

**United States District Court
District of Massachusetts (Springfield)
CIVIL DOCKET FOR CASE #: 3:20-cv-11765-MGM**

[Create an Alert for This Case on RECAP](#)

Massachusetts Fair Housing Center and Housing Works Inc., v. United States Department of Housing and Urban Development and Ben Carson	Date Filed: 09/28/2020
Assigned to: Judge Mark G. Mastroianni	Jury Demand: None
Cause: 05:551 Administrative Procedure Act	Nature of Suit: 899 Other Statutes: Administrative Procedures Act/Review or Appeal of Agency Decision
	Jurisdiction: U.S. Government Defendant

Plaintiff

**Massachusetts Fair Housing
Center**

represented by **Annie Lee**
Anderson & Kreiger LLP
Suite 2100
50 Milk Street
Boston, MA 02109
617-621-6582
Email: alee@andersonkreiger.com
ATTORNEY TO BE NOTICED

Lauren A. Sampson
Lawyers' Committee for Civil
Rights and Economic Justice
61 Battery March Street, 5th Flr.
Boston, MA 02110
617-988-0609
Email: lasampson418@gmail.com
ATTORNEY TO BE NOTICED

Mina S. Makarious
Anderson & Kreiger LLP
Suite 2100
50 Milk Street
Boston, MA 02109
617-621-6525
Fax: 617-621-6625
Email:
mmakarious@andersonkreiger.com
ATTORNEY TO BE NOTICED

Oren M. Sellstrom

Lawyers' Committee for Civil
Rights and Economic Justice
61 Battery March Street, 5th Flr.
Boston, MA 02110
617-988-0608
Email: osellstrom@lawyerscom.org
ATTORNEY TO BE NOTICED

Scott P. Lewis

Anderson & Kreiger LLP
Suite 2100
50 Milk Street
Boston, MA 02109
617-621-6560
Email: slewis@andersonkreiger.com
ATTORNEY TO BE NOTICED

Plaintiff

Housing Works, Inc.

represented by **Mina S. Makarious**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Annie Lee

(See above for address)
ATTORNEY TO BE NOTICED

Lauren A. Sampson

(See above for address)
ATTORNEY TO BE NOTICED

Oren M. Sellstrom

(See above for address)
ATTORNEY TO BE NOTICED

Scott P. Lewis

(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

**United States Department of
Housing and Urban Development**

represented by **James D. Todd , Jr**
United States Department of Justice
Civil Division
901 E Street, N.W., Room 1030
P.O.Box 883
Washington, DC 20044
202-514-3378
Email: james.todd@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Vinita B. Andrapalliyal
United States Department of Justice
P.O. Box 883, Benjamin Franklin
Station
Washington, DC 20530
(202) 305-0845
Email:
vinita.b.andrapalliyal@usdoj.gov
ATTORNEY TO BE NOTICED

Defendant

Secretary Ben Carson

represented by **James D. Todd , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Vinita B. Andrapalliyal
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

National Housing Law Project

represented by **Katherine Walz**
National Housing Law Project
1663 Mission Street, Suite 460
San Francisco, CA 94103
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Renee M. Williams
National Housing Law Project
1663 Mission Street, Suite 460
San Francisco, CA 94103
LEAD ATTORNEY

*PRO HAC VICE
ATTORNEY TO BE NOTICED*

Joshua M. Daniels
The Law Office of Joshua M.
Daniels
P.O. Box 300765
Jamaica Plain, MA 02130
617-942-2190
Email: jdaniels@danielsappeals.com
ATTORNEY TO BE NOTICED

Amicus

Shriver Center on Poverty Law

represented by **Clayton Pasley**
Shriver Center on Poverty Law
67 E. Madison St., Suite 2000
Chicago, IL 60603
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Eric Sirota
Shriver Center on Poverty Law
67 E. Madison St., Suite 2000
Chicago, IL 60603
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Marie Claire Tran-Leung
Shriver Center on Poverty Law
67 E. Madison St., Suite 2000
Chicago, IL 60603
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Joshua M. Daniels
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

Kansas Appleseed

represented by **Joshua M. Daniels**
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

Nebraska Appleseed

represented by **Joshua M. Daniels**
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

Public Justice Center

represented by **Joshua M. Daniels**
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

National Consumer Law Center

represented by **Stuart T. Rossman**
National Consumer Law Center
7 Winthrop Square
4th Floor
Boston, MA 02110
617-542-8010
Fax: 617-542-8028
Email: srossman@nclc.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/28/2020	<u>1</u>	COMPLAINT against United States Department of Housing and Urban Development, Ben Carson Filing fee: \$ 400, receipt number 0101-8437693 (Fee Status: Filing Fee paid), filed by Housing Works, Inc., Massachusetts Fair Housing Center. (Attachments: # <u>1</u> Civil Category Sheet, # <u>2</u> Civil Cover Sheet, # <u>3</u> Exhibit A to Complaint, # <u>4</u> Exhibit B to Complaint)(Makarious, Mina) Modified docket text on 9/28/2020 (Pacho, Arnold). (Entered: 09/28/2020)
09/28/2020	2	Case transferred to Western Division (Springfield). (Pacho, Arnold) (Entered: 09/28/2020)
09/28/2020	3	ELECTRONIC NOTICE of Case Assignment. Judge Mark G. Mastroianni assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Katherine A. Robertson. (Healy, Bethaney) (Entered: 09/28/2020)
09/28/2020	<u>4</u>	Summons Issued as to All Defendants. Counsel receiving this notice electronically should download this summons, complete

		one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (Healy, Bethaney) (Entered: 09/28/2020)
09/29/2020	<u>5</u>	NOTICE of Appearance by Scott P. Lewis on behalf of Housing Works, Inc., Massachusetts Fair Housing Center (Lewis, Scott) (Entered: 09/29/2020)
09/29/2020	<u>6</u>	NOTICE of Appearance by Annie Lee on behalf of Housing Works, Inc., Massachusetts Fair Housing Center (Lee, Annie) (Entered: 09/29/2020)
09/29/2020	<u>7</u>	NOTICE of Appearance by Lauren A. Sampson on behalf of Housing Works, Inc., Massachusetts Fair Housing Center (Sampson, Lauren) (Entered: 09/29/2020)
09/29/2020	<u>8</u>	CORPORATE DISCLOSURE STATEMENT by Massachusetts Fair Housing Center. (Makarious, Mina) (Entered: 09/29/2020)
09/29/2020	<u>9</u>	CORPORATE DISCLOSURE STATEMENT by Housing Works, Inc.. (Makarious, Mina) (Entered: 09/29/2020)
09/29/2020	<u>10</u>	NOTICE of Appearance by Oren M. Sellstrom on behalf of Housing Works, Inc., Massachusetts Fair Housing Center (Sellstrom, Oren) (Entered: 09/29/2020)
10/06/2020	<u>11</u>	MOTION for Preliminary Injunction <i>Under 5 U.S.C. Sec. 705 to Postpone Effective Date of HUD's Unlawful New Rule</i> by Housing Works, Inc., Massachusetts Fair Housing Center.(Makarious, Mina) (Entered: 10/06/2020)
10/06/2020	<u>12</u>	MEMORANDUM in Support re <u>11</u> MOTION for Preliminary Injunction <i>Under 5 U.S.C. Sec. 705 to Postpone Effective Date of HUD's Unlawful New Rule</i> filed by Housing Works, Inc., Massachusetts Fair Housing Center. (Attachments: # <u>1</u> Exhibit Declaration of Meris Bergquist, # <u>2</u> Exhibit Declaration of Armen Merjian, # <u>3</u> Exhibit Declaration of Jo-Ann Barbour, # <u>4</u> Exhibit Declaration of William Berman, # <u>5</u> Exhibit Declaration of Andrew DeFranza, # <u>6</u> Exhibit Declaration of Jane Edmonstone, # <u>7</u> Exhibit Declaration of Lewis Finfer, # <u>8</u> Exhibit Declaration of Lisa Guisbond, # <u>9</u> Exhibit Declaration of Joseph Michalakes, # <u>10</u> Exhibit Declaration of Lisa Owens, # <u>11</u> Exhibit Declaration of Dinanyili Paulino, # <u>12</u> Exhibit Declaration of Brenda Torpy, # <u>13</u> Exhibit Declaration of Dwain Tyndal, # <u>14</u> Exhibit Declaration of Ted Wimpey, # <u>15</u> Exhibit Declaration of John Woods)(Makarious, Mina) (Attachment 9 replaced on

		10/6/2020)PDF Attachment for Exhibit 9 had an error upon uploading Modified on 10/6/2020 (Zamorski, Michael). (Entered: 10/06/2020)
10/06/2020	<u>13</u>	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered re: <u>11</u> Motion for Preliminary Injunction. Defendant shall file any opposition to Plaintiffs' Motion for Preliminary Injunction by October 14, 2020. The court intends to hold a hearing on October 16, 2020; notice of the hearing will issue separately. Plaintiff shall serve Defendant with this order as soon as possible. (Figueroa, Tamara) (Entered: 10/06/2020)
10/06/2020	<u>14</u>	ELECTRONIC NOTICE of Motion Hearing. This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the session's courtroom deputy as soon as possible. Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address: https://forms.mad.uscourts.gov/courtlist.html. For questions regarding access to hearings, you may refer to the Court's general orders and public notices available on www.mad.uscourts.gov or contact media@mad.uscourts.gov. Motion Hearing set for 10/16/2020 at 10:15 AM in Remote Proceeding : Springfield before Judge Mark G. Mastroianni. (Figueroa, Tamara) (Entered: 10/06/2020)
10/13/2020	<u>15</u>	NOTICE of Appearance by James D. Todd, Jr on behalf of Ben Carson, United States Department of Housing and Urban Development (Todd, James) (Entered: 10/13/2020)
10/13/2020	<u>16</u>	Consent MOTION for Leave to File Excess Pages <i>for Defendants' Brief in Opposition to Plaintiffs' Motion for a Preliminary Injunction and a Stay Under 5 U.S.C. 705</i> by Ben Carson, United States Department of Housing and Urban Development. (Attachments: # <u>1</u> Text of Proposed Order)(Todd, James) (Entered: 10/13/2020)

10/13/2020	<u>17</u>	NOTICE of Appearance by Vinita B. Andrapalliyal on behalf of Ben Carson, United States Department of Housing and Urban Development (Andrapalliyal, Vinita) (Entered: 10/13/2020)
10/13/2020	<u>18</u>	NOTICE of Appearance by Joshua M. Daniels on behalf of National Housing Law Project, Shriver Center on Poverty Law, Kansas Appleseed, Nebraska Appleseed, Public Justice Center (Daniels, Joshua) (Entered: 10/13/2020)
10/13/2020	<u>19</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Eric Sirota, Marie Claire Tran-Leung, Clayton Pasley, Katherine Walz, Renee M. Williams Filing fee: \$ 500, receipt number 0101-8460921 by National Housing Law Project, Shriver Center on Poverty Law. (Attachments: # <u>1</u> Exhibit Exhibit A - Declarations of Eric Sirota, Marie Claire Tran-Leung, Clayton Pasley, Katherine Walz, and Renee M. Williams in Support of Motion for Admission Pro Hac Vice)(Daniels, Joshua) (Entered: 10/13/2020)
10/13/2020	<u>20</u>	Assented to MOTION for Leave to File <i>Amicus Brief in Support of Plaintiffs</i> by Kansas Appleseed, National Housing Law Project, Nebraska Appleseed, Public Justice Center, Shriver Center on Poverty Law. (Attachments: # <u>1</u> Exhibit Brief of Amicus Curiae)(Daniels, Joshua) (Entered: 10/13/2020)
10/13/2020	<u>21</u>	NOTICE of Appearance by Stuart T. Rossman on behalf of National Consumer Law Center (Rossman, Stuart) (Entered: 10/13/2020)
10/13/2020	<u>22</u>	Assented to MOTION for Leave to File <i>Amicus Brief</i> by National Consumer Law Center. (Attachments: # <u>1</u> Exhibit Attachment A Proposed Amicus Brief)(Rossman, Stuart) (Entered: 10/13/2020)
10/14/2020	23	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting <u>16</u> Consent Motion for Leave to File Excess Pages, <u>20</u> Assented to Motion for Leave to File Amicus Brief in Support of Plaintiffs, and <u>22</u> Assented to Motion for Leave to File Amicus Brief. In addition, the parties will be limited to 25 minutes each for oral argument. (Lindsay, Maurice) (Entered: 10/14/2020)
10/14/2020	<u>24</u>	MEMORANDUM in Opposition re <u>11</u> MOTION for Preliminary Injunction <i>Under 5 U.S.C. Sec. 705 to Postpone Effective Date of HUD's Unlawful New Rule</i> filed by Ben Carson, United States Department of Housing and Urban Development. (Attachments: # <u>1</u> Exhibit A: Plaintiff Mass. Fair Hous. Ctr.'s 2018 Comment, # <u>2</u> Exhibit B: Plaintiff Mass. Fair Hous. Ctr.'s 2019 Comment)(Todd, James) (Entered: 10/14/2020)

10/15/2020	25	MOTION for Leave to File <i>Reply Brief and Supplemental Declarations in Support of Plaintiffs' Motion Under 5 U.S.C. Section 705 to Postpone the Effective Date of HUD's Unlawful New Rule</i> by Housing Works, Inc., Massachusetts Fair Housing Center. (Attachments: # 1 Exhibit Exhibit A, # 2 Exhibit Exhibit B, # 3 Exhibit Exhibit C)(Makarious, Mina) (Entered: 10/15/2020)
10/15/2020	26	MEMORANDUM in Opposition re 25 MOTION for Leave to File <i>Reply Brief and Supplemental Declarations in Support of Plaintiffs' Motion Under 5 U.S.C. Section 705 to Postpone the Effective Date of HUD's Unlawful New Rule</i> filed by Ben Carson, United States Department of Housing and Urban Development. (Andrapalliyal, Vinita) (Entered: 10/15/2020)
10/16/2020	27	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting in part and denying in part 25 Motion for Leave to File Reply Brief and Supplemental Declarations. The court allows Plaintiffs' motion to the extent it seeks leave to file a reply brief, but denies the motion as to the request to file supplemental declarations. As the government argues, the supplemental declarations come too late for purposes of the preliminary injunction, especially given that the factual assertions could have been raised in Plaintiffs' original filings in support of the injunction request. The court will, however, consider the legal arguments raised in the reply brief. (Figuroa, Tamara) (Entered: 10/16/2020)
10/16/2020	28	Electronic Clerk's Notes for proceedings held before Judge Mark G. Mastroianni: Counsel appear for Motion Hearing held on 10/16/2020 re 11 MOTION for Preliminary Injunction <i>Under 5 U.S.C. Sec. 705 to Postpone Effective Date of HUD's Unlawful New Rule</i> filed by Housing Works, Inc., Massachusetts Fair Housing Center. Arguments heard. Matter taken under advisement. (Court Reporter: Alice Moran alice.moran@verizon.net.)(Attorneys present: Lewis, Makarious, Lee, Sampton, Todd) (Healy, Bethaney) (Entered: 10/16/2020)
10/25/2020	29	Judge Mark G. Mastroianni: ORDER entered: PRELIMINARY INJUNCTION. For the reasons stated in Memorandum and Order, the court ALLOWS Plaintiffs Motion for a Preliminary Injunction Under 5 U.S.C. § 705 to Postpone the Effective Date of HUDs Unlawful New Rule (Dkt. No. 11). It is so Ordered. See attached Memorandum and Order. (Rivera, Christina) (Main Document 29 replaced on 10/27/2020) (Lindsay, Maurice). (Entered: 10/25/2020)

11/20/2020	30	Consent MOTION for Extension of Time to File Answer re 1 Complaint, by Ben Carson, United States Department of Housing and Urban Development. (Attachments: # 1 Text of Proposed Order)(Todd, James) (Entered: 11/20/2020)
11/23/2020	31	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting 30 Consent MOTION for Extension of Time to 30 days for defendant HUD to File Answer to plaintiff's 1 Complaint. (Lindsay, Maurice) (Entered: 11/23/2020)
11/23/2020	32	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting 19 Motion for Leave to Appear Pro Hac Vice. ALLOWED. Added Clayton Pasley, Katherine Walz, Renee M. Williams, Marie Claire Tran-Leung, and Eric Sirota. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Lindsay, Maurice) (Entered: 11/23/2020)

PACER Service Center			
Transaction Receipt			
12/20/2020 21:04:17			
PACER Login:	crclearinghouse:2563377:0	Client Code:	Rogers
Description:	Docket Report	Search Criteria:	3:20-cv-11765-MGM
Billable Pages:	7	Cost:	0.70