

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:20-cv-03389-AT**

Chalmers et al v. City of New York
Assigned to: Judge Analisa Torres
Demand: \$9,999,000
Cause: 42:1981ra Race Discrimination

Date Filed: 05/01/2020
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights:
Jobs
Jurisdiction: Federal Question

Plaintiff

Darryl Chalmers
*on behalf of themselves and all
others similarly situated*

represented by **Aisha Rich**
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ATTORNEY TO BE NOTICED

Plaintiff

Darren Connors
*on behalf of themselves and all
others similarly situated*

represented by **Aisha Rich**
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ATTORNEY TO BE NOTICED

Cyrus Mehri
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ATTORNEY TO BE NOTICED

Matthew L. Berman
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ATTORNEY TO BE NOTICED

Robert John Valli , Jr
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ATTORNEY TO BE NOTICED

Sara Wyn Kane
(See above for address)

ATTORNEY TO BE NOTICED

Michael Lieder

(See above for address)

ATTORNEY TO BE NOTICED

Plaintiff

Glenn Mendez

*on behalf of themselves and all
others similarly situated*

represented by **Aisha Rich**

(See above for address)

ATTORNEY TO BE NOTICED

Cyrus Mehri

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ATTORNEY TO BE NOTICED

Matthew L. Berman

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Robert John Valli , Jr

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Sara Wyn Kane

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ATTORNEY TO BE NOTICED

Michael Lieder

(See above for address)

ATTORNEY TO BE NOTICED

Plaintiff

James Nova

*on behalf of themselves and all
others similarly situated*

represented by **Aisha Rich**

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ATTORNEY TO BE NOTICED

Cyrus Mehri

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Sara Wyn Kane
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ATTORNEY TO BE NOTICED

Michael Lieder
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Plaintiff

Fatima Q. Rosemond
*on behalf of themselves and all
others similarly situated*

represented by **Aisha Rich**
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Cyrus Mehri
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Michael Lieder
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ATTORNEY TO BE NOTICED

Plaintiff

**AFSCME District Council 37
Local 2507**
on behalf of its members

represented by **Aisha Rich**
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ATTORNEY TO BE NOTICED

Cyrus Mehri
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ATTORNEY TO BE NOTICED

Matthew L. Berman
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Michael Lieder
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V.

Defendant

City of New York

represented by **Amanda Christine Croushore**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/01/2020	<u>1</u>	FILING ERROR - DEFICIENT PLEADING - SIGNATURE ERROR - COMPLAINT against CITY OF NEW YORK. (Filing Fee \$ 400.00, Receipt Number ANYSDC-19662761)Document filed by AFSCME District Council 37 Local 2507, James Nova, Darryl Chalmers, Glenn Mendez, Darren Connors, Fatima Q. Rosemond..(Lieder, Michael) Modified on 5/4/2020 (jgo). (Entered: 05/01/2020)
05/01/2020	<u>2</u>	FILING ERROR - PDF ERROR - CIVIL COVER SHEET filed..(Lieder, Michael) Modified on 5/4/2020 (jgo). (Entered: 05/01/2020)
05/01/2020	<u>3</u>	REQUEST FOR ISSUANCE OF SUMMONS as to City of New York, re: <u>1</u> Complaint. Document filed by AFSCME District

		Council 37 Local 2507, Darryl Chalmers, Darren Connors, Glenn Mendez, James Nova, Fatima Q. Rosemond..(Lieder, Michael) (Entered: 05/01/2020)
05/01/2020	<u>4</u>	STATEMENT OF RELATEDNESS re: that this action be filed as related to 17 Civ. 09447 (JPO). Document filed by AFSCME District Council 37 Local 2507, Darryl Chalmers, Darren Connors, Glenn Mendez, James Nova, Fatima Q. Rosemond..(Lieder, Michael) (Entered: 05/01/2020)
05/04/2020		***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney Michael Lieder to RE-FILE Document No. <u>1</u> Complaint. The filing is deficient for the following reason(s): the pleading was not signed by the filing attorney. Re-file the pleading using the event type Complaint found under the event list Complaints and Other Initiating Documents - attach the correct signed PDF - select the individually named filer/filers - select the individually named party/parties the pleading is against. (jgo) (Entered: 05/04/2020)
05/04/2020		***NOTICE TO ATTORNEY REGARDING DEFICIENT CIVIL COVER SHEET. Notice to attorney Michael Lieder to RE-FILE Document No. <u>2</u> Civil Cover Sheet. The filing is deficient for the following reason(s): the PDF was not signed or dated by the attorney;. Re-file the document using the event type Civil Cover Sheet found under the event list Other Documents and attach the correct PDF. Use civil cover sheet issued by S.D.N.Y. dated June 2017. The S.D.N.Y. Civil Cover Sheet dated June 2017 is located at http://nysd.uscourts.gov/file/forms/civil-cover-sheet.. (jgo) (Entered: 05/04/2020)
05/04/2020		***NOTICE TO ATTORNEY REGARDING CIVIL CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney Michael Lieder. 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 XX Out of State;. (jgo) (Entered: 05/04/2020)
05/04/2020		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Michael Lieder. The party information for the following party/parties has been modified: Darryl Chalmers; Darren Connors; Glenn Mendez; James Nova; Fatima Q. Rosemond; AFSCME District Council 37 Local 2507; CITY OF NEW YORK. The information for the

		party/parties has been modified for the following reason/reasons: party name was entered in all caps; party text was omitted;. (jgo) (Entered: 05/04/2020)
05/04/2020		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Unassigned. .(jgo) (Entered: 05/04/2020)
05/04/2020		Case Designated ECF. (jgo) (Entered: 05/04/2020)
05/04/2020		CASE REFERRED TO Judge J. Paul Oetken as possibly related to 17-cv-9447. (jgo) (Entered: 05/04/2020)
05/04/2020	<u>5</u>	ELECTRONIC SUMMONS ISSUED as to City of New York..(jgo) (Entered: 05/04/2020)
05/04/2020	<u>6</u>	COMPLAINT against City of New York. Document filed by AFSCME District Council 37 Local 2507, James Nova, Darryl Chalmers, Glenn Mendez, Darren Connors, Fatima Q. Rosemond..(Lieder, Michael) (Entered: 05/04/2020)
05/04/2020	<u>7</u>	CIVIL COVER SHEET filed..(Lieder, Michael) (Entered: 05/04/2020)
05/09/2020		CASE DECLINED AS NOT RELATED. Case referred as related to 1:17-cv-9447 and declined by Judge J. Paul Oetken and returned to wheel for assignment. (ad) (Entered: 05/09/2020)
05/09/2020		Magistrate Judge Gabriel W. Gorenstein 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 . (ad) (Entered: 05/09/2020)
05/09/2020		NOTICE OF CASE REASSIGNMENT to Judge Analisa Torres. Judge Unassigned is no longer assigned to the case. (ad) (Entered: 05/09/2020)
05/22/2020	<u>8</u>	NOTICE OF APPEARANCE by Amanda Christine Croushore on behalf of City of New York..(Croushore, Amanda) (Entered: 05/22/2020)
05/22/2020	<u>9</u>	FIRST LETTER MOTION for Extension of Time <i>to Answer, Move or Otherwise Respond to the Complaint</i> addressed to Judge Analisa Torres from Amanda C. Croushore dated May 22, 2020. Document

		filed by City of New York..(Croushore, Amanda) (Entered: 05/22/2020)
05/22/2020	<u>10</u>	ORDER granting <u>9</u> Letter Motion for Extension of Time. GRANTED. (Signed by Judge Analisa Torres on 5/22/2020) (cf) (Entered: 05/22/2020)
05/22/2020		Set/Reset Deadlines: City of New York answer due 8/3/2020. (cf) (Entered: 05/22/2020)
05/22/2020	<u>11</u>	INITIAL PRETRIAL CONFERENCE ORDER: Counsel for all parties are directed to appear for an initial pretrial conference, in accordance with Rule 16 of the Federal Rules of Civil Procedure, at 11:00 a.m., on October 6, 2020, to be held telephonically. The parties are directed to dial 888-398-2342 or 215-861-0674, and enter access code: 5598827. Principal trial counsel must appear at this and all subsequent conferences. And as set forth herein. SO ORDERED., (Telephone Conference set for 10/6/2020 at 11:00 AM before Judge Analisa Torres.) Initial Conference set for 10/6/2020 at 11:00 AM before Judge Analisa Torres. (Signed by Judge Analisa Torres on 5/22/2020) (ama) (Entered: 05/22/2020)
05/22/2020	<u>12</u>	ORDER: To conserve resources, to promote judicial efficiency, and in an effort to achieve a faster disposition of this matter, it is hereby ORDERED that the parties discuss whether they are willing to consent, under 28 U.S.C. § 636(c), to conducting all further proceedings before the assigned Magistrate Judge. (As further set forth in this Order.) The parties are free to withhold consent without negative consequences. (Signed by Judge Analisa Torres on 5/22/2020) (cf) (Entered: 05/22/2020)
05/22/2020	<u>13</u>	ORDER: To protect the public health, while promoting the "just, speedy, and inexpensive determination of every action and proceeding," Fed. R. Civ. P. 1, it is ORDERED pursuant to Rules 30(b)(3) and 30(b)(4) of the Federal Rules of Civil Procedure that all depositions in this action may be taken viatelephone, videoconference, or other remote means. It is further ORDERED pursuant to Rule 30(b)(5) that a deposition will be deemed to have taken place "before an officer appointed or designated under Rule 28" if such officer attends the deposition using the same remote means used to connect all other participants, so long as all participants (including the officer) can clearly hear and be heard by all other participants. The parties are encouraged to engage in discovery through remote means at every available opportunity. SO ORDERED. (Signed by Judge Analisa Torres on 5/22/2020) (ama) (Entered: 05/22/2020)

05/26/2020	<u>14</u>	NOTICE OF APPEARANCE by Robert John Valli, Jr on behalf of AFSCME District Council 37 Local 2507, Darryl Chalmers, Darren Connors, Glenn Mendez, James Nova, Fatima Q. Rosemond..(Valli, Robert) (Entered: 05/26/2020)
05/26/2020	<u>15</u>	NOTICE OF APPEARANCE by Sara Wyn Kane on behalf of AFSCME District Council 37 Local 2507, Darryl Chalmers, Darren Connors, Glenn Mendez, James Nova, Fatima Q. Rosemond..(Kane, Sara) (Entered: 05/26/2020)
05/26/2020	<u>16</u>	NOTICE OF APPEARANCE by Matthew L. Berman on behalf of AFSCME District Council 37 Local 2507, Darryl Chalmers, Darren Connors, Glenn Mendez, James Nova, Fatima Q. Rosemond..(Berman, Matthew) (Entered: 05/26/2020)
07/23/2020	<u>17</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION for Aisha Lauren Rich to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number BNYSDC-20817701. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by AFSCME District Council 37 Local 2507, Darryl Chalmers, Darren Connors, Glenn Mendez, James Nova, Fatima Q. Rosemond. (Attachments: # <u>1</u> Rich Affidavit, # <u>2</u> NY Certificate of Good Standing, # <u>3</u> PA Certificate of Good Standing, # <u>4</u> Proposed Order).(Rich, Aisha) Modified on 7/23/2020 (aea). (Entered: 07/23/2020)
07/23/2020		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. <u>17</u> MOTION for Aisha Lauren Rich to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number BNYSDC-20817701. Motion and supporting papers to be reviewed by Clerk's Office staff. The filing is deficient for the following reason(s): missing Certificate of Good Standing from Supreme Court of Pennsylvania; Affidavit is not notarized. Re-file the motion as a Motion to Appear Pro Hac Vice - attach the correct signed PDF - select the correct named filer/filers - attach valid Certificates of Good Standing issued within the past 30 days - attach Proposed Order. (aea) (Entered: 07/23/2020)
07/30/2020	<u>18</u>	MOTION for Aisha Rich to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-20927778. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by AFSCME District Council 37 Local 2507, Darryl Chalmers, Darren Connors, Glenn Mendez, James Nova, Fatima Q. Rosemond..(Rich, Aisha) (Entered: 07/30/2020)

07/30/2020		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>18</u> MOTION for Aisha Rich to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-20927778. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (vba) (Entered: 07/30/2020)
08/03/2020	<u>19</u>	FIRST LETTER MOTION for Leave to File Motion to Dismiss addressed to Judge Analisa Torres from Amanda C. Croushore dated August 3, 2020. Document filed by City of New York..(Croushore, Amanda) (Entered: 08/03/2020)
08/06/2020	<u>20</u>	LETTER RESPONSE to Motion addressed to Judge Analisa Torres from Michael Lieder dated August 6, 2020 re: <u>19</u> FIRST LETTER MOTION for Leave to File Motion to Dismiss addressed to Judge Analisa Torres from Amanda C. Croushore dated August 3, 2020. . Document filed by AFSCME District Council 37 Local 2507, Darryl Chalmers, Darren Connors, Glenn Mendez, James Nova, Fatima Q. Rosemond..(Lieder, Michael) (Entered: 08/06/2020)
08/10/2020	<u>21</u>	MOTION for Michael Lieder to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-21080520. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by AFSCME District Council 37 Local 2507, Darryl Chalmers, Darren Connors, Glenn Mendez, James Nova, Fatima Q. Rosemond..(Lieder, Michael) (Entered: 08/10/2020)
08/10/2020		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>21</u> MOTION for Michael Lieder to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-21080520. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (vba) (Entered: 08/10/2020)
08/17/2020	<u>22</u>	ORDER granting <u>19</u> Letter Motion for Leave to File Document. It is ORDERED that: 1. By September 21, 2020, Defendant shall file their motion to dismiss; 2. By October 19, 2020, Plaintiff shall file its opposition papers; and 3. By November 2, 2020, Defendant shall reply. The Clerk of Court is directed to terminate the motion at ECF No. 19. SO ORDERED. (Signed by Judge Analisa Torres on 8/17/2020) (kv) (Entered: 08/17/2020)
08/17/2020		Set/Reset Deadlines: Motions due by 9/21/2020. Responses due by 10/19/2020 Replies due by 11/2/2020. (kv) (Entered: 08/17/2020)

09/01/2020	23	ORDER granting 18 Motion for Aisha Rich to Appear Pro Hac Vice (HEREBY ORDERED by Judge Analisa Torres)(Text Only Order) (ca) (Entered: 09/01/2020)
09/01/2020	24	ORDER granting 21 Motion for Michael Lieder to Appear Pro Hac Vice (HEREBY ORDERED by Judge Analisa Torres)(Text Only Order) (ca) (Entered: 09/01/2020)
09/21/2020	25	FIRST MOTION to Dismiss <i>the Complaint</i> . Document filed by City of New York..(Croushore, Amanda) (Entered: 09/21/2020)
09/21/2020	26	MEMORANDUM OF LAW in Support re: 25 FIRST MOTION to Dismiss <i>the Complaint</i> . . Document filed by City of New York..(Croushore, Amanda) (Entered: 09/21/2020)
09/21/2020	27	DECLARATION of Amanda C. Croushore in Support re: 25 FIRST MOTION to Dismiss <i>the Complaint</i> .. Document filed by City of New York. (Attachments: # 1 Exhibit A (Complaint), # 2 Exhibit B (FPI Notice of Examination), # 3 Exhibit C (BI Notice of Examination)).(Croushore, Amanda) (Entered: 09/21/2020)
09/29/2020	28	JOINT LETTER addressed to Judge Analisa Torres from Counsel for All Parties dated September 29, 2020 re: Initial Pre-Trial Conference Submission. Document filed by City of New York. (Attachments: # 1 Exhibit A (Proposed Civil Case Management Plan and Scheduling Order), # 2 Exhibit B (Proposed Protective Order)).(Croushore, Amanda) (Entered: 09/29/2020)
10/05/2020	29	LETTER addressed to Judge Analisa Torres from Amanda C. Croushore dated October 5, 2020 re: Proposed ESI Order. Document filed by City of New York. (Attachments: # 1 Exhibit Proposed ESI Order).(Croushore, Amanda) (Entered: 10/05/2020)
10/06/2020	30	ORDER ON PRODUCTION OF ELECTRONICALLY STORED INFORMATION: Pursuant to Federal Rule of Civil Procedure 34(a)(1), the parties agree that Electronically Stored Information ("ESI") will be produced as follows: 1. Documents created or stored electronically will not be produced in hard copy. All ESI will be produced with the metadata requested below to the extent that it exists. 2. Documents originating in spreadsheet such as Excel or any document that cannot be converted to TIF will be produced in native form. For deliverables containing native files, a native file path/link will be included in the metadata load file. Additionally, a Bates-stamped TIF placeholder will be included in the production and reflected in the image load file. The number of native files per folder will be limited to 1,000 files. (as further set forth herein). SO

		ORDERED. (Signed by Judge Analisa Torres on 10/6/2020) (kv) (Entered: 10/06/2020)
10/06/2020	31	Minute Entry for proceedings held before Judge Analisa Torres: Initial Pretrial Conference held on 10/6/2020. (ca) (Entered: 10/06/2020)
10/06/2020	<u>32</u>	CIVIL CASE MANAGEMENT PLAN AND SCHEDULING ORDER: All parties do not consent to conducting all further proceedings before a magistrate judge, including motions and trial. 28 U.S.C. § 636(c). This case is to be tried to a jury, except for any issues unique to any requests for equitable relief, which shall be tried to the Court. All non-expert fact discovery for this phase of the litigation shall be completed no later than 150 days from the date of this Order. Depositions to be completed by 150 days from the date of this Order. All expert discovery shall be completed no later than 75 days from the completion of non-expert fact discovery. The parties will confer about their present best estimate of the length of trial after the Court decides Plaintiffs' motion for class certification. Case Management Conference set for 3/15/2021 at 10:00 AM before Judge Analisa Torres. (Signed by Judge Analisa Torres on 10/6/2020) (kv) (Entered: 10/06/2020)
10/13/2020	<u>33</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION for Cyrus Mehri to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-22104609. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by AFSCME District Council 37 Local 2507, Darryl Chalmers, Darren Connors, Glenn Mendez, James Nova, Fatima Q. Rosemond..(Mehri, Cyrus) Modified on 10/13/2020 (bcu). (Entered: 10/13/2020)
10/13/2020		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. <u>33</u> MOTION for Cyrus Mehri to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-22104609. Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s): expired Certificate of Good Standing from Supreme Court of Connecticut;. Re-file the motion as a Corrected Motion to Appear Pro Hac Vice - attach the correct signed PDF - select the correct named filer/filers - attach valid Certificates of Good Standing issued within the past 30 days - attach Proposed Order.. (bcu) (Entered: 10/13/2020)

10/19/2020	34	OPPOSITION BRIEF re: 25 FIRST MOTION to Dismiss <i>the Complaint</i> . . Document filed by AFSCME District Council 37 Local 2507, Darryl Chalmers, Darren Connors, Glenn Mendez, James Nova, Fatima Q. Rosemond..(Lieder, Michael) (Entered: 10/19/2020)
10/19/2020	35	RESPONSE to Motion re: 25 FIRST MOTION to Dismiss <i>the Complaint. Declaration of Michael D. Lieder</i> . Document filed by AFSCME District Council 37 Local 2507, Darryl Chalmers, Darren Connors, Glenn Mendez, James Nova, Fatima Q. Rosemond..(Lieder, Michael) (Entered: 10/19/2020)
11/02/2020	36	REPLY MEMORANDUM OF LAW in Support re: 25 FIRST MOTION to Dismiss <i>the Complaint</i> . . Document filed by City of New York..(Croushore, Amanda) (Entered: 11/02/2020)
11/06/2020	37	LETTER addressed to Judge Analisa Torres from Aisha Rich dated November 6, 2020 re: Right-to-Sue Letters. Document filed by AFSCME District Council 37 Local 2507, Darryl Chalmers, Darren Connors, Glenn Mendez, James Nova, Fatima Q. Rosemond..(Rich, Aisha) (Entered: 11/06/2020)

PACER Service Center			
Transaction Receipt			
11/06/2020 19:48:03			
PACER Login:	CRClearinghouse	Client Code:	Simeck
Description:	Docket Report	Search Criteria:	1:20-cv-03389-AT
Billable Pages:	10	Cost:	1.00
Exempt flag:	Not Exempt	Exempt reason:	Not Exempt