

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:19-cv-10917-AKH**

Center for Popular Democracy Action et al v. Bureau of
the Census et al
Assigned to: Judge Alvin K. Hellerstein
Cause: 05:702 Administrative Procedure Act

Date Filed: 11/26/2019
Date Terminated: 03/19/2020
Jury Demand: None
Nature of Suit: 440 Civil Rights:
Other
Jurisdiction: Federal Question

Plaintiff

**Center for Popular Democracy
Action**

represented by **Jacob D. Alderdice**

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Plaintiff

City of Newburgh

represented by **Jacob D. Alderdice**
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Susan Joan Kohlmann
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Michael Joel Wishnie

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V.

Defendant

Bureau of the Census

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Defendant

Steven Dillingham

Director, Bureau of the Census

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Lucas Estlund Issacharoff
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ATTORNEY TO BE NOTICED

Defendant

**United States Department of
Commerce**

represented by **Emily Elizabeth Bretz**
(See above for address)
LEAD ATTORNEY
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Lucas Estlund Issacharoff
(See above for address)
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Defendant

Wilbur Ross
Secretary of Commerce

represented by **Emily Elizabeth Bretz**
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LEAD ATTORNEY
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Lucas Estlund Issacharoff
(See above for address)
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Date Filed	#	Docket Text
11/26/2019	<u>1</u>	COMPLAINT against Bureau of the Census, Department of Commerce, Steven Dillingham, Wilbur Ross. (Filing Fee \$ 400.00, Receipt Number ANYSDC-18147926) Document filed by City of Newburgh, Center for Popular Democracy Action. (Wishnie, Michael) (Entered: 11/26/2019)
11/26/2019	<u>2</u>	STATEMENT OF RELATEDNESS re: that this action be filed as related to 1:18-cv-02921. Document filed by Center for Popular Democracy Action, City of Newburgh. (Wishnie, Michael) (Entered: 11/26/2019)
11/26/2019	<u>3</u>	MOTION to Expedite <i>Production of Administrative Record</i> . Document filed by Center for Popular Democracy Action, City of Newburgh. (Wishnie, Michael) (Entered: 11/26/2019)
11/26/2019	<u>4</u>	CIVIL COVER SHEET filed. (Wishnie, Michael) (Entered: 11/26/2019)
11/26/2019	<u>5</u>	FILING ERROR - DEFICIENT SUMMONS REQUEST - PDF ERROR REQUEST FOR ISSUANCE OF SUMMONS as to Bureau of the Census, Steven Dillingham, U.S. Dept. of Commerce, Wilbur Ross, re: <u>1</u> Complaint. Document filed by Center for Popular Democracy Action, City of Newburgh. (Wishnie, Michael) Modified on 11/27/2019 (sj). (Entered: 11/26/2019)
11/26/2019	<u>6</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Center for Popular Democracy Action. (Wishnie, Michael) (Entered: 11/26/2019)
11/26/2019	<u>7</u>	NOTICE OF APPEARANCE by Susan Joan Kohlmann on behalf of Center for Popular Democracy Action, City of Newburgh. (Kohlmann, Susan) (Entered: 11/26/2019)
11/26/2019	<u>8</u>	NOTICE OF APPEARANCE by Jeremy Micah Creelan on behalf of Center for Popular Democracy Action, City of Newburgh. (Creelan, Jeremy) (Entered: 11/26/2019)

11/26/2019	9	NOTICE OF APPEARANCE by Jacob D. Alderdice on behalf of Center for Popular Democracy Action, City of Newburgh. (Alderdice, Jacob) (Entered: 11/26/2019)
11/26/2019	10	NOTICE OF APPEARANCE by Seth Hugh Agata on behalf of Center for Popular Democracy Action, City of Newburgh. (Agata, Seth) (Entered: 11/26/2019)
11/26/2019	11	MOTION for Leave to Appear as Law Student Interns . Document filed by Center for Popular Democracy Action, City of Newburgh. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G)(Wishnie, Michael) (Entered: 11/26/2019)
11/27/2019		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Michael Joel Wishnie. The party information for the following party/parties has been modified: Steven Dillingham; United States Department of Commerce; Wilbur Ross. The information for the party/parties has been modified for the following reason/reasons: party name contained a typographical error; party text was omitted. (sj) (Entered: 11/27/2019)
11/27/2019		***NOTICE TO ATTORNEY REGARDING CIVIL. CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney Michael Joel Wishnie. The following case opening statistical information was erroneously selected/entered: County code New York. The following correction(s) have been made to your case entry: the County code has been modified to Kings. (sj) (Entered: 11/27/2019)
11/27/2019		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Unassigned. (sj) (Entered: 11/27/2019)
11/27/2019		Case Designated ECF. (sj) (Entered: 11/27/2019)
11/27/2019		CASE REFERRED TO Judge Jesse M. Furman as possibly related to 1:18cv2921. (sj) (Entered: 11/27/2019)
11/27/2019		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Michael Joel Wishnie to RE-FILE Document No. 5 Request for Issuance of Summons. The filing is deficient for the following reason(s): the PDF attached to the docket entry for the issuance of summons is not correct; each summons request should be its own separate docket entry. Re-file the document using the event type Request for Issuance of Summons found under the event list Service of Process - select the correct filer/filers - and attach the correct summons form PDF. (sj) (Entered: 11/27/2019)

11/27/2019	<u>12</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Bureau of the Census, re: <u>1</u> Complaint. Document filed by Center for Popular Democracy Action, City of Newburgh. (Wishnie, Michael) (Entered: 11/27/2019)
11/27/2019	<u>13</u>	FILING ERROR - DEFICIENT SUMMONS REQUEST PDF ERROR - REQUEST FOR ISSUANCE OF SUMMONS as to United States Department of Commerce, re: <u>1</u> Complaint. Document filed by Center for Popular Democracy Action, City of Newburgh. (Wishnie, Michael) Modified on 12/3/2019 (pne). (Entered: 11/27/2019)
11/27/2019	<u>14</u>	FILING ERROR - DEFICIENT SUMMONS REQUEST PDF ERROR - REQUEST FOR ISSUANCE OF SUMMONS as to Wilbur Ross, Secretary of Commerce, re: <u>1</u> Complaint. Document filed by Center for Popular Democracy Action, City of Newburgh. (Wishnie, Michael) Modified on 12/3/2019 (pne). (Entered: 11/27/2019)
11/27/2019	<u>15</u>	FILING ERROR - DEFICIENT SUMMONS REQUEST PDF ERROR - REQUEST FOR ISSUANCE OF SUMMONS as to Steven Dillingham, Director of the Bureau of the Census, re: <u>1</u> Complaint. Document filed by Center for Popular Democracy Action, City of Newburgh. (Wishnie, Michael) Modified on 12/3/2019 (pne). (Entered: 11/27/2019)
12/03/2019	<u>16</u>	ELECTRONIC SUMMONS ISSUED as to Bureau of the Census. (pne) (Entered: 12/03/2019)
12/03/2019		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Michael Joel Wishnie to RE-FILE Document No. <u>13</u> Request for Issuance of Summons, <u>14</u> Request for Issuance of Summons, <u>15</u> Request for Issuance of Summons. The filing is deficient for the following reason(s): party name in the 'To' field must appear exactly as it does on the pleading caption; do not use abbreviations in party names; any party/entity name that is listed after the name of the defendant must include 'c/o', 'attn', 'via'. Re-file the document using the event type Request for Issuance of Summons found under the event list Service of Process - select the correct filer/filers - and attach the correct summons form PDF. (pne) (Entered: 12/03/2019)
12/03/2019	<u>17</u>	FILING ERROR - DEFICIENT SUMMONS REQUEST - PDF ERROR REQUEST FOR ISSUANCE OF SUMMONS as to United

		States Department of Commerce, re: 1 Complaint. Document filed by Center for Popular Democracy Action, City of Newburgh. (Wishnie, Michael) Modified on 12/5/2019 (sj). (Entered: 12/03/2019)
12/03/2019	18	REQUEST FOR ISSUANCE OF SUMMONS as to United States Department of Commerce, re: 1 Complaint. Document filed by Center for Popular Democracy Action, City of Newburgh. (Wishnie, Michael) (Entered: 12/03/2019)
12/03/2019	19	REQUEST FOR ISSUANCE OF SUMMONS as to Steven Dillingham, Director, Bureau of the Census, re: 1 Complaint. Document filed by Center for Popular Democracy Action, City of Newburgh. (Wishnie, Michael) (Entered: 12/03/2019)
12/03/2019	20	REQUEST FOR ISSUANCE OF SUMMONS as to Wilbur Ross, Secretary of Commerce, re: 1 Complaint. Document filed by Center for Popular Democracy Action, City of Newburgh. (Wishnie, Michael) (Entered: 12/03/2019)
12/03/2019		CASE DECLINED AS NOT RELATED. Case referred as related to 18CV2921 and declined by Judge Jesse Furman and returned to wheel for assignment. (wb) (Entered: 12/03/2019)
12/03/2019		NOTICE OF CASE REASSIGNMENT to Judge Naomi Reice Buchwald. Judge Unassigned is no longer assigned to the case. (wb) (Entered: 12/03/2019)
12/03/2019		Magistrate Judge James L. Cott is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf . (wb) (Entered: 12/03/2019)
12/05/2019	21	ELECTRONIC SUMMONS ISSUED as to Wilbur Ross. (sj) (Entered: 12/05/2019)
12/05/2019	22	ELECTRONIC SUMMONS ISSUED as to Steven Dillingham. (sj) (Entered: 12/05/2019)
12/05/2019	23	ELECTRONIC SUMMONS ISSUED as to United States Department of Commerce. (sj) (Entered: 12/05/2019)
12/06/2019	24	SUMMONS RETURNED EXECUTED Summons and Complaint served. Bureau of the Census served on 12/4/2019, answer due 12/26/2019; Steven Dillingham served on 12/5/2019, answer due 12/26/2019; Wilbur Ross served on 12/5/2019, answer due 12/26/2019; United States Department of Commerce served on

		12/5/2019, answer due 12/26/2019. Service was made by Mail (Certified). Document filed by City of Newburgh; Center for Popular Democracy Action. (Alderdice, Jacob) (Entered: 12/06/2019)
12/11/2019		NOTICE OF CASE REASSIGNMENT to Judge Alvin K. Hellerstein. Judge Naomi Reice Buchwald is no longer assigned to the case. (wb) (Entered: 12/11/2019)
12/11/2019	<u>25</u>	NOTICE OF APPEARANCE by Emily Elizabeth Bretz on behalf of Bureau of the Census, Steven Dillingham, Wilbur Ross, United States Department of Commerce. (Bretz, Emily) (Entered: 12/11/2019)
12/11/2019	<u>26</u>	NOTICE OF APPEARANCE by Lucas Estlund Issacharoff on behalf of Bureau of the Census, Steven Dillingham, Wilbur Ross, United States Department of Commerce. (Issacharoff, Lucas) (Entered: 12/11/2019)
12/20/2019	<u>27</u>	MEMORANDUM OF LAW in Opposition re: <u>3</u> MOTION to Expedite <i>Production of Administrative Record</i> . . Document filed by Bureau of the Census, Steven Dillingham, Wilbur Ross, United States Department of Commerce. (Attachments: # <u>1</u> Affidavit of Deborah Stempowski)(Issacharoff, Lucas) (Entered: 12/20/2019)
12/23/2019	<u>28</u>	LETTER addressed to Judge Alvin K. Hellerstein from Jeremy Creelan dated December 23, 2019 re: Request For Rule 16(b) Pre-Trial Conference. Document filed by Center for Popular Democracy Action, City of Newburgh.(Creelan, Jeremy) (Entered: 12/23/2019)
12/27/2019	<u>29</u>	REPLY to Response to Motion re: <u>3</u> MOTION to Expedite <i>Production of Administrative Record</i> . / <i>Plaintiffs' Reply in Further Support of Motion to Compel Expedited Production of the Administrative Record</i> . Document filed by Center for Popular Democracy Action, City of Newburgh. (Creelan, Jeremy) (Entered: 12/27/2019)
01/02/2020	<u>30</u>	ORDER REGULATING PROCEEDINGS: Initial Conference set for 1/9/2020 at 02:30 PM in Courtroom 14D, 500 Pearl Street, New York, NY 10007 before Judge Alvin K. Hellerstein, as further set forth in this order. (Signed by Judge Alvin K. Hellerstein on 1/2/2020) (jwh) (Entered: 01/02/2020)
01/07/2020	<u>31</u>	JOINT LETTER addressed to Judge Alvin K. Hellerstein from Lucas Issacharoff dated 1/7/2020 re: Request for Telephonic Access to Conference. Document filed by Bureau of the Census, Steven Dillingham, Wilbur Ross, United States Department of Commerce.(Issacharoff, Lucas) (Entered: 01/07/2020)
01/08/2020	<u>32</u>	MEMO ENDORSEMENT on re: <u>31</u> Letter Request for Telephonic Access to Conference, filed by Wilbur Ross, United States Department of Commerce, Bureau of the Census, Steven Dillingham.

		ENDORSEMENT: The request is approved. The Court will, telephonically, communicate to the parties the details of the dial-in. (Signed by Judge Alvin K. Hellerstein on 1/8/20) (yv) (Entered: 01/08/2020)
01/09/2020	33	PLAINTIFFS' MOTION FOR ORDER TO GRANT LEAVE TO APPEAR AS LAW STUDENT INTERNS granting 11 Motion for Leave to Appear. Plaintiffs Center for Popular Democracy Action and City of Newburgh, through their attorneys, move this Court, pursuant to the United States District Court for the Southern District of New York's Plan for Student Practice in Civil Actions, to grant Rachel Brown, Lisa Chen, Daniel Ki, Nikita Lalwani, Geng Ngarmboonanant, Laura Pietrantonio, and Joshua Zoffer leave to appear as law student interns in the above-captioned matter, under the supervision of attorney Michael J. Wishnie. Ms. Brown, Ms. Chen, Mr. Ki, Ms. Lalwani, Mr. Ngarmboonanant, Ms. Pietrantonio, and Mr. Zoffer meet all the eligibility requirements. Plan for Student Practice in Civil Actions 1; see Law Student Intern Appearance Form for Rachel Brown (Ex. A); Law Student Intern Appearance Form for Lisa Chen (Ex. B); Law Student Intern Appearance Form for Daniel Ki (Ex. C); Law Student Intern Appearance Form for Nikita Lalwani (Ex. D); Law Student Intern Appearance Form for Geng Ngarmboonanant (Ex. E); Law Student Intern Appearance Form for Laura Pietrantonio (Ex. F); Law Student Intern Appearance Form for Joshua Zoffer (Ex. G). (As further set forth in this Order.) SO ORDERED. (Signed by Judge Alvin K. Hellerstein on 1/9/2020) (cf) (Entered: 01/09/2020)
01/09/2020	34	ORDER granting 3 Motion to Expedite. Plaintiffs' motion is granted. Production of the administrative record and related briefing shall proceed as follows: 1. On or before January 17, 2020, Defendants shall file a letter in this Court identifying the decisionmakers responsible for each of the five challenged agency actions catalogued in footnote 2, supra. 2. On or before January 24, 2020, Defendants shall produce to Plaintiffs the administrative record underlying the five challenged agency actions. 3. Plaintiffs and Defendants shall file their motions for a preliminary injunction and dismissal, respectively, by January 31, 2020. The parties shall file oppositions to these motions by February 21, 2020. And the parties shall file their replies by March 4, 2020. 4. Oral argument will be held on March 18, 2020, at 2:30 p.m., at which time the parties are to be prepared to address both of the by-then-pending motions for a preliminary injunction and dismissal. SO ORDERED. (Signed by Judge Alvin K. Hellerstein on 1/9/20) (yv) (Entered: 01/10/2020)
01/09/2020		Set/Reset Deadlines: Motions due by 1/31/2020. Responses due by 2/21/2020. Replies due by 3/4/2020. (yv) (Entered: 01/10/2020)

01/10/2020		Set/Reset Hearings: Oral Argument set for 3/18/2020 at 02:30 PM before Judge Alvin K. Hellerstein. (yv) (Entered: 01/29/2020)
01/17/2020	<u>35</u>	LETTER addressed to Judge Alvin K. Hellerstein from Lucas Issacharoff dated 1/17/2020 re: Decisionmakers. Document filed by Bureau of the Census, Steven Dillingham, Wilbur Ross, United States Department of Commerce.(Issacharoff, Lucas) (Entered: 01/17/2020)
01/24/2020	<u>36</u>	LETTER addressed to Judge Alvin K. Hellerstein from Emily Bretz dated January 24, 2020 re: Production of Records. Document filed by Bureau of the Census, Steven Dillingham, Wilbur Ross, United States Department of Commerce. (Attachments: # <u>1</u> Exhibit Index, # <u>2</u> Exhibit Certification of Records)(Bretz, Emily) (Entered: 01/24/2020)
01/28/2020	<u>37</u>	MEMO ENDORSEMENT on re: <u>36</u> Letter, filed by Wilbur Ross, United States Department of Commerce, Bureau of the Census, Steven Dillingham. ENDORSEMENT: So ordered. (Signed by Judge Alvin K. Hellerstein on 1/28/2020) (va) (Entered: 01/28/2020)
01/29/2020		As per Judge Hellersteins Order, dated January 28, 2020, Defendants counsel filed a CD ROM with the open records room. (rz) (Entered: 01/29/2020)
01/31/2020	<u>38</u>	MOTION to Dismiss . Document filed by Bureau of the Census, Steven Dillingham, Wilbur Ross, United States Department of Commerce. Responses due by 2/21/2020.(Issacharoff, Lucas) (Entered: 01/31/2020)
01/31/2020	<u>39</u>	MEMORANDUM OF LAW in Support re: <u>38</u> MOTION to Dismiss . . Document filed by Bureau of the Census, Steven Dillingham, Wilbur Ross, United States Department of Commerce..(Issacharoff, Lucas) (Entered: 01/31/2020)
01/31/2020	<u>40</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION for Preliminary Injunction . Document filed by Center for Popular Democracy Action, City of Newburgh. (Attachments: # <u>1</u> Memorandum of Law, # <u>2</u> Declaration of Mark Doms, # <u>3</u> Declaration of Alexandra Church, # <u>4</u> Declaration of Ana Maria Archila, # <u>5</u> Declaration of Michael J. Wishnie, # <u>6</u> Exhibits for Declaration of Michael J. Wishnie).(Wishnie, Michael) Modified on 2/24/2020 (ldi). (Entered: 01/31/2020)
02/18/2020	<u>41</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 1/9/2020 before Judge Alvin K. Hellerstein. Court Reporter/Transcriber: Kelly Surina, (212) 805-0300. 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. Redaction Request due 3/10/2020.

		Redacted Transcript Deadline set for 3/20/2020. Release of Transcript Restriction set for 5/18/2020..(McGuirk, Kelly) (Entered: 02/18/2020)
02/18/2020	<u>42</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 1/9/2020 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days....(McGuirk, Kelly) (Entered: 02/18/2020)
02/18/2020	<u>43</u>	MOTION for Renee Burbank to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-18837148. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Center for Popular Democracy Action, City of Newburgh. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit affidavit and certificates of good standing).(Burbank, Renee) (Entered: 02/18/2020)
02/18/2020		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>43</u> MOTION for Renee Burbank to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-18837148. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 02/18/2020)
02/19/2020	<u>44</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>43</u> Motion for Renee Burbank to Appear Pro Hac Vice. The motion of Renee Burbank for admission to practice Pro Hac Vice in the above captioned action is granted. IT IS HEREBY ORDERED that Renee Burbank is admitted to practice Pro Hac Vice in the above captioned case in the United States District Court for the Southern District of New York. All attorney appearing before this Court are subject to the Local Rules of their Court, including the Rules governing discipline of attorneys. (Signed by Judge Alvin K. Hellerstein on 2/19/20) (yv) (Entered: 02/19/2020)
02/21/2020	<u>45</u>	MEMORANDUM OF LAW in Opposition re: <u>38</u> MOTION to Dismiss . . Document filed by Center for Popular Democracy Action, City of Newburgh..(Creelan, Jeremy) (Entered: 02/21/2020)
02/21/2020	<u>46</u>	MEMORANDUM OF LAW in Opposition re: <u>40</u> MOTION for Preliminary Injunction . . Document filed by Bureau of the Census, Steven Dillingham, Wilbur Ross, United States Department of Commerce. (Attachments: # <u>1</u> Affidavit of Deborah Stempowski, # <u>2</u> Affidavit of Benjamin Taylor, # <u>3</u> Affidavit of Patrick Cantwell, # <u>4</u> Affidavit of Deirdre Dalpiaz Bishop, # <u>5</u> Affidavit of Burton Reist).(Issacharoff, Lucas) (Entered: 02/21/2020)

02/24/2020		***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Notice to Attorney Michael Joel Wishnie to RE-FILE Document <u>40</u> MOTION for Preliminary Injunction . ERROR(S): supporting documents must be filed separately, each receiving their own document number. Declaration in Support of Motion and Memorandum of Law in Support of Motion are both found under the event list Replies, Opposition and Supporting Documents. (Idi) (Entered: 02/24/2020)
02/24/2020	<u>47</u>	MOTION for Preliminary Injunction . Document filed by Center for Popular Democracy Action, City of Newburgh..(Wishnie, Michael) (Entered: 02/24/2020)
02/24/2020	<u>48</u>	MEMORANDUM OF LAW in Support re: <u>47</u> MOTION for Preliminary Injunction . . Document filed by Center for Popular Democracy Action, City of Newburgh..(Wishnie, Michael) (Entered: 02/24/2020)
02/24/2020	<u>49</u>	DECLARATION of Mark Doms in Support re: <u>47</u> MOTION for Preliminary Injunction .. Document filed by Center for Popular Democracy Action, City of Newburgh..(Wishnie, Michael) (Entered: 02/24/2020)
02/24/2020	<u>50</u>	DECLARATION of Alexandra Church in Support re: <u>47</u> MOTION for Preliminary Injunction .. Document filed by Center for Popular Democracy Action, City of Newburgh..(Wishnie, Michael) (Entered: 02/24/2020)
02/24/2020	<u>51</u>	DECLARATION of Ana Maria Archila in Support re: <u>47</u> MOTION for Preliminary Injunction .. Document filed by Center for Popular Democracy Action, City of Newburgh..(Wishnie, Michael) (Entered: 02/24/2020)
02/24/2020	<u>52</u>	DECLARATION of Michael Wishnie in Support re: <u>47</u> MOTION for Preliminary Injunction .. Document filed by Center for Popular Democracy Action, City of Newburgh. (Attachments: # <u>1</u> Exhibit Exhibits for Declaration of Michael J. Wishnie).(Wishnie, Michael) (Entered: 02/24/2020)
03/02/2020	<u>53</u>	NOTICE of Supplemental Authority. Document filed by Bureau of the Census, Steven Dillingham, Wilbur Ross, United States Department of Commerce..(Issacharoff, Lucas) (Entered: 03/02/2020)
03/04/2020	<u>54</u>	REPLY MEMORANDUM OF LAW in Support re: <u>38</u> MOTION to Dismiss . . Document filed by Bureau of the Census, Steven Dillingham, Wilbur Ross, United States Department of Commerce..(Issacharoff, Lucas) (Entered: 03/04/2020)
03/04/2020	<u>55</u>	REPLY MEMORANDUM OF LAW in Support re: <u>47</u> MOTION for Preliminary Injunction . . Document filed by Center for Popular Democracy Action, City of Newburgh..(Wishnie, Michael) (Entered: 03/04/2020)

03/04/2020	<u>56</u>	DECLARATION of Michael J. Wishnie in Support re: <u>47</u> MOTION for Preliminary Injunction .. Document filed by Center for Popular Democracy Action, City of Newburgh. (Attachments: # <u>1</u> Exhibit).(Wishnie, Michael) (Entered: 03/04/2020)
03/09/2020	<u>57</u>	JOINT LETTER addressed to Judge Alvin K. Hellerstein from Lucas Issacharoff dated 3/9/2020 re: Motion to Partially Strike or for Leave to File Sur-Reply. Document filed by Bureau of the Census, Steven Dillingham, Wilbur Ross, United States Department of Commerce..(Issacharoff, Lucas) (Entered: 03/09/2020)
03/09/2020	<u>58</u>	ORDER: The Court is in receipt of the parties' letter filed today, March 9, 2020, see ECF No. 57. Defendants' request to strike portions of Plaintiffs' reply brief and accompanying declaration is denied, but Defendants' request to file a sur-reply is granted. Defendants shall so file their sur-reply on or before March 12, 2020. (Surreplies due by 3/12/2020.) (Signed by Judge Alvin K. Hellerstein on 3/9/2020) (mro) (Entered: 03/09/2020)
03/12/2020	<u>59</u>	JOINT LETTER addressed to Judge Alvin K. Hellerstein from Lucas Issacharoff dated 3/12/2020 re: Request for Telephonic Access to Conference. Document filed by Bureau of the Census, Steven Dillingham, Wilbur Ross, United States Department of Commerce..(Issacharoff, Lucas) (Entered: 03/12/2020)
03/12/2020	<u>60</u>	SUPPLEMENTAL REPLY MEMORANDUM OF LAW in Opposition re: <u>47</u> MOTION for Preliminary Injunction . . Document filed by Bureau of the Census, Steven Dillingham, Wilbur Ross, United States Department of Commerce. (Attachments: # <u>1</u> Affidavit of Deborah Stempowski (Supplemental), # <u>2</u> Affidavit of Patrick Cantwell (Supplemental)).(Issacharoff, Lucas) (Entered: 03/12/2020)
03/13/2020	<u>61</u>	ORDER REGULATING PROCEEDINGS. In advance of the oral argument scheduled for this coming Wednesday, March 18, at 2:30 p.m., and in light of the considerable volume of the record in this matter, the Court orders the parties to jointly submit, on or before March 17, 2020, a hard-copy appendix containing any documents in the record that the parties anticipate referencing during their arguments. SO ORDERED. (Signed by Judge Alvin K. Hellerstein on 3/13/20) (yv) (Entered: 03/13/2020)
03/16/2020	<u>62</u>	NOTICE of Supplemental Authority. Document filed by Bureau of the Census, Steven Dillingham, Wilbur Ross, United States Department of Commerce. (Attachments: # <u>1</u> Exhibit District of Maryland Order).(Issacharoff, Lucas) (Entered: 03/16/2020)
03/16/2020	<u>63</u>	NOTICE of Response to Defendants' Notice of Supplemental Authority re: <u>62</u> Notice (Other). Document filed by Center for Popular Democracy Action, City of Newburgh..(Wishnie, Michael) (Entered: 03/16/2020)

03/16/2020	<u>64</u>	JOINT LETTER addressed to Judge Alvin K. Hellerstein from Lucas Issacharoff dated 3/16/2020 re: Appendix for Oral Argument. Document filed by Bureau of the Census, Steven Dillingham, Wilbur Ross, United States Department of Commerce..(Issacharoff, Lucas) (Entered: 03/16/2020)
03/16/2020	<u>65</u>	LETTER addressed to Judge Alvin K. Hellerstein from Michael J. Wishnie dated March 16, 2020 re: Request for Telephonic Hearing. Document filed by Center for Popular Democracy Action, City of Newburgh..(Wishnie, Michael) (Entered: 03/16/2020)
03/17/2020	<u>66</u>	MEMO ENDORSEMENT on re: <u>65</u> LETTER addressed to Judge Alvin K. Hellerstein from Michael J. Wishnie dated March 16, 2020 re: Request for Telephonic Hearing. Document filed by Center for Popular Democracy Action, City of Newburgh. ENDORSEMENT: So ordered. Both sides shall appear telephonically via the line already circulated to counsel. (Signed by Judge Alvin K. Hellerstein on 3/17/2020) (rjm) (Entered: 03/17/2020)
03/17/2020	<u>67</u>	MEMO ENDORSEMENT on re: <u>64</u> Letter Appendix for Oral Argument, filed by Wilbur Ross, United States Department of Commerce, Bureau of the Census, Steven Dillingham. ENDORSEMENT: A separate physical appendix for oral argument will not be necessary. (Signed by Judge Alvin K. Hellerstein on 3/17/20) (yv) (Entered: 03/17/2020)
03/17/2020	<u>68</u>	ORDER REGULATING PROCEEDINGS: The oral argument scheduled in this case for March 18, 2020, at 2:30 p.m. will be held telephonically. In keeping with the right of open access to judicial proceedings, members of the press and other interested parties may listen via the following dial-in: Call-in number: 888-363-4749 Access code:7518680. To ensure that the hearing proceeds smoothly and to avoid disruption, the Court directs all those calling in (other than counsel) to mute their telephones. SO ORDERED., (Telephone Conference set for 3/18/2020 at 02:30 PM before Judge Alvin K. Hellerstein.) (Signed by Judge Alvin K. Hellerstein on 3/17/2020) (ama) (Entered: 03/17/2020)
03/18/2020	<u>69</u>	ORDER GRANTING DEFENDANTS' MOTION TO DISMISS AND DENYING PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION granting <u>38</u> Motion to Dismiss; denying <u>47</u> Motion for Preliminary Injunction. Now before me are two competing motions: Defendants' motion to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6); and Plaintiffs' motion seeking a preliminary injunction pursuant to Federal Rule of Civil Procedure 65. See ECF Nos. 38, 47. I held a hearing today on both motions, and for the reasons stated on the record and incorporated in this order, Defendants ' motion to dismiss is granted and Plaintiffs' motion for a preliminary injunction is denied. The Clerk is directed to terminate the

		open motions (ECF Nos. 38, 47) and mark the case closed. SO ORDERED. (Signed by Judge Alvin K. Hellerstein on 3/18/2020) (ama) Transmission to Orders and Judgments Clerk for processing. (Entered: 03/18/2020)
03/19/2020	70	CLERK'S JUDGMENT re: 69 Order on Motion to Dismiss, Order on Motion for Preliminary Injunction. in favor of Bureau of the Census, United States Department of Commerce, Steven Dillingham, Wilbur Ross against Center for Popular Democracy Action, City of Newburgh. It is hereby ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Order dated March 18, 2020, Defendants' motion to dismiss is granted and Plaintiffs' motion for preliminary injunction is denied; accordingly, the case is closed. (Signed by Clerk of Court Ruby Krajick on 03/19/2020) (Attachments: # 1 Notice of Right to Appeal) (dt) (Entered: 03/19/2020)
03/19/2020		Terminate Transcript Deadlines (dt) (Entered: 03/19/2020)
04/15/2020	71	TRANSCRIPT of Proceedings re: CONFERENCE held on 3/18/2020 before Judge Alvin K. Hellerstein. Court Reporter/Transcriber: Kelly Surina, (212) 805-0300. 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. Redaction Request due 5/6/2020. Redacted Transcript Deadline set for 5/18/2020. Release of Transcript Restriction set for 7/14/2020..(McGuirk, Kelly) (Entered: 04/15/2020)
04/15/2020	72	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 3/18/2020 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days....(McGuirk, Kelly) (Entered: 04/15/2020)

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