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CIVIL, APPEAL

**U.S. District Court
Eastern District of California - Live System (Sacramento)
CIVIL DOCKET FOR CASE #: 2:20-cv-01091-MCE-JDP**

The Common Sense Party et al v. Padilla
Assigned to: Senior Judge Morrison C. England, Jr
Referred to: Magistrate Judge Jeremy D. Peterson
Case in other court: USCA, 20-16335
USCA, 20-71888
Cause: 28:2201 Constitutionality of State Statute(s)

Date Filed: 05/29/2020
Jury Demand: None
Nature of Suit: 950 Constitutional - State
Statute
Jurisdiction: Federal Question

Plaintiff

The Common Sense Party

represented by **Bradley W. Hertz**
The Sutton Law Firm
150 Post Street
Suite 405
San Francisco, CA 94108
415-732-7700
Fax: 415-732-7701
Email: bhertz@campaignlawyers.com
ATTORNEY TO BE NOTICED

James R. Sutton
The Sutton Law Firm
150 Post Street
Suite 405
San Francisco, CA 94108
415-732-7700
Fax: 415-732-7701
Email: jsutton@campaignlawyers.com
ATTORNEY TO BE NOTICED

Plaintiff

Tom Campbell

represented by **James R. Sutton**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Debbie Benrey

represented by **James R. Sutton**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Michael Turnipseed

represented by **James R. Sutton**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant**Alex Padilla***in his official capacity as Secretary of State
of California*represented by **Peter H. Chang**Office of the Attorney General
Department of Justice
455 Golden Gate Ave.
Suite 11000
San Francisco, CA 94102
415-510-3776
Fax: 415-703-1234
Email: peter.chang@doj.ca.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/29/2020	<u>1</u> <u>R</u>	COMPLAINT against Alex Padilla by The Common Sense Party, et al., Attorney Sutton, James R added. (Filing fee \$ 400, receipt number 0972-8914241) (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Verification)(Sutton, James) (Entered: 05/29/2020)
06/01/2020	<u>2</u>	SUMMONS ISSUED as to *Alex Padilla* with answer to complaint due within *21* days. Attorney *James R. Sutton* *The Sutton Law Firm* *150 Post Street, Suite 405* *San Francisco, CA 94108*. (Benson, A.) (Entered: 06/01/2020)
06/01/2020	<u>3</u>	CIVIL NEW CASE DOCUMENTS ISSUED; (Attachments: # <u>1</u> Consent Form, # <u>2</u> VDRP) (Benson, A.) (Entered: 06/01/2020)
06/03/2020	<u>4</u>	ORDER signed by Magistrate Judge Carolyn K. Delaney on 6/3/2020 REASSIGNING CASE to Magistrate Judge Edmund F. Brennan for all further proceedings. Magistrate Judge Carolyn K. Delaney no longer assigned to case. New Case Number: 2:20-cv-1091-MCE-EFB. (Coll, A) (Entered: 06/03/2020)
06/04/2020	<u>5</u>	MOTION for TEMPORARY RESTRAINING ORDER by Debbie Benrey, Tom Campbell, The Common Sense Party, Michael Turnipseed. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit TRO Checklist)(Sutton, James) (Entered: 06/04/2020)
06/05/2020	6	MINUTE ORDER (Text Only) issued by courtroom deputy for Senior District Judge, Morrison C. England, Jr.: The Court has reviewed Plaintiffs' Motion for Temporary Restraining Order and/or Preliminary Injunction. Defendants' Opposition shall be filed not later than June 12, 2020, and Plaintiffs' Reply shall be filed not later than June 19, 2020. If necessary, a hearing to be conducted by videoconference will be set on June 25, 2020, at 2:00 p.m. After briefing is complete, a further order will issue, however, advising the parties whether a hearing will be set. (Deutsch, S) (Entered: 06/05/2020)
06/11/2020	7	MINUTE ORDER (Text Only) issued by courtroom deputy for Senior District Judge, Morrison C. England, Jr.: On June 5, 2020, the Court issued a minute order setting a briefing schedule in this case. Not later than June 12, 2020, Plaintiff is directed to serve Defendant with that minute order, if Defendant has not been served already, and to file a proof of service with the Court. (Deutsch, S) (Entered: 06/11/2020)
06/11/2020	<u>8</u>	CERTIFICATE of SERVICE by Debbie Benrey, Tom Campbell, The Common Sense Party, Michael Turnipseed. (Sutton, James) (Entered: 06/11/2020)
06/12/2020	<u>9</u>	OPPOSITION by Alex Padilla to <u>5</u> Motion for Temporary Restraining Order and/or Preliminary Injunction. Attorney Chang, Peter H. added. (Chang, Peter) (Entered: 06/12/2020)

06/12/2020	10	DECLARATION of Peter H. Chang in SUPPORT of 9 Opposition to Motion . (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit 13, # 14 Exhibit 14)(Chang, Peter) Modified on 6/15/2020 (York, M). (Entered: 06/12/2020)
06/12/2020	11	DECLARATION of Jason Rosales in SUPPORT of 9 opposition to Motion. (Chang, Peter) Modified on 6/15/2020 (York, M). (Entered: 06/12/2020)
06/12/2020	12	DECLARATION of Angelica Quirarte in SUPPORT of 9 opposition to Motion. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3)(Chang, Peter) Modified on 6/15/2020 (York, M). (Entered: 06/12/2020)
06/15/2020	13	DECLARATION of Carly Fields in SUPPORT of 9 Opposition to Motion. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Chang, Peter) Modified on 6/16/2020 (York, M). (Entered: 06/15/2020)
06/17/2020	14	STIPULATION to EXTEND TIME to 7/21/2020, to Respond to 1 R Complaint by Alex Padilla. (Chang, Peter) Modified on 6/17/2020 (York, M). (Entered: 06/17/2020)
06/19/2020	15	REPLY by Debbie Benrey, Tom Campbell, The Common Sense Party, Michael Turnipseed to response to 5 Motion for Temporary Restraining Order and/or Preliminary Injunction.. (Sutton, James) Modified on 6/22/2020 (Zignago, K.). (Entered: 06/19/2020)
06/19/2020	16	DECLARATION of Jude T. Iredell in support of 15 Reply to Response to Motion. (Sutton, James) Modified on 6/22/2020 (Zignago, K.). (Entered: 06/19/2020)
06/19/2020	17	ADDITIONAL EXHIBITS of Jude T. Iredell re 16 Declaration. (Sutton, James) Modified on 6/22/2020 (Zignago, K.). (Entered: 06/19/2020)
06/22/2020	18	MINUTE ORDER (Text Only) issued by courtroom deputy for Senior District Judge, Morrison C. England, Jr.: On the Court's own motion and pursuant to Local Rule 230(g), the 6/25/2020 hearing on the Plaintiffs' Motion for Temporary Restraining Order and/or Preliminary Injunction 5 is vacated and submitted without appearance and argument. If the Court determines that oral argument is needed it will be scheduled at a later date. Any outstanding request for telephonic appearance is denied as moot. (Deutsch, S) (Entered: 06/22/2020)
06/22/2020	19	STATEMENT of Objections to New Arguments and Evidence Raised in Plaintiffs' Reply in Support of 5 Motion for TRO by Defendant Alex Padilla. (Chang, Peter) (Entered: 06/22/2020)
06/24/2020	20	RESPONSE by Debbie Benrey, Tom Campbell, The Common Sense Party, Michael Turnipseed to 19 Statement. (Sutton, James) (Entered: 06/24/2020)
06/26/2020	21 R	MEMORANDUM and ORDER signed by Senior Judge Morrison C. England, Jr on 6/26/2020 DENYING 5 Plaintiffs' Motion for Temporary Restraining Order and/or Preliminary Injunction (ECF No. 5). (Becknal, R) (Entered: 06/26/2020)
07/02/2020	22	USCA CASE NUMBER 20-71888 for Emergency Petition for Writ of Mandamus filed on 07/01/2020 by Debbie Benrey, Tom Campbell, The Common Sense Party, Michael Turnipseed. (York, M) (Entered: 07/02/2020)
07/06/2020	23	USCA ORDER as to Emergency Petition for Writ of Mandamus filed by Debbie Benrey, Tom Campbell, The Common Sense Party, Michael Turnipseed DENYING the petition. Petitioners have not demonstrated that this case warrants the intervention of this court by means of the extraordinary remedy of mandamus. All pending motions are DENIED as moot. (York, M) (Entered: 07/06/2020)

07/08/2020	24	NOTICE of INTERLOCUTORY APPEAL by All Plaintiffs. Attorney Hertz, Bradley W. added. (Filing fee \$ 505, receipt number 0972-8984241) (Hertz, Bradley) Modified on 7/9/2020 (Huang, H). (Entered: 07/08/2020)
07/09/2020	25	APPEAL PROCESSED to Ninth Circuit re 24 Notice of Interlocutory Appeal filed by The Common Sense Party. Notice of Appeal filed *7/8/2020*, Complaint filed *5/29/2020* and Appealed Order / Judgment filed *6/26/2020*. ** *Fee Status: Paid on 7/8/2020 in the amount of \$505.00* (Attachments: # 1 Appeal Information) (Mena-Sanchez, L) (Entered: 07/09/2020)
07/13/2020	26	USCA CASE NUMBER 20-16335 for 24 Notice of Interlocutory Appeal filed by The Common Sense Party. (York, M) (Entered: 07/13/2020)
07/17/2020	27	STIPULATION and PROPOSED ORDER for Extension of Time for Defendant to Respond to Complaint Until Further Order re 1 R Complaint by Alex Padilla. (Attachments: # 1 Proposed Order)(Chang, Peter) (Entered: 07/17/2020)
07/22/2020	28 R	ORDER signed by Senior Judge Morrison C. England, Jr. on 7/22/2020 ORDERING that Defendant Alex Padilla, California Secretary of State, need not answer the Complaint until a later date to be set by this Court. The Court further ORDERS the parties to provide a joint status report to the Court within 10 days after the Ninth Circuit Court of Appeals issues a decision in Plaintiffs' interlocutory appeal (Case No. 20-16335). (Zignago, K.) (Entered: 07/22/2020)
10/01/2020	29	ORDER by Chief Judge Kimberly J. Mueller: The Court having considered the equitable division and efficient and economical determination of court business, hereby reassigns this case from Magistrate Judge *Edmund F. Brennan* to *Magistrate Judge Jeremy D. Peterson* for all further proceedings. As of October 1, 2020, Magistrate Judge Jeremy D. Peterson is reassigned to the Sacramento Division of the Eastern District of California. (Becknal, R) (Entered: 10/01/2020)

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