
ACCOUNTABILITY CENTER
1200 18th Street, NW
Suite 501
Washington, DC 20036
(202) 296-6889 ext. 304
Email:
brianne@theusconstitution.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth Bonnie Wydra
CONSTITUTIONAL
ACCOUNTABILITY CENTER
1200 18th Street, NW
Suite 501
Washington, DC 20036
(202) 296-6889
Email:
elizabeth@theusconstitution.org
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Julie M. Carpenter
TAHIRIH JUSTICE CENTER
6402 Arlington Blvd
Suite 300
Falls Church, VA 22042
703-869-5150
Email:
julie.moore.carpenter@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

S.B.-B
a minor

represented by **Brian Rene Frazelle**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brianne Jenna Gorod
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth Bonnie Wydra
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Julie M. Carpenter
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

M.A.G.-M
a minor

represented by **Brian Rene Frazelle**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brianne Jenna Gorod
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth Bonnie Wydra

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

Julie M. Carpenter
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

D.G.M.-G
a minor

represented by **Brian Rene Frazelle**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brianne Jenna Gorod
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth Bonnie Wydra
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Julie M. Carpenter
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

L.E.-L
a minor

represented by **Brian Rene Frazelle**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brianne Jenna Gorod
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth Bonnie Wydra
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

I.I.E-L
a minor

Julie M. Carpenter
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

represented by **Brian Rene Frazelle**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brianne Jenna Gorod
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth Bonnie Wydra
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Julie M. Carpenter
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

A.P.-S
a minor

represented by **Brian Rene Frazelle**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brianne Jenna Gorod
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth Bonnie Wydra
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Julie M. Carpenter
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

E.L.R.-S

a minor

represented by **Brian Rene Frazelle**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brianne Jenna Gorod
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth Bonnie Wydra
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Julie M. Carpenter
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

A.A.R.-S

a minor

represented by **Brian Rene Frazelle**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brianne Jenna Gorod
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth Bonnie Wydra
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Julie M. Carpenter
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

B.J.R.-S

a minor

represented by **Brian Rene Frazelle**
(See above for address)

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brianne Jenna Gorod
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth Bonnie Wydra
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Julie M. Carpenter
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

W.G.L.-S
a minor

represented by **Brian Rene Frazelle**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brianne Jenna Gorod
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth Bonnie Wydra
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Julie M. Carpenter
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

MARK A. MORGAN
Acting Commissioner, United States
Customs and Border Protection

represented by **Joseph F. Carilli , Jr.**
U.S. ATTORNEY'S OFFICE
555 4th St NW

Washington, DC 20530
(202) 252-2561
Fax: (202) 252-2599
Email: joseph.carilli@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Rebecca Marie Cutri-Kohart
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs
Branch
1100 L Street NW
Washington, DC 20005
(202) 514-0265
Fax: (202) 616-8460
Email: rebecca.cutri-
kohart@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Christopher Charles Hair
U.S. ATTORNEY'S OFFICE FOR
THE DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2541
Fax: (202) 252-2599
Email: christopher.hair@usdoj.gov
TERMINATED: 07/23/2020

Kathleene A. Molen
U.S. ATTORNEY'S OFFICE FOR
THE DISTRICT OF COLUMBIA
555 4th Street NW
Washington, DC 20530
(202) 803-1572
Email: Kathleene.Molen@usdoj.gov
TERMINATED: 08/22/2020

Defendant

CHAD F. WOLF
*Putative Acting Secretary, United
States Department of Homeland
Security*

represented by **Joseph F. Carilli, Jr.**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Rebecca Marie Cutri-Kohart

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

Christopher Charles Hair
(See above for address)
TERMINATED: 07/23/2020

Kathleene A. Molen
(See above for address)
TERMINATED: 08/22/2020

Defendant

KENNETH T. CUCCINELLI, II
*Senior Official Performing the
Duties of the Director, United States
Citizenship and Immigration
Services*

represented by **Joseph F. Carilli , Jr.**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Rebecca Marie Cutri-Kohart
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Christopher Charles Hair
(See above for address)
TERMINATED: 07/23/2020

Kathleene A. Molen
(See above for address)
TERMINATED: 08/22/2020

Defendant

ANDREW J. DAVIDSON
*Acting Division Chief of United
States Citizenship and Immigration
Services Asylum Division*

represented by **Joseph F. Carilli , Jr.**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Rebecca Marie Cutri-Kohart
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Christopher Charles Hair
(See above for address)
TERMINATED: 07/23/2020

Kathleene A. Molen
(See above for address)
TERMINATED: 08/22/2020

Defendant

WILLIAM P. BARR
*Attorney General of the United
States*

represented by **Joseph F. Carilli , Jr.**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Rebecca Marie Cutri-Kohart
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Christopher Charles Hair
(See above for address)
TERMINATED: 07/23/2020

Kathleene A. Molen
(See above for address)
TERMINATED: 08/22/2020

Date Filed	#	Docket Text
03/27/2020	<u>1</u>	MOTION to Proceed Under Pseudonym by A.A.R.-S, A.B.-B, A.P.-S, B.J.R.-S, D.G.M.-G, E.L.R.-S, I.I.E.-L, L.E.-L, M.A.G.-M, S.B.-B, W.G.L.-S (Attachments: # <u>1</u> Text of Proposed Order)(zjf) (Entered: 04/01/2020)
03/27/2020	<u>2</u>	MEMORANDUM AND ORDER re granting <u>1</u> Motion for Leave to Proceed Under Pseudonym. Signed by Chief Judge Beryl A. Howell on 03/27/2020. (zjf) (Entered: 04/01/2020)
03/27/2020	<u>3</u>	COMPLAINT against WILLIAM P. BARR, KENNETH T. CUCCINELLI, ANDREW J. DAVIDSON, MARK A. MORGAN, CHAD F. WOLF (Filing fee \$ 400, receipt number 4616102799) with Jury Demand filed by W.G.L.-S, A.P.-S, S.B.-B, A.B.-B, I.I.E.-L, M.A.G.-M, A.A.R.-S, E.L.R.-S, D.G.M.-G, B.J.R.-S, L.E.-L. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Civil Cover Sheet)(zjf) (Additional attachment(s) added on 4/1/2020: # <u>3</u> Appendix Sealed) (zjf). (Additional attachment(s) added on 4/1/2020: # <u>4</u> Summons) (zsb). (Entered: 04/01/2020)

03/27/2020	<u>4</u>	NOTICE OF RELATED CASE by All Plaintiffs. Case related to Case No. 19-2773. (jf) (Entered: 04/01/2020)
04/01/2020	<u>5</u>	SUMMONS (6) Issued Electronically as to WILLIAM P. BARR, KENNETH T. CUCCINELLI, ANDREW J. DAVIDSON, MARK A. MORGAN, CHAD F. WOLF, and U.S. Attorney (jf) Modified on 4/1/2020 to correct docket text (zsb) (Entered: 04/01/2020)
04/01/2020	<u>6</u>	ORDER. It is ORDERED that this case shall be sent to the Calendar and Case Management Committee for random reassignment. See Order for complete details. SO ORDERED. Signed by Judge Amy Berman Jackson on 4/1/2020. (lcabj2) (Entered: 04/01/2020)
04/01/2020	<u>7</u>	Case randomly reassigned to Judge Richard J. Leon. Judge Amy Berman Jackson is no longer assigned to the case as deemed not related. (ztnr) (Entered: 04/01/2020)
04/01/2020	<u>8</u>	Emergency MOTION for Temporary Restraining Order <i>and Administrative Stay</i> by A.A.R.-S, A.B.-B, A.P.-S, B.J.R.-S, D.G.M.-G, E.L.R.-S, I.I.E.-L, L.E.-L, M.A.G.-M, S.B.-B, W.G.L.-S (Attachments: # <u>1</u> Affidavit Declaration of ABB, # <u>2</u> Affidavit Declaration of APS, # <u>3</u> Affidavit Declaration of LEL, # <u>4</u> Affidavit Declaration of MAGM, # <u>5</u> Affidavit Declaration of Allison Herre, # <u>6</u> Text of Proposed Order Proposed Order TRO, # <u>7</u> Text of Proposed Order Proposed Order Admin Stay)(Carpenter, Julie). Added MOTION to Stay on 4/2/2020 (jf). (Entered: 04/01/2020)
04/01/2020		ORDER. It is hereby ORDERED that defendants are temporarily enjoined from removing plaintiffs from the United States, pending a hearing tomorrow on <u>8</u> plaintiffs' Emergency Motion for Temporary Restraining Order and Related Administrative Stay where the government's interests may be represented. A telephonic hearing is set for April 2, 2020 at 3:00 PM before Judge Richard J. Leon. The Court will provide instructions regarding the conference call to counsel by email. SO ORDERED. Signed by Judge Richard J. Leon on 4/1/2020. (lcrjl2) (Entered: 04/01/2020)
04/02/2020	<u>9</u>	NOTICE of Appearance by Christopher Charles Hair on behalf of All Defendants (Hair, Christopher) (Entered: 04/02/2020)
04/02/2020	<u>10</u>	NOTICE of Appearance by Rebecca Marie Cutri-Kohart on behalf of All Defendants (Cutri-Kohart, Rebecca) (Entered: 04/02/2020)
04/02/2020		Minute Entry for proceedings held before Judge Richard J. Leon: Motion Hearing held on 4/2/2020 re: Plaintiffs' <u>8</u> Emergency Motion for Temporary Restraining Order <i>and Administrative Stay</i> . The Court GRANTS plaintiffs' <u>8</u> Emergency Motion for An Administrative Stay. The Removal of plaintiffs from the United States is

		administratively stayed to preserve the status quo; and it is further ORDERED that defendants, their agents, and any persons acting in concert with them are enjoined from removing each of the plaintiffs from the United States pending the Court's ruling on plaintiffs' motion for a preliminary injunction. The following schedule shall govern this case: Plaintiffs shall submit their motion for a preliminary injunction and supporting memoranda on or before April 13, 2020. Defendants shall submit their opposition to plaintiffs' motion for a preliminary injunction on or before April 23, 2020. Plaintiffs shall submit any Reply memorandum on or before April 27, 2020. A hearing on the motion for a preliminary injunction will be scheduled for the week of April 27, 2020 or the week of May 4, 2020. (Court Reporter: William P. Zaremba) (jth) (Entered: 04/02/2020)
04/02/2020	<u>11</u>	ORDER. Upon consideration of plaintiffs' <u>8</u> Emergency Motion for an Administrative Stay, it is hereby ORDERED that the motion is GRANTED; it is further ORDERED that the Removal of plaintiffs from the United States is administratively stayed to preserve the status quo; and it is further ORDERED that defendants, their agents, and any persons acting in concert with them are enjoined from removing each of the plaintiffs from the United States pending the Court's ruling on plaintiffs' motion for a preliminary injunction. SO ORDERED. Signed by Judge Richard J. Leon on 04/02/2020. (jth) (Entered: 04/02/2020)
04/13/2020	<u>12</u>	MOTION for Preliminary Injunction by A.A.R.-S, A.B.-B, A.P.-S, B.J.R.-S, D.G.M.-G, E.L.R.-S, I.I.E.-L, L.E.-L, M.A.G.-M, S.B.-B, W.G.L.-S (Attachments: # <u>1</u> Text of Proposed Order for Preliminary Injunction Motion, # <u>2</u> Affidavit regarding Exhibits, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit, # <u>14</u> Exhibit, # <u>15</u> Exhibit, # <u>16</u> Exhibit, # <u>17</u> Exhibit, # <u>18</u> Exhibit, # <u>19</u> Exhibit, # <u>20</u> Exhibit, # <u>21</u> Exhibit, # <u>22</u> Exhibit, # <u>23</u> Exhibit, # <u>24</u> Exhibit, # <u>25</u> Exhibit, # <u>26</u> Exhibit, # <u>27</u> Exhibit, # <u>28</u> Exhibit, # <u>29</u> Exhibit, # <u>30</u> Exhibit, # <u>31</u> Exhibit, # <u>32</u> Exhibit, # <u>33</u> Exhibit, # <u>34</u> Exhibit, # <u>35</u> Exhibit, # <u>36</u> Exhibit, # <u>37</u> Exhibit, # <u>38</u> Exhibit, # <u>39</u> Exhibit, # <u>40</u> Exhibit, # <u>41</u> Exhibit, # <u>42</u> Exhibit, # <u>43</u> Exhibit, # <u>44</u> Exhibit, # <u>45</u> Exhibit, # <u>46</u> Exhibit, # <u>47</u> Exhibit, # <u>48</u> Exhibit)(Carpenter, Julie) (Entered: 04/13/2020)
04/17/2020	<u>13</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 04/09/2020. (Attachments: # <u>1</u> Exhibit Proof of delivery)(Carpenter, Julie) (Entered: 04/17/2020)

04/17/2020	<u>14</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/9/2020. Answer due for ALL FEDERAL DEFENDANTS by 6/8/2020. (Attachments: # <u>1</u> Exhibit proof of delivery)(Carpenter, Julie) (Entered: 04/17/2020)
04/17/2020	<u>15</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. KENNETH T. CUCCINELLI served on 4/8/2020; ANDREW J. DAVIDSON served on 4/8/2020; MARK A. MORGAN served on 4/8/2020; CHAD F. WOLF served on 4/8/2020 (Attachments: # <u>1</u> Exhibit proof of delivery)(Carpenter, Julie) (Entered: 04/17/2020)
04/17/2020	<u>16</u>	ERRATA <i>Revised Redacted PI Motion Exhibits</i> by A.A.R.-S, A.B.-B, A.P.-S, B.J.R.-S, D.G.M.-G, E.L.R.-S, I.I.E.-L, L.E.-L, M.A.G.-M, S.B.-B, W.G.L.-S <u>12</u> MOTION for Preliminary Injunction filed by I.I.E.-L, D.G.M.-G, A.B.-B, E.L.R.-S, B.J.R.-S, A.A.R.-S, M.A.G.-M, W.G.L.-S, A.P.-S, L.E.-L, S.B.-B. (Attachments: # <u>1</u> Exhibit properly redacted version of Dkt # 12-3, # <u>2</u> Exhibit properly redacted version of Dkt# 12-4, # <u>3</u> Exhibit properly redacted version of Dkt# 12-5, # <u>4</u> Exhibit properly redacted version of Dkt# 12-6)(Carpenter, Julie) (Entered: 04/17/2020)
04/23/2020	<u>17</u>	Memorandum in opposition to re <u>12</u> MOTION for Preliminary Injunction filed by WILLIAM P. BARR, KENNETH T. CUCCINELLI, ANDREW J. DAVIDSON, MARK A. MORGAN, CHAD F. WOLF. (Attachments: # <u>1</u> Declaration of Juliana Blackwell and Exhibits, # <u>2</u> Declaration of Wayne Winterling and Exhibits, # <u>3</u> Declaration of Michelle Burton, # <u>4</u> Declaration of Stephen Dove and Exhibits, # <u>5</u> Declaration of Craig J. Heintz and Exhibits, # <u>6</u> Declaration of Ashley B. Caudill-Mirillo)(Hair, Christopher) (Entered: 04/23/2020)
04/27/2020	<u>18</u>	REPLY to opposition to motion re <u>12</u> MOTION for Preliminary Injunction filed by A.A.R.-S, A.B.-B, A.P.-S, B.J.R.-S, D.G.M.-G, E.L.R.-S, I.I.E.-L, L.E.-L, M.A.G.-M, S.B.-B, W.G.L.-S. (Attachments: # <u>1</u> Affidavit Relating to Documentary Exhibits, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit)(Carpenter, Julie) (Entered: 04/27/2020)
04/29/2020		MINUTE ORDER. A Telephonic Preliminary Injunction Hearing is set for Thursday, May 7, 2020 at 3:00 PM in Chambers before Judge Richard J. Leon. In a separate email, counsel for the parties will be provided with instructions regarding the conference call. SO ORDERED. Signed by Judge Richard J. Leon on 4/29/2020. (lcrjl2) (Entered: 04/29/2020)

04/30/2020	<u>19</u>	NOTICE of Appearance by Elizabeth Bonnie Wydra on behalf of All Plaintiffs (Wydra, Elizabeth) (Entered: 04/30/2020)
04/30/2020	<u>20</u>	NOTICE of Appearance by Brianne Jenna Gorod on behalf of All Plaintiffs (Gorod, Brianne) (Entered: 04/30/2020)
04/30/2020	<u>21</u>	NOTICE of Appearance by Brian Rene Frazelle on behalf of All Plaintiffs (Frazelle, Brian) (Entered: 04/30/2020)
05/05/2020	<u>22</u>	NOTICE OF SUPPLEMENTAL AUTHORITY AND <i>RATIFICATION</i> by WILLIAM P. BARR, KENNETH T. CUCCINELLI, ANDREW J. DAVIDSON, MARK A. MORGAN, CHAD F. WOLF re <u>17</u> Memorandum in Opposition,, (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Cutri-Kohart, Rebecca) Modified event on 5/7/2020 (znmw). (Entered: 05/05/2020)
05/06/2020	<u>23</u>	RESPONSE re <u>22</u> Notice (Other), filed by A.A.R.-S, A.B.-B, A.P.-S, B.J.R.-S, D.G.M.-G, E.L.R.-S, I.I.E.-L, L.E.-L, M.A.G.-M, S.B.-B, W.G.L.-S. (Carpenter, Julie) Modified event on 5/7/2020 (znmw). (Entered: 05/06/2020)
05/07/2020		MINUTE ORDER. The Telephonic Preliminary Injunction Hearing currently scheduled for Thursday, May 7, 2020 at 3:00 PM is CONTINUED to Tuesday, May 12, 2020 at 3:00 PM before Judge Richard J. Leon. In a separate email, counsel for the parties will be provided with instructions regarding the conference call. SO ORDERED. Signed by Judge Richard J. Leon on 5/7/2020. (lcrjl2) (Entered: 05/07/2020)
05/12/2020		Minute Entry for Proceedings held before Judge Richard J. Leon: Hearing on Plaintiffs' <u>12</u> Motion for Preliminary Injunction held on 5/12/2020. The <u>12</u> Motion was Heard and Taken under Advisement. The parties may file supplemental pleadings (not to exceed 15 pages) based only on issues raised during argument, within ten (10) days of their receipt of the transcript. No responses or replies to the supplemental pleadings are to be filed. (Court Reporter: William P. Zaremba) (jth) (Entered: 05/12/2020)
06/01/2020	<u>24</u>	SUPPLEMENTAL MEMORANDUM to re <u>12</u> MOTION for Preliminary Injunction filed by A.A.R.-S, A.B.-B, A.P.-S, B.J.R.-S, D.G.M.-G, E.L.R.-S, I.I.E.-L, L.E.-L, M.A.G.-M, S.B.-B, W.G.L.-S. (Carpenter, Julie) (Entered: 06/01/2020)
06/01/2020	<u>25</u>	SUPPLEMENTAL MEMORANDUM to re <u>17</u> Memorandum in Opposition,, filed by WILLIAM P. BARR, KENNETH T. CUCCINELLI, ANDREW J. DAVIDSON, MARK A. MORGAN, CHAD F. WOLF. (Attachments: # <u>1</u> Declaration of NEAL J. SWARTZ)(Cutri-Kohart, Rebecca) (Entered: 06/01/2020)

06/03/2020	<u>26</u>	TRANSCRIPT OF TELEPHONIC PRELIMINARY INJUNCTION MOTION HEARING PROCEEDINGS before Judge Richard J. Leon held on May 12, 2020; Page Numbers: 1-46. Date of Issuance: June 3, 2020. Court Reporter/Transcriber: William Zaremba; Telephone number: (202) 354-3249. Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public term inal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, PDF or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov. Redaction Request due 6/24/2020. Redacted Transcript Deadline set for 7/4/2020. Release of Transcript Restriction set for 9/1/2020.(wz) (Entered: 06/03/2020)
06/05/2020	<u>27</u>	Unopposed MOTION for Extension of Time to File Answer re <u>3</u> Complaint, by WILLIAM P. BARR, KENNETH T. CUCCINELLI, ANDREW J. DAVIDSON, MARK A. MORGAN, CHAD F. WOLF (Hair, Christopher) (Entered: 06/05/2020)
06/08/2020		MINUTE ORDER. Upon consideration of <u>27</u> Defendants' Unopposed Motion for an Extension of Time to Respond to Plaintiffs' Complaint, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that defendants' response to plaintiffs' Complaint shall be due no later than 14 days after the Court issues its ruling regarding plaintiffs' motion for a preliminary injunction. SO ORDERED. Signed by Judge Richard J. Leon on 6/8/2020. (lcrjl2) (Entered: 06/08/2020)
07/22/2020	<u>28</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by A.A.R.-S, A.B.-B, A.P.-S, B.J.R.-S, D.G.M.-G, E.L.R.-S, I.I.E.-L, L.E.-L, M.A.G.-M, S.B.-B, W.G.L.-S (Attachments: # <u>1</u> Exhibit Grace v. Barr decision)(Carpenter, Julie) (Entered: 07/22/2020)
07/23/2020	<u>29</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Kathleene A. Molen on behalf of All Defendants Substituting for attorney Christopher C. Hair (Molen, Kathleene) (Entered: 07/23/2020)

08/14/2020	30	NOTICE OF SUPPLEMENTAL AUTHORITY by A.A.R.-S, A.B.-B, A.P.-S, B.J.R.-S, D.G.M.-G, E.L.R.-S, I.I.E.-L, L.E.-L, M.A.G.-M, S.B.-B, W.G.L.-S (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Frazelle, Brian) (Entered: 08/14/2020)
08/22/2020	31	NOTICE OF SUBSTITUTION OF COUNSEL by Joseph F. Carilli, Jr on behalf of All Defendants Substituting for attorney Kathleene A. Molen (Carilli, Joseph) (Entered: 08/22/2020)
08/31/2020	32	MEMORANDUM OPINION. Signed by Judge Richard J. Leon on 8/29/2020. (lcrjl2) Modified on 8/31/2020 to reflect the correct signature date of the Judge (jth). (Entered: 08/31/2020)
08/31/2020	33	ORDER. For the reasons set forth in the accompanying Memorandum Opinion, it is hereby ORDERED that plaintiffs' 12 Motion for Preliminary Injunction is GRANTED. Accordingly, it is hereby ORDERED that defendants, their agents, and any persons acting in concert with them, are enjoined from removing plaintiffs from the United States pending a ruling on the merits of this case; and it is further ORDERED that defendants, their agents, and any persons acting in concert with them are preliminarily enjoined from continuing to implement the January 30, 2020 Memorandum of Agreement or otherwise permitting U.S. Customs and Border Protection agents to conduct asylum interviews or make credible fear determinations, pending a ruling on the merits in this case. SO ORDERED. Signed by Judge Richard J. Leon on 8/29/2020. (lcrjl2) Modified on 8/31/2020 to reflect the correct signature date of the Judge (jth). (Entered: 08/31/2020)
09/09/2020	34	Unopposed MOTION for Extension of Time to <i>File Response</i> by WILLIAM P. BARR, KENNETH T. CUCCINELLI, ANDREW J. DAVIDSON, MARK A. MORGAN, CHAD F. WOLF (Attachments: # 1 Text of Proposed Order)(Carilli, Joseph) (Entered: 09/09/2020)
09/11/2020		MINUTE ORDER. Upon consideration of 34 defendants' Unopposed Motion for Extension of Time to File Response, it is hereby ORDERED that the motion is GRANTED. Defendants shall file their Answer or otherwise respond to the Complaint on or before October 26, 2020. SO ORDERED. Signed by Judge Richard J. Leon on 9/11/2020. (lcrjl2) (Entered: 09/11/2020)

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