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CLOSED,JURY

**U.S. District Court
Eastern District of Virginia - (Richmond)
CIVIL DOCKET FOR CASE #: 3:20-cv-00349-JAG**

The Constitution Party of Virginia et al. v. Virginia State Board of Elections, et al.

Assigned to: District Judge John A. Gibney, Jr

Referred to: Magistrate Judge Roderick C. (MJ) Young (Settlement)

Cause: 28:1331 Federal Question

Date Filed: 05/15/2020

Date Terminated: 07/15/2020

Jury Demand: Plaintiff

Nature of Suit: 441 Civil Rights: Voting

Jurisdiction: Federal Question

Plaintiff

The Constitution Party of Virginia

represented by **Matthew Daniel Hardin**

Matthew D Hardin

1725 I Street NW

Suite 300

Washington, DC 20006

202-802-1948

Email: MatthewDHardin@protonmail.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Robert Edward Barnes

Barnes Law

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Suite 4050

Los Angeles, CA 90017

****NA****

(310) 510-6221

Fax: (310) 510-6225

Email: robertbarnes@barneslawllp.com

PRO HAC VICE

ATTORNEY TO BE NOTICED

Plaintiff

John Bloom

Chairman of the Constitution Party of Virginia

represented by **Matthew Daniel Hardin**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Robert Edward Barnes

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Plaintiff

Sheila Tittle

Constitution Party of Virginia Presidential candidate

represented by **Matthew Daniel Hardin**

(See above for address)

LEAD ATTORNEY

also known as
Samm

ATTORNEY TO BE NOTICED

Robert Edward Barnes
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff

Mitchell Bupp
Independent candidate for U.S. House of
Representatives

represented by **Matthew Daniel Hardin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert Edward Barnes
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff

The Green Party of Virginia

represented by **Matthew Daniel Hardin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert Edward Barnes
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff

Becker Sidney Smith
Green Party of Virginia Presidential
candidate and General Secretary of Green
Party of Virginia

represented by **Matthew Daniel Hardin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert Edward Barnes
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff

Cheri Honkala
Green Party of Virginia Vice Presidential
candidate

represented by **Matthew Daniel Hardin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert Edward Barnes
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff

Dianne Blais

represented by **Matthew Daniel Hardin**

*Green Party of Virginia candidate for U.S.
House of Representatives*

(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Robert Edward Barnes
(See above for address)
*PRO HAC VICE
ATTORNEY TO BE NOTICED*

Plaintiff

The Independent Green Party of Virginia

represented by **Matthew Daniel Hardin**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Plaintiff

Rachel Batts

represented by **Matthew Daniel Hardin**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Plaintiff

Carey Campbell

represented by **Matthew Daniel Hardin**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Plaintiff

Peter Marchetti

represented by **Matthew Daniel Hardin**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Plaintiff

Nick Dunbar

represented by **Matthew Daniel Hardin**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Plaintiff

Glenda Gail Parker

represented by **Matthew Daniel Hardin**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Plaintiff

Aaron Lyles

represented by **Matthew Daniel Hardin**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Plaintiff

Albert Burchard

represented by **Matthew Daniel Hardin**

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

The Libertarian Party of Virginia

represented by **Matthew Daniel Hardin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Ron Fisher

represented by **Matthew Daniel Hardin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Katherine Pettigrew

represented by **Matthew Daniel Hardin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Jo Jorgensen

represented by **Matthew Daniel Hardin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Harlan Wahlert

represented by **Matthew Daniel Hardin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Virginia State Board of Elections

represented by **Heather Hays Lockerman**
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Richmond, VA 23219
804-786-0067
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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

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Email: bo'brien@oag.state.va.us

ATTORNEY TO BE NOTICED

Carol Louise Lewis

Office of the Attorney General (Richmond)

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Richmond, VA 23219

804-692-0558

Email: clewis@oag.state.va.us

ATTORNEY TO BE NOTICED

Defendant

Robert H. Brink

*Chairman of the State Board of Elections, in
his official capacity*

represented by **Heather Hays Lockerman**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Marshall Howard Ross

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Blaire Hawkins O'Brien

(See above for address)

ATTORNEY TO BE NOTICED

Carol Louise Lewis

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

John O'Bannon

*Vice-Chairman of the State Board of
Elections, in his official capacity*

represented by **Heather Hays Lockerman**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Marshall Howard Ross

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Blaire Hawkins O'Brien

(See above for address)

ATTORNEY TO BE NOTICED

Carol Louise Lewis

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jamilah D. LeCruise

*Secretary of the State Board of Elections, in
her official capacity*

represented by **Heather Hays Lockerman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marshall Howard Ross
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Blaire Hawkins O'Brien
(See above for address)
ATTORNEY TO BE NOTICED

Carol Louise Lewis
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Christopher E. Piper

*Commissioner of the State Board of
Elections, in his official capacity
also known as
Chris*

represented by **Heather Hays Lockerman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marshall Howard Ross
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Blaire Hawkins O'Brien
(See above for address)
ATTORNEY TO BE NOTICED

Carol Louise Lewis
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jessica Bowman

*Deputy Commissioner of the State Board of
Elections, in her official capacity*

represented by **Heather Hays Lockerman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marshall Howard Ross
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Blaire Hawkins O'Brien

(See above for address)
ATTORNEY TO BE NOTICED

Carol Louise Lewis
 (See above for address)
ATTORNEY TO BE NOTICED

Movant

Aaron Luciani

represented by **Aaron Luciani**
 2034 Purcell Ave
 Roanoke, VA 24012
 PRO SE

Date Filed	#	Docket Text
05/15/2020	1 R	Complaint (Filing Fee: \$400, Receipt Number: 0422-7206893), filed by Constitution Party of Virginia. (Attachments: # 1 Civil Cover Sheet, # 2 Exhibit Proposed Summons, # 3 Exhibit Proposed Summons, # 4 Exhibit Proposed Summons, # 5 Exhibit Proposed Summons, # 6 Exhibit Proposed Summons, # 7 Exhibit Proposed Summons)(Hardin, Matthew) (Attachment 1 replaced on 5/15/2020) (jsau,). Modified Exhibit label names on 5/18/2020. (sbea,) (Main Document 1 replaced on 5/18/2020) (jsau,). (Entered: 05/15/2020)
05/15/2020		Notice of Correction re 1 R Complaint. Filing attorney notified of correct filing procedures. Attorney to email Clerk a corrected Complaint with the Pro Hac Vice Signature line below Local Counsel. Filing attorney also directed to refile summonses using the proper docket event "Proposed Summons." (jsau,) (Entered: 05/15/2020)
05/15/2020		Initial Case Assignment to District Judge John A. Gibney, Jr. (jsau,) (Entered: 05/15/2020)
05/15/2020	2	Proposed Summons re 1 R Complaint, by Dianne Blais, John Bloom, Mitchell Bupp, Cheri Honkala, Becker Sidney Smith, The Constitution Party of Virginia, The Green Party of Virginia, Sheila Tittle. (Hardin, Matthew) (Entered: 05/15/2020)
05/18/2020	3	Summons Issued as to Jessica Bowman, Robert H. Brink, Jamilah D. LeCruise, John O'Bannon, Christopher E. Piper, Virginia State Board of Elections. NOTICE TO ATTORNEY: REMOVE HEADERS Print out two electronically issued summons and one copy of the attachments for each defendant to be served with the complaint. (jsau,) (Entered: 05/18/2020)
05/18/2020	4	MOTION to appear Pro Hac Vice by Robert Barnes and Certification of Local Counsel Matthew D. Hardin, Filing Fee: \$75, Receipt Number: 0422-7208181; by Dianne Blais, John Bloom, Mitchell Bupp, Cheri Honkala, Becker Sidney Smith, The Constitution Party of Virginia, The Green Party of Virginia, Sheila Tittle (Hardin, Matthew). Clerk corrected filing event. No further action is required. (Entered: 05/18/2020)
05/18/2020		Notice of Correction re: 4 MOTION to Appoint Counsel to appear Pro Hac Vice by Robert Barnes and Certification of Local Counsel Matthew D. Hardin Filing fee \$ 75, receipt number 0422-7208181. Clerk notified filing attorney the wrong filing event was selected. The correct filing event is "Pro Hac Vice". Clerk has corrected the filing event and no further action is required at this time. (sbea,) (Entered: 05/18/2020)
05/18/2020	5	ORDER granting 4 Motion for Pro hac vice. Robert Edward Barnes appointed for Dianne Blais, John Bloom, Mitchell Bupp, Cheri Honkala, Becker Sidney Smith, The

		Constitution Party of Virginia, The Green Party of Virginia, and Sheila Tittle. Signed by District Judge John A. Gibney, Jr. on 5/18/2020. (jsmi,) (Entered: 05/18/2020)
06/05/2020	6	FIRST AMENDED COMPLAINT for Injunctive, Declaratory, and Other Relief and AMENDED COUNTERCLAIM against All Defendants, filed by The Green Party of Virginia, The Constitution Party of Virginia, Sheila Tittle, Becker Sidney Smith, The Independent Green Party of Virginia, Rachel Batts, Carey Campbell, Peter Marchetti, Nick Dunbar, Glenda Gail Parker, Aaron Lyles, Albert Burchard, The Libertarian Party of Virginia, Ron Fisher, Katherine Pettigrew, Jo Jorgensen, Harlan Wahlert (Hardin, Matthew). Modified docket text on 6/8/2020. (sbea,) (Entered: 06/05/2020)
06/08/2020	7 R	MOTION for Temporary Restraining Order by Rachel Batts, Dianne Blais, John Bloom, Mitchell Bupp, Albert Burchard, Carey Campbell, Nick Dunbar, Ron Fisher, Cheri Honkala, Jo Jorgensen, Aaron Lyles, Peter Marchetti, Glenda Gail Parker, Katherine Pettigrew, Becker Sidney Smith, The Constitution Party of Virginia, The Green Party of Virginia, The Independent Green Party of Virginia, The Libertarian Party of Virginia, Sheila Tittle. (Attachments: # 1 Affidavit of Bupp, # 2 Affidavit of Campbell, # 3 Affidavit of Smith, # 4 Affidavit of Dunbar)(Hardin, Matthew) (Entered: 06/08/2020)
06/08/2020	8	AFFIDAVIT re 7 R MOTION for Temporary Restraining Order by John Bloom. (Hardin, Matthew) (Entered: 06/08/2020)
06/09/2020		Notice of Correction re: 7 R MOTION for Temporary Restraining Order; Clerk notified filing attorney of proper filing procedures regarding "Memorandum in Support. Attorney was requested to refile the Memorandum in Support as a separate document and attach the declarations and then link it back to the motion. (sbea,) (Entered: 06/09/2020)
06/09/2020	9	Memorandum in Support re 7 R MOTION for Temporary Restraining Order filed by Rachel Batts, Dianne Blais, John Bloom, Mitchell Bupp, Albert Burchard, Carey Campbell, Nick Dunbar, Ron Fisher, Cheri Honkala, Jo Jorgensen, Aaron Lyles, Peter Marchetti, Glenda Gail Parker, Katherine Pettigrew, Becker Sidney Smith, The Constitution Party of Virginia, The Green Party of Virginia, The Independent Green Party of Virginia, The Libertarian Party of Virginia. (Attachments: # 1 Affidavit of Bloom, # 2 Affidavit of Bupp, # 3 Affidavit of Dunbar, # 4 Affidavit of Campbell, # 5 Affidavit of Smith)(Hardin, Matthew) (Entered: 06/09/2020)
06/09/2020	10	ORDER that this matter comes before the Court on the plaintiffs' motion for a temporary restraining order ("TRO") and preliminary injunction ("PI"). (Dk. No. 7 R .) Federal Rule of Civil Procedure 65 allows a court to issue a TRO without notice to the adverse party or its attorney if the plaintiffs file: (1) a verified complaint or an affidavit that "clearly show[s]" that the plaintiff will suffer "immediate and irreparable injury, loss, or damage" before the adverse party can be heard; and, (2) a written certification from the movant's attorney detailing "any efforts made to give notice and the reasons why [notice] should not be required." Fed. R. Civ. P. 65(b)(1) (please see Order for additional information.) Accordingly, the Court ORDERS as follows: 1. The Court shall hold a hearing on the TRO/PI motion (Dk. No. 7 R) on June 19, 2020, at 9:00 a.m. All counsel, including local counsel, shall appear in person at the hearing; 2. By June 11, 2020, the plaintiffs shall file a supplemental brief explaining why the TRO/PI motion is not barred by the doctrine of laches. Cf Perry v. Judd, 471 F. App'x 219,220 (4th Cir. 2012). The defendants shall respond to the TRO/PI motion and supplemental brief by June 16, 2020. The plaintiffs may file a reply by June 18, 2020; and, 3. Counsel for the plaintiffs shall promptly serve the defendants with a copy of this Order and file a certification indicating that they have done so. It is so ORDERED. Signed by District Judge John A. Gibney, Jr. on 06/09/2020. (walk,) (Entered: 06/09/2020)
06/09/2020		Set as to 7 R MOTION for Temporary Restraining Order: Motion Hearing set for

		6/19/2020 at 09:00 AM in Richmond Courtroom 6000 before District Judge John A. Gibney, Jr. (wtuc) (Entered: 06/09/2020)
06/09/2020	11	CERTIFICATE OF SERVICE by Rachel Batts, Dianne Blais, John Bloom, Mitchell Bupp, Albert Burchard, Carey Campbell, Nick Dunbar, Ron Fisher, Cheri Honkala, Jo Jorgensen, Aaron Lyles, Peter Marchetti, Glenda Gail Parker, Katherine Pettigrew, Becker Sidney Smith, The Constitution Party of Virginia, The Green Party of Virginia, The Independent Green Party of Virginia, The Libertarian Party of Virginia, Sheila Tittle re: 10 Order (Hardin, Matthew). Modified on 6/9/2020. (sbea,) (Entered: 06/09/2020)
06/10/2020	12	NOTICE of Appearance by Heather Hays Lockerman on behalf of Jessica Bowman, Robert H. Brink, Jamilah D. LeCruise, John O'Bannon, Christopher E. Piper, Virginia State Board of Elections (Lockerman, Heather) (Entered: 06/10/2020)
06/10/2020	13	NOTICE of Appearance by Marshall Howard Ross on behalf of Jessica Bowman, Robert H. Brink, Jamilah D. LeCruise, John O'Bannon, Christopher E. Piper, Virginia State Board of Elections (Ross, Marshall) (Entered: 06/10/2020)
06/10/2020	14 R	MOTION for Leave to Appear Telephonically by Rachel Batts, Dianne Blais, John Bloom, Mitchell Bupp, Albert Burchard, Carey Campbell, Nick Dunbar, Ron Fisher, Cheri Honkala, Jo Jorgensen, Aaron Lyles, Peter Marchetti, Glenda Gail Parker, Katherine Pettigrew, Becker Sidney Smith, The Constitution Party of Virginia, The Green Party of Virginia, The Independent Green Party of Virginia, The Libertarian Party of Virginia, Sheila Tittle. (Attachments: # 1 Exhibit A (Order of the Thurston County Superior Court), # 2 Exhibit B (Docket in a pending Thurston County matter)) (Hardin, Matthew) (Entered: 06/10/2020)
06/11/2020	15	NOTICE of Appearance by Carol Louise Lewis on behalf of Jessica Bowman, Robert H. Brink, Jamilah D. LeCruise, John O'Bannon, Christopher E. Piper, Virginia State Board of Elections (Lewis, Carol) (Entered: 06/11/2020)
06/11/2020	16	Memorandum <i>Addressing Laches & Responding</i> re: 10 Order, filed by Rachel Batts, Dianne Blais, John Bloom, Mitchell Bupp, Albert Burchard, Carey Campbell, Nick Dunbar, Ron Fisher, Cheri Honkala, Jo Jorgensen, Aaron Lyles, Peter Marchetti, Glenda Gail Parker, Katherine Pettigrew, Becker Sidney Smith, The Constitution Party of Virginia, The Green Party of Virginia, The Independent Green Party of Virginia, The Libertarian Party of Virginia, Sheila Tittle. (Attachments: # 1 Affidavit of Barnes) (Hardin, Matthew). Modified docket text on 6/18/202. (sbea,) (Entered: 06/11/2020)
06/11/2020	17	CERTIFICATE OF SERVICE by Rachel Batts, Dianne Blais, John Bloom, Mitchell Bupp, Albert Burchard, Carey Campbell, Nick Dunbar, Ron Fisher, Cheri Honkala, Jo Jorgensen, Aaron Lyles, Peter Marchetti, Glenda Gail Parker, Katherine Pettigrew, Becker Sidney Smith, The Constitution Party of Virginia, The Green Party of Virginia, The Independent Green Party of Virginia, The Libertarian Party of Virginia, Sheila Tittle, Harlan Wahlert re 16 Memorandum,, (Hardin, Matthew) (Entered: 06/11/2020)
06/12/2020	18	ORDER that this matter comes before the Court on the plaintiffs' motion to allow local counsel to appear telephonically. (Dk. No. 14 R .) The Court has scheduled a hearing on the plaintiffs' motion for a temporary restraining order or preliminary injunction for June 19, 2020. Because local counsel is scheduled to appear for a hearing in another case in Washington State that same day, he asks to appear at the hearing by telephone. Upon due consideration, the Court GRANTS the motion. (Dk. No. 14 R .) If the June 19 hearing proceeds in the Washington State matter, local counsel for the plaintiff may appear by telephone at the hearing in this Court. It is so ORDERED. Signed by District Judge John A. Gibney, Jr. on 06/12/2020. (walk,) (Entered: 06/12/2020)

06/16/2020	<u>19</u> R	Opposition to Motion for Preliminary Injunction filed by Jessica Bowman, Robert H. Brink, Jamilah D. LeCruise, John O'Bannon, Christopher E. Piper, Virginia State Board of Elections. (Attachments: # <u>1</u> Exhibit Declaration of Christopher Piper)(Lewis, Carol) (Entered: 06/16/2020)
06/18/2020	<u>20</u>	REPLY in Support of Their Motion for Preliminary Injunction and/or Temporary Restraining Order re: <u>7</u> R MOTION for Temporary Restraining Order filed by Rachel Batts, Dianne Blais, John Bloom, Mitchell Bupp, Albert Burchard, Carey Campbell, Nick Dunbar, Ron Fisher, Cheri Honkala, Jo Jorgensen, Aaron Lyles, Peter Marchetti, Glenda Gail Parker, Katherine Pettigrew, Becker Sidney Smith, The Constitution Party of Virginia, The Green Party of Virginia, The Independent Green Party of Virginia, The Libertarian Party of Virginia, Sheila Tittle, Harlan Wahlert (Hardin, Matthew). Modified docket text on 6/18/2020. (sbea,) (Entered: 06/18/2020)
06/19/2020	<u>21</u>	Minute Entry for proceedings held before District Judge John A. Gibney, Jr.:Motion Hearing held on 6/19/2020 re <u>7</u> R MOTION for Temporary Restraining Order filed by The Independent Green Party of Virginia, Peter Marchetti, Jo Jorgensen, Glenda Gail Parker, Nick Dunbar, Mitchell Bupp, The Libertarian Party of Virginia, Cheri Honkala, Dianne Blais, Aaron Lyles, Becker Sidney Smith, Sheila Tittle, Katherine Pettigrew, Albert Burchard, Carey Campbell, John Bloom, Rachel Batts, The Green Party of Virginia, Ron Fisher, The Constitution Party of Virginia; the parties represented that they have consent decree that could resolve the case; the defendants will confirm by early next week if it consents to the decree; if there is no consent, the case will proceed to trial on July 13 at 9:00 a.m. (Court Reporter G. Halasz, OCR.)(wtuc) (Entered: 06/19/2020)
06/19/2020	<u>22</u>	ORDER that this matter comes before the Court on the plaintiffs' motion for a temporary restraining order and preliminary injunction. (Dk. No. <u>7</u> R .) The Court held a hearing on the motion on June 19, 2020. As discussed at the hearing, counsel for the parties have preliminarily agreed to the terms of a consent decree that would resolve this case. Accordingly, by June 23, 2020, at 9:00 a.m., counsel for the defendants shall notify opposing counsel and this Court whether the defendants agree to the terms of the consent decree. If the parties do not resolve the case, the Court will hold a bench trial on July 13, 2020. It is so ORDERED. Signed by District Judge John A. Gibney, Jr. on 06/19/2020. (walk,) (Entered: 06/19/2020)
06/23/2020	<u>23</u>	Joint Status Report by Jessica Bowman, Robert H. Brink, Jamilah D. LeCruise, John O'Bannon, Christopher E. Piper, Virginia State Board of Elections (Lewis, Carol). Modified docket text on 6/23/2020. (sbea,) (Entered: 06/23/2020)
06/24/2020	<u>24</u>	ORDER - It is hereby ORDERED that the settlement conference and proceedings are referred to United States Magistrate Roderick C. Young. Counsel shall be responsible for immediately contacting the Chambers of Magistrate Judge Young to schedule the conference, which should occur at such time as Magistrate Judge Young shall approve. Signed by District Judge John A. Gibney, Jr on 06/24/2020. (tjoh,) (Entered: 06/24/2020)
06/24/2020		Case referred to Magistrate Judge Roderick C. Young for settlement purposes. (tjoh,) (Entered: 06/24/2020)
06/24/2020	<u>25</u>	PRETRIAL ORDER. Signed by District Judge John A. Gibney, Jr on 6/24/20. (khan,) (Entered: 06/24/2020)
06/24/2020		Set/Reset Hearings: Bench Trial set for 7/13/2020at 09:00 AM in Richmond Courtroom 6000 before District Judge John A. Gibney Jr.. (khan,) (Entered: 06/24/2020)
06/25/2020	<u>26</u>	ORDER REGARDING PROCEDURES FOR SETTLEMENT CONFERENCE. The

		Court has scheduled this case for a settlement conference on June 30, 2020 at 9:30 , to be held by videoconference. In addition to counsel, each party <u>must</u> have a representative present on the videoconference with the full authority to settle this action. The failure of a party to have a representative present on the videoconference with full authority to settle the case may result in the imposition of sanctions upon that party. See Order for complete details. It is so ORDERED. Signed by Magistrate Judge Roderick C. Young on 6/25/2020. (sbea,) (Entered: 06/25/2020)
06/25/2020		Settlement Conference set for 6/30/2020 at 9:30 AM via ZOOM before Magistrate Judge Roderick C. Young. (jsau) (Entered: 06/25/2020)
06/30/2020		Minute Entry for proceedings held before Magistrate Judge Roderick C. Young: Settlement Conference held on 6/30/2020 via ZOOM. (jsau) (Entered: 06/30/2020)
07/01/2020	27	PARTIAL CONSENT JUDGMENT AND DECREE to Approve Consent Judgment by Jessica Bowman, Robert H. Brink, Jamilah D. LeCruise, John O'Bannon, Christopher E. Piper, Virginia State Board of Elections. (Lewis, Carol) Modified docket text on 7/8/2020. (sbea,) (Entered: 07/01/2020)
07/01/2020	28	NOTICE of Appearance by Blaire Hawkins O'Brien on behalf of Jessica Bowman, Robert H. Brink, Jamilah D. LeCruise, John O'Bannon, Christopher E. Piper, Virginia State Board of Elections (O'Brien, Blaire) (Entered: 07/01/2020)
07/02/2020	29	PARTIAL CONSENT JUDGMENT AND DECREE. See Order for Details. Signed by District Judge John A. Gibney, Jr. on 7/2/2020. (smej,) (Entered: 07/02/2020)
07/03/2020	30	TRANSCRIPT of proceedings held on 06/19/2020, before Judge Hon. John A. Gibney, Jr., Court Reporter Gil Halasz, Telephone number 804 916-2248. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty(30) 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 will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov 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 8/3/2020. Redacted Transcript Deadline set for 9/2/2020. Release of Transcript Restriction set for 10/1/2020. (halasz, gil) (Entered: 07/03/2020)
07/07/2020	31	MOTION for Summary Judgment by John O'Bannon. (Lewis, Carol) (Entered: 07/07/2020)
07/07/2020	32	Memorandum in Support re 31 MOTION for Summary Judgment filed by Jessica Bowman, Robert H. Brink, Jamilah D. LeCruise, John O'Bannon, Christopher E. Piper, Virginia State Board of Elections. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M, # 14 Exhibit N, # 15 Exhibit O, # 16 Exhibit P, # 17 Exhibit Q, # 18 Exhibit A to Exhibit Q (Piper Decl), # 19 Exhibit R)(Lewis, Carol) (Entered: 07/07/2020)
07/07/2020	33	DISREGARD - Selected in Error; See Docket Entry 34 Summary Judgment Bankruptcy Findings of Fact by Rachel Batts, Dianne Blais, John Bloom, Mitchell Bupp, Albert Burchard, Carey Campbell, Nick Dunbar, Ron Fisher, Cheri Honkala, Jo Jorgensen, Aaron Lyles, Peter Marchetti, Glenda Gail Parker, Katherine Pettigrew, Becker Sidney Smith, The Constitution Party of Virginia, The Green Party of Virginia, The Independent Green Party of Virginia, The Libertarian Party of Virginia, Sheila Tittle. (Attachments: # 1 Supplement Memorandum in Support, # 2 Supplement

		Declaration of Bloom, # 3 Supplement Declaration of Campbell, # 4 Supplement Declaration of Smith, # 5 Supplement Declaration of Dunbar, # 6 Exhibit 1 (Executive Order 51), # 7 Exhibit 2 (Declaration of Public Health Emergency), # 8 Exhibit 3 (Judicial Emergency Order), # 9 Exhibit 4 (Executive Order 55), # 10 Exhibit 5 (Executive Order 61), # 11 Exhibit 6 (Executive Order 65), # 12 Exhibit 7 (Executive Order 67), # 13 Exhibit 8 (World Health Organization Statement), # 14 Exhibit 9 (Health & Human Services Determination), # 15 Exhibit 10 (World Health Organization Remarks), # 16 Exhibit 11 (Proclamation of the U.S. President), # 17 Exhibit 12 (Press Release of Gov. Ralph Northam), # 18 Exhibit 13 (List of Cancelled Events), # 19 Exhibit 14 (Local Events Affected by COVID-19), # 20 Exhibit 15 (Response to Requests for Admission))(Hardin, Matthew). Modified docket text on 7/9/2020. (sbea,) (Entered: 07/07/2020)
07/08/2020	34	MOTION for Summary Judgment (<i>Corrected</i>) by Rachel Batts, Dianne Blais, John Bloom, Mitchell Bupp, Albert Burchard, Carey Campbell, Nick Dunbar, Ron Fisher, Cheri Honkala, Jo Jorgensen, Aaron Lyles, Peter Marchetti, Glenda Gail Parker, Katherine Pettigrew, Becker Sidney Smith, The Constitution Party of Virginia, The Green Party of Virginia, The Independent Green Party of Virginia, The Libertarian Party of Virginia, Sheila Tittle, Harlan Wahlert. (Hardin, Matthew) (Entered: 07/08/2020)
07/08/2020	35	Memorandum in Opposition re 34 MOTION for Summary Judgment (<i>Corrected</i>) , Memorandum in Support (<i>Corrected</i>) filed by Rachel Batts, Dianne Blais, John Bloom, Mitchell Bupp, Albert Burchard, Carey Campbell, Nick Dunbar, Ron Fisher, Cheri Honkala, Jo Jorgensen, Aaron Lyles, Peter Marchetti, Glenda Gail Parker, Katherine Pettigrew, Becker Sidney Smith, The Constitution Party of Virginia, The Green Party of Virginia, The Independent Green Party of Virginia, The Libertarian Party of Virginia, Sheila Tittle. (Attachments: # 1 Affidavit of Bloom, # 2 Affidavit of Campbell, # 3 Affidavit of Smith, # 4 Affidavit of Dunbar, # 5 Exhibit 1 (Executive Order 51), # 6 Exhibit 2 (Declaration of Public Health Emergency), # 7 Exhibit 3 (Judicial Emergency Order), # 8 Exhibit 4 (Executive Order 55), # 9 Exhibit 5 (Executive Order 61), # 10 Exhibit 6 (Executive Order 65), # 11 Exhibit 7 (Executive Order 67), # 12 Exhibit 8 (World Health Organization Statement), # 13 Exhibit 9 (Health & Human Services Determination), # 14 Exhibit 10 (World Health Organization Remarks), # 15 Exhibit 11 (Proclamation of the U.S. President), # 16 Exhibit 12 (Press Release of Gov. Ralph Northam), # 17 Exhibit 13 (List of Cancelled Events), # 18 Exhibit 14 (Local Events Affected by COVID-19), # 19 Exhibit 15 (Response to Requests for Admission)) (Hardin, Matthew) (Entered: 07/08/2020)
07/09/2020		Notice of Correction re: 33 Bankruptcy Findings of Fact; Filing attorney accidentally selected the wrong filing event; Clerk termed motion and attorney re-filed correctly in ECF No. 34 MOTION for Summary Judgment (Corrected). No further action is required. (sbea,) (Entered: 07/09/2020)
07/09/2020	37	RESPONSE in Opposition re 34 MOTION for Summary Judgment (<i>Corrected</i>) filed by Jessica Bowman, Robert H. Brink, Jamilah D. LeCruise, John O'Bannon, Christopher E. Piper, Virginia State Board of Elections. (O'Brien, Blaire) (Entered: 07/09/2020)
07/09/2020	38	Witness List by Jessica Bowman, Robert H. Brink, Jamilah D. LeCruise, John O'Bannon, Christopher E. Piper, Virginia State Board of Elections. (O'Brien, Blaire) (Entered: 07/09/2020)
07/09/2020	39	Exhibit List by Virginia State Board of Elections.. (Ross, Marshall) (Entered: 07/09/2020)
07/09/2020	40	MOTION with Memorandum in Support to Intervene as Plaintiff Under Federal Rule of Civil Procedure 24(b)by Aaron Luciani. (Attachments: # 1 Proposed Order, # 2

		Proposed Judgment and Decree). (sbea,) (Entered: 07/09/2020)
07/09/2020	41	Memorandum in Opposition re 31 MOTION for Summary Judgment filed by Rachel Batts, Dianne Blais, John Bloom, Mitchell Bupp, Albert Burchard, Carey Campbell, Nick Dunbar, Ron Fisher, Cheri Honkala, Jo Jorgensen, Aaron Luciani, Aaron Lyles, Peter Marchetti, Glenda Gail Parker, Katherine Pettigrew, Becker Sidney Smith, The Constitution Party of Virginia, The Green Party of Virginia, The Independent Green Party of Virginia, The Libertarian Party of Virginia, Sheila Tittle, Harlan Wahlert. (Hardin, Matthew) (Entered: 07/09/2020)
07/09/2020	42	<i>Plaintiffs' Proposed</i> Witness List by Rachel Batts, Dianne Blais, John Bloom, Mitchell Bupp, Albert Burchard, Carey Campbell, Nick Dunbar, Ron Fisher, Cheri Honkala, Jo Jorgensen, Aaron Luciani, Aaron Lyles, Peter Marchetti, Glenda Gail Parker, Katherine Pettigrew, Becker Sidney Smith, The Constitution Party of Virginia, The Green Party of Virginia, The Independent Green Party of Virginia, The Libertarian Party of Virginia, Sheila Tittle. (Hardin, Matthew) (Entered: 07/09/2020)
07/09/2020	43	<i>Plaintiffs' Proposed</i> Exhibit List by Rachel Batts, Dianne Blais, John Bloom, Mitchell Bupp, Albert Burchard, Carey Campbell, Nick Dunbar, Ron Fisher, Cheri Honkala, Jo Jorgensen, Aaron Luciani, Aaron Lyles, Peter Marchetti, Glenda Gail Parker, Katherine Pettigrew, Becker Sidney Smith, The Constitution Party of Virginia, The Green Party of Virginia, The Independent Green Party of Virginia, The Libertarian Party of Virginia, Sheila Tittle.. (Hardin, Matthew) (Entered: 07/09/2020)
07/10/2020	44	ORDER that this matter comes before the Court on Aaron Luciani's pro se motion to intervene, filed on July 9, 2020. (Dk. No. 40 .) Luciani, a resident of Roanoke, Virginia, is an independent candidate for United States Congress. He asks the Court to permit him to intervene as a plaintiff in this case. Discovery ended on July 1, 2020, and the parties have fully briefed motions for summary judgment. Further, the Court has scheduled this case for trial beginning July 13, 2020. Because Luciani filed his motion after all pretrial deadlines passed and shortly before trial, the Court DENIES the motion. See Fed. R. Civ. P. 24(b)(1) (permitting intervention when the party files a timely motion). It is so ORDERED.. Signed by District Judge John A. Gibney, Jr. on 07/10/2020. Copy mailed to Aaron Luciani. (walk,) (Entered: 07/10/2020)
07/10/2020	45	MEMORANDUM ORDER that this matter comes before the Court on the parties cross-motions for summary judgment. (Dk. Nos. 31 , 34 .) Virginia law requires individuals who wish to appear on the general election ballot to gather a certain number of signatures by specific deadlines (please see Memorandum Order for additional information.) For the foregoing reasons, the Court DENIES the parties cross-motions for summary judgment. (Dk. Nos. 31 , 34 .) The case will proceed to trial as scheduled. It is so ORDERED. Signed by District Judge John A. Gibney, Jr. on 07/10/2020. (walk,) (Entered: 07/10/2020)
07/10/2020	46	ORDER that this matter comes before the Court on the plaintiffs' exhibit list. (Dk. No. 43 .) The plaintiffs have filed an exhibit list that contains several categories of documents, but they do not identify the precise documents they intend to introduce into evidence in this case. By 5:00 p.m. on July 10, 2020, the plaintiffs shall file a revised exhibit list identifying the precise documents they intend to introduce into evidence, and they shall assign an exhibit number to each exhibit. It is so ORDERED. Signed by District Judge John A. Gibney, Jr. on 07/10/2020. (walk,) (Entered: 07/10/2020)
07/10/2020	47	<i>Amended</i> Exhibit List by Rachel Batts, Dianne Blais, John Bloom, Mitchell Bupp, Albert Burchard, Carey Campbell, Nick Dunbar, Ron Fisher, Cheri Honkala, Jo Jorgensen, Aaron Luciani, Aaron Lyles, Peter Marchetti, Glenda Gail Parker, Katherine Pettigrew, Becker Sidney Smith, The Constitution Party of Virginia, The Green Party of

		Virginia, The Independent Green Party of Virginia, The Libertarian Party of Virginia, Sheila Tittle, Harlan Wahlert.. (Hardin, Matthew) (Entered: 07/10/2020)
07/10/2020	48	<i>Objection to Witness List</i> by Jessica Bowman, Robert H. Brink, Jamilah D. LeCruise, John O'Bannon, Christopher E. Piper, Virginia State Board of Elections. (O'Brien, Blaire) (Entered: 07/10/2020)
07/10/2020	49	<i>Objection to Exhibit List</i> by Jessica Bowman, Robert H. Brink, Jamilah D. LeCruise, John O'Bannon, Christopher E. Piper, Virginia State Board of Elections.. (O'Brien, Blaire) (Entered: 07/10/2020)
07/13/2020	50 R	Minute Entry for proceedings held before District Judge John A. Gibney, Jr.:Bench Trial held on 7/13/2020; evidence adduced; arguments heard; the Court will take the matter under advisement and enter a decision later in the week (Court Reporter G. Halasz, OCR.)(wtuc) (Entered: 07/13/2020)
07/15/2020	51 R	OPINION. See Opinion for details. Signed by District Judge John A. Gibney, Jr. on 7/15/2020. (sbea,) (Entered: 07/15/2020)
07/15/2020	52	FINAL ORDER. The Court ENJOINS the defendants from enforcing those requirements as to the named plaintiffs for the 2020 general election in Virginia and ORDERS as follows: 1) The deadline for the named plaintiffs seeking to appear as candidates for the U.S. House of Representatives and U.S. Senate is extended to August 1, 2020, at 7:00 p.m. 2) The named plaintiffs seeking to appear as candidates for U.S. President and U.S. Vice President shall appear on the ballot if they submit signatures of qualified voters totaling at least 50 percent of the total petition signatures required by Virginia Code § 24.2-543(A), and meet all other conditions to appear on the 2020 Virginia general election ballot as candidates for U.S. President or U.S. Vice President 3) The Court DENIES AS 7 R MOOT the plaintiffs' motion for a temporary restraining order or preliminary injunction. 4) The Court DIRECTS the Clerk to enter judgment in favor of the plaintiffs pursuant to Federal Rule of Civil Procedure 58. It is so ORDERED. Signed by District Judge John A. Gibney, Jr. on 7/15/2020. (sbea,) (Entered: 07/15/2020)
07/15/2020	53	JUDGMENT entered by the Clerk pursuant to Rule 58 and in accordance with the Final Order entered 7/15/20. (sbea,) (Entered: 07/15/2020)
07/29/2020	54	MOTION for Attorney Fees by Rachel Batts, Dianne Blais, John Bloom, Mitchell Bupp, Albert Burchard, Carey Campbell, Nick Dunbar, Ron Fisher, Cheri Honkala, Jo Jorgensen, Aaron Luciani, Aaron Lyles, Peter Marchetti, Glenda Gail Parker, Katherine Pettigrew, Becker Sidney Smith, The Constitution Party of Virginia, The Green Party of Virginia, The Independent Green Party of Virginia, The Libertarian Party of Virginia, Sheila Tittle, Harlan Wahlert. (Hardin, Matthew) (Entered: 07/29/2020)
07/29/2020	55	Memorandum in Support re 54 MOTION for Attorney Fees filed by Rachel Batts, Dianne Blais, John Bloom, Mitchell Bupp, Albert Burchard, Carey Campbell, Nick Dunbar, Ron Fisher, Cheri Honkala, Jo Jorgensen, Aaron Luciani, Aaron Lyles, Peter Marchetti, Glenda Gail Parker, Katherine Pettigrew, Becker Sidney Smith, The Constitution Party of Virginia, The Green Party of Virginia, The Independent Green Party of Virginia, The Libertarian Party of Virginia, Sheila Tittle, Harlan Wahlert. (Attachments: # 1 Affidavit of Barnes, # 2 Exhibit A to Affidavit of Barnes, # 3 Affidavit of Local Counsel, # 4 Exhibit A to Affidavit of Local Counsel, # 5 Exhibit B to Affidavit of Local Counsel, # 6 Exhibit C to Affidavit of Local Counsel, # 7 Exhibit D to Affidavit of Local Counsel)(Hardin, Matthew) (Entered: 07/29/2020)
07/29/2020	56	MOTION for Extension of time to file Expert Affidavits by Rachel Batts, Dianne Blais, John Bloom, Mitchell Bupp, Albert Burchard, Carey Campbell, Nick Dunbar, Ron

		Fisher, Cheri Honkala, Jo Jorgensen, Aaron Luciani, Aaron Lyles, Peter Marchetti, Glenda Gail Parker, Katherine Pettigrew, Becker Sidney Smith, The Constitution Party of Virginia, The Green Party of Virginia, The Independent Green Party of Virginia, The Libertarian Party of Virginia, Sheila Tittle. (Hardin, Matthew) (Entered: 07/29/2020)
07/30/2020	57	ORDER the Court GRANTS the 56 motion for an extension of time to file expert affidavits in support of plaintiffs' motion for attorney's fees. The plaintiffs shall file the expert affidavits by August 5, 2020. The defendants shall respond to the motion for attorney's fees and costs within fourteen (14) days of the filing of the affidavits. It is so ORDERED. Signed by District Judge John A. Gibney, Jr. on 7/30/2020. (sbea,) (Entered: 07/30/2020)
08/05/2020	58	DECLARATION of Paul Prados re: 54 MOTION for Attorney Fees by Rachel Batts, Dianne Blais, John Bloom, Mitchell Bupp, Albert Burchard, Carey Campbell, Nick Dunbar, Ron Fisher, Cheri Honkala, Jo Jorgensen, Aaron Luciani, Aaron Lyles, Peter Marchetti, Glenda Gail Parker, Katherine Pettigrew, Becker Sidney Smith, The Constitution Party of Virginia, The Green Party of Virginia, The Independent Green Party of Virginia, The Libertarian Party of Virginia. (Hardin, Matthew). Modified docket text on 8/5/2020. (sbea,) (Entered: 08/05/2020)
08/05/2020	59	DECLARATION and Report of Expert Witness Thomas H. Roberts, Esq. re: 54 MOTION for Attorney Fees by Rachel Batts, Dianne Blais, John Bloom, Mitchell Bupp, Albert Burchard, Carey Campbell, Nick Dunbar, Ron Fisher, Cheri Honkala, Jo Jorgensen, Aaron Luciani, Aaron Lyles, Peter Marchetti, Glenda Gail Parker, Katherine Pettigrew, Becker Sidney Smith, The Constitution Party of Virginia, The Green Party of Virginia, The Independent Green Party of Virginia, The Libertarian Party of Virginia, Sheila Tittle (Hardin, Matthew). Modified docket text on 8/5/2020. (sbea,) (Entered: 08/05/2020)
08/13/2020	60	NOTICE of Settlement <i>and Withdrawal of Pending Motion for Attorneys' Fees</i> by Rachel Batts, Dianne Blais, John Bloom, Mitchell Bupp, Albert Burchard, Carey Campbell, Nick Dunbar, Ron Fisher, Cheri Honkala, Jo Jorgensen, Aaron Lyles, Peter Marchetti, Glenda Gail Parker, Katherine Pettigrew, Becker Sidney Smith, The Constitution Party of Virginia, The Green Party of Virginia, The Independent Green Party of Virginia, The Libertarian Party of Virginia, Sheila Tittle, Harlan Wahlert (Hardin, Matthew) (Entered: 08/13/2020)
09/14/2020	61	ORDER. This matter comes before the Court on its own initiative. Because the plaintiff, Sheila Tittle, is represented by counsel, Ms. Tittle must communicate with the Court through her attorney. Ms. Tittle is not permitted to call or otherwise contact the Court, unless asked by the Court to do so. It is so ORDERED. Signed by District Judge John A. Gibney, Jr on 9/14/2020. Order was mailed to Ms. Sheila Tittle and Mr. Joseph Synan. (sbea,) (Entered: 09/14/2020)
09/22/2020	62	MEMORANDUM ORDER that the motion for an emergency injunction to stop the printing of the 2020 Virginia general election ballot is DENIED. See Order for complete details. It is so ORDERED. Signed by District Judge John A. Gibney, Jr. on 9/22/2020. Memorandum Orders were mailed to Ms. Sheila Tittle and Mr. Joseph Synan. (sbea,) (Entered: 09/22/2020)

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