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STANDARD,STAYED

**U.S. District Court
District of Maine (Bangor)
CIVIL DOCKET FOR CASE #: 1:20-cv-00248-JAW**

MERRILL et al v. DUNLAP et al
Assigned to: JUDGE JOHN A. WOODCOCK, JR
Referred to: MAGISTRATE JUDGE JOHN H. RICH III
Cause: 42:12101 American Disabilities Act

Date Filed: 07/15/2020
Jury Demand: None
Nature of Suit: 441 Civil Rights: Voting
Jurisdiction: Federal Question

Plaintiff**LYNN MERRILL**

represented by **EVE L. HILL**
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Plaintiff**NICHOLAS GIUDICE**

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Plaintiff

PAULINE LAMONTAGNE

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Plaintiff

CHERYL PEABODY

represented by **EVE L. HILL**

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V.

Defendant

MATTHEW DUNLAP

in his official capacity as Secretary of State

represented by **PHYLLIS GARDINER**

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Defendant

**MAINE DEPARTMENT OF THE
SECRETARY OF STATE**

represented by **PHYLLIS GARDINER**
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ATTORNEY TO BE NOTICED

VALERIE A. WRIGHT
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

TRACY ROY
*in her official capacity as City Clerk and
Registrar of Voters of the City of Augusta,
Maine*
TERMINATED: 09/30/2020

represented by **LAURA A. RIDEOUT**
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Defendant

LISA GOODWIN
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Maine*

represented by **PAUL S. NICKLAS**
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Defendant

KATHERINE JONES
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Defendant**LISA GILLIAM**

*in her official capacity as Registrar of
 Voters of the Town of Winslow, Maine*

Defendant**CITY OF AUGUSTA**

represented by **LAURA A. RIDEOUT**
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ATTORNEY TO BE NOTICED

STEPHEN E. F. LANGSDORF
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ATTORNEY TO BE NOTICED

Defendant**CITY OF BANGOR**

represented by **PAUL S. NICKLAS**
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ATTORNEY TO BE NOTICED

Defendant**CITY OF PORTLAND**

represented by **DANIELLE WEST-CHUHITA**
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Defendant**TOWN OF WINSLOW**

represented by **WILLIAM A. LEE**
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Defendant**KELLY GOOLDRUP**

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represented by **LAURA A. RIDEOUT**
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ATTORNEY TO BE NOTICED

STEPHEN E. F. LANGSDORF
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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07/15/2020	<u>1</u> R	COMPLAINT against CITY OF AUGUSTA, CITY OF BANGOR, CITY OF PORTLAND, MATTHEW DUNLAP, LISA GILLIAM, LISA GOODWIN, KATHERINE JONES, MAINE DEPARTMENT OF THE SECRETARY OF STATE, TRACY ROY, TOWN OF WINSLOW PAYMENT OF FILING FEE DUE WITHIN 48 HOURS. IF FILING FEE IS BEING PAID WITH A CREDIT CARD COUNSEL ARE INSTRUCTED TO LOGIN TO CMECF AND DOCKET Case Opening Filing Fee Paid FOUND IN THE Complaints and Other Initiating Documents CATEGORY. CHECK PAYMENTS DUE WITHIN 48 HOURS. , filed by NICHOLAS GIUDICE, CHERYL PEABODY, LYNN MERRILL, PAULINE LAMONTAGNE. (Service of Process Deadline 10/13/2020) Fee due by 7/17/2020.(bfa) (Entered: 07/15/2020)
07/15/2020	<u>2</u>	CIVIL COVER SHEET. (bfa) (Entered: 07/15/2020)
07/15/2020	<u>3</u> R	MOTION for Preliminary Injunction, MOTION for Temporary Restraining Order by NICHOLAS GIUDICE, PAULINE LAMONTAGNE, LYNN MERRILL, CHERYL PEABODY Responses due by 8/5/2020. (Attachments: # <u>1</u> Exhibit A - declaration of Lynn Merrill, # <u>2</u> Exhibit B - declaration of Nicholas Giudice, # <u>3</u> Exhibit C - declaration of Pauline Lamontagne, # <u>4</u> Exhibit D - declaration of Cheryl Peabody, # <u>5</u> Exhibit E - declaration of Jonathan Lazar, # <u>6</u> Exhibit F - Curriculum Vitae of Dr. Jonathan Lazar, # <u>7</u> Exhibit G - National Federation of the Blind letter to Secretary Dunlap, # <u>8</u> Exhibit H - American Council of the Blind of Maine to Secretary Dunlap, # <u>9</u> Exhibit I - Disability Rights Maine letter to Secretary Dunlap, # <u>10</u> Exhibit J - declaration of Kristin Aiello)(bfa) (Entered: 07/15/2020)
07/15/2020	<u>4</u>	Summons Issued as to CITY OF AUGUSTA, CITY OF BANGOR, CITY OF PORTLAND, MATTHEW DUNLAP, LISA GILLIAM, LISA GOODWIN, KATHERINE JONES, MAINE DEPARTMENT OF THE SECRETARY OF STATE, TRACY ROY, TOWN OF WINSLOW. Counsel shall print the embossed summons and effect service in the manner in accordance with Fed.R.Civ.P.4. Note-If you are using Version 6 of Adobe Acrobat, be sure the PRINT WHAT field is set to DOCUMENTS AND COMMENTS (Click File, then Print to check this setting). (Attachments: # <u>1</u> City of Augusta summons, # <u>2</u> City of Bangor summons, # <u>3</u> City of Portland summons, # <u>4</u> Katherine Jones summons, # <u>5</u> Lisa Gilliam summons, # <u>6</u> Matthew Dunlap summons, # <u>7</u> State of Maine Department of the Secretary of State summons, # <u>8</u> Town of Winslow summons, # <u>9</u> Tracy Roy summons)(bfa) (Entered: 07/15/2020)
07/17/2020	<u>5</u>	NOTICE of Appearance by PHYLLIS GARDINER on behalf of MATTHEW DUNLAP, MAINE DEPARTMENT OF THE SECRETARY OF STATE (GARDINER, PHYLLIS) (Entered: 07/17/2020)
07/17/2020		Filing Fee Paid via Credit Card (Filing fee \$ 400 receipt number AMEDC-2275008.), filed by NICHOLAS GIUDICE, CHERYL PEABODY, LYNN MERRILL, PAULINE LAMONTAGNE.(AIELLO, KRISTIN) (Entered: 07/17/2020)
07/17/2020	<u>6</u>	NOTICE of Appearance by VALERIE A. WRIGHT on behalf of MATTHEW DUNLAP, MAINE DEPARTMENT OF THE SECRETARY OF STATE (WRIGHT, VALERIE) (Entered: 07/17/2020)
07/20/2020	<u>7</u>	NOTICE of Appearance by STEPHEN E. F. LANGSDORF on behalf of CITY OF AUGUSTA, TRACY ROY (LANGSDORF, STEPHEN) (Entered: 07/20/2020)
07/20/2020	<u>8</u>	NOTICE of Appearance by LAURA A. RIDEOUT on behalf of CITY OF AUGUSTA,

		TRACY ROY (RIDEOUT, LAURA) (Entered: 07/20/2020)
07/20/2020	9	NOTICE of Hearing: Telephone Conference set for 7/23/2020 03:00 PM before JUDGE JOHN A. WOODCOCK JR. Parties have been provided with the Court's call in information.(tcs) (Entered: 07/20/2020)
07/22/2020	10	NOTICE of Appearance by WILLIAM A. LEE on behalf of TOWN OF WINSLOW (LEE, WILLIAM) (Entered: 07/22/2020)
07/23/2020	11	Minute Entry for proceedings held before JUDGE JOHN A. WOODCOCK, JR: Telephone Conference held. Order to issue. (Court Reporter: Dennis Ford) (tcs) (Entered: 07/23/2020)
07/24/2020	12	ORDER staying all deadlines until August 10, 2020. The Court ORDERS the parties to file a joint status report on or before August 10, 2020, with an update on a settlement proposal or, if no settlement is reached, a proposed scheduling order. By JUDGE JOHN A. WOODCOCK, JR. (tcs) (Entered: 07/24/2020)
07/24/2020	13	NOTICE of Hearing - Telephone Conference set for 8/10/2020 02:00 PM before JUDGE JOHN A. WOODCOCK JR. Parties have been provided with Court's call in instructions. (tcs) (Entered: 07/24/2020)
07/29/2020	14	NOTICE of Appearance by DANIELLE WEST-CHUHTA on behalf of CITY OF PORTLAND, KATHERINE JONES (WEST-CHUHTA, DANIELLE) (Entered: 07/29/2020)
08/05/2020	15	NOTICE of Appearance by PAUL S. NICKLAS on behalf of CITY OF BANGOR, LISA GOODWIN (NICKLAS, PAUL) (Entered: 08/05/2020)
08/10/2020	16	**FILED IN ERROR** AFFIDAVIT of Service by NICHOLAS GIUDICE, CHERYL PEABODY, LYNN MERRILL, PAULINE LAMONTAGNE. All Defendants. (Attachments: # 1 Affidavit Proof of Service State of Maine, # 2 Affidavit Proof of Service Augusta, # 3 Affidavit Proof of Service Roy, # 4 Affidavit Proof of Service Goodwin, # 5 Affidavit Proof of Service Bangor, # 6 Affidavit Proof of Service Jones, # 7 Affidavit Proof of Service Portland, # 8 Affidavit Proof of Service Gilliam, # 9 Affidavit Proof of Service Winslow)(AIELLO, KRISTIN) Modified on 8/10/2020 to indicate entry was marked as filed in error, counsel to refile as separate entries at the request of the clerk's office. (tcs). (Entered: 08/10/2020)
08/10/2020	17	STATUS REPORT by NICHOLAS GIUDICE, PAULINE LAMONTAGNE, LYNN MERRILL, CHERYL PEABODY. (AIELLO, KRISTIN) (Entered: 08/10/2020)
08/10/2020	18	Minute Entry for proceedings held before JUDGE JOHN A. WOODCOCK, JR: Telephone Conference held. Joint Status Report due on or before 8/14/2020. (Court Reporter: Julie Edgecomb) (tcs) (Entered: 08/10/2020)
08/10/2020	19	NOTICE of Hearing: Telephone Conference set for 8/14/2020 02:00 PM before JUDGE JOHN A. WOODCOCK JR. Parties have been provided with Court's call in information. (tcs) (Entered: 08/10/2020)
08/14/2020	20 R	STATUS REPORT by NICHOLAS GIUDICE, PAULINE LAMONTAGNE, LYNN MERRILL, CHERYL PEABODY. (AIELLO, KRISTIN) (Entered: 08/14/2020)
08/14/2020	21	Joint ORAL MOTION to Continue Stay by NICHOLAS GIUDICE, PAULINE LAMONTAGNE, LYNN MERRILL, CHERYL PEABODY (tcs) (Entered: 08/14/2020)
08/14/2020	22	ORAL ORDER granting 21 Motion to Continue Stay. This matter will remain stayed until September 14, 2020. By JUDGE JOHN A. WOODCOCK, JR. (tcs) (Entered: 08/14/2020)

08/14/2020	23	Minute Entry for proceedings held before JUDGE JOHN A. WOODCOCK, JR: Telephone Conference held. Next Joint Status Report due on or before 9/14/2020 (Court Reporter: Lori Dunbar) (tcs) (Entered: 08/14/2020)
08/14/2020	24	NOTICE of Hearing: Telephone Conference set for 9/14/2020 02:00 PM before JUDGE JOHN A. WOODCOCK JR. Parties have been provided with Court's call in instructions. (tcs) (Entered: 08/14/2020)
09/08/2020	25	First MOTION to Amend 1 R Complaint,, by NICHOLAS GIUDICE, PAULINE LAMONTAGNE, LYNN MERRILL, CHERYL PEABODY Responses due by 9/29/2020. (Attachments: # 1 Exhibit First Amended Complaint)(AIELLO, KRISTIN) (Entered: 09/08/2020)
09/08/2020	26	MOTION to Substitute Party by NICHOLAS GIUDICE, PAULINE LAMONTAGNE, LYNN MERRILL, CHERYL PEABODY Responses due by 9/29/2020. (AIELLO, KRISTIN) (Entered: 09/08/2020)
09/08/2020	27	***FILED IN ERROR*** NOTICE of Appearance by KRISTIN L. AIELLO on behalf of All Plaintiffs (AIELLO, KRISTIN) Modified on 9/9/2020 to indicate entry was filed in error, counsel to refile using correct log in(tcs). (Entered: 09/08/2020)
09/08/2020	28	MOTION for Conference of Counsel by NICHOLAS GIUDICE, PAULINE LAMONTAGNE, LYNN MERRILL, CHERYL PEABODY Responses due by 9/29/2020. (AIELLO, KRISTIN) (Entered: 09/08/2020)
09/09/2020	29	ORDER granting 28 Motion for Conference of Counsel By JUDGE JOHN A. WOODCOCK, JR. (tcs) (Entered: 09/09/2020)
09/09/2020	30	NOTICE of Appearance by PETER M. RICE on behalf of All Plaintiffs (RICE, PETER) (Entered: 09/09/2020)
09/09/2020	31	NOTICE of TELEPHONIC Hearing: Conference of Counsel set for 9/9/2020 01:00 PM before JUDGE JOHN A. WOODCOCK JR. Parties have been provided with Court's call in information. (tcs) (Entered: 09/09/2020)
09/09/2020	32	Minute Entry for proceedings held before JUDGE JOHN A. WOODCOCK, JR: Telephonic Conference of Counsel begun. Conference to be continued to a later date. In lieu of the telephonic conference of counsel held September 9, 2020, the telephone conference scheduled for September 14, 2020 at 2:00PM has been cancelled. (Court Reporter: Melissa Merenberg) (tcs) (Entered: 09/09/2020)
09/10/2020	33	NOTICE of Telephonic Hearing:Continued Conference of Counsel set for 9/22/2020 02:00 PM before JUDGE JOHN A. WOODCOCK JR. Parties have been provided with Court's call in information.(tcs) (Entered: 09/10/2020)
09/10/2020	34	NOTICE of Hearing on Motion 3 R MOTION for Preliminary Injunction; MOTION for Temporary Restraining Order: Evidentiary Hearing set for 10/5/2020 10:00 AM in Bangor Courtroom 1 before JUDGE JOHN A. WOODCOCK JR. (tcs) (Entered: 09/10/2020)
09/22/2020	35	CERTIFICATION for Admission Pro Hac Vice of Eve Hill filed by KRISTIN L. AIELLO on behalf of All Plaintiffs (Total admission fee \$ 100 receipt number AMEDC-2322095.) The District of Maine is a CM/ECF NextGen Court. If PHV counsel has not previously been granted electronic filing rights with the District of Maine, PHV counsel will now need to submit a PRO HAC VICE request in this District via PACER at www.pacer.gov (Attachments: # 1 Exhibit ELH Bar Admissions, # 2 Exhibit Certificate of Good Standing)(AIELLO, KRISTIN) (Main Document 35 replaced on 9/22/2020) (tcs). (Entered: 09/22/2020)

09/22/2020	36	NOTICE of Docket Entry Modification regarding 35 Certification for Admission Pro Hac Vice - The Main Document was replaced at request of counsel to correct missing checked boxes on certification. (tcs) (Entered: 09/22/2020)
09/22/2020	37 R	STATUS REPORT by MATTHEW DUNLAP, MAINE DEPARTMENT OF THE SECRETARY OF STATE. (WRIGHT, VALERIE) (Entered: 09/22/2020)
09/22/2020	38	ORAL ORDER cancelling without objection Evidentiary Hearing scheduled for October 5, 2020. By JUDGE JOHN A. WOODCOCK, JR. (tcs) (Entered: 09/22/2020)
09/22/2020	39	Minute Entry for proceedings held before JUDGE JOHN A. WOODCOCK, JR: Conference of Counsel held. (Court Reporter: Melissa Merenberg) (tcs) (Entered: 09/22/2020)
09/22/2020	40	NOTICE of Telephonic Hearing: Next Conference of Counsel set for 11/19/2020 10:00 AM before JUDGE JOHN A. WOODCOCK JR. Parties shall be provided with Court's call in instructions closer to the date of hearing. (tcs) (Entered: 09/22/2020)
09/30/2020	41	ORDER granting 25 Motion to Amend Complaint; granting 26 Motion to Substitute Party. Defendant KELLY GOOLDRUP added, Defendant TRACY ROY terminated. REMINDER: After entry of this Order, counsel are REQUIRED to separately file the AMENDED COMPLAINT Document By JUDGE JOHN A. WOODCOCK, JR. (tcs) (Entered: 09/30/2020)
09/30/2020	42 R	First AMENDED COMPLAINT against All Defendants, filed by NICHOLAS GIUDICE, CHERYL PEABODY, LYNN MERRILL, PAULINE LAMONTAGNE. (Service of Process Deadline 12/29/2020)(AIELLO, KRISTIN) (Entered: 09/30/2020)
11/19/2020	43	ORAL ORDER Continuing Stay. This matter shall remain stayed until February 4, 2021. By JUDGE JOHN A. WOODCOCK, JR. (tcs) (Entered: 11/19/2020)
11/19/2020	44	Minute Entry for proceedings held before JUDGE JOHN A. WOODCOCK, JR: Telephone Conference held. (Court Reporter: Dennis Ford) (tcs) (Entered: 11/19/2020)
11/19/2020	45	NOTICE of Hearing: Telephone Conference set for 2/4/2021 10:00 AM before JUDGE JOHN A. WOODCOCK JR. Parties shall be provided with Court's call in instructions closer to the date of hearing.(tcs) (Entered: 11/19/2020)