

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:20-cv-04003-LJL**

Hernandez et al v. New York State Board of Elections
et al
Assigned to: Judge Lewis J. Liman
Cause: 42:12101 The Americans with Disabilities Act
of 1990

Date Filed: 05/22/2020
Jury Demand: Plaintiff
Nature of Suit: 446 Civil Rights:
Americans with Disabilities - Other
Jurisdiction: Federal Question

Plaintiff

Jose Hernandez

represented by **Abigail Graber**
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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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of New York State, Inc.**

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Plaintiff

**American Council of the Blind of
New York, Inc.**

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Plaintiff

**Center for Independence of the
Disabled, New York**

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Michelle Anne Caiola
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TERMINATED: 11/29/2020
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Amanda Brooke Pearlstein
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Plaintiff

Ed.D Karen Luxton Gourgey

represented by **Abigail Graber**
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V.

Defendant

**New York State Board of
Elections**

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Douglas A. Kellner
*Co-Chair and Commissioner, in
their official capacities at the New
York State Board of Elections*

represented by **Seth Jonathan Farber**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Andrew Spano
*Commissioner, in their official
capacities at the New York State
Board of Elections*

represented by **Seth Jonathan Farber**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Peter S. Kosinski
*Co-Chair and Commissioner, in
their official capacities at the New
York State Board of Elections*

represented by **Seth Jonathan Farber**
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LEAD ATTORNEY
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Defendant

Todd D. Valentine
*Co-Executive Director, in their
official capacities at the New York
State Board of Elections*

represented by **Seth Jonathan Farber**
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LEAD ATTORNEY
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Defendant

Robert A. Brehm
*Co-Executive Director, in their
official capacities at the New York
State Board of Elections*

represented by **Seth Jonathan Farber**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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05/22/2020	<u>1</u>	COMPLAINT against Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, Andrew Spano, The New York State Board of Elections, Todd D. Valentine. (Filing Fee \$ 400.00, Receipt Number ANYSDC-19943781)Document filed by American Council of the Blind of New York, Inc., Rasheda Bunting, Center for Independence of the Disabled, New York, Keith Gurgui, Karen Luxton Gourgey, Disability Rights New York, Jose Hernandez, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 05/22/2020)
05/22/2020	<u>2</u>	CIVIL COVER SHEET filed..(Pearlstein, Amanda) (Entered: 05/22/2020)
05/22/2020	<u>3</u>	PROPOSED ORDER TO SHOW CAUSE WITH EMERGENCY RELIEF. Document filed by American Council of the Blind of New York, Inc., Rasheda Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc.. Related Document Number: <u>1</u> ..(Pearlstein, Amanda) Proposed Order to Show Cause to be reviewed by Clerk's Office staff. (Entered: 05/22/2020)
05/22/2020	<u>4</u>	<u>FILING ERROR - DEFICIENT SUMMONS REQUEST PDF ERROR</u> - REQUEST FOR ISSUANCE OF SUMMONS as to THE NEW YORK STATE BOARD OF ELECTIONS, DOUGLAS A. KELLNER, Co-Chair and Commissioner, ANDREW SPANO, Commissioner, PETER S. KOSINSKI, Co-Chair and Commissioner, TODD D. VALENTINE, Co-Executive Director, and ROBERT A. BREHM, Co-Executive Director, in their official capacities at the New York State Board of Elections, re: <u>1</u> Complaint,. Document filed by American Council of the Blind of New York, Inc., Rasheda Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc.. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons).(Pearlstein, Amanda) Modified on 5/22/2020 (pne). (Entered: 05/22/2020)
05/22/2020	<u>5</u>	NOTICE OF APPEARANCE by Amanda Brooke Pearlstein on behalf of American Council of the Blind of New York, Inc., Rasheda Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 05/22/2020)

05/22/2020		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Lewis J. Liman. Please download and review the Individual Practices of the assigned District Judge, located at https://nysd.uscourts.gov/judges/district-judges . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at https://nysd.uscourts.gov/rules/ecf-related-instructions.. (pne) (Entered: 05/22/2020)
05/22/2020	6	NOTICE OF APPEARANCE by Amanda Brooke Pearlstein on behalf of American Council of the Blind of New York, Inc., Rasheda Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 05/22/2020)
05/22/2020		Magistrate Judge Debra C. Freeman 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 . (pne) (Entered: 05/22/2020)
05/22/2020		Case Designated ECF. (pne) (Entered: 05/22/2020)
05/22/2020	7	NOTICE OF APPEARANCE by Amanda Brooke Pearlstein on behalf of American Council of the Blind of New York, Inc., Rasheda Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 05/22/2020)
05/22/2020		***NOTICE TO COURT REGARDING PROPOSED TEMPORARY RESTRAINING ORDER. Document No. 3 Proposed Order to Show Cause With Emergency Relief, was reviewed and approved as to form. (ad) (Entered: 05/22/2020)
05/22/2020		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Amanda Brooke Pearlstein. The party information for the following party/parties has been modified: Rasheta Bunting, Douglas A. Kellner, Andrew Spano, Peter S. Kosinski, Todd D. Valentine, Robert A. Brehm. The information for the party/parties has been modified for the following reason/reasons: party name

		contained a typographical error; party text was omitted. (pne) (Entered: 05/22/2020)
05/22/2020		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Amanda Brooke Pearlstein to RE-FILE Document No. <u>4</u> Request for Issuance of Summons. The filing is deficient for the following reason(s): the PDF attached to the docket entry for the issuance of summons is not correct; summons requests should not be filed as attachments; each summons request must be filed separately, or you can file a single summons with a rider/addendum attached listing the names and addresses of the defendants. Re-file the document using the event type Request for Issuance of Summons found under the event list Service of Process - select the correct filer/filers - and attach the corrected summons form PDF. (pne) (Entered: 05/22/2020)
05/22/2020	<u>8</u>	MOTION for Preliminary Injunction . Document filed by American Council of the Blind of New York, Inc., Rasheda Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc.. (Attachments: # <u>1</u> Memorandum of Law, # <u>2</u> Affidavit Asbee Declaration, # <u>3</u> Affidavit Hernandez Declaration, # <u>4</u> Affidavit Gurgui Declaration, # <u>5</u> Affidavit Luxton Gourgey Declaration, # <u>6</u> Affidavit Wayne Declaration, # <u>7</u> Affidavit Dennis Declaration, # <u>8</u> Affidavit Blake Declaration, # <u>9</u> Exhibit, # <u>10</u> Unreported Case, # <u>11</u> Unreported Case).(Pearlstein, Amanda) (Entered: 05/22/2020)
05/22/2020	<u>9</u>	ORDER: IT IS HEREBY ORDERED that a telephonic conference shall convene at 4:30 p.m. today in this matter. Parties are directed to call (888) 251-2909 and use access code 2123101. Plaintiffs are directed to notify Defendants of this order. SO ORDERED. (Telephone Conference set for 5/22/2020 at 04:30 PM before Judge Lewis J. Liman.) (Signed by Judge Lewis J. Liman on 5/22/2020) (va) (Entered: 05/22/2020)
05/22/2020	<u>10</u>	AFFIDAVIT of Rasheta Bunting in Support re: <u>8</u> MOTION for Preliminary Injunction .. Document filed by American Council of the Blind of New York, Inc., Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of

		the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 05/22/2020)
05/22/2020		Minute Entry for proceedings held before Judge Lewis J. Liman: Telephone Conference held on 5/22/2020. Amanda Pearlstein, Christina Asbee, Christina Drandt-Young, and Eve Hill present by telephone for Plaintiffs. Seth Farber and James Cooney present by telephone for Defendants. Court reporter present by telephone. The Court held a conference addressing the Plaintiff's Motion for a Preliminary Injunction (Docket #8). Telephonic Oral Argument set for 5/29/2020 at 10:00AM before Judge Lewis J. Liman. Parties are directed to call (888) 251-2909 and use access code 2123101. This line will be open to the public and those interested can use the same dial-in instructions. (mf) (Entered: 05/22/2020)
05/24/2020	<u>11</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Robert A. Brehm, re: <u>1</u> Complaint,. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 05/24/2020)
05/24/2020	<u>12</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Douglas A. Kellner, re: <u>1</u> Complaint,. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 05/24/2020)
05/24/2020	<u>13</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Peter S. Kosinski, re: <u>1</u> Complaint,. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 05/24/2020)
05/24/2020	<u>14</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Andrew Spano, re: <u>1</u> Complaint,. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 05/24/2020)

05/24/2020	<u>15</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Todd D. Valentine, re: <u>1</u> Complaint,. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 05/24/2020)
05/24/2020	<u>16</u>	REQUEST FOR ISSUANCE OF SUMMONS as to The New York State Board of Elections, re: <u>1</u> Complaint,. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 05/24/2020)
05/24/2020	<u>17</u>	TRANSCRIPT REQUEST for a Telephone Conference proceeding held on May 22, 2020 before Judge Lewis J. Liman. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 05/24/2020)
05/24/2020		***STRICKEN DOCUMENT. Deleted document number <u>17</u> from the case record. The document was stricken from this case pursuant to Order. (tro) (Entered: 06/01/2020)
05/26/2020	<u>18</u>	ELECTRONIC SUMMONS ISSUED as to New York State Board of Elections..(pne) (Entered: 05/26/2020)
05/26/2020	<u>19</u>	ELECTRONIC SUMMONS ISSUED as to Todd D. Valentine..(pne) (Entered: 05/26/2020)
05/26/2020	<u>20</u>	ELECTRONIC SUMMONS ISSUED as to Andrew Spano..(pne) (Entered: 05/26/2020)
05/26/2020	<u>21</u>	ELECTRONIC SUMMONS ISSUED as to Peter S. Kosinski..(pne) (Entered: 05/26/2020)
05/26/2020	<u>22</u>	ELECTRONIC SUMMONS ISSUED as to Douglas A. Kellner..(pne) (Entered: 05/26/2020)
05/26/2020	<u>23</u>	ELECTRONIC SUMMONS ISSUED as to Robert A. Brehm..(pne) (Entered: 05/26/2020)

05/26/2020	<u>24</u>	ORDER: As discussed at the telephonic conference held on May 22, 2020, the following is HEREBY ORDERED: 1. Defendants shall file a response to the Motion for Preliminary Injunction (Dkt. No. 8) no later than 9:00 a.m. on May 27, 2020. 2. Plaintiffs shall file a reply no later than 8:00 p.m. on May 28, 2020. 3. The parties shall appear for a preliminary injunction hearing at 10:00 a.m. on May 29, 2020. The hearing will take place telephonically. Parties are directed to call (888) 251-2909 and use access code 2123101. SO ORDERED. (Signed by Judge Lewis J. Liman on 5/26/2020) (Responses due by 5/27/2020, Replies due by 5/28/2020., Telephone Conference set for 5/29/2020 at 10:00 AM before Judge Lewis J. Liman.) (ks) (Entered: 05/26/2020)
05/27/2020	<u>25</u>	DECLARATION of Thomas Connolly in Opposition re: <u>8</u> MOTION for Preliminary Injunction .. Document filed by Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine. (Attachments: # <u>1</u> Exhibit Ex A - Sample ballots, # <u>2</u> Exhibit Ex B - Draft BOE Resolution, # <u>3</u> Exhibit Ex C - Memo re Election Security).(Farber, Seth) (Entered: 05/27/2020)
05/27/2020	<u>26</u>	MEMORANDUM OF LAW in Opposition re: <u>8</u> MOTION for Preliminary Injunction . . Document filed by Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine..(Farber, Seth) (Entered: 05/27/2020)
05/27/2020	<u>27</u>	LETTER addressed to Judge Lewis J. Liman from Seth J. Farber dated May 27, 2020 re: Hernandez v. N.Y.S. Bd. of Elections; Bd. of Elections Resolution. Document filed by Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine..(Farber, Seth) (Entered: 05/27/2020)
05/27/2020	<u>28</u>	ACKNOWLEDGMENT OF SERVICE of Summons, Complaint, OSC, TRO/PI, Motion and Memorandum served on THE NEW YORK STATE BOARD OF ELECTIONS, DOUGLAS A. KELLNER, Co-Chair and Commissioner, ANDREW SPANO, Commissioner, PETER S. KOSINSKI, Co-Chair and Commissioner, TODD D. VALENTINE, Co-Executive Director, and ROBERT A. BREHM, Co-Executive Director, in their official capacities at the New York State Board of Elections on 5/27/2020. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled,

		New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc.. (Attachments: # 1 Exhibit Email Correspondence Re: Service of Process).(Pearlstein, Amanda) (Entered: 05/27/2020)
05/27/2020	29	ORDER: IT IS HEREBY ORDERED that Plaintiffs shall file a letter no later than 9:00 a.m. tomorrow (May 28, 2020) advising whether the Resolution moots the request for preliminary injunctive relief and/or otherwise affects any claim asserted in the Complaint (Dkt. No. 1) or Motion for Preliminary Injunction (Dkt. No. 8). SO ORDERED. (Signed by Judge Lewis J. Liman on 5/27/2020) (va) (Entered: 05/27/2020)
05/28/2020	30	LETTER addressed to Judge Lewis J. Liman from Amanda B. Pearlstein dated May 28, 2020 re: Hernandez et al. v. New York State Board of Elections et al., Docket No. 20-cv-4003. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 05/28/2020)
05/28/2020	31	ORDER: The Court is in receipt of Plaintiffs' letter (Dkt. No. 30), which advises that the Resolution passed yesterday does not moot Plaintiffs' request for injunctive relief. The parties are HEREBY ORDERED to meet and confer regarding implementation of the Resolution and to advise the Court of the results of that meet-and-confer no later than 9:00 a.m. tomorrow (May 29, 2020). SO ORDERED. (Signed by Judge Lewis J. Liman on 5/28/2020) (va) (Entered: 05/28/2020)
05/28/2020	32	TRANSCRIPT of Proceedings re: conference held on 5/22/2020 before Judge Lewis J. Liman. Court Reporter/Transcriber: Khristine Sellin, (212) 805-0300. 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. Redaction Request due 6/18/2020. Redacted Transcript Deadline set for 6/29/2020. Release of Transcript Restriction set for 8/26/2020..(McGuirk, Kelly) (Entered: 05/28/2020)
05/28/2020	33	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 5/22/2020 has been filed by the court reporter/transcriber in the above-captioned matter. The parties

		have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days....(McGuirk, Kelly) (Entered: 05/28/2020)
05/28/2020	34	JOINT LETTER addressed to Judge Lewis J. Liman from Seth J. Farber dated May 28, 2020 re: Hernandez v. N.Y.S. Board of Elections, Joint Letter Reporting on Meet and Confer telephone conference. Document filed by Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine..(Farber, Seth) (Entered: 05/28/2020)
05/28/2020	35	REPLY MEMORANDUM OF LAW in Support re: 8 MOTION for Preliminary Injunction . . Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 05/28/2020)
05/29/2020	36	ORDER: As discussed at the hearing held today, the following is HEREBY ORDERED: 1. The parties shall meet and confer today. 2. No later than 5:00 p.m. on June 3, 2020, the parties shall submit either a consent decree or a status letter advising the Court that a consent decree was unable to be reached and identifying the areas of remaining disagreement. 3. A conference is SET for June 4, 2020 at 4:00 p.m. It will proceed telephonically. Parties are directed to call (888) 251-2909 and use access code 2123101. SO ORDERED. (Telephone Conference set for 6/4/2020 at 04:00 PM before Judge Lewis J. Liman.) (Signed by Judge Lewis J. Liman on 5/29/2020) (va) (Entered: 05/29/2020)
05/29/2020		ORDER: The Clerk of Court is directed to remove in its entirety Docket #17 Transcript Request from the docket. So Ordered. (HEREBY ORDERED by Judge Lewis J. Liman) (Text Only Order) (mf) (Entered: 05/30/2020)
05/29/2020		Minute Entry for proceedings held before Judge Lewis J. Liman: Telephone Conference held on 5/29/2020. Oral Argument held in re: Docket #8 MOTION for Preliminary Injunction. Document filed by American Council of the Blind of New York, Inc., Rasheda Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez,

		Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc. Amanda Pearlstein, Christina Asbee, Christina Drandt-Young, and Eve Hill present by telephone for Plaintiffs. Seth Farber present by telephone for Defendants. Court reporter present by telephone. The Court heard arguments from Plaintiffs and Defendants. Decision reserved by the Court. (mf) (Entered: 06/08/2020)
06/02/2020	37	PROPOSED STIPULATION AND ORDER. Document filed by Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine..(Farber, Seth) (Entered: 06/02/2020)
06/02/2020	38	STIPULATION OF SETTLEMENT AND ORDER FOR THE WITHDRAWAL OF THE MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION: WHEREAS, Plaintiffs filed a Complaint dated May 22, 2020, alleging that Defendants' Absentee Voting program is inaccessible to individuals with disabilities and therefore in violation of the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq., and Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794 (Dkt. 1); and WHEREAS on May 27, 2020, Defendant New York State Board of Elections ("NYSBOE") adopted a number of measures toward improving access to absentee ballots including but not limited to providing an accessible request form and instructions on its website and providing directions to county boards of election concerning accessible absentee ballots; WHEREAS, the parties are interested in resolving the issues raised in Plaintiffs' Motion for Preliminary Injunction and Temporary Restraining Order ("PI/TRO Motion") regarding the June 23, 2020 Elections (Dkt. 8), and have negotiated in good faith for that purpose; and WHEREAS, the parties intend to resolve matters addressed in the PI/TRO Motion, exclusively; and WHEREAS, nothing in this Stipulation shall be deemed an admission by either party and the parties further agree that this Stipulation is without precedential value, and without prejudice to the assertion of any claims, arguments, contentions and defenses whether or not otherwise alleged in the Complaint; and WHEREAS, none of the parties is an infant or incompetent person; IT IS HEREBY STIPULATED AND AGREED, by and between the parties and their respective counsel as followed: (As further set forth further herein this Stipulation.) SO ORDERED: IT IS FURTHER ORDERED that the conference previously set for June 4, 2020 is CANCELLED. (Signed by Judge Lewis J. Liman on 6/2/2020) (va) (Entered: 06/03/2020)

06/03/2020	<u>39</u>	NOTICE OF APPEARANCE by Seth Jonathan Farber on behalf of Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine..(Farber, Seth) (Entered: 06/03/2020)
06/16/2020	<u>40</u>	FILING ERROR - DEFICIENT PRO HAC VICE MOTION - MOTION for Eve Hill to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-20275495. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc.. (Attachments: # <u>1</u> Affidavit, # <u>2</u> DC Certificate of Good Standing, # <u>3</u> MD Certificate of Good Standing, # <u>4</u> ME Certificate of Good Standing, # <u>5</u> CA Certificate of Good Standing).(Pearlstein, Amanda) Modified on 6/16/2020 (ad). (Entered: 06/16/2020)
06/16/2020		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. <u>40</u> MOTION for Eve Hill to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-20275495. Motion and supporting papers to be reviewed by Clerk's Office staff.. The filing is deficient for the following reason(s): The Certificate of Good Standing must be issued from the California Supreme Court, 350 Mc Allister Street, Room 1295, San Francisco, CA 94102 415-865-7000; The applicants pro hac vice motion must include a sworn statement, i.e. a notarized affidavit;. 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. (ad) (Entered: 06/16/2020)
06/16/2020	<u>41</u>	ANSWER to <u>1</u> Complaint,. Document filed by Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine..(Farber, Seth) (Entered: 06/16/2020)
06/17/2020	<u>42</u>	NOTICE OF APPEARANCE by Michelle Anne Caiola on behalf of American Council of the Blind of New York, Inc., Center for Independence of the Disabled, New York, Karen Luxton Gourgey..(Caiola, Michelle) (Entered: 06/17/2020)

06/17/2020	<u>43</u>	NOTICE OF APPEARANCE by Christina Louise Brandt-Young on behalf of American Council of the Blind of New York, Inc., Center for Independence of the Disabled, New York, Karen Luxton Gourgey..(Brandt-Young, Christina) (Entered: 06/17/2020)
06/25/2020	<u>44</u>	MOTION for Eve Hill to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc.. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Maryland Certificate of Good Standing, # <u>3</u> Maine Certificate of Good Standing, # <u>4</u> California State Certificate of Good Standing, # <u>5</u> California Supreme Court Certificate of Good Standing).(Pearlstein, Amanda) (Entered: 06/25/2020)
06/25/2020		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. <u>44</u> MOTION for Eve Hill to Appear Pro Hac Vice . 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 DC Supreme Court; missing Proposed Order. 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. (laq) (Entered: 06/25/2020)
06/29/2020	<u>45</u>	MOTION for Eve Lynne Hill to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc.. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Affidavit, # <u>3</u> California State Certificate of Good Standing, # <u>4</u> California Supreme Court Certificate of Good Standing, # <u>5</u> Maine Certificate of Good Standing, # <u>6</u> Maryland Certificate of Good Standing, # <u>7</u> DC Certificate of Good Standing).(Pearlstein, Amanda) (Entered: 06/29/2020)
06/29/2020		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. <u>45</u> MOTION for Eve Lynne Hill to Appear Pro Hac Vice . 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 District of Columbia, Maine and Maryland;. 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.. (laq) (Entered: 06/29/2020)
06/30/2020	46	MOTION for Eve Lynne Hill to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc.. (Attachments: # 1 Affidavit, # 2 Text of Proposed Order, # 3 California Supreme Court Certificate of Good Standing, # 4 California State Certificate of Good Standing, # 5 DC Certificate of Good Standing, # 6 Maryland Certificate of Good Standing, # 7 Maine Certificate of Good Standing).(Pearlstein, Amanda) (Entered: 06/30/2020)
06/30/2020		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 46 MOTION for Eve Lynne Hill to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (ad) (Entered: 06/30/2020)
07/02/2020	47	ORDER granting 46 Motion for Eve Lynne Hill to Appear Pro Hac Vice (HEREBY ORDERED by Judge Lewis J. Liman)(Text Only Order) (MM) (Entered: 07/02/2020)
07/02/2020	48	ORDER denying as moot 44 Motion for Eve Lynne Hill to Appear Pro Hac Vice (see Dkt. No. 47) (HEREBY ORDERED by Judge Lewis J. Liman)(Text Only Order) (MM) (Entered: 07/02/2020)
07/09/2020	49	LETTER MOTION to Expedite addressed to Judge Lewis J. Liman from Amanda B. Pearlstein dated July 9, 2020. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 07/09/2020)
07/09/2020	50	ORDER granting 49 LETTER MOTION to Expedite addressed to Judge Lewis J. Liman from Amanda B. Pearlstein dated July 9, 2020. Document filed by American Council of the Blind of New

		York, Inc., Rasheta Bunting, et al. Application GRANTED. A telephonic preliminary injunction hearing is SET for August 11, 2020 at 12:00 p.m. The parties are directed to call (888) 251-2909 and use access code 2123101. (Signed by Judge Lewis J. Liman on 7/9/2020) (rjm) (Entered: 07/09/2020)
07/09/2020		Set/Reset Deadlines: (Motions due by 7/24/2020. Responses due by 8/7/2020). Set/Reset Hearings: (Telephone Conference set for 8/11/2020 at 12:00 AM before Judge Lewis J. Liman.) (rjm) (Entered: 07/09/2020)
07/10/2020	51	NOTICE OF APPEARANCE by Eve L Hill on behalf of American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Hill, Eve) (Entered: 07/10/2020)
07/24/2020	52	FILING ERROR - DEFICIENT DOCKET ENTRY - SECOND MOTION for Preliminary Injunction . Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc.. (Attachments: # 1 Memorandum of Law, # 2 Affidavit Second Gurgui Declaration, # 3 Affidavit Second Hernandez Declaration, # 4 Affidavit Young Declaration, # 5 Affidavit Mayr Declaration, # 6 Affidavit Second Bunting Declaration, # 7 Affidavit Kristic Declaration, # 8 Affidavit Parker Declaration, # 9 Affidavit Second Blake Declaration, # 10 Affidavit Zimnik Declaration, # 11 Affidavit Second Luxton Gourgey Declaration).(Pearlstein, Amanda) Modified on 7/27/2020 (ldi). (Entered: 07/24/2020)
07/27/2020	53	FILING ERROR - DEFICIENT DOCKET ENTRY - AFFIDAVIT of Rasheta Bunting in Support re: 52 SECOND MOTION for Preliminary Injunction .. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) Modified on 7/27/2020 (ldi). (Entered: 07/27/2020)

07/27/2020	54	FILING ERROR - DEFICIENT DOCKET ENTRY - AFFIDAVIT of Robin Mayr in Support re: 52 SECOND MOTION for Preliminary Injunction .. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) Modified on 7/27/2020 (ldi). (Entered: 07/27/2020)
07/27/2020		***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Notice to Attorney Amanda Brooke Pearlstein to RE-FILE Document 52 SECOND MOTION for Preliminary Injunction . ERROR(S): Supporting documents must be filed separately, each receiving their own document number. Declaration in Support of Motion and Memorandum of Law in Support of Motion are both found under the event list Replies, Opposition and Supporting Documents. (ldi) (Entered: 07/27/2020)
07/27/2020		***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Notice to Attorney Amanda Brooke Pearlstein to RE-FILE Document 53 Affidavit in Support of Motion, 54 Affidavit in Support of Motion. ERROR(S): documents linked to filing error. NOTE: Re-file the Motion first, then re-file all supporting documents separately. (ldi) (Entered: 07/27/2020)
07/28/2020	55	MOTION for Preliminary Injunction . Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 07/28/2020)
07/28/2020	56	MEMORANDUM OF LAW in Support re: 55 MOTION for Preliminary Injunction . . Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 07/28/2020)

07/28/2020	57	DECLARATION of Kennedy Zimnik in Support re: 55 MOTION for Preliminary Injunction .. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 07/28/2020)
07/28/2020	58	DECLARATION of Justin Young in Support re: 55 MOTION for Preliminary Injunction .. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 07/28/2020)
07/28/2020	59	DECLARATION of Maria Kristic in Support re: 55 MOTION for Preliminary Injunction .. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 07/28/2020)
07/28/2020	60	DECLARATION of Meghan Parker in Support re: 55 MOTION for Preliminary Injunction .. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 07/28/2020)
07/28/2020	61	DECLARATION of Lou Ann Blake in Support re: 55 MOTION for Preliminary Injunction .. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 07/28/2020)

07/28/2020	62	DECLARATION of Karen Luxton Gourgey in Support re: 55 MOTION for Preliminary Injunction .. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 07/28/2020)
07/28/2020	63	DECLARATION of Keith Gurgui in Support re: 55 MOTION for Preliminary Injunction .. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 07/28/2020)
07/28/2020	64	DECLARATION of Jose Hernandez in Support re: 55 MOTION for Preliminary Injunction .. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 07/28/2020)
07/28/2020	65	DECLARATION of Robin Mayr in Support re: 55 MOTION for Preliminary Injunction .. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 07/28/2020)
07/28/2020	66	DECLARATION of Rasheta Bunting in Support re: 55 MOTION for Preliminary Injunction .. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 07/28/2020)
08/03/2020	67	NOTICE OF APPEARANCE by Christina N. Asbee on behalf of American Council of the Blind of New York, Inc., Rasheta

		Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Asbee, Christina) (Entered: 08/03/2020)
08/03/2020	68	FIRST LETTER MOTION for Leave to File Reply Brief with Supplemental Facts <i>in Support of Plaintiffs' Second Motion for Preliminary Injunction</i> addressed to Judge Lewis J. Liman from Christina Asbee dated August 3, 2020. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Asbee, Christina) (Entered: 08/03/2020)
08/03/2020	69	LETTER RESPONSE in Opposition to Motion addressed to Judge Lewis J. Liman from Seth J. Farber dated August 3, 2020 re: 68 FIRST LETTER MOTION for Leave to File Reply Brief with Supplemental Facts <i>in Support of Plaintiffs' Second Motion for Preliminary Injunction</i> addressed to Judge Lewis J. Liman from Christina Asbee dated August 3, 2020. . Document filed by Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine..(Farber, Seth) (Entered: 08/03/2020)
08/03/2020	70	MEMO ENDORSEMENT on re: 69 Response in Opposition to Motion, filed by Andrew Spano, Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, Todd D. Valentine, New York State Board of Elections. ENDORSEMENT: The parties shall appear for a telephonic status conference tomorrow (August 4, 2020) at 2:30 p.m. The are directed to call (888) 251-2909 and use access code 2123101. (Telephone Conference set for 8/4/2020 at 02:30 PM before Judge Lewis J. Liman.) (Signed by Judge Lewis J. Liman on 8/3/2020) (va) (Entered: 08/03/2020)
08/03/2020	71	MOTION for Abigail A. Graber to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-20977510. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc.. (Attachments: # 1 Affidavit of Abigail Graber, # 2 Certificate of Good Standing, # 3 Text of Proposed Order).(Asbee, Christina) (Entered: 08/03/2020)

08/04/2020		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>71</u> MOTION for Abigail A. Graber to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-20977510. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu) (Entered: 08/04/2020)
08/04/2020	<u>72</u>	ORDER: The following is HEREBY ORDERED: 1. Plaintiffs shall submit any additional facts no later than 12:00 a.m. on August 6, 2020. 2. Defendants' deadline to respond to the preliminary injunction motion is extended to August 10, 2020 at 12:00 p.m. 3. Plaintiffs shall file any reply no later than 6:00 p.m. on August 11, 2020. 4. The preliminary injunction hearing previously scheduled for 12:00 p.m. on August 11, 2020 is adjourned to 9:30 a.m. on August 13, 2020. The dial-in information remains the same; the parties are directed to call (888) 251-2909 and use access code 2123101. The parties are FURTHER ORDERED to meet and confer regarding any potential accessibility-related changes to the voting system no later than 7:00 p.m. on August 7, 2020. This order is without prejudice to an application by Plaintiffs to submit additional evidence upon good cause after receiving Defendants' opposition and without prejudice to Defendants' opposition to any such application. The Clerk of Court is respectfully directed to close Dkt. No. 69 and to reschedule the preliminary injunction hearing from August 11, 2020 at 12:00 p.m. to August 13, 2020 at 9:30 a.m. SO ORDERED. (Responses due by 8/10/2020, Replies due by 8/11/2020., Telephone Conference set for 8/13/2020 at 09:30 AM before Judge Lewis J. Liman.) (Signed by Judge Lewis J. Liman on 8/4/2020) (va) (Entered: 08/04/2020)
08/04/2020		Minute Entry for proceedings held before Judge Lewis J. Liman: Telephone Conference held on 8/4/2020. Christina Asbee, Christina Brandt-Young, Abigail Graber, and Eve Hill present by telephone for Plaintiffs. Seth Farber present by telephone for Defendants. Brian Quail and Kimberly Galvin present by telephone on behalf of NYS Board of Elections. Due to telephone connection issues, the court reporter was not present and all parties agreed to proceed without a court reporter. Instead, the hearing was recorded through the Court's AT&T conference line. Telephonic Preliminary Injunction hearing set for August 13, 2020 at 9:30AM before Judge Lewis J. Liman. (mf) (Entered: 08/20/2020)

08/05/2020	73	ORDER granting 71 Motion for Abigail A. Graber to Appear Pro Hac Vice (HEREBY ORDERED by Judge Lewis J. Liman)(Text Only Order) (MM) (Entered: 08/05/2020)
08/05/2020	74	DECLARATION of Juan Gilbert in Support re: 52 SECOND MOTION for Preliminary Injunction ., 55 MOTION for Preliminary Injunction .. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc.. (Attachments: # 1 Exhibit CV of Juan Gilbert).(Asbee, Christina) (Entered: 08/05/2020)
08/05/2020	75	DECLARATION of Karl Groves in Support re: 52 SECOND MOTION for Preliminary Injunction ., 55 MOTION for Preliminary Injunction .. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc.. (Attachments: # 1 Exhibit A - Resume of Karl Groves, # 2 Exhibit B - AAB Voter Application, # 3 Exhibit C - 2020 Pres Ballot, # 4 Exhibit D - June Primary Ballot, # 5 Exhibit E - AAB Return Envelope, # 6 Exhibit F - AAB Return Envelope, # 7 Exhibit G - AAB Instructions, # 8 Exhibit H - Sample Ballots).(Asbee, Christina) (Entered: 08/05/2020)
08/05/2020	76	AFFIRMATION of Lou Ann Blake in Support re: 52 SECOND MOTION for Preliminary Injunction ., 55 MOTION for Preliminary Injunction .. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc.. (Attachments: # 1 Exhibit A - Michigan BOE Democracy Live Contract, # 2 Exhibit B - Voting Works Website Info).(Asbee, Christina) (Entered: 08/05/2020)

08/10/2020	77	DECLARATION of William D. Cross in Opposition re: 55 MOTION for Preliminary Injunction .. Document filed by Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine..(Farber, Seth) (Entered: 08/10/2020)
08/10/2020	78	DECLARATION of Thomas Connolly in Opposition re: 55 MOTION for Preliminary Injunction .. Document filed by Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine. (Attachments: # 1 Exhibit A - Email Chains between Christina Asbee and SBOE Staff re voter issues, # 2 Exhibit B - SBOE exec directors email and instructions to county boards re accessible absentee balloting, # 3 Exhibit C - Aug 7 2020 SBOE Report on accessible absentee balloting for June 23, 2020 primary election, # 4 Exhibit D - 2019 Annual Statistical Report on NYS county boards of election, # 5 Exhibit E - Sample Procurement Solicitation, # 6 Exhibit F - Statement by Voter Advocates on election security issues raised by electronic ballot submission, # 7 Exhibit G - Email from SBOE Exec Directors to county boards re advising staff re accessible absentee ballot program).(Farber, Seth) (Entered: 08/10/2020)
08/10/2020	79	MEMORANDUM OF LAW in Opposition re: 55 MOTION for Preliminary Injunction . <i>Memorandum of Law in Opposition to Plaintiff's Second Motion for Preliminary Injunction</i>. Document filed by Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine..(Farber, Seth) (Entered: 08/10/2020)
08/11/2020	80	LETTER MOTION for Discovery addressed to Judge Lewis J. Liman from Amanda B. Pearlstein dated August 11, 2020. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 08/11/2020)
08/11/2020	81	ORDER with respect to 80 Letter Motion for Discovery. The Court is prepared to take testimony, via Skype for Business, from William D. Cross, Thomas Connolly, and any other witnesses that Plaintiffs or Defendants wish to call. No later than 3:00 p.m.

		today, Defendants shall file a response to this letter indicating their position with respect to Plaintiffs' request and identifying any witnesses they wish to call, along with their availability. The parties are ordered to meet and confer regarding witness testimony in advance of Defendants' filing. (Signed by Judge Lewis J. Liman on 8/11/2020) (va) (Entered: 08/11/2020)
08/11/2020		Set/Reset Deadlines: Responses due by 8/11/2020. (va) (Entered: 08/11/2020)
08/11/2020	82	LETTER RESPONSE to Motion addressed to Judge Lewis J. Liman from Seth J. Farber dated August 11, 2020 re: 80 LETTER MOTION for Discovery addressed to Judge Lewis J. Liman from Amanda B. Pearlstein dated August 11, 2020. . Document filed by Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine..(Farber, Seth) (Entered: 08/11/2020)
08/11/2020	83	LETTER MOTION for Discovery addressed to Judge Lewis J. Liman from Amanda B. Pearlstein dated August 11, 2020. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 08/11/2020)
08/11/2020	84	LETTER addressed to Judge Lewis J. Liman from Seth J. Farber dated August 11, 2020 re: Response to Court's Order of August 11, 2020 re: conduct of August 13, 2020 hearing. Document filed by Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine..(Farber, Seth) (Entered: 08/11/2020)
08/11/2020	85	ORDER granting 80 Letter Motion for Discovery. The motion is GRANTED. The Court is prepared to hold the hearing set for August 13, 2020 via Skype for Business. Any party objecting to the hearing being conducted by Skype for Business, and with the presiding judge located outside the District, shall object by letter filed by ECF no later than 5:00 p.m. today. No later than 5:00 p.m. today, the parties shall identify by letter any witnesses they intend to call for direct or cross examination at the hearing on August 13, 2020. The parties are directed to consult with the Court's courtroom deputy, Matt Fishman (Matthew_Fishman@nysd.uscourts.gov) regarding logistics for testimony via Skype for Business. The Clerk of Court is

		respectfully directed to terminate Dkt. No. 80. SO ORDERED. (Signed by Judge Lewis J. Liman on 8/11/20) (yv) (Entered: 08/11/2020)
08/11/2020	86	ORDER granting 83 Letter Motion for Discovery. GRANTED. (Signed by Judge Lewis J. Liman on 8/11/2020) (va) (Entered: 08/11/2020)
08/11/2020	87	REPLY MEMORANDUM OF LAW in Support re: 55 MOTION for Preliminary Injunction . . Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourney, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 08/11/2020)
08/11/2020	88	REPLY AFFIDAVIT of Juan Gilbert in Support re: 55 MOTION for Preliminary Injunction .. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourney, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 08/11/2020)
08/12/2020	89	NOTICE OF APPEARANCE by Abigail Graber on behalf of American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourney, National Federation of the Blind of New York State, Inc...(Graber, Abigail) (Entered: 08/12/2020)
08/12/2020	90	LETTER MOTION for Discovery addressed to Judge Lewis J. Liman from Amanda B. Pearlstein dated August 12, 2020. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourney, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 08/12/2020)
08/12/2020	91	ORDER granting 90 Letter Motion for Discovery. The application to submit a written declaration from Mr. Finney is GRANTED. In addition, the Court may have some questions for Mr. Connolly and/or Mr. Cross. Those witnesses shall make themselves available for tomorrows hearing. The Court further understands

		that neither party objects to either of those witnesses or any witness either party desires the Court to hear testifying telephonically, should there be a need for testimony. Accordingly, the hearing scheduled for tomorrow morning shall proceed via the public dial-in telephone number below rather than by Skype for Business. Dial-in: (888) 251-2909; Access code: 2123101.. (Signed by Judge Lewis J. Liman on 8/12/2020) (va) (Entered: 08/12/2020)
08/12/2020	92	DECLARATION of Bryan Finney in Support re: 55 MOTION for Preliminary Injunction .. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 08/12/2020)
08/13/2020	93	ORDER: As discussed at the preliminary injunction hearing held today, the following is HEREBY ORDERED: 1. The parties shall meet and confer today regarding the possibility of a stipulated preliminary injunction that would ensure ADA-compliant access to the absentee voting program for individuals with print disabilities. No later than 6:00 p.m. today, the parties shall advise the Court whether agreement could be reached and, if not, the status of their discussions. 2. No later than 12:00 p.m. tomorrow, the parties shall file letter-briefs no longer than five single-spaced pages summarizing their arguments in support of, or in opposition to, Plaintiffs' motion for a preliminary injunction. SO ORDERED. (Signed by Judge Lewis J. Liman on 8/13/2020) (jca) (Entered: 08/13/2020)
08/13/2020	94	NOTICE of Result of Meet and Confer. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Pearlstein, Amanda) (Entered: 08/13/2020)
08/13/2020		Minute Entry for proceedings held before Judge Lewis J. Liman: Evidentiary Hearing held on 8/13/2020 by Telephone Conference. Christina Asbee, Christina Brandt-Young, Amanda Pearlstein, Eve Hill, and Abigail Graber present by telephone for Plaintiffs. Seth Farber present by telephone for Defendants. Brian Quail and Kimberly Galvin present by telephone on behalf of NYS Board of Elections. Court reporter present by telephone. All parties

		consented to holding the hearing telephonically and with the Judge outside of the district. Arguments heard from Plaintiffs and Defendants. Witness, Thomas Connolly, was called and sworn by telephone. Neither party objected to the witness being sworn by telephone. The witness provided testimony to the Court, concluded testimony and was excused. Hearing concluded, decision reserved by the Court. State directed to order transcript of hearing on an expedited basis. (mf) (Entered: 09/02/2020)
08/14/2020	95	RESPONSE in Opposition to Motion re: 55 MOTION for Preliminary Injunction . <i>Letter to Judge Liman dated August 14, 2020 pursuant to Judge Liman's Order of August 13, 2020 in further opposition to motion for preliminary injunction.</i> Document filed by Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine..(Farber, Seth) (Entered: 08/14/2020)
08/14/2020	96	BRIEF re: 55 MOTION for Preliminary Injunction . . Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc.. (Attachments: # 1 Exhibit Declaration of Eve Hill, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C).(Hill, Eve) (Entered: 08/14/2020)
08/14/2020	97	RESPONSE in Opposition to Motion re: 55 MOTION for Preliminary Injunction . <i>Letter to Judge Liman dated August 14, 2020 from Seth Farber objecting to Eve Hill Declaration and exhibits - ECF no. 96-1, etc..</i> Document filed by Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine..(Farber, Seth) (Entered: 08/14/2020)
08/14/2020	98	AMENDED BRIEF re: 55 MOTION for Preliminary Injunction . . Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc.. (Attachments: # 1 Exhibit A, # 2 Exhibit B).(Hill, Eve) (Entered: 08/14/2020)

08/14/2020	<u>99</u>	LETTER addressed to Judge Lewis J. Liman from Eve L. Hill dated August 14, 2020 re: Supplemental Letter Brief. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Hill, Eve) (Entered: 08/14/2020)
08/14/2020	<u>100</u>	OPINION AND ORDER re: <u>55</u> MOTION for Preliminary Injunction . filed by National Federation of the Blind of New York State, Inc., American Council of the Blind of New York, Inc., Disability Rights New York, Center for Independence of the Disabled, New York, Keith Gurgui, Rasheta Bunting, Karen Luxton Gourgey, Jose Hernandez. For the reasons herein, Plaintiffs' motion for preliminary injunction requiring the State to implement an RAVBM system statewide is DENIED. In accordance with this Opinion & Order, and to ensure that Plaintiffs are able to cast private and independent votes, and to vindicate their rights under the ADA and the Rehabilitation Act, however, the Court orders Defendants to submit a proposed injunction consistent with Defendants' written and oral representations regarding implementation of an accessible absentee voting system for the November 3, 2020 election. Defendants shall meet and confer with Plaintiffs regarding the terms of that injunction. The parties shall submit a proposed injunction order to the Court no later than 5:00 p.m. on August 17, 2020. The Clerk of Court is respectfully directed to close Dkt. No. 55. (Signed by Judge Lewis J. Liman on 8/14/2020) (jca) (Entered: 08/14/2020)
08/17/2020	<u>101</u>	TRANSCRIPT of Proceedings re: HEARING held on 8/13/2020 before Judge Lewis J. Liman. Court Reporter/Transcriber: Kristen Carannante, (212) 805-0300. 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. Redaction Request due 9/8/2020. Redacted Transcript Deadline set for 9/17/2020. Release of Transcript Restriction set for 11/16/2020..(McGuirk, Kelly) (Entered: 08/17/2020)
08/17/2020	<u>102</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a HEARING proceeding held on 8/13/2020 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be

		made remotely electronically available to the public without redaction after 90 calendar days....(McGuirk, Kelly) (Entered: 08/17/2020)
08/17/2020	<u>103</u>	LETTER MOTION for Extension of Time to File <i>Proposed Order</i> addressed to Judge Lewis J. Liman from Seth J. Farber dated August 17, 2020. Document filed by Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine..(Farber, Seth) (Entered: 08/17/2020)
08/17/2020	104	ORDER granting <u>103</u> Letter Motion for Extension of Time to File (HEREBY ORDERED by Judge Lewis J. Liman)(Text Only Order) (Liman, Lewis) (Entered: 08/17/2020)
08/19/2020	<u>105</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - PROPOSED ORDER. Document filed by Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine. (Attachments: # <u>1</u> Text of Proposed Order) Related Document Number: <u>100</u> ..(Farber, Seth) Proposed Order to be reviewed by Clerk's Office staff. Modified on 8/19/2020 (dt). (Entered: 08/19/2020)
08/19/2020		***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Notice to Attorney Seth Farber to RE-FILE Document <u>105</u> Proposed Order. ERROR(S): Documents have to be filed separately. First file the Letter using the event type Letter found under the event list Other Documents, then separately file the Order using the event list Proposed Order found under the event list Proposed Orders (dt) (Entered: 08/19/2020)
08/19/2020	<u>106</u>	LETTER addressed to Judge Lewis J. Liman from Seth J. Farber dated August 19, 2020 re: Proposed Order submitted by Defendants in response to Court's Opinion and Order (ECF No. 100). Document filed by Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine..(Farber, Seth) (Entered: 08/19/2020)
08/19/2020	<u>107</u>	PROPOSED ORDER. Document filed by Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine. Related Document Number: <u>100</u> ..(Farber, Seth) Proposed Order to be reviewed by Clerk's Office staff. (Entered: 08/19/2020)

08/19/2020		***NOTICE TO COURT REGARDING PROPOSED ORDER. Document No. 107 Proposed Order, was reviewed and approved as to form. (dt) (Entered: 08/19/2020)
08/19/2020	108	LETTER MOTION to Compel addressed to Judge Lewis J. Liman from Amanda B. Pearlstein dated August 19, 2020. Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc.. (Attachments: # 1 Exhibit Plaintiffs' August 17 Letter to Defendants).(Pearlstein, Amanda) (Entered: 08/19/2020)
08/19/2020	109	LETTER RESPONSE in Opposition to Motion addressed to Judge Lewis J. Liman from Seth J. Farber dated August 19, 2020 re: 108 LETTER MOTION to Compel addressed to Judge Lewis J. Liman from Amanda B. Pearlstein dated August 19, 2020. <i>Defendants' response to plaintiffs' objections to proposed order.</i> Document filed by Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine..(Farber, Seth) (Entered: 08/19/2020)
08/19/2020	110	ORDER: WHEREAS, Plaintiffs having moved for a preliminary injunction requiring defendants the New York State Board of Elections ("NYS BOE") and, in their official capacities, its Commissioners and Co-Executive Directors (together with the NYS BOE, "Defendants") "to implement an effective and purpose-built Remote Accessible Vote-by-Mail ("RAVBM") system for use across New York State for the November 3, 2020 [general] election," (ECF No. 55); and WHEREAS, the Court having duly considered all of the submissions in support of and in opposition to the motion, the argument of counsel, and the testimony and evidence offered at the hearing before the Court on August 13, 2020, and having issued its Opinion and Order (ECF No. 100) on August 14, 2020 (the "August 14th Opinion and Order"); and WHEREAS, Defendants have made both written and oral representations regarding the implementation of an accessible absentee voting system for the November 3, 2020 general election; NOW, THEREFORE, as set forth in the August 14th Opinion and Order, IT IS ORDERED that Plaintiffs' motion for preliminary injunction (ECF No. 55) IS DENIED, and IT IS FURTHER ORDERED as follows: (As further set forth herein this Order.) (Signed by Judge Lewis J. Liman on 8/19/2020) (va) (Entered: 08/19/2020)

08/19/2020	111	ORDER denying 108 Letter Motion to Compel. Application DENIED. The Court has found that Plaintiffs failed to make a showing that Defendants need to do more than what they represented they would do at oral argument, and what they have stated they will do in the proposed injunction order, to be in compliance with the ADA and Rehabilitation Act. See City of New York v. Mickalis Pawn Shop, LLC, 645 F.3d 114, 144 (2d Cir. 2011) (explaining courts' obligation to fashion injunctive relief that is "no broader than necessary to cure the effects of the harm caused by the violation"). (Signed by Judge Lewis J. Liman on 8/19/2020) (mml) (Entered: 08/19/2020)
10/22/2020	112	MOTION for Michelle Caiola to Withdraw as Attorney . Document filed by American Council of the Blind of New York, Inc., Rasheta Bunting, Center for Independence of the Disabled, New York, Disability Rights New York, Keith Gurgui, Jose Hernandez, Karen Luxton Gourgey, National Federation of the Blind of New York State, Inc...(Brandt-Young, Christina) (Entered: 10/22/2020)
11/29/2020	113	ORDER granting 112 Motion to Withdraw as Attorney. Attorney Michelle Anne Caiola terminated (HEREBY ORDERED by Judge Lewis J. Liman)(Text Only Order) (epb) (Entered: 11/29/2020)
12/09/2020	114	LETTER MOTION for Extension of Time to File <i>to publish certain information concerning accessible ballots used for the November 3, 2020 general election as provided by the Courts Order dated August 19, 2020 (ECF No. 110), at 14</i> addressed to Judge Lewis J. Liman from Seth J. Farber dated December 9, 2020. Document filed by Robert A. Brehm, Douglas A. Kellner, Peter S. Kosinski, New York State Board of Elections, Andrew Spano, Todd D. Valentine..(Farber, Seth) (Entered: 12/09/2020)
12/09/2020	115	ORDER granting 114 Letter Motion for Extension of Time to File. (HEREBY ORDERED by Judge Lewis J. Liman)(Text Only Order) (mf) (Entered: 12/09/2020)

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