

**U.S. District Court
Eastern District of California - Live System (Sacramento)
CIVIL DOCKET FOR CASE #: 2:20-cv-00970-KJM-AC**

Fugazi et al v. Padilla et al

Assigned to: Chief District Judge Kimberly J. Mueller

Referred to: Magistrate Judge Allison Claire

Cause: 28:1983 Civil Rights

Date Filed: 05/12/2020

Jury Demand: Plaintiff

Nature of Suit: 441 Civil Rights:

Voting

Jurisdiction: Federal Question

Plaintiff

Christina Fugazi

represented by **Neat Allen Sawyer**

Rosenfeld & Sawyer

4578 Feather River Dr.

Suite D

Stockton, CA 95219

209-645-0556

Email: allen@allensawyer.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Natali Ann Ron

Law Office of Hastings & Ron

4568 Feather River Drive

Suite A

Stockton, CA 95219

209-476-1010

Fax: 209-952-7854

Email: nron@hastingslawoffice.com

ATTORNEY TO BE NOTICED

Plaintiff

Alex Gonzalez

represented by **Neat Allen Sawyer**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Natali Ann Ron

(See above for address)

ATTORNEY TO BE NOTICED

Plaintiff

Annette Zimmer

represented by **Neat Allen Sawyer**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Natali Ann Ron
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Francisco Macias

represented by **Neat Allen Sawyer**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Natali Ann Ron
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Jamar C. Berry

represented by **Neat Allen Sawyer**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Natali Ann Ron
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Jo A. Laing

represented by **Neat Allen Sawyer**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Natali Ann Ron
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Benjamin R. Herrera

represented by **Neat Allen Sawyer**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Natali Ann Ron
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Divine Jane Leanos

represented by **Neat Allen Sawyer**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Natali Ann Ron
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Elizabeth Lawrence White

represented by **Neat Allen Sawyer**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Natali Ann Ron
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Marc Lawrence White

represented by **Neat Allen Sawyer**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Natali Ann Ron
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Kalani Marshall Black

represented by **Neat Allen Sawyer**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Natali Ann Ron
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Tarkdeep Singh

represented by **Neat Allen Sawyer**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Natali Ann Ron
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Tooba Naveed

represented by **Neat Allen Sawyer**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Natali Ann Ron
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Valdomero Lopez

represented by **Neat Allen Sawyer**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Natali Ann Ron
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Alex Padilla
*in his official capacity as Secretary
of State for the State of California*

represented by **Alan R. Anderson , Jr.**
California Secretary of State
1500 11th Street
5th Floor
Sacramento, CA 95814
916-695-1566
Email: aanderso@sos.ca.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Melinda Dubroff
*in her official capacity of the San
Joaquin County Registrar of Voters*

represented by **Christopher Elliott Skinnell**
Nielsen Merksamer Parrinello Gross
& Leoni LLP
2350 Kerner Blvd.
Suite 250
San Rafael, CA 94901
415-389-6800
Fax: 415-388-6874
Email: cskinnell@nmgovlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Kathy Miller
San Joaquin County Supervisor

represented by **Fredric D. Woocher**
Strumwasser & Woocher LLP
10940 Wilshire Blvd.
Suite 2000
Los Angeles, CA 90024
310-576-1233
Fax: 310-319-0156
Email: fwoocher@strumwooch.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/12/2020	<u>1</u>	COMPLAINT against All Defendants by Christina Fugazi, et al., Attorney Ron, Natali Ann added. (Filing fee \$ 400, receipt number 0972-8887544) (Attachment: # <u>1</u> Civil Cover Sheet) (Ron, Natali) (Entered: 05/12/2020)
05/13/2020	<u>2</u>	SUMMONS ISSUED as to *Melinda Dubroff, Alex Padilla* with answer to complaint due within *21* days. Attorney *Natali Ann Ron* *Law Office of Hastings & Ron* *4568 Feather River Dr., Suite A* *Stockton, CA 95219*. (Benson, A.) (Entered: 05/13/2020)
05/13/2020	<u>3</u>	CIVIL NEW CASE DOCUMENTS ISSUED; Initial Scheduling Conference set for 9/24/2020 at 02:30 PM in Courtroom 3 (KJM) before Chief District Judge Kimberly J. Mueller. (Attachments: # <u>1</u> Standing Order, # <u>2</u> Consent Form, # <u>3</u> VDRP) (Benson, A.) (Entered: 05/13/2020)
05/13/2020	<u>4</u>	EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER filed by Christina Fugazi. (Attachments: # <u>1</u> Declaration,

		# 2 Proposed Order)(Ron, Natali) (Docket Text Modified on 5/14/2020 by M. York, and C. Schultz) (Entered: 05/13/2020)
05/14/2020	5	REQUEST for JUDICIAL NOTICE by Christina Fugazi in re 4 Ex Parte for TRO. (Attachments: # 1 Declaration)(Ron, Natali) Modified on 5/14/2020 (York, M). (Entered: 05/14/2020)
05/14/2020	6	MINUTE ORDER issued by Courtroom Deputy C. Schultz for Chief District Judge Kimberly J. Mueller ORDERING a Telephonic Motion Hearing as to Plaintiffs' Ex Parte Application for Temporary Restraining Order, ECF No. 4 , SET for 5/19/2020 at 10:00 AM. Defendants may file a response to Plaintiffs' Ex Parte Application no later than 5:00 PM on Friday, 5/15/2020, and Plaintiffs may file a Reply, if any, no later than 5:00 PM on Monday, 5/18/2020. Plaintiffs are directed to serve a copy of this Minute Order on Defendants not yet appearing, and file proof of service. Conference call instructions will be emailed to counsel. (Text Only Entry)(Schultz, C) (Entered: 05/14/2020)
05/15/2020	7	EX PARTE APPLICATION to be JOINED as Defendant or, in the Alternative, for Intervention by Kathy Miller. (Attachments: # 1 Declaration of Woocher)(Woocher, Fredric) (Entered: 05/15/2020)
05/15/2020	8	OPPOSITION by Defendant Alex Padilla to 4 Ex Parte Application for TRO. Attorney Anderson, Alan R. added. (Anderson, Alan) Modified on 5/18/2020 (Zignago, K.). (Entered: 05/15/2020)
05/15/2020	9	OPPOSITION by Intervenor Defendant Kathy Miller to 4 Ex Parte Application for TRO. (Woocher, Fredric) (Entered: 05/15/2020)
05/15/2020	10	OPPOSITION by Melinda Dubroff to 4 Ex Parte Application for TRO. Attorney Skinnell, Christopher Elliott added. (Skinnell, Christopher) (Entered: 05/15/2020)
05/15/2020	11	DECLARATION of Melinda Dubroff in support of 10 Opposition. (Attachments: # 1 Exhibit Letter Sent to Voters)(Skinnell, Christopher) (Entered: 05/15/2020)
05/15/2020	12	REQUEST for JUDICIAL NOTICE by Kathy Miller re Opposition to Plaintiff Fugazi's 4 Ex Parte Application for TRO. (Woocher, Fredric) Modified on 5/18/2020 (Zignago, K.). (Entered: 05/15/2020)
05/15/2020	13	REQUEST for JUDICIAL NOTICE by Melinda Dubroff in re 10 Opposition to Ex Parte Application for TRO. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D,

		# 5 Exhibit E, # 6 Exhibit F, # 7 Declaration of Christopher E. Skinnell)(Skinnell, Christopher) Modified on 5/18/2020 (Zignago, K.). (Entered: 05/15/2020)
05/18/2020	14	MINUTE ORDER issued by Courtroom Deputy C. Schultz for Chief District Judge Kimberly J. Mueller: On the court's own motion, a Telephonic Hearing re: Proposed Intervenor-Defendant Kathy Millers Ex Parte Application to be Joined as Defendant, or in the Alternative for Intervention, ECF No. 7 , is SET for Tuesday, 5/19/2020 at 10:00 AM. Conference call instructions will be emailed to counsel. (Text Only Entry)(Schultz, C) (Entered: 05/18/2020)
05/18/2020	15	MINUTE ORDER issued by Courtroom Deputy C. Schultz for Chief District Judge Kimberly J. Mueller: The Telephonic Motion Hearing as to the pending Ex Parte Applications, ECF Nos. 4 and 7 , set for Tuesday, 5/19/2020 at 10:00 AM before Chief District Judge Kimberly J. Mueller is converted to a video conference. Hearing access information will be provided to counsel. (Text Only Entry)(Schultz, C) (Entered: 05/18/2020)
05/18/2020	16	REPLY by Christina Fugazi to response to 4 Ex Parte Application for TRO. (Attachments: # 1 Exhibit "A", # 2 Exhibit "B", # 3 Exhibit "C", # 4 Exhibit "D", # 5 Exhibit "E", # 6 Exhibit "F", # 7 Exhibit "G", # 8 Exhibit "H", # 9 Objection Letter)(Sawyer, Neat) Modified on 5/20/2020 (Zignago, K.). (Entered: 05/18/2020)
05/18/2020	17	OPPOSITION by Christina Fugazi to 7 Ex Parte Application to be Joined as Defendant. (Sawyer, Neat) Modified on 5/20/2020 (Zignago, K.). (Entered: 05/18/2020)
05/18/2020	18	OBJECTIONS by Intervenor Defendant Kathy Miller to 16 Reply to Response to Motion,. (Woocher, Fredric) (Entered: 05/18/2020)
05/19/2020	19	OBJECTIONS by Defendant Melinda Dubroff to 16 Reply to Response to Motion,. (Skinnell, Christopher) (Entered: 05/19/2020)
05/19/2020	20	RESPONSE by Melinda Dubroff to 16 Reply to Response to Motion,. (Skinnell, Christopher) (Entered: 05/19/2020)
05/19/2020	21	MINUTES for MOTION HEARING held via video conference on 5/19/2020 before Chief District Judge Kimberly J. Mueller. Attorneys, N. Allen Sawyer and Natali Ron, present for Plaintiffs. Attorney, Alan Anderson, present for Defendant Alex Padilla. Attorney, Christopher Skinnell, present for Defendant Melinda Dubroff. Attorney, Fredric Woocher, present for <i>Proposed</i> Defendant-Intervenor Kathy Miller. The court heard

		oral argument as to Plaintiffs' Ex Parte Application for Temporary Restraining Order, ECF No. 4 , and <i>Proposed</i> Defendant-Intervenor's Ex Parte Application to be Joined as a Defendant, ECF No. 7 . The court GRANTED Defendant Melinda Dubroff leave to file a sur-reply. Defendant's sur-reply shall be filed no later than 10:00 AM on 5/20/2020; whereupon, these matters will be submitted. A written order to issue. Court Reporter: Jennifer Coulthard. (Text Only Entry) (Schultz, C) (Entered: 05/19/2020)
05/19/2020	22	ORDER signed by Chief District Judge Kimberly J. Mueller on 05/19/2020 GRANTING 7 Ex Parte Application. Kathy Miller is added as Defendant under FRCP 19(a)(2). (Andrews, P) Modified on 5/20/2020 (Donati, J). (Entered: 05/19/2020)
05/20/2020	23	SUR-REPLY, filed by Registrar of Voters', in Opposition to Plaintiffs' Reply, ECF No. 16 . (Skinnell, Christopher) (Docket Text Modified on 5/20/2020 by C. Schultz) (Entered: 05/20/2020)
05/20/2020	24	SUPPLEMNTAL DECLARATION of Melinda Dubroff in support of Registrar of Voters' Sur-Reply, ECF No. 23 . (Attachments: # 1 Exhibit A - Log of Affected Voters, # 2 Exhibit B - Notice re Available County Services)(Skinnell, Christopher) (Docket Text Modified on 5/20/2020 by C. Schultz) (Entered: 05/20/2020)
05/20/2020	25	DECLARATION of Virginia Magathen in support of Registrar of Voters' Sur-Reply, ECF No. 23 . (Attachments: # 1 Exhibit A - Log of Voters Contacted by Phone)(Skinnell, Christopher) (Docket Text Modified on 5/20/2020 by C. Schultz) (Entered: 05/20/2020)
05/20/2020	26	NOTICE of ERRATA by Melinda Dubroff re 24 Supplemental Declaration. (Attachments: # 1 Exhibit C - Notice of Schedule & Costs)(Skinnell, Christopher) Modified on 5/21/2020 (Zignago, K.). (Entered: 05/20/2020)
05/22/2020	27	ORDER signed by Chief District Judge Kimberly J. Mueller on 5/22/2020 DENYING Without Prejudice 4 Motion for temporary restraining order, to the filing of a motion for a preliminary injunction and seeking in connection with any such motion expedited discovery. (Reader, L) (Entered: 05/22/2020)
05/29/2020	28	EX PARTE APPLICATION (Draft) to Shorten Time to Hear Motion for Preliminary Injunction by Christina Fugazi. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E)(Ron, Natali) (Docket Text Modified on 5/29/2020 by L. Reader, and on 6/2/2020 by C. Schultz) (Entered: 05/29/2020)

05/29/2020	29	AMENDED EX PARTE APPLICATION to Shorten Time to Hear Motion for Preliminary Injunction(Amending ECF No. 28 to Clarify Reference to Exhibits) filed by Christina Fugazi. (Ron, Natali) (Docket Text Modified on 6/2/2020 by C. Schultz) (Entered: 05/29/2020)
06/01/2020	30	OPPOSITION by Melinda Dubroff to 28 Motion to Shorten Time, 29 Amended Motion to Shorten Time. (Skinnell, Christopher) Modified on 6/1/2020 (Reader, L). (Entered: 06/01/2020)
06/01/2020	31	DECLARATION of Christopher E. Skinnell in opposition to 28 Motion to Shorten Time, 29 Amended Motion to Shorten Time. (Attachments: # 1 Exhibit 1)(Skinnell, Christopher) Modified on 6/1/2020 (Reader, L). (Entered: 06/01/2020)
06/01/2020	32	OPPOSITION by Kathy Miller to 28 Motion to Shorten Time, 29 Amended Motion to Shorten Time. (Woocher, Fredric) Modified on 6/1/2020 (Reader, L). (Entered: 06/01/2020)
06/02/2020	33	MINUTE ORDER issued by Courtroom Deputy C. Schultz for Chief District Judge Kimberly J. Mueller: Plaintiffs may file a reply to Defendants Opposition, no later than 5:00 PM on Wednesday, 6/3/2020, addressing whether the election recount ended on June 1 and, if it did, on what grounds the court would reach the pending motion for preliminary injunction. (Text Only Entry)(Schultz, C) (Entered: 06/02/2020)
06/03/2020	34	REPLY by Christina Fugazi re 30 Opposition to Motion, 32 Opposition to Motion. (Attachments: # 1 Declaration, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit, # 6 Exhibit)(Ron, Natali) (Entered: 06/03/2020)
06/05/2020	35	MINUTE ORDER issued by Courtroom Deputy C. Schultz for Chief District Judge Kimberly J. Mueller: A Videoconference Hearing as to Plaintiffs' Ex Parte Application for Preliminary Injunction Order, ECF No. 29 , is SET for 6/9/2020 at 1:30 PM before Chief District Judge Kimberly J. Mueller. Defendants may file a surreply to Plaintiffs' Reply, ECF No. 34 , no later than 5:00 PM on Monday, 6/8/2020. Hearing access instructions will be emailed to counsel. (Text Only Entry)(Schultz, C) (Entered: 06/05/2020)
06/08/2020	36	SURREPLY by Kathy Miller re 34 Reply, 29 Motion to Shorten Time. (Woocher, Fredric) Modified on 6/9/2020 (Zignago, K.). (Entered: 06/08/2020)

06/08/2020	37	SURREPLY by Melinda Dubroff re 34 Reply, 29 Motion to Shorten Time. (Attachments: # 1 Third Declaration of Melinda Dubroff, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Declaration of Ronda Patrick, # 6 Declaration of Jessica Martinez, # 7 Objection Letter to Plaintiffs' Declarations)(Skinnell, Christopher) Modified on 6/9/2020 (Zignago, K.). (Entered: 06/08/2020)
06/09/2020	38	MINUTES for MOTION HEARING held via video conference before Chief District Judge Kimberly J. Mueller on 6/9/2020. Attorneys, N. Allen Sawyer and Natali Ron, present for Plaintiffs. Attorney, Alan Anderson, Jr., present for Defendant Alex Padilla. Attorney, Christopher Skinnell, present for Defendant Melinda Dubroff. Attorney, Fredric Woocher, present for Defendant Kathy Miller. Attorney, Robbie Anderson, present and monitoring the proceedings for the Secretary of State for the State of California. The court and counsel discussed Plaintiffs' Motion for Preliminary Injunction, ECF No. 29 . After careful consideration of the parties' comments and for the reasons as stated on the record, the Motion was DENIED as MOOT. The court GRANTED Plaintiffs leave to file an amended complaint, and directed the parties file a stipulated proposed briefing schedule for moving the case forward on an amended complaint. The parties' stipulation and proposed briefing schedule shall be filed within seven (7) days. Court Reporter: Jennifer Coulthard. (Text Only Entry) (Schultz, C) (Entered: 06/09/2020)
06/16/2020	39	STIPULATION and (Proposed) Order re: Briefing and Discovery filed by Christina Fugazi. (Ron, Natali) (Docket Text Modified on 6/17/2020 by C. Schultz) (Entered: 06/16/2020)
06/17/2020	40	MINUTE ORDER issued by Courtroom Deputy C. Schultz for Chief District Judge Kimberly J. Mueller: The parties' Stipulation, ECF No. 39 , regarding briefing schedule and discovery is GRANTED. Plaintiffs first amended complaint shall be filed and served no later than June 30, 2020, and Defendants' responsive pleadings shall be filed and served no later than July 21, 2020. (Text Only Entry) (Schultz, C) (Entered: 06/17/2020)
06/30/2020	41	FIRST AMENDED COMPLAINT against All Defendants by Christina Fugazi.(Sawyer, Neat) (Entered: 06/30/2020)
07/06/2020	42	TRANSCRIPT REQUEST by Melinda Dubroff for proceedings held on 6/9/20 before Judge Mueller. Court Reporter Jennifer Coulthard. (Skinnell, Christopher) (Entered: 07/06/2020)
07/12/2020	43	TRANSCRIPT of Proceedings Plaintiff's application for preliminary injunction held on 6/9/20, before Chief District Judge

		Kimberly J. Mueller, filed by Jennifer Coulthard, Phone number 530-537-9312 E-mail jenrmrcrr2@gmail.com. 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. Any Notice of Intent to Request Redaction must be filed within 5 court days. Redaction Request due 8/3/2020. Redacted Transcript Deadline set for 8/13/2020. Release of Transcript Restriction set for 10/13/2020. (Coulthard, J) (Entered: 07/12/2020)
07/21/2020	44	MOTION to DISMISS by Melinda Dubroff. Motion Hearing set for 9/25/2020 at 10:00 AM in Courtroom 3 (KJM) before Chief District Judge Kimberly J. Mueller. (Skinnell, Christopher) (Entered: 07/21/2020)
07/21/2020	45	MOTION to STRIKE First Amended Complaint, or in the Alternative for a More Definite Statement by Kathy Miller. Motion Hearing set for 9/25/2020 at 10:00 AM in Courtroom 3 before Chief District Judge Kimberly J. Mueller. (Woocher, Fredric) Modified on 7/22/2020 (Zignago, K.). (Entered: 07/21/2020)
07/21/2020	46	MEMORANDUM by Kathy Miller in Support of 45 Motion to Strike. (Woocher, Fredric) (Entered: 07/21/2020)
07/21/2020	47	DECLARATION of Fredric Woocher in Support of 45 Motion to Strike. (Woocher, Fredric) (Entered: 07/21/2020)
07/21/2020	48	JOINDER by Alex Padilla in re 44 Motion to Dismiss filed by Melinda Dubroff. (Anderson, Alan) Modified on 7/22/2020 (Zignago, K.). (Entered: 07/21/2020)
07/23/2020	49	MINUTE ORDER issued by Courtroom Deputy C. Schultz for Chief District Judge Kimberly J. Mueller: On the court's own motion, the Status (Pretrial Scheduling) Conference set for 9/24/2020 is VACATED and RESET for 9/25/2020 at 10:00 AM before Chief District Judge Kimberly J. Mueller, with the filing of a joint status report due fourteen (14) days prior. (Text Only Entry) (Schultz, C) (Entered: 07/23/2020)
08/28/2020	50	OPPOSITION to 44 Motion to Dismiss by Christina Fugazi. (Sawyer, Neat) Modified on 8/31/2020 (Kaminski, H). (Entered: 08/28/2020)
09/03/2020	51	MINUTE ORDER issued by Courtroom Deputy C. Schultz for Chief District Judge Kimberly J. Mueller: On the court's own

		motion, the Status (Pretrial Scheduling) Conference and Motion Hearing as to Defendant Registrar's Motion to Dismiss, ECF No. 44 , and Defendant Kathy Miller's Motion to Strike, ECF No. 45 set for 9/25/2020 is RESET for 10/16/2020 at 10:00 AM before Chief District Judge Kimberly J. Mueller. Remaining motion related briefing deadlines are reset as provided by Local Rule 230. The parties shall file a joint status report no less than fourteen days prior to the new date of the status conference. (Text Only Entry)(Schultz, C) (Entered: 09/03/2020)
09/07/2020	52	AMENDED 50 OPPOSITION to 44 Motion to Dismiss by All Plaintiffs. (Sawyer, Neat) Modified on 9/8/2020 (Huang, H). (Entered: 09/07/2020)
09/07/2020	53	MOTION to ADVANCE HEARING DATE re 44 Motion to Dismiss and 45 Motion to Strike by All Plaintiffs. (Sawyer, Neat) Modified on 9/8/2020 (Huang, H). (Entered: 09/07/2020)
09/10/2020	54	MINUTE ORDER issued by Courtroom Deputy C. Shultz for Chief District Judge Kimberly J. Mueller: Plaintiff's Request to Advance Hearing Date, ECF No. 53 , is DENIED without prejudice. Before any refiling, Plaintiff is cautioned to fully comply with this court's standing order, including by meeting and conferring with opposing counsel. Any refiling must be properly supported and comply with all applicable rules. (Text Only Entry) (Schultz, C) (Entered: 09/10/2020)
09/15/2020	55	DECLARATION of Allen Sawyer and REQUEST to advance hearing date in support of 53 Motion to Shorten Time. (Attachments: # 1 Exhibit)(Sawyer, Neat) Modified on 9/16/2020 (Reader, L). (Entered: 09/15/2020)
10/02/2020	56	JOINT STATUS REPORT by Melinda Dubroff. (Skinnell, Christopher) (Entered: 10/02/2020)
10/09/2020	57	REPLY by Melinda Dubroff re 44 Motion to Dismiss. (Attachments: # 1 Declaration (4th) of Melinda Dubroff, # 2 Exhibit 1 - Election Calendar, # 3 Exhibit 2 - Assembly Bill 860, # 4 Exhibit 3 - Senate Bill 423, # 5 Exhibit 4 - Updated Online Cure Notices)(Skinnell, Christopher) (Entered: 10/09/2020)

10/09/2020	58	REPLY by Kathy Miller re 44 Motion to Dismiss. (Woocher, Fredric) (Entered: 10/09/2020)
10/09/2020	59	REPLY by Kathy Miller re 45 Motion to Strike,. (Woocher, Fredric) (Entered: 10/09/2020)
10/16/2020	60	MINUTES for MOTION HEARING held via video conference before Chief District Judge Kimberly J. Mueller on 10/16/2020. Attorneys, N. Allen Sawyer and Natali Ron, present for Plaintiffs. Attorney, A. Robbie Anderson, Jr., present for Defendant Alex Padilla. Attorney, Christopher Skinnell, present for Defendant Melinda Dubroff. Attorney, Fredric Woocher, present for Defendant Kathy Miller. After hearing oral argument as to the pending Motion to Dismiss, ECF No. 44 , and Motion to Strike, or in the Alternative for a More Definite Statement, ECF No. 45 , the court SUBMITTED the matters. A written order will issue. The court advised the parties, it will let them know if it intends to schedule the case further. Court Reporter: Tiphanne Crowe. (Text Only Entry) (Schultz, C) (Entered: 10/16/2020)
10/29/2020	61	ORDER signed by Chief District Judge Kimberly J. Mueller on 10/28/2020 GRANTING 44 Motion to Dismiss without leave to amend and DENYING AS MOOT 45 Motion to Strike. (Coll, A) Modified on 10/30/2020 (Coll, A). (Entered: 10/29/2020)

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