

CLOSED

**U.S. District Court
District of New Hampshire (Concord)
CIVIL DOCKET FOR CASE #: 1:20-cv-00688-JL**

Libertarian Party of New Hampshire et al v. Governor,
NH, State of et al
Assigned to: Judge Joseph N. Laplante
Cause: 28:1331 Fed. Question

Date Filed: 06/08/2020
Date Terminated: 09/04/2020
Jury Demand: None
Nature of Suit: 441 Civil Rights:
Voting
Jurisdiction: Federal Question

Plaintiff

**Libertarian Party of New
Hampshire**

represented by **H. Jonathan Meyer**
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ATTORNEY TO BE NOTICED

Plaintiff

Jo Jorgenson

represented by **H. Jonathan Meyer**
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ATTORNEY TO BE NOTICED

Plaintiff

Spike Cohen

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(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Darryl Perry

represented by **H. Jonathan Meyer**
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ATTORNEY TO BE NOTICED

Plaintiff

Justin O'Donnell

represented by **H. Jonathan Meyer**
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ATTORNEY TO BE NOTICED

Plaintiff

Zack Dumont

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ATTORNEY TO BE NOTICED

Plaintiff

Andrew Olding

represented by **H. Jonathan Meyer**
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ATTORNEY TO BE NOTICED

V.

Defendant

Governor, NH, State of
In his official capacity
other
Christopher T. Sununu

represented by **Daniel E. Will**
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ATTORNEY TO BE NOTICED

Defendant

Secretary of State, NH, State of
In his official capacity
other
William Gardner

represented by **Daniel E. Will**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laura E. B. Lombardi
(See above for address)
ATTORNEY TO BE NOTICED

Sean R. Locke(NHAG)
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/08/2020	<u>1</u>	NEW CASE/ COMPLAINT Filing fee \$ 400, receipt number ANHDC-1988728 filed by Zack Dumont, Spike Cohen, Andrew Olding, Jo Jorgenson, Libertarian Party of New Hampshire, Darryl Perry, Justin O'Donnell. (Attachments: # <u>1</u> Civil Cover Sheet)(Meyer, H.) (Entered: 06/08/2020)
06/08/2020		Case assigned to Judge Joseph N. Laplante. The case designation is: 1:20-cv-688-JL. Please show this number with the judge designation on all future pleadings. (ed) (Entered: 06/08/2020)
06/08/2020		NOTICE. This case has been designated for Electronic Case Filing. All further submissions shall be filed in compliance with the Administrative Procedures for Electronic Case Filing. Pro se litigants are not required to file electronically and may continue to file documents in paper format. Persons filing electronically are strongly encouraged to complete the interactive training modules available on the courts website. To access these modules, click <u>HERE</u>. (ed) (Entered: 06/08/2020)
06/09/2020	<u>2</u>	AMENDED COMPLAINT against Governor, NH, State of, Secretary of State, NH, State of filed by Zack Dumont, Spike Cohen, Andrew Olding, Jo Jorgenson, Libertarian Party of New Hampshire, Darryl Perry, Justin O'Donnell. (Attachments: # <u>1</u> Civil Cover Sheet Revised Civil Cover Sheet, # <u>2</u> Notice of a Lawsuit and Request to Waive Service of a Summons, # <u>3</u> Notice of a Lawsuit and Request to Waive Service of a Summons,

		# 4 Summons - Waiver Waiver of the Service of Summons, # 5 Summons - Waiver Waiver of the Service of Summons)(Meyer, H.) (Entered: 06/09/2020)
06/09/2020	3	Notice of Lawsuit/Waivers issued electronically as to Governor, NH, State of, Secretary of State, NH, State of. NOTICE: Counsel shall print and serve the notice/waivers <u>and</u> all attachments in accordance with Fed. R. Civ. P. 4. (Attachments: # 1 Notice ECF) (ed) (Entered: 06/09/2020)
06/09/2020	4	Emergency MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> filed by Spike Cohen, Zack Dumont, Jo Jorgenson, Libertarian Party of New Hampshire, Justin O'Donnell, Andrew Olding, Darryl Perry. HEARING REQUESTED. Follow up on Objection on 6/23/2020. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c). (Attachments: # 1 Affidavit of Jilletta Jarvis in Support of Request for Temporary Restraining Order and Preliminary Injunction (<u>see</u> completed affidavit at 4-4, # 2 Memorandum of Law Plaintiffs' Memorandum of Law in Support of Plaintiff's Emergency Verified Motion for Temporary Restraining Order and Preliminary Injunction, # 3 Proposed Order Proposed Order)(Meyer, H.) (Additional attachment(s) added on 6/9/2020: # 4 Complete Affidavit of Jilletta Jarvis in Support of Request for Temporary Restraining Order and Preliminary Injunction) (jb). Modified on 6/9/2020 to add complete affidavit text (jb). (Entered: 06/09/2020)
06/11/2020		ENDORSED ORDER denying without prejudice 4 Emergency MOTION for Temporary Restraining Order and Preliminary Injunction. Text of Order: The motion for a TRO (Doc. 4) is denied without prejudice to eventual injunctive relief in an appropriate procedural posture. The motion makes an insufficient showing, as required by Rule 65(b)(1)(A), of irreparable harm if immediate temporary injunctive relief is not granted without notice to adverse parties. Once service is completed, the plaintiffs' counsel should contact the Deputy Clerk to arrange a status and preliminary conference with the court for all counsel of record So Ordered by Judge Joseph N. Laplante.(jb) (Entered: 06/11/2020)

06/19/2020	<u>5</u>	WAIVER OF SERVICE Returned Executed as to All Defendants by All Plaintiffs. Served/Mailed on 6/18/2020. Answer Follow Up on 8/20/2020. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c).(Meyer, H.) (Entered: 06/19/2020)
06/23/2020		NOTICE of Hearing via Video. In Chambers Video Conference set for 6/24/2020 at 11:00 AM before Judge Joseph N. Laplante.(jb) (Entered: 06/23/2020)
06/24/2020		Minute Entry for proceedings held before Judge Joseph N. Laplante. IN CHAMBERS VIDEO CONFERENCE held on 6/24/2020. (Pltfs Atty: H. Jonathan Meyer) (Defts Atty: Daniel E. Will)(Total Hearing Time: 26 minutes) (jb) (Entered: 06/24/2020)
06/24/2020	<u>6</u>	NOTICE of Attorney Appearance by Daniel E. Will on behalf of Governor, NH, State of, Secretary of State, NH, State of Attorney Daniel E. Will added to party Governor, NH, State of(pty:dft), Attorney Daniel E. Will added to party Secretary of State, NH, State of(pty:dft).(Will, Daniel) (Entered: 06/24/2020)
06/25/2020	<u>7</u>	PROCEDURAL ORDER re <u>4</u> Emergency MOTION for Temporary Restraining Order and Preliminary Injunction. Hearing set for July 22, 2020 at 10:00 a.m. Parties to confer as to forum and format. Single timeline, single statement of agreed facts, separately filed statement of disputed facts on or before 3:00 p.m. on July 14, 2020. Witness lists, exhibit lists and proposed findings of fact and rulings of law by 3:00 p.m. on July 17, 2020. Plaintiff shall file proposed order as outlined by 3:00 p.m. on July 18, 2020. So Ordered by Judge Joseph N. Laplante.(jb) (Entered: 06/25/2020)
06/25/2020		HEARING NOTICE re: <u>4</u> Emergency MOTION for Temporary Restraining Order and Preliminary Injunction. Motion/Evidentiary Hearing set for 7/22/2020 at 10:00 AM before Judge Joseph N. Laplante.(jb) (Entered: 06/25/2020)
07/02/2020	<u>8</u>	NOTICE of Attorney Appearance by Daniel E. Will on behalf of Governor, NH, State of, Secretary of State, NH, State of (Will, Daniel) (Entered: 07/02/2020)
07/02/2020	<u>9</u>	OBJECTION to <u>4</u> Emergency MOTION for Temporary Restraining Order and Preliminary Injunction filed by Governor, NH, State of, Secretary of State, NH, State of. Follow up on Reply

		on 7/9/2020. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c). (Attachments: # 1 Memorandum of Law)(Will, Daniel) (Entered: 07/02/2020)
07/06/2020	10	NOTICE of Attorney Appearance by Sean R. Locke(NHAG) on behalf of Governor, NH, State of, Secretary of State, NH, State of Attorney Sean R. Locke(NHAG) added to party Governor, NH, State of(pty:dft), Attorney Sean R. Locke(NHAG) added to party Secretary of State, NH, State of(pty:dft).(Locke(NHAG), Sean) (Entered: 07/06/2020)
07/08/2020	11	NOTICE of Attorney Appearance by Laura E. B. Lombardi on behalf of Governor, NH, State of, Secretary of State, NH, State of Attorney Laura E. B. Lombardi added to party Governor, NH, State of(pty:dft), Attorney Laura E. B. Lombardi added to party Secretary of State, NH, State of(pty:dft).(Lombardi, Laura) (Entered: 07/08/2020)
07/08/2020	12	Assented to MOTION to Extend Time filed by Spike Cohen, Zack Dumont, Jo Jorgenson, Libertarian Party of New Hampshire, Justin O'Donnell, Andrew Olding, Darryl Perry.(Meyer, H.) (Entered: 07/08/2020)
07/13/2020		ENDORSED ORDER granting 12 Assented to MOTION to Extend Time. Text of Order: Granted. So Ordered by Judge Joseph N. Laplante. Follow up on Reply on 7/13/2020. (jb) (Entered: 07/13/2020)
07/13/2020	13	Assented to MOTION Extend Page Limit for Reply Memorandum filed by Spike Cohen, Zack Dumont, Jo Jorgenson, Libertarian Party of New Hampshire, Justin O'Donnell, Andrew Olding, Darryl Perry.(Meyer, H.) (Entered: 07/13/2020)
07/13/2020	14	REPLY to Objection to Motion re 4 Emergency MOTION for Temporary Restraining Order <i>and Preliminary Injunction Plaintiffs' Reply Memorandum to Defendants' Objection to Plaintiffs' Motion for a Preliminary Injunction</i> filed by Spike Cohen, Zack Dumont, Jo Jorgenson, Libertarian Party of New Hampshire, Justin O'Donnell, Andrew Olding, Darryl Perry. Surreply due by 7/20/2020. (Attachments: # 1 Gardner Memo, # 2 Exhibit (Affidavit) Supplemental Affidavit of Jillette Jarvis with attachments)(Meyer, H.) (Entered: 07/13/2020)

07/14/2020		ENDORSED ORDER granting 13 Assented to MOTION Extend Page Limit for Reply Memorandum. Text of Order: <i>Granted. So Ordered by Judge Joseph N. Laplante.(jb)</i> (Entered: 07/14/2020)
07/14/2020	15	Assented to MOTION to Extend Time to Submit Joint Statement of Facts <i>until July 16, 2020</i> filed by Governor, NH, State of.(Will, Daniel) (Entered: 07/14/2020)
07/16/2020	16	STIPULATION re: Joint Statement of Undisputed Facts by Governor, NH, State of, Secretary of State, NH, State of.(Will, Daniel) (Entered: 07/16/2020)
07/16/2020		ENDORSED ORDER granting 15 Assented to MOTION to Extend Time to Submit Joint Statement of Facts until July 16, 2020. Text of Order: <i>Granted. So Ordered by Judge Joseph N. Laplante.(jb)</i> (Entered: 07/17/2020)
07/17/2020	17	Final Witness List <i>and Exhibit List</i> by Spike Cohen, Zack Dumont, Jo Jorgenson, Libertarian Party of New Hampshire, Justin O'Donnell, Andrew Olding, Darryl Perry. (Meyer, H.) (Entered: 07/17/2020)
07/17/2020	18	Final Witness List <i>and Exhibit List</i> by Governor, NH, State of, Secretary of State, NH, State of. (Will, Daniel) (Entered: 07/17/2020)
07/17/2020	19	Defendant's Proposed Findings of Fact by Governor, NH, State of, Secretary of State, NH, State of.(Will, Daniel) (Entered: 07/17/2020)
07/17/2020	20	Request for Findings of Fact and Rulings of Law by All Plaintiffs. (Meyer, H.) (Entered: 07/17/2020)
07/20/2020	21	SURREPLY to Reply to 4 Emergency MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> filed by Governor, NH, State of. (Will, Daniel) (Entered: 07/20/2020)
07/20/2020	22	Assented to MOTION to Exceed Surreply Page Limit filed by Governor, NH, State of.(Will, Daniel) (Entered: 07/20/2020)
07/21/2020		HEARING RESCHEDULING NOTICE (TIME CHANGE ONLY)re: 4 Emergency MOTION for Temporary Restraining

		Order <i>and Preliminary Injunction</i> Motion Hearing (by Video-Conference) reset for 7/22/2020 at 01:30 PM before Judge Joseph N. Laplante.(cmp) (Entered: 07/21/2020)
07/21/2020		ENDORSED ORDER granting 22 Assented to MOTION to Exceed Surreply Page Limit. Text of Order: Granted. So Ordered by Judge Joseph N. Laplante.(jb) (Entered: 07/21/2020)
07/21/2020	23	Plaintiffs' Proposed Order by Spike Cohen, Zack Dumont, Jo Jorgenson, Libertarian Party of New Hampshire, Justin O'Donnell, Andrew Olding, Darryl Perry(Meyer, H.) (Entered: 07/21/2020)
07/21/2020	24	MOTION Plaintiffs' Motion to Consolidate Preliminary Injunction Hearing with Final Hearing filed by Spike Cohen, Zack Dumont, Jo Jorgenson, Libertarian Party of New Hampshire, Justin O'Donnell, Andrew Olding, Darryl Perry.Follow up on Objection on 8/4/2020. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c).(Meyer, H.) (Entered: 07/21/2020)
07/22/2020		Minute Entry for proceedings held before Judge Joseph N. Laplante. MOTION HEARING Day 1 held via video-conference on 7/22/2020 re 4 Emergency MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> Witnesses Appearing: Daryl Perry, Jillette Jarvis. Hearing to resume on Friday, 07/24/2020. (Court Reporter: Liza W. Dubois) (Pltfs Atty: H. Jonathan Meyer) (Defts Atty: Daniel E. Will, Laura E.B. Lombardi, Sean R. Locke)(Total Hearing Time: 2 hours, 27 minutes) (jb) Modified on 7/24/2020 to add day 1 and video text (jb). (Entered: 07/22/2020)
07/22/2020		ORAL ORDER taking under advisement 24 Motion for MOTION Plaintiffs' Motion to Consolidate Preliminary Injunction Hearing with Final Hearing. So Ordered by Judge Joseph N. Laplante.(jb) (Entered: 07/22/2020)
07/22/2020		ORAL MOTION Sequester Witnesses filed by Governor, NH, State of, Secretary of State, NH, State of.(jb) (Entered: 07/22/2020)
07/22/2020		ORAL ORDER granting Oral Motion to Sequester Witnesses. So Ordered by Judge Joseph N. Laplante.(jb) (Entered: 07/22/2020)

07/23/2020		HEARING NOTICE re: 4 Emergency MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> . Continuation of Motion Hearing/Evidentiary Hearing set for 7/24/2020 at 09:30 AM before Judge Joseph N. Laplante.(jb) (Entered: 07/23/2020)
07/23/2020	25	MOTION for Leave to File Table of Additional Authorities filed by Spike Cohen, Zack Dumont, Jo Jorgenson, Libertarian Party of New Hampshire, Justin O'Donnell, Andrew Olding, Darryl Perry.Follow up on Objection on 8/6/2020. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c).(Meyer, H.) (Entered: 07/23/2020)
07/23/2020	26	Table of Additional Authorities by Spike Cohen, Zack Dumont, Jo Jorgenson, Libertarian Party of New Hampshire, Justin O'Donnell, Andrew Olding, Darryl Perry(Meyer, H.) (Entered: 07/23/2020)
07/23/2020		ENDORSED ORDER granting 25 MOTION for Leave to File Table of Additional Authorities. Text of Order: Granted based on assent provided during today's video chambers conference. So Ordered by Judge Joseph N. Laplante.(jb) (Entered: 07/23/2020)
07/23/2020		Minute Entry for proceedings held before Judge Joseph N. Laplante. IN CHAMBERS CONFERENCE held on 7/23/2020. (Pltfs Atty: H. Jonathan Meyer, Esq.) (Defts Atty: Daniel Will, Esq., Laura Lombardi, Esq.)(Total Hearing Time: 25 minutes) (cmp) (Entered: 08/07/2020)
07/24/2020		Minute Entry for proceedings held before Judge Joseph N. Laplante. MOTION HEARING Day 2 held via video-conference on 7/24/2020 re 4 Emergency MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> . Witnesses Appearing: Justin O'Donnell. All exhibits admitted. (Court Reporter: Brenda K. Hancock) (Pltfs Atty: H. Jonathan Meyer) (Defts Atty: Daniel E. Will, Laura E.B. Lombardi, Sean R. Locke)(Total Hearing Time: 2 hours, 50 minutes) (jb) Modified on 7/24/2020 to add day and video text (jb). (Entered: 07/24/2020)
07/24/2020	27	Exhibit List by Spike Cohen, Zack Dumont, Libertarian Party of New Hampshire, Justin O'Donnell, Andrew Olding, Darryl Perry. (jb) (Entered: 07/24/2020)

07/24/2020	<u>28</u>	Exhibit List by Governor, NH, State of, Secretary of State, NH, State of. (jb) (Entered: 07/24/2020)
07/27/2020		NOTICE of Hearing. In Chambers Video-Conference set for 7/27/2020 at 02:00 PM before Judge Joseph N. Laplante.(jb) (Entered: 07/27/2020)
07/27/2020		Minute Entry for proceedings held before Judge Joseph N. Laplante. IN CHAMBERS VIDEO CONFERENCE held on 7/27/2020. (Pltfs Atty: H. Jonathan Meyer) (Defts Atty: Daniel E. Will, Gordon J. MacDonald, Laura E.B. Lombardi)(Total Hearing Time: 10 minutes) (jb) (Entered: 07/27/2020)
07/28/2020	<u>29</u>	ORDER granting <u>4</u> Emergency MOTION for Temporary Restraining Order and Preliminary Injunction. So Ordered by Judge Joseph N. Laplante.(jb) (Entered: 07/28/2020)
08/04/2020	<u>30</u>	RESPONSE to Motion re <u>24</u> MOTION Plaintiffs' Motion to Consolidate Preliminary Injunction Hearing with Final Hearing filed by Governor, NH, State of. (Will, Daniel) (Entered: 08/04/2020)
08/20/2020		ENDORSED ORDER granting <u>24</u> MOTION Plaintiffs' Motion to Consolidate Preliminary Injunction Hearing with Final Hearing. Text of Order: Granted. So Ordered by Judge Joseph N. Laplante.(jb) (Entered: 08/20/2020)
09/04/2020	<u>31</u>	JUDGMENT is hereby entered in accordance with <u>29</u> Order on Emergency Motion for Temporary Restraining Order and Order on <u>24</u> Plaintiffs' Motion to Consolidate Preliminary Injunction Hearing with Final Hearing. The prevailing party may recover costs consistent with Fed. R. Civ. P. 54(d) and 28 U.S.C. § 1920. Signed by Tracy A. Uhrin, Chief Deputy Clerk. (Case Closed) (jb) (Entered: 09/04/2020)

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Description:	Docket Report	Search Criteria:	1:20-cv-00688-JL
Billable Pages:	6	Cost:	0.60
Exempt flag:	Not Exempt	Exempt reason:	Not Exempt