

**U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 3:12-cv-02600-W-AHG**

Askins et al v. United States Department of Homeland Security
et al

Assigned to: Judge Thomas J. Whelan

Referred to: Magistrate Judge Allison H. Goddard

Case in other court: USCA, 16-55719

Cause: 05:0702 Administrative Procedure Act – Right of
Review

Date Filed: 10/24/2012

Jury Demand: Plaintiff

Nature of Suit: 440 Civil Rights: Other

Jurisdiction: U.S. Government Defendant

Plaintiff

Ray Askins

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V.

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Defendant

David V. Aguilar
Deputy Commissioner of United States
Customs and Border Protection
TERMINATED: 11/05/2015

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Defendant

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TERMINATED: 06/10/2019*

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Defendant

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Date Filed	#	Docket Text
10/24/2012	<u>1</u>	COMPLAINT with Jury Demand against All Defendants (Filing fee \$ 350 receipt number 0974-5278217.), filed by Christian Ramirez, Ray Askins. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Civil Cover Sheet) The new case number is 3:12-cv-2600-W-BLM. Judge Thomas J. Whelan and Magistrate Judge Barbara Lynn Major are assigned to the case. (Woodmansee, Mark)(vam) (cap). (Entered: 10/25/2012)
10/24/2012	<u>2</u>	NOTICE of Party With Financial Interest by Ray Askins, Christian Ramirez. (vam) (cap). (Entered: 10/25/2012)
10/25/2012	<u>3</u>	Summons Issued. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. (vam) (cap). (Entered: 10/25/2012)
12/06/2012	<u>4</u>	NOTICE of Appearance by Patrick George Nemeroff on behalf of David V. Aguilar, Frank Jaramillo, United States Customs and Border Protection Officers, United States Department of Homeland Security, Billy Whitford (Nemeroff, Patrick)(srm). (Entered: 12/06/2012)
12/07/2012	<u>5</u>	NOTICE of Appearance by Mary Prendergast on behalf of Ray Askins, Christian Ramirez (Prendergast, Mary) (srm). (Entered: 12/07/2012)
12/07/2012	<u>6</u>	NOTICE of Appearance by Kimberly Rhea Gosling on behalf of Ray Askins, Christian Ramirez (Gosling, Kimberly) (srm). (Entered: 12/07/2012)
12/07/2012	<u>7</u>	SUMMONS Returned Executed by Christian Ramirez, Ray Askins. Billy Whitford served. (Woodmansee, Mark Andrew) (srm). (Entered: 12/07/2012)
12/07/2012	<u>8</u>	SUMMONS Returned Executed by Christian Ramirez, Ray Askins. David V. Aguilar served. (Woodmansee, Mark Andrew) (srm). (Entered: 12/07/2012)
12/07/2012	<u>9</u>	SUMMONS Returned Executed by Christian Ramirez, Ray Askins. Frank Jaramillo served. (Woodmansee, Mark Andrew) (srm). (Entered: 12/07/2012)
12/07/2012	<u>10</u>	SUMMONS Returned Executed by Christian Ramirez, Ray Askins. United States Customs and Border Protection Officers served. (Woodmansee, Mark Andrew) (srm). (Entered: 12/07/2012)

12/07/2012	<u>11</u>	SUMMONS Returned Executed by Christian Ramirez, Ray Askins. United States Department of Homeland Security served. (Woodmansee, Mark Andrew) (srm). (Entered: 12/07/2012)
12/07/2012	<u>12</u>	SUMMONS Returned Executed by Christian Ramirez, Ray Askins. David V. Aguilar, Frank Jaramillo, United States Customs and Border Protection Officers, United States Department of Homeland Security, Billy Whitford served. (Woodmansee, Mark Andrew) (srm). (Entered: 12/07/2012)
12/07/2012	<u>13</u>	NOTICE of Appearance by John David Loy on behalf of Ray Askins, Christian Ramirez (Attachments: # <u>1</u> Proof of Service)(Loy, John) (srm). (Entered: 12/07/2012)
12/07/2012	<u>14</u>	NOTICE of Appearance by Sean Connor Riordan on behalf of Ray Askins, Christian Ramirez (Attachments: # <u>1</u> Proof of Service)(Riordan, Sean) (srm). (Entered: 12/07/2012)
12/11/2012	<u>15</u>	Joint MOTION for Extension of Time to File Response/Reply to <i>Complaint</i> by David V. Aguilar, Ray Askins, Frank Jaramillo, Christian Ramirez, United States Department of Homeland Security, Billy Whitford. (Nemeroff, Patrick) (srm). (Entered: 12/11/2012)
12/11/2012	<u>16</u>	ORDER Granting <u>15</u> Joint Motion for Extension of Time to File Response. Defendants are directed to respond to <u>1</u> Complaint no later than January 30, 2013. Signed by Judge Thomas J. Whelan on 12/11/2012. (srm) (jcj). (Entered: 12/12/2012)
01/25/2013	<u>17</u>	Joint MOTION for Extension of Time to File Response/Reply to <i>Complaint</i> by David V. Aguilar, Ray Askins, Frank Jaramillo, Christian Ramirez, United States Department of Homeland Security, Billy Whitford. (Nemeroff, Patrick) (srm). (Entered: 01/25/2013)
01/29/2013	<u>18</u>	ORDER Granting <u>17</u> Joint Motion for Extension of Time to File Response/Reply. Defendants' answer/response due 2/13/2013. Signed by Judge M. James Lorenz on 1/28/2013. (srm) (jcj). (Entered: 01/29/2013)
01/29/2013	<u>19</u>	MOTION for Preliminary Injunction by Ray Askins, Christian Ramirez. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Declaration Askins, # <u>3</u> Declaration Ramirez, # <u>4</u> Declaration Young, # <u>5</u> Declaration Woodmansee, # <u>6</u> Exhibit A to Woodmansee Dec, # <u>7</u> Exhibit B to Woodmansee Dec, # <u>8</u> Exhibit C to Woodmansee Dec, # <u>9</u> Exhibit D to Woodmansee Dec, # <u>10</u> Exhibit E to Woodmansee Dec)(Woodmansee, Mark Andrew) (srm). (Entered: 01/29/2013)
02/05/2013	<u>20</u>	NOTICE of Appearance by Jeffrey M. David on behalf of Ray Askins, Christian Ramirez (David, Jeffrey) (srm). (Entered: 02/05/2013)
02/06/2013	<u>21</u>	ORDER Resetting Hearing Date and Setting Briefing Schedule on <u>19</u> Plaintiff's Motion for Preliminary Injunction. The hearing date for the motion is rescheduled to March 27, 2013 at 10:00 a.m. Defendants' opposition due February 22, 2013. Plaintiff's reply due March 1, 2013. Signed by Judge Thomas J. Whelan on 2/6/2013. (srm) (Entered: 02/06/2013)
02/13/2013	<u>22</u>	MOTION to Dismiss for Failure to State a Claim by David V. Aguilar, Frank Jaramillo, United States Department of Homeland Security, Billy Whitford. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E)(Nemeroff, Patrick) Modified on 2/14/2013, notice of non-compliance prepared (srm). (Entered: 02/13/2013)
02/14/2013	<u>23</u>	NOTICE of Non-Compliance with Local Rule 5.1(a) Legibility, re <u>22</u> MOTION to Dismiss for Failure to State a Claim filed by Billy Whitford, Frank Jaramillo, David V. Aguilar, United States Department of Homeland Security. (srm) (Entered: 02/14/2013)
02/19/2013	<u>24</u>	Joint MOTION for Leave to File Excess Pages by David V. Aguilar, Ray Askins, Frank Jaramillo, Christian Ramirez, United States Department of Homeland Security, Billy Whitford. (Nemeroff, Patrick) (srm). (Entered: 02/19/2013)
02/20/2013	<u>25</u>	Joint MOTION for Extension of Time to File <i>Briefs for Plaintiffs' Motion for Preliminary Injunction and Defendants' Motion to Dismiss</i> by Ray Askins, Christian Ramirez. (Woodmansee, Mark Andrew) (srm). (Entered: 02/20/2013)

02/20/2013	<u>26</u>	ORDER Granting <u>24</u> Motion for Leave to File Excess Pages. Signed by Judge Thomas J. Whelan on 2/20/2013. (srm) (jcj). (Entered: 02/20/2013)
02/22/2013	<u>27</u>	RESPONSE in Opposition re <u>19</u> MOTION for Preliminary Injunction filed by David V. Aguilar, Frank Jaramillo, United States Department of Homeland Security, Billy Whitford. (Attachments: # <u>1</u> Declaration of Billy Whitford)(Nemeroff, Patrick) (srm). (Entered: 02/22/2013)
02/27/2013	<u>28</u>	ORDER Resetting Hearing Date and Setting Briefing Schedule. The hearing date for Plaintiff's Motion For Preliminary Injunction is rescheduled for 4/15/2013 10:30 AM before Judge Thomas J. Whelan. Hearing on Defendants' Motion to Dismiss reschedule for 4/15/2013. The Court will decided motion on the papers and without oral argument. Replies to Motion for Preliminary Injunction due 3/8/2013. Replies to Motion to Dismiss due by 3/27/2013. Signed by Judge Janis L. Sammartino on 2/27/2013. (srm) (jcj). (Entered: 02/27/2013)
03/07/2013	<u>29</u>	Joint MOTION for Leave to File Excess Pages <i>for Plaintiffs Reply in Support of Motion for Preliminary Injunction and Defendants Reply in Support of Motion to Dismiss</i> by Ray Askins, Christian Ramirez. (Woodmansee, Mark Andrew) (srm). (Entered: 03/07/2013)
03/08/2013	<u>30</u>	REPLY to Response to Motion re <u>19</u> MOTION for Preliminary Injunction filed by Ray Askins, Christian Ramirez. (Attachments: # <u>1</u> Declaration Askins, # <u>2</u> Declaration Woodmansee, # <u>3</u> Exhibit A to Woodmansee Decl, # <u>4</u> Exhibit B to Woodmansee Decl, # <u>5</u> Exhibit C to Woodmansee Decl)(Woodmansee, Mark Andrew) (srm). (Entered: 03/08/2013)
03/11/2013	<u>31</u>	ORDER Granting <u>29</u> Joint Motion for Leave to File Excess Pages, Extending Page Limit For Multiple Reply Briefs. Signed by Judge Thomas J. Whelan on 3/11/2013. (srm) (jcj). (Entered: 03/12/2013)
03/13/2013	<u>32</u>	RESPONSE in Opposition re <u>22</u> MOTION to Dismiss for Failure to State a Claim filed by Ray Askins, Christian Ramirez. (Woodmansee, Mark Andrew) (srm). (Entered: 03/13/2013)
03/27/2013	<u>33</u>	REPLY to Response to Motion re <u>22</u> MOTION to Dismiss for Failure to State a Claim filed by David V. Aguilar, Frank Jaramillo, United States Department of Homeland Security, Billy Whitford. (Nemeroff, Patrick) (leh). (Entered: 03/27/2013)
04/12/2013	<u>34</u>	ORDER Vacating Preliminary Injunction Hearing. The Court VACATES the April 15, 2013 hearing date on (Doc. <u>19</u>) Plaintiff's motion for preliminary injunction. There shall be no oral argument on this matter. Signed by Judge Thomas J. Whelan on 4/12/2013. (srm) (jcj). (Entered: 04/12/2013)
04/12/2013	<u>35</u>	ORDER Denying <u>19</u> Motion for Preliminary Injunction. Signed by Judge Thomas J. Whelan on 4/12/2013. (srm) (Entered: 04/12/2013)
08/09/2013	<u>36</u>	ORDER TO SHOW CAUSE. Plaintiffs and Defendants are directed to submit briefs to this Court addressing the questions no later than 5:00 PM on August 23, 2013. Signed by Judge Thomas J. Whelan on 8/9/2013.(vam) (Entered: 08/09/2013)
08/14/2013	<u>37</u>	Joint MOTION for Extension of Time to File <i>Response to Order to Show Cause</i> by David V. Aguilar, Frank Jaramillo, United States Department of Homeland Security, Billy Whitford. (Nemeroff, Patrick) Modi (vam). (Entered: 08/14/2013)
08/15/2013	<u>38</u>	ORDER Extending Deadline to File Supplementary Briefing in Response to Order to Show Cause <u>37</u> . The Court grants the joint motion, and extends the deadline to file simultaneous supplemental briefing in response to the Court's Order to Show Cause to September 20, 2013 at 5:00 p.m. Signed by Judge Thomas J. Whelan on 8/15/2013. (vam) (Entered: 08/15/2013)
09/20/2013	<u>39</u>	SUPPLEMENTAL BRIEFING by Defendants David V. Aguilar, Frank Jaramillo, United States Department of Homeland Security, Billy Whitford re <u>36</u> Order to Show Cause . (Nemeroff, Patrick) (vam). (Entered: 09/20/2013)
09/20/2013	<u>40</u>	SUPPLEMENTAL BRIEFING by Plaintiffs Ray Askins, Christian Ramirez re <u>36</u> Order to Show Cause <i>Regarding Motion to Dismiss</i> . (Woodmansee, Mark Andrew) (vam). (Entered: 09/20/2013)

09/23/2013	<u>41</u>	AMENDED DOCUMENT by David V. Aguilar, Frank Jaramillo, United States Department of Homeland Security, Billy Whitford. Amendment to <u>39</u> Supplemental Briefing . (Nemeroff, Patrick) (vam). (Entered: 09/23/2013)
09/30/2013	<u>42</u>	ORDER Granting in Part and Denying in Part <u>22</u> Motion to Dismiss for Failure to State a Claim. For the reasons stated herein, the Court Grants in Part and Denies in Part Defendants' motion to dismiss. The Court Further Orders that the Defendants' motion to dismiss with respect to Plaintiffs' First Amendment claims is Granted With Leave to Amend. This dismissal applies only to Plaintiffs' claims that the Defendants' photography policy is unconstitutional under the First Amendment. To the extent Defendants move to dismiss Plaintiffs' First Amendment claims because they do not establish a pattern or practice the motion is Denied. Defendants did not move to dismiss the remaining First Amendment claims. Defendants' motion to dismiss Plaintiffs' Fourth Amendment claims, to the extent that Plaintiffs claim that Defendants photography policy explicitly condones deletion of photographs, is Granted. Because Plaintiffs cannot show that Defendants' written policy condones deletion of pictures, leave to amend would be futile, and this claim is thus Dismissed with Prejudice. Defendants motion to dismiss the remainder of Plaintiffs' Fourth Amendment claims is Denied. Signed by Judge Thomas J. Whelan on 9/30/2013. (leh) (Entered: 09/30/2013)
10/24/2013	<u>43</u>	Joint MOTION for Extension of Time to File <i>Motion for Clarification or Reconsideration</i> by David V. Aguilar, Frank Jaramillo, United States Department of Homeland Security, Billy Whitford. (Nemeroff, Patrick) (leh). (Entered: 10/24/2013)
10/24/2013	<u>44</u>	ORDER Granting <u>43</u> Joint Motion for Extension of Time to File Motion for Clarification or Reconsideration. It is hereby ordered that Defendant's shall file any such motion by 11/27/2013. Signed by Judge Thomas J. Whelan on 10/24/2013. (leh) (Entered: 10/25/2013)
11/22/2013	<u>45</u>	NOTICE by David V. Aguilar, Frank Jaramillo, United States Customs and Border Protection Officers, United States Department of Homeland Security, Billy Whitford <i>of Substitution of Counsel</i> (Buckingham, Stephen) Attorney Stephen J. Buckingham added to party David V. Aguilar(pty:dft), Attorney Stephen J. Buckingham added to party Frank Jaramillo(pty:dft), Attorney Stephen J. Buckingham added to party United States Customs and Border Protection Officers(pty:dft), Attorney Stephen J. Buckingham added to party United States Department of Homeland Security(pty:dft), Attorney Stephen J. Buckingham added to party Billy Whitford(pty:dft) (srm). (Entered: 11/22/2013)
11/27/2013	<u>46</u>	MOTION for Reconsideration re <u>42</u> Order on Motion to Dismiss for Failure to State a Claim, by David V. Aguilar, Frank Jaramillo, United States Customs and Border Protection Officers, United States Department of Homeland Security, Billy Whitford. (Attachments: # <u>1</u> Memo of Points and Authorities)(Buckingham, Stephen) (ag). (Entered: 11/27/2013)
12/11/2013	<u>47</u>	RESPONSE in Opposition re <u>46</u> MOTION for Reconsideration re <u>42</u> Order on Motion to Dismiss for Failure to State a Claim, filed by Ray Askins, Christian Ramirez. (Woodmansee, Mark Andrew) (srm). (Entered: 12/11/2013)
12/23/2013	<u>48</u>	REPLY to Response to Motion re <u>46</u> MOTION for Reconsideration re <u>42</u> Order on Motion to Dismiss for Failure to State a Claim, filed by David V. Aguilar, Frank Jaramillo, United States Customs and Border Protection Officers, United States Department of Homeland Security, Billy Whitford. (Buckingham, Stephen) (knb). (Entered: 12/23/2013)
04/17/2014	<u>49</u>	ORDER granting in part and denying in part Defendants' <u>46</u> Motion for Reconsideration re <u>42</u> Order on Motion to Dismiss for Failure to State a Claim. Court denies Dfts' motion insofar as Plaintiffs' First Amendment claims as to a pattern or practice, and Plaintiffs' being given leave to amend. Court grants Dfts' motion insofar as Dfts' Fourth Amendment probable-cause analysis and the incorporation of the premise that the CBP policy violated the First Amendment. Court orders further briefing on the issue of the statutory authority for the federal policy property regulations that Dfts argue grounds for the officers' probable cause. Plaintiffs shall file response by 4/24/2014, not exceed 10 pages in length. Dfts shall file reply by 5/1/2014, not to exceed 10 pages in length. Signed by Judge Thomas J. Whelan on 4/17/2014. (jah) (Entered: 04/18/2014)

04/24/2014	<u>50</u>	SUPPLEMENTAL BRIEFING on Statutory Authority by Plaintiffs Ray Askins, Christian Ramirez. (Woodmansee, Mark Andrew). Modified on 4/25/2014 – Edited text to match pleading (jah). (Entered: 04/24/2014)
05/01/2014	<u>51</u>	SUPPLEMENTAL REPLY re <u>46</u> MOTION for Reconsideration re <u>42</u> Order on Motion to Dismiss for Failure to State a Claim, filed by David V. Aguilar, Frank Jaramillo, United States Customs and Border Protection Officers, United States Department of Homeland Security, Billy Whitford. (Buckingham, Stephen). Modified on 5/2/2014 – Edited to remove duplicative text (jah). (Entered: 05/01/2014)
07/03/2014	<u>52</u>	MOTION for Extension of Time to File <i>FTCA Claims (Unopposed Motion)</i> by Ray Askins, Christian Ramirez. (David, Jeffrey) (av1). (Entered: 07/03/2014)
07/03/2014	<u>53</u>	ORDER Granting Joint Motion for an Extension of Time to Amend the Complaint to Add FTCA Claims <u>52</u> . Signed by Judge Thomas J. Whelan on 7/3/2014. (vam) (Entered: 07/03/2014)
07/07/2014	<u>54</u>	NOTICE of Appearance by Mitra Ebadolahi on behalf of Ray Askins, Christian Ramirez (Ebadolahi, Mitra)Attorney Mitra Ebadolahi added to party Ray Askins(pty:pla), Attorney Mitra Ebadolahi added to party Christian Ramirez(pty:pla) (av1). (Entered: 07/07/2014)
12/30/2014	<u>55</u>	NOTICE by Ray Askins, Christian Ramirez <i>Notice of Withdrawal of Attorney, Sean Riordan</i> (Loy, John) (jpp). (Entered: 12/30/2014)
01/29/2015	<u>56</u>	ORDER granting–in–part <u>46</u> Defendants' motion for reconsideration. The Court grants–in–part Defendants motion for reconsideration and dismisses–in part Plaintiffs Fourth Amendment claims, but only to the extent that Plaintiffs claim Defendants photography policy to be violative of the Fourth Amendment. Moreover, given that the Courts finding is one of law, leave to amend would be futile, and thus the dismissal is with prejudice. Signed by Judge Thomas J. Whelan on 01/29/2015.(jpp) (Entered: 01/29/2015)
03/10/2015	<u>57</u>	NOTICE by Ray Askins, Christian Ramirez <i>of Withdrawal of Attorney Jeffrey M. David</i> (Woodmansee, Mark Andrew) (jpp). (Entered: 03/10/2015)
09/28/2015	<u>58</u>	Joint MOTION for Order to <i>Set Deadlines for First Amended Complaint and Response</i> by Ray Askins, Christian Ramirez. (Gosling, Kimberly) (jpp). (Entered: 09/28/2015)
10/06/2015	<u>59</u>	ORDER granting <u>58</u> Joint Motion to set deadlines for First Amended Complaint and response. Plaintiffs must file the FAC, if at all, on or before November 5, 2015. Defendants must respond to the FAC on or before December 7, 2015.Signed by Judge Thomas J. Whelan on 10/06/2015. (jpp) (Entered: 10/06/2015)
11/05/2015	<u>60</u>	AMENDED COMPLAINT against United States Department of Homeland Security, Billy Whitford, SIDNEY K. AKI, R. GIL KERLIKOWSKE, filed by Christian Ramirez, Ray Askins. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Proof of Service)New Summons Requested. (Ebadolahi, Mitra) (jpp). (Entered: 11/05/2015)
11/06/2015	<u>61</u>	Summons Issued. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. (jpp) (Entered: 11/06/2015)
12/03/2015	<u>62</u>	NOTICE of Appearance by Nathan Michael Swinton on behalf of David V. Aguilar, Sidney K Aki, DOES 16 through 50, Frank Jaramillo, R Gil Kerlikowske, United States Customs and Border Protection Officers, United States Department of Homeland Security, Billy Whitford (Swinton, Nathan)Attorney Nathan Michael Swinton added to party Sidney K Aki(pty:dft), Attorney Nathan Michael Swinton added to party R Gil Kerlikowske(pty:dft), Attorney Nathan Michael Swinton added to party United States Customs and Border Protection Officers(pty:dft), Attorney Nathan Michael Swinton added to party United States Department of Homeland Security(pty:dft), Attorney Nathan Michael Swinton added to party Billy Whitford(pty:dft) (jpp). (Entered: 12/03/2015)
12/03/2015	<u>63</u>	Joint MOTION for Extension of Time to File Response/Reply to <i>First Amended Complaint</i> by Sidney K Aki, R Gil Kerlikowske, United States Customs and Border Protection Officers, United States Department of Homeland Security, Billy Whitford. (Swinton, Nathan) (jpp). (Entered: 12/03/2015)

12/04/2015	<u>64</u>	ORDER granting <u>63</u> Joint Motion for Extension of Time to respond to the First Amended complaint. Defendant must respond to the FAC on or before December 18, 2015. Signed by Judge Thomas J. Whelan on 12/04/2015. (jpp) (Entered: 12/04/2015)
12/18/2015	<u>65</u>	MOTION to Dismiss for Failure to State a Claim , MOTION to Dismiss for Lack of Jurisdiction by Sidney K Aki, R Gil Kerlikowske, United States Department of Homeland Security, Billy Whitford. (Attachments: # <u>1</u> Memo of Points and Authorities)(Buckingham, Stephen)Attorney Stephen J. Buckingham added to party Sidney K Aki(pty:dft), Attorney Stephen J. Buckingham added to party R Gil Kerlikowske(pty:dft) (jpp). (Entered: 12/18/2015)
01/07/2016	<u>66</u>	Joint MOTION for Extension of Time to File Response/Reply on <i>Motion to Dismiss</i> by Ray Askins, Christian Ramirez. (Attachments: # <u>1</u> Proof of Service)(Loy, John)(jao). (Entered: 01/07/2016)
01/08/2016	<u>67</u>	ORDER Granting <u>66</u> Joint Motion for Extension of Time to File Response/Reply re <u>65</u> MOTION to Dismiss for Failure to State a Claim MOTION to Dismiss for Lack of Jurisdiction . In accordance with the dates appearing in the pending joint motion, Plaintiffs must file any opposition to the pending motion to dismiss on or before February 1, 2016. Defendants must file any reply by February 16, 2016. The motion to dismiss is presently noticed for January 25, 2016. [Doc. 65.] The hearing date is continued to February 29, 2016. There will be no oral argument pursuant to Civil Local Rule 7.1(d.1). Signed by Judge Thomas J. Whelan on 1/8/2016. (jao) (Entered: 01/08/2016)
01/22/2016	<u>68</u>	MOTION to Withdraw as Attorney by Ray Askins, Christian Ramirez. (Attachments: # <u>1</u> Declaration of M. Andrew Woodmansee)(Woodmansee, Mark Andrew) (jao). (Entered: 01/22/2016)
01/29/2016	<u>69</u>	NOTICE of Appearance by Jonathan Paul Markovitz on behalf of Ray Askins, Christian Ramirez (Attachments: # <u>1</u> Proof of Service)(Markovitz, Jonathan)Attorney Jonathan Paul Markovitz added to party Ray Askins(pty:pla), Attorney Jonathan Paul Markovitz added to party Christian Ramirez(pty:pla) (jao). (Entered: 01/29/2016)
02/01/2016	<u>70</u>	RESPONSE in Opposition re <u>65</u> MOTION to Dismiss for Failure to State a Claim MOTION to Dismiss for Lack of Jurisdiction filed by Ray Askins, Christian Ramirez. (Attachments: # <u>1</u> Proof of Service)(Ebadolahi, Mitra) (jao). (Entered: 02/01/2016)
02/08/2016	<u>71</u>	ORDER Granting <u>68</u> Motion to Withdraw as Attorney. Attorneys Mark Andrew Woodmansee, Kimberly Rhea Gosling, and Mary Prendergast terminated. Signed by Judge Thomas J. Whelan on 2/8/2016. (jao) (Entered: 02/08/2016)
02/16/2016	<u>72</u>	REPLY to Response to Motion re <u>65</u> MOTION to Dismiss for Failure to State a Claim MOTION to Dismiss for Lack of Jurisdiction filed by David V. Aguilar, Sidney K Aki, Frank Jaramillo, R Gil Kerlikowske, United States Customs and Border Protection Officers. (Swinton, Nathan) (jao). (Entered: 02/16/2016)
03/23/2016	<u>73</u>	ORDER Granting <u>65</u> Defendants' Motion to Dismiss. The Court grants Defendants' motion to dismiss without leave to amend. This action is dismissed with prejudice. The Clerk is directed to close the case. Signed by Judge Thomas J. Whelan on 3/23/2016. (jao) (sjt). (Entered: 03/23/2016)
03/23/2016	<u>74</u>	CLERK'S JUDGMENT. IT IS SO ORDERED AND ADJUDGED that the Court grants Defendants' motion to dismiss without leave to amend. This case is dismissed with prejudice.(jao) (Entered: 03/23/2016)
05/17/2016	<u>75</u>	NOTICE OF APPEAL to the 9th Circuit as to <u>74</u> Clerk's Judgment, by Ray Askins, Christian Ramirez. (Filing fee \$ 505 receipt number 0974-9069902.) (Notice of Appeal electronically transmitted to US Court of Appeals.) (Attachments: # <u>1</u> Proof of Service)(Ebadolahi, Mitra). (akr). (Entered: 05/17/2016)
05/17/2016	<u>76</u>	USCA Case Number 16-55719 for <u>75</u> Notice of Appeal to 9th Circuit, filed by Christian Ramirez, Ray Askins. (akr) (Entered: 05/17/2016)
05/17/2016	<u>77</u>	USCA Time Schedule Order as to <u>75</u> Notice of Appeal to 9th Circuit, filed by Christian Ramirez, Ray Askins. (akr) (Entered: 05/17/2016)

02/13/2018	<u>78</u>	ORDER of USCA as to <u>75</u> Notice of Appeal to 9th Circuit, filed by Christian Ramirez, Ray Askins. At oral argument, the parties shall be prepared to address the relevance, if any, of Jacobson v. USDHS, No. 16-17199 (9th Cir. Feb. 13, 2018). (akr) (Entered: 02/13/2018)
11/01/2018	79	NOTICE of Hearing: Appeal Mandate Hearing set for 11/19/2018 10:00 AM in Courtroom 3C before Judge Thomas J. Whelan. (no document attached) (bjb) (Entered: 11/01/2018)
11/16/2018	<u>80</u>	NOTICE of Appearance by Rachael Lynn Westmoreland on behalf of David V. Aguilar, Sidney K Aki, DOES 16 through 50, Frank Jaramillo, R Gil Kerlikowske, United States Customs and Border Protection Officers, United States Department of Homeland Security, Billy Whitford (Westmoreland, Rachael)Attorney Rachael Lynn Westmoreland added to party David V. Aguilar(pty:dft), Attorney Rachael Lynn Westmoreland added to party Sidney K Aki(pty:dft), Attorney Rachael Lynn Westmoreland added to party DOES 16 through 50(pty:dft), Attorney Rachael Lynn Westmoreland added to party Frank Jaramillo(pty:dft), Attorney Rachael Lynn Westmoreland added to party R Gil Kerlikowske(pty:dft), Attorney Rachael Lynn Westmoreland added to party United States Customs and Border Protection Officers(pty:dft), Attorney Rachael Lynn Westmoreland added to party United States Department of Homeland Security(pty:dft), Attorney Rachael Lynn Westmoreland added to party Billy Whitford(pty:dft) (jao). (Entered: 11/16/2018)
11/16/2018	<u>81</u>	Joint MOTION Reschedule Appeal Mandate Hearing by David V. Aguilar, Sidney K Aki, DOES 16 through 50, Frank Jaramillo, R Gil Kerlikowske, United States Customs and Border Protection Officers, United States Department of Homeland Security, Billy Whitford. (Westmoreland, Rachael) (jao). (Entered: 11/16/2018)
11/19/2018	<u>82</u>	ORDER Granting <u>81</u> Joint Motion to Reschedule Appeal Mandate Hearing. Appeal Mandate Hearing reset for 12/3/2018 10:00 AM in Courtroom 3C before Judge Thomas J. Whelan. Signed by Judge Thomas J. Whelan on 11/16/2018. (jao) (Entered: 11/19/2018)
11/30/2018	<u>83</u>	Request to Appear Pro Hac Vice (Filing fee received: \$ 206 receipt number 0974-11953116.) (Application to be reviewed by Clerk.) (Gersch, David) 11/30/2018 - To be refiled re signatures and document format. (mdc) (Entered: 11/30/2018)
11/30/2018	<u>84</u>	Request to Appear Pro Hac Vice (Filing fee received: \$ 206 receipt number 0974-11953121.) (Application to be reviewed by Clerk.) (D'Amico, Sara) 11/30/2018 - To be refiled re missing signature. (mdc) (Entered: 11/30/2018)
11/30/2018	<u>85</u>	Request to Appear Pro Hac Vice, (Filing fee received: \$ 206 receipt number 0974-11953116 - See <u>83</u> .) (Application to be reviewed by Clerk.) (Gersch, David) Modified text on 11/30/2018 to include filing fee info. (mdc) (Entered: 11/30/2018)
11/30/2018	<u>86</u>	Request to Appear Pro Hac Vice, (Filing fee received: \$ 206 receipt number 0974-11953121 - See <u>84</u> .) (Application to be reviewed by Clerk.) (D'Amico, Sara) Modified text on 11/30/2018 to include filing fee info. (mdc) (Entered: 11/30/2018)
11/30/2018	87	PRO HAC APPROVED re <u>85</u> : David Paul Gersch appearing for Plaintiffs Ray Askins, Christian Ramirez. (no document attached) (mdc) (Entered: 11/30/2018)
11/30/2018	88	PRO HAC APPROVED re <u>86</u> : Sara D'Amico appearing for Plaintiffs Ray Askins, Christian Ramirez. (no document attached) (mdc) (Entered: 11/30/2018)
12/03/2018	91	Minute Entry for proceedings held before Judge Thomas J. Whelan: Appeal Mandate Hearing held on 12/3/2018. Appeal Mandate ordered filed and spread.(Court Reporter/ECR Mauralee Ramirez). (Plaintiff Attorney David Gursh). (Defendant Attorney Rachael Westmoreland). (Amy Dail).(no document attached) (llb) (Entered: 12/06/2018)
12/03/2018	<u>92</u>	MANDATE of USCA vacating the decision of the USDC and remanding for further proceedings as to <u>75</u> Notice of Appeal to the 9th Circuit filed by Christian Ramirez, Ray Askins. (akr) (Entered: 12/06/2018)
12/06/2018	<u>89</u>	Request to Appear Pro Hac Vice (Filing fee received: \$ 206 receipt number 0974-11972131.) (Application to be reviewed by Clerk.) (Jones, Robert) (mdc) (Entered: 12/06/2018)

12/06/2018	<u>90</u>	PRO HAC APPROVED re <u>89</u> : Robert Stanton Jones appearing for Plaintiffs Ray Askins, Christian Ramirez. (no document attached) (mdc) (Entered: 12/06/2018)
01/03/2019	<u>93</u>	NOTICE of Appearance by Sarah D. Thompson on behalf of Ray Askins, Christian Ramirez (Attachments: # <u>1</u> Proof of Service)(Thompson, Sarah)Attorney Sarah D. Thompson added to party Ray Askins(pty:pla), Attorney Sarah D. Thompson added to party Christian Ramirez(pty:pla) (jao). (Entered: 01/03/2019)
01/10/2019	<u>94</u>	MOTION to Stay <i>in Light of the Lapse in Appropriations</i> by David V. Aguilar, Sidney K Aki, DOES 16 through 50, Frank Jaramillo, R Gil Kerlikowske, United States Customs and Border Protection Officers, United States Department of Homeland Security, Billy Whitford. (Westmoreland, Rachael) (jao). (Entered: 01/10/2019)
01/11/2019	<u>95</u>	ORDER Granting <u>94</u> Ex Parte Motion to Stay During Lapse in Department of Justice Appropriations. Signed by Judge Thomas J. Whelan on 1/11/2019. (jao) (Entered: 01/11/2019)
01/28/2019	<u>96</u>	NOTICE of Restoration of Appropriations by David V. Aguilar, Sidney K Aki, DOES 16 through 50, Frank Jaramillo, R Gil Kerlikowske, United States Customs and Border Protection Officers, United States Department of Homeland Security, Billy Whitford re <u>95</u> Order on Motion to Stay (Westmoreland, Rachael) (jao). (Entered: 01/28/2019)
03/08/2019	<u>97</u>	ANSWER to <u>60</u> Amended Complaint, by United States Customs and Border Protection Officers, David V. Aguilar, Billy Whitford, DOES 16 through 50, Sidney K Aki, Frank Jaramillo, R Gil Kerlikowske, United States Department of Homeland Security.(Westmoreland, Rachael) (jao). (Entered: 03/08/2019)
03/11/2019	<u>98</u>	NOTICE AND ORDER for Early Neutral Evaluation Conference and Case Management Conference. Early Neutral Evaluation set for 4/5/2019 01:30 PM before Magistrate Judge Barbara Lynn Major. In the event the case does not settle during the ENE, the Court will conduct an Initial Case Management Conference. Joint Discovery Plan due 3/29/2019. Signed by Magistrate Judge Barbara Lynn Major on 3/11/2019.(jao) (Entered: 03/11/2019)
03/26/2019	<u>99</u>	NOTICE of Withdrawal of Counsel, Jonathan Markovitz by Ray Askins, Christian Ramirez (Markovitz, Jonathan) (jao). (Entered: 03/26/2019)
03/29/2019	<u>100</u>	JOINT DISCOVERY PLAN by Ray Askins, Christian Ramirez (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B)(D'Amico, Sara) (ag). (Entered: 03/29/2019)
04/05/2019	<u>101</u>	Minute Entry for proceedings held before Magistrate Judge Barbara Lynn Major: Early Neutral Evaluation Conference held on 4/5/2019. Case did not settle. Case Management Conference held on 4/5/2019. Order to follow.(Plaintiff Attorney Robert Stanton Jones, David Paul Gersch, Mitra Ebadolahi). (Defendant Attorney Rachael Lynn Westmoreland, Amy Deu). (no document attached) (bll) (Entered: 04/05/2019)
04/09/2019	<u>102</u>	Stipulated Order Pursuant to Federal Rule of Evidence 502(d). Signed by Magistrate Judge Barbara Lynn Major on 4/9/2019.(jao) (Entered: 04/09/2019)
04/09/2019	<u>103</u>	SCHEDULING ORDER: Mandatory Settlement Conference set for 7/13/2020 09:30 AM before Magistrate Judge Barbara Lynn Major. Memorandum of Contentions of Fact and Law due by 8/17/2020. Proposed Pretrial Order due by 9/7/2020. Final Pretrial Conference set for 9/21/2020 10:30 AM before Judge Thomas J. Whelan. Signed by Magistrate Judge Barbara Lynn Major on 4/9/2019.(jao) (Entered: 04/09/2019)
04/12/2019	<u>104</u>	Joint MOTION for Protective Order by Ray Askins, Christian Ramirez. (Attachments: # <u>1</u> Proposed Protective Order, # <u>2</u> Exhibit A)(D'Amico, Sara) (jao). (Entered: 04/12/2019)
04/23/2019	<u>105</u>	ORDER Granting <u>104</u> Joint Motion for Protective Order With Modification. Signed by Magistrate Judge Barbara Lynn Major on 4/23/2019. (jao) (Entered: 04/23/2019)
05/20/2019	<u>106</u>	Ex Parte MOTION to Amend/Correct <u>60</u> Amended Complaint, by Ray Askins, Christian Ramirez. (Attachments: # <u>1</u> Exhibit A – Second Amended Complaint, # <u>2</u> Exhibit B – Redline Comparison, # <u>3</u> Exhibit C – Plaintiffs' Interrogatories, # <u>4</u> Exhibit D – Defendants' Responses, # <u>5</u> Exhibit E – Email Correspondence I, # <u>6</u> Exhibit F – Email Correspondence II)(Gersch, David) (jao). (Entered: 05/20/2019)

05/30/2019	<u>107</u>	ORDER Granting <u>106</u> Ex Parte Motion for Leave to File Second Amended Complaint. Plaintiff may file an amended pleading, if any, by Monday, June 10, 2019. Signed by Judge Thomas J. Whelan on 5/30/2019. (jao) (Entered: 05/30/2019)
06/10/2019	<u>108</u>	AMENDED COMPLAINT against All Defendants, filed by Christian Ramirez, Ray Askins. (Attachments: # <u>1</u> Exhibit A – CBP Directive No. 5410–001B, # <u>2</u> Exhibit B – CBP Ground Rules, # <u>3</u> Exhibit C – Health Impacts of Border Crossings Conf., # <u>4</u> Exhibit D – CBP Email Response)New Summons Requested. (D'Amico, Sara) Mailer sent re signature on 6/11/2019 (jao). (Entered: 06/10/2019)
06/11/2019	<u>109</u>	Summons Issued on Second Amended Complaint. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. (jao) (Entered: 06/11/2019)
06/12/2019	<u>110</u>	ORDER: (1) Setting Briefing Schedule, (2) Granting Parties' Request For Additional Time to File a Motion to Compel Regarding Historic Use Discovery, and (3) Clarifying Chambers Rule V(E). Signed by Magistrate Judge Barbara Lynn Major on 6/12/2019.(jao) (Entered: 06/12/2019)
06/21/2019	<u>111</u>	Joint MOTION to Continue (<i>modify</i>) <i>Order Setting Briefing Schedule</i> by Ray Askins, Christian Ramirez. (Ebadolahi, Mitra) (jao). (Entered: 06/21/2019)
06/24/2019	<u>112</u>	ORDER Granting <u>111</u> Joint Motion for Modification of Order Setting Briefing Schedule (ECF No. <u>110</u>). Plaintiffs shall have until July 12, 2019 to complete a joint conference call with the Court regarding any impasse on these discovery requests. Plaintiffs must file their motion on or before June 25, 2019; Defendants must file their opposition on or before July 9, 2019; and Plaintiffs must file any reply on or before July 16, 2019. Signed by Magistrate Judge Barbara Lynn Major on 6/24/2019. (tcf) (jao). (Entered: 06/24/2019)
06/25/2019	<u>113</u>	MOTION to Compel by Ray Askins, Christian Ramirez. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Declaration)(Ebadolahi, Mitra) (jao). (Entered: 06/25/2019)
06/25/2019	<u>114</u>	SUMMONS Returned Executed by Christian Ramirez, Ray Askins. Federal Protective Service (FPS), General Services Administration, Emily W. Murphy, L. Eric Patterson served. (Attachments: # <u>1</u> Exhibit Delivery Confirmations)(D'Amico, Sara) (jao). (Entered: 06/25/2019)
07/03/2019	<u>115</u>	ANSWER to <u>108</u> Amended Complaint, by United States Customs and Border Protection Officers, General Services Administration, David V. Aguilar, Federal Protective Service (FPS), Sidney K Aki, L. Eric Patterson, Emily W. Murphy, Billy Whitford, DOES 16 through 50, David A. Salazar, John P. Sanders, Frank Jaramillo, R Gil Kerlikowske, United States Department of Homeland Security.(Westmoreland, Rachael)Attorney Rachael Lynn Westmoreland added to party Federal Protective Service (FPS)(pty:dft), Attorney Rachael Lynn Westmoreland added to party General Services Administration(pty:dft), Attorney Rachael Lynn Westmoreland added to party Emily W. Murphy(pty:dft), Attorney Rachael Lynn Westmoreland added to party L. Eric Patterson(pty:dft), Attorney Rachael Lynn Westmoreland added to party David A. Salazar(pty:dft), Attorney Rachael Lynn Westmoreland added to party John P. Sanders(pty:dft) (jao). (Entered: 07/03/2019)
07/09/2019	<u>116</u>	RESPONSE in Opposition re <u>113</u> MOTION to Compel filed by David V. Aguilar, Sidney K Aki, DOES 16 through 50, Federal Protective Service (FPS), General Services Administration, Frank Jaramillo, R Gil Kerlikowske, Emily W. Murphy, L. Eric Patterson, David A. Salazar, John P. Sanders, United States Customs and Border Protection Officers, United States Department of Homeland Security, Billy Whitford. (Attachments: # <u>1</u> Exhibit 1– Declaration of Elaine Dismuke, # <u>2</u> Exhibit 2– Declaration of Peggy DeBeliso, # <u>3</u> Exhibit 3– Active Learning Protocol)(Westmoreland, Rachael) (jao). (Entered: 07/09/2019)
07/12/2019	<u>117</u>	Joint MOTION to Continue (<i>modify</i>) <i>Order setting briefing schedule (ECF 112)</i> by David V. Aguilar, Sidney K Aki, DOES 16 through 50, Federal Protective Service (FPS), General Services Administration, Frank Jaramillo, R Gil Kerlikowske, Emily W. Murphy, L. Eric Patterson, David A. Salazar, John P. Sanders, United States Customs and Border Protection Officers, United States Department of Homeland Security, Billy Whitford. (Westmoreland, Rachael) (jao). (Entered: 07/12/2019)

07/15/2019	<u>118</u>	ORDER Granting <u>117</u> Joint Motion for Modification of Order Setting Briefing Schedule. Signed by Magistrate Judge Barbara Lynn Major on 7/15/2019. (jao) (Entered: 07/15/2019)
07/16/2019	<u>119</u>	REPLY to Response to Motion re <u>113</u> MOTION to Compel filed by Ray Askins, Christian Ramirez. (D'Amico, Sara) Mailer sent on 7/17/2019 (jao). (Entered: 07/16/2019)
08/06/2019	<u>120</u>	ORDER granting in part and denying in part Plaintiffs' Motion to Compel [ECF No. <u>113</u>]. Status Report due by 8/27/2019. Signed by Magistrate Judge Barbara Lynn Major on 8/6/2019. (jrm) (jao). (Entered: 08/06/2019)
08/26/2019	<u>121</u>	ORDER Setting Briefing Schedule. Plaintiffs must file their motion on or before September 23, 2019; Defendants must file their opposition on or before October 11, 2019; and Plaintiffs must file any reply on or before October 21, 2019. Upon completion of the briefing, the Court will take the matter under submission pursuant to Civil Local Rule 7.1(d)(1) and no personal appearances will be required. Signed by Magistrate Judge Barbara Lynn Major on 8/26/2019.(jao) (Entered: 08/26/2019)
08/27/2019	<u>122</u>	MOTION for Extension of Time to Complete Discovery <i>Complying with the Court's Order on Plaintiffs' Motion to Compel</i> by David V. Aguilar, Sidney K Aki, DOES 16 through 50, Federal Protective Service (FPS), General Services Administration, Frank Jaramillo, R Gil Kerlikowske, Emily W. Murphy, L. Eric Patterson, David A. Salazar, John P. Sanders, United States Customs and Border Protection Officers, United States Department of Homeland Security, Billy Whitford. (Attachments: # <u>1</u> Declaration Falk (Ex. 1), # <u>2</u> Declaration Palmer (Ex. 2))(Westmoreland, Rachael) (jao). (Entered: 08/27/2019)
08/27/2019	<u>123</u>	STATUS REPORT (<i>Joint</i>) by Ray Askins, Christian Ramirez. (Attachments: # <u>1</u> Exhibit A: Active Learning Protocol, # <u>2</u> Exhibit B: White Paper)(D'Amico, Sara) Mailer sent on 8/28/2019 (jao). (Entered: 08/27/2019)
08/28/2019	<u>124</u>	RESPONSE in Opposition re <u>122</u> MOTION for Extension of Time to Complete Discovery <i>Complying with the Court's Order on Plaintiffs' Motion to Compel</i> filed by Ray Askins, Christian Ramirez. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(D'Amico, Sara) Mailer sent re signature on 8/29/2019 (jao). (Entered: 08/28/2019)
08/29/2019	<u>125</u>	Joint MOTION for Extension of Time to File <i>Regarding Discovery Disputes</i> by Christian Ramirez. (D'Amico, Sara)(jao). (Entered: 08/29/2019)
09/03/2019	<u>126</u>	ORDER Granting <u>125</u> Joint Motion for Extension of Time to Raise Certain Discovery Disputes. Plaintiffs have until September 23, 2019 to contact chambers to raise any disputes pertaining to GSA and FPS's discovery responses. Signed by Magistrate Judge Barbara Lynn Major on 9/3/2019. (jao) (Entered: 09/03/2019)
09/03/2019	<u>127</u>	ORDER Regarding Joint Status Report [ECF <u>123</u>]. The parties must file their proposed dates on or before October 7, 2019. If the parties are unable to agree on dates, each party may propose dates and provide a short justification for their proposal. Signed by Magistrate Judge Barbara Lynn Major on 9/3/2019.(jao) (Entered: 09/03/2019)
09/03/2019	<u>128</u>	ORDER Granting <u>122</u> Defendants' Motion to Extend Deadline for Compliance With Court's Order on Plaintiff's Motion to Compel. Given the breadth of Plaintiffs' discovery requests and the scope of the required search described by Defendants, the additional requested time is reasonable. Signed by Magistrate Judge Barbara Lynn Major on 9/3/2019. (jao) (Entered: 09/03/2019)
09/16/2019	<u>129</u>	ORDER OF TRANSFER. IT IS HEREBY ORDERED that the following listed case is transferred from the calendar of the Honorable Barbara L. Major to the calendar of the Honorable Allison H. Goddard for all further proceedings. All conferences or hearing dates previously set before Judge Major will remain as scheduled and will be before Judge Goddard. All dates set before any district judge remain unchanged. The new case number is 12cv2600-W-AHG. Signed by Magistrate Judge Barbara Lynn Major on 9/16/2019.(jao) (Entered: 09/16/2019)
09/23/2019	<u>130</u>	MOTION to Compel by Christian Ramirez. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Declaration, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit

		D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Exhibit H, # <u>11</u> Exhibit I, # <u>12</u> Exhibit J, # <u>13</u> Exhibit K, # <u>14</u> Exhibit L, # <u>15</u> Exhibit M, # <u>16</u> Exhibit N, # <u>17</u> Exhibit O, # <u>18</u> Exhibit P, # <u>19</u> Exhibit Q, # <u>20</u> Exhibit R, # <u>21</u> Exhibit S, # <u>22</u> Exhibit T, # <u>23</u> Exhibit U, # <u>24</u> Exhibit V)(D'Amico, Sara) (jao). (Entered: 09/23/2019)
10/04/2019	<u>131</u>	Joint MOTION for Extension of Time to File <i>Joint Status Report and Responses/Replies to Plaintiffs' Motion to Compel</i> by David V. Aguilar, Sidney K Aki, DOES 16 through 50, Federal Protective Service (FPS), General Services Administration, Frank Jaramillo, R Gil Kerlikowske, Emily W. Murphy, L. Eric Patterson, David A. Salazar, John P. Sanders, United States Customs and Border Protection Officers, United States Department of Homeland Security, Billy Whitford. (Attachments: # <u>1</u> Declaration of Rachael Westmoreland)(Westmoreland, Rachael) (jao). (Entered: 10/04/2019)
10/04/2019	<u>132</u>	ORDER Granting <u>131</u> Joint Motion to Extend Deadlines to File Joint Discovery Proposal and to Complete Motion to Compel Briefing. Signed by Magistrate Judge Allison H. Goddard on 10/4/2019. (jao) (Entered: 10/04/2019)
10/16/2019	<u>133</u>	ORDER SETTING TELEPHONIC DISCOVERY CONFERENCE. Telephonic discovery conference set for 10/30/2019 at 02:00 PM before Magistrate Judge Allison H. Goddard. Counsel shall call the chambers teleconference line at 1-877-873-8018 and use 8367902 as the access code to join the conference. Signed by Magistrate Judge Allison H. Goddard on 10/16/2019. (no document attached) (kxm) (Entered: 10/16/2019)
10/16/2019	<u>134</u>	Joint MOTION for Extension of Time to File <i>Proposed Case Management Schedule</i> by Ray Askins, Christian Ramirez. (Attachments: # <u>1</u> Declaration of Mitra Ebadolahi)(Ebadolahi, Mitra) (jao). (Entered: 10/16/2019)
10/17/2019	<u>135</u>	ORDER: (1) Granting in Part <u>134</u> Joint Motion; (2) Vacating Deadline to File Case Management Schedule; and (3) Setting Deadline to File Joint Status Report. Signed by Magistrate Judge Allison H. Goddard on 10/17/2019. (jao) (Entered: 10/17/2019)
10/21/2019	<u>136</u>	ORDER Clarifying Motion to Compel Deadlines. Defendants' deadline to file a Response in opposition to Plaintiffs' Motion to Compel is extended to October 25, 2019; Plaintiffs' Reply deadline remains set on November 4, 2019. Signed by Magistrate Judge Allison H. Goddard on 10/21/2019.(jao) (Entered: 10/21/2019)
10/24/2019	<u>137</u>	Joint MOTION for Extension of Time to File Response/Reply as to <u>130</u> MOTION to Compel by David V. Aguilar, Sidney K Aki, DOES 16 through 50, Federal Protective Service (FPS), General Services Administration, Frank Jaramillo, R Gil Kerlikowske, Emily W. Murphy, L. Eric Patterson, David A. Salazar, John P. Sanders, United States Customs and Border Protection Officers, United States Department of Homeland Security, Billy Whitford. (Attachments: # <u>1</u> Declaration of Rachael Westmoreland)(Westmoreland, Rachael) (jao). (Entered: 10/24/2019)
10/24/2019	<u>138</u>	ORDER Granting <u>137</u> Joint Motion to Extend Briefing Deadlines on <u>130</u> Plaintiffs' MOTION to Compel . Responses due by 11/8/2019, Replies due by 11/18/2019. Beginning on November 4, 2019, the parties must file biweekly status reports to keep the Court apprised of the status of their settlement discussions, as previously ordered. Signed by Magistrate Judge Allison H. Goddard on 10/24/2019. (jao) (Entered: 10/24/2019)
10/30/2019	<u>139</u>	Minute Entry for proceedings held before Magistrate Judge Allison H. Goddard: Telephonic Status Conference held on 10/30/2019. The Court postponed discussion of the parties' discovery dispute due to ongoing settlement negotiations. The parties were directed to indicate in their Status Report due 11/4/2019 whether they are interested in Court facilitation of their continuing settlement talks and were apprised of the available options for such facilitation. (Plaintiff Attorneys David Gersch, Arthur Luk, Sara D'Amico, and Sarah Thompson). (Defendant Attorney Rachael Westmoreland). (no document attached) (kxm) (Entered: 10/30/2019)
11/04/2019	<u>140</u>	STATUS REPORT (<i>Joint</i>) by Ray Askins, Christian Ramirez. (D'Amico, Sara) (jdt). (Entered: 11/04/2019)
11/04/2019	<u>141</u>	NOTICE of Appearance by Bradley Craigmyle on behalf of David V. Aguilar, Sidney K Aki, DOES 16 through 50, Federal Protective Service (FPS), General Services

		Administration, Frank Jaramillo, R Gil Kerlikowske, Emily W. Murphy, L. Eric Patterson, David A. Salazar, John P. Sanders, United States Customs and Border Protection Officers, United States Department of Homeland Security, Billy Whitford (Craigmyle, Bradley)Attorney Bradley Craigmyle added to party David V. Aguilar(pty:dft), Attorney Bradley Craigmyle added to party Sidney K Aki(pty:dft), Attorney Bradley Craigmyle added to party DOES 16 through 50(pty:dft), Attorney Bradley Craigmyle added to party Federal Protective Service (FPS)(pty:dft), Attorney Bradley Craigmyle added to party General Services Administration(pty:dft), Attorney Bradley Craigmyle added to party Frank Jaramillo(pty:dft), Attorney Bradley Craigmyle added to party R Gil Kerlikowske(pty:dft), Attorney Bradley Craigmyle added to party Emily W. Murphy(pty:dft), Attorney Bradley Craigmyle added to party L. Eric Patterson(pty:dft), Attorney Bradley Craigmyle added to party David A. Salazar(pty:dft), Attorney Bradley Craigmyle added to party John P. Sanders(pty:dft), Attorney Bradley Craigmyle added to party United States Customs and Border Protection Officers(pty:dft), Attorney Bradley Craigmyle added to party United States Department of Homeland Security(pty:dft), Attorney Bradley Craigmyle added to party Billy Whitford(pty:dft) (jdt). (Entered: 11/04/2019)
11/05/2019	<u>142</u>	ORDER Granting Request for Extension of Briefing Deadlines on Plaintiffs' Motion to Compel. The parties seek an additional one-week extension of the Motion to Compel briefing deadlines. ECF No. <u>140</u> . The Court finds good cause to grant the request: Defendants' deadline to file a Response in opposition is 11/15/2019. Plaintiffs' Reply deadline is 11/25/2019. Signed by Magistrate Judge Allison H. Goddard on 11/5/2019. (jdt) Modified on 11/6/2019 to correct judge association. NEF regenerated (jdt). (Entered: 11/05/2019)
11/15/2019	<u>143</u>	Joint MOTION to Vacate <i>Briefing Schedule for Plaintiffs' Second Motion to Compel</i> by David V. Aguilar, Sidney K Aki, DOES 16 through 50, Federal Protective Service (FPS), General Services Administration, Frank Jaramillo, R Gil Kerlikowske, Emily W. Murphy, L. Eric Patterson, David A. Salazar, John P. Sanders, United States Customs and Border Protection Officers, United States Department of Homeland Security, Billy Whitford. (Craigmyle, Bradley) (jdt). (Entered: 11/15/2019)
11/15/2019	<u>144</u>	ORDER Granting in Part and Denying in Part Joint Motion to Vacate Briefing Schedule for Plaintiff's Motion to Compel (ECF No. <u>143</u>). The Court denies the parties' request to vacate the briefing deadlines entirely; however, the Court finds good cause to grant an extension. Defendants' deadline to file a Response in opposition to Plaintiffs' Motion to Compel is extended from 11/15/2019 to 12/6/2019. Plaintiffs' Reply deadline is extended from 11/25/2019 to 12/16/2019. Signed by Magistrate Judge Allison H. Goddard on 11/15/2019. (jdt) (Entered: 11/15/2019)
11/18/2019	<u>145</u>	STATUS REPORT (<i>Joint</i>) by Ray Askins, Christian Ramirez. (D'Amico, Sara) (jdt). (Entered: 11/18/2019)
11/18/2019	<u>146</u>	MOTION for Extension of Time to Complete Discovery <i>Complying with the Court's Order on Plaintiffs' Motion to Compel</i> by David V. Aguilar, Sidney K Aki, DOES 16 through 50, Federal Protective Service (FPS), General Services Administration, Frank Jaramillo, R Gil Kerlikowske, Emily W. Murphy, L. Eric Patterson, David A. Salazar, John P. Sanders, United States Customs and Border Protection Officers, United States Department of Homeland Security, Billy Whitford. (Attachments: # <u>1</u> Declaration Peggy DeBeliso (Exhibit 1), # <u>2</u> Declaration Stephen McCleary (Exhibit 2))(Craigmyle, Bradley) (jdt). (Entered: 11/18/2019)
11/19/2019	<u>147</u>	ORDER Granting Motion for Extension of Time to Comply with Court Order Compelling Certain Discovery (ECF No. <u>146</u>). Signed by Magistrate Judge Allison H. Goddard on 11/19/2019. (jrm) (Entered: 11/19/2019)
11/22/2019	<u>148</u>	ORDER Setting Settlement Conference. The Court sets an in-person Settlement Conference for 12/13/2019 at 9:30 AM in the chambers of Magistrate Judge Allison H. Goddard. Signed by Magistrate Judge Allison H. Goddard on 11/22/2019. (jdt) (Entered: 11/22/2019)
12/02/2019	<u>149</u>	STATUS REPORT (<i>Joint</i>) by Ray Askins, Christian Ramirez. (D'Amico, Sara) (jdt). (Entered: 12/02/2019)
12/04/2019	<u>150</u>	Joint MOTION for Extension of Time to File Response/Reply as to <u>130</u> MOTION to Compel by David V. Aguilar, Sidney K Aki, DOES 16 through 50, Federal Protective

		Service (FPS), General Services Administration, Frank Jaramillo, R Gil Kerlikowske, Emily W. Murphy, L. Eric Patterson, David A. Salazar, John P. Sanders, United States Customs and Border Protection Officers, United States Department of Homeland Security, Billy Whitford. (Craigmyle, Bradley) (jdt). (Entered: 12/04/2019)
12/04/2019	<u>151</u>	MOTION for Extension of Time to Complete Discovery <i>Complying with the Court's Order on Plaintiffs' Motion to Compel</i> by David V. Aguilar, Sidney K Aki, DOES 16 through 50, Federal Protective Service (FPS), General Services Administration, Frank Jaramillo, R Gil Kerlikowske, Emily W. Murphy, L. Eric Patterson, David A. Salazar, John P. Sanders, United States Customs and Border Protection Officers, United States Department of Homeland Security, Billy Whitford. (Craigmyle, Bradley) (jdt). (Entered: 12/04/2019)
12/05/2019	<u>152</u>	ORDER Granting Joint Motion to Extend Briefing Schedule for Plaintiff's Motion to Compel (ECF No. <u>150</u>). Responses due by 1/3/2020. Replies due by 1/13/2020. Signed by Magistrate Judge Allison H. Goddard on 12/5/2019. (jdt) (Entered: 12/06/2019)
12/05/2019	<u>153</u>	ORDER Granting Motion for Extension of Time to Comply With Court Order Compelling Certain Discovery (ECF No. <u>151</u>). Signed by Magistrate Judge Allison H. Goddard on 12/5/2019. (jdt) (Entered: 12/06/2019)
12/13/2019	154	Minute Entry for proceedings held before Magistrate Judge Allison H. Goddard: Settlement Conference held on 12/13/2019. The case did not settle, but Court will set another Settlement Conference. Order to issue. (Plaintiff Attorneys Mitra Ebadolahi, Sara D'Amico, and Sarah Thompson). (Defendant Attorneys Rachael Westmoreland, Bradley Craigmyle, James Scott, Nicholis Mutton, and Amy Dell). (no document attached) (kxm) (Entered: 12/16/2019)
12/16/2019	<u>155</u>	ORDER: (1) Setting Settlement Conference; (2) Staying Briefing Schedule on Plaintiff's September 23, 2019 Motion to Compel; (3) Extending Defendants' Deadline to Comply with Court's August 6, 2019 Order on Prior Motion to Compel; (4) Setting Telephonic Status Conference; and (5) Setting Deadline for Defendant's To Return Comments to Draft Protective Order to Plaintiffs. The Court SETS another Settlement Conference for January 31, 2020 at 9:30 AM in the chambers of Magistrate Judge Allison H. Goddard. the Court hereby STAYS all briefing schedule deadlines related to Plaintiffs Motion to Compel. The Court further EXTENDS Defendants deadline to fully comply with the Courts August 6, 2019 Order granting Plaintiffs motion to compel in part from January 10, 2020 to February 10, 2020. The Court SETS a Telephonic Status Conference for January 24, 2020. Finally, Defendants must return any comments and/or revisions to the current draft protective order to Plaintiffs by December 20, 2019. Signed by Magistrate Judge Allison H. Goddard on 12/16/2019.(mme) (Entered: 12/16/2019)
12/18/2019	<u>156</u>	Request to Appear Pro Hac Vice (Filing fee received: \$ 206 receipt number 0974-13285781.) (Application to be reviewed by Clerk.) (Callahan, Samuel) (rmc). (Entered: 12/18/2019)
12/18/2019	157	PRO HAC APPROVED: Samuel Francis Callahan appearing for Plaintiffs Ray Askins, Christian Ramirez (no document attached) (rmc) (Entered: 12/18/2019)
12/18/2019	158	MINUTE ORDER Clarifying that the Telephonic Status Conference set for 1/24/2020 in <u>155</u> Order Setting Settlement Conference will take place at <u>02:30 PM</u> . Signed by Magistrate Judge Allison H. Goddard on 12/18/2019. (no document attached) (kxm) (Entered: 12/18/2019)
12/19/2019	<u>159</u>	Request to Appear Pro Hac Vice (Filing fee received: \$206 receipt number 0974-13289209.) (Application to be reviewed by Clerk.) (Luk, Arthur) (rmc). (Entered: 12/19/2019)
12/19/2019	160	PRO HAC APPROVED: Arthur Luk appearing for Plaintiffs Ray Askins, Christian Ramirez (no document attached) (rmc) (Entered: 12/19/2019)
01/21/2020	<u>161</u>	ORDER: (1) Affirming January 31, 2020 Settlement Conference; (2) Vacating January 24, 2020 Telephonic Status Conference; and (3) Setting Deadline for Supplemental Settlement Conference Briefs. Signed by Magistrate Judge Allison H. Goddard on 1/21/2020. (jdt) (Entered: 01/22/2020)

01/31/2020	<u>162</u>	Minute Entry for proceedings held before Magistrate Judge Allison H. Goddard: Settlement Conference held on 1/31/2020. The case did not settle, but the Court will continue to facilitate settlement negotiations. Order to issue. (Plaintiff Attorneys Mitra Ebadolahi, Arthur Luk, and Sarah Thompson). (Defendant Attorneys Rachael Westmoreland, Bradley Craigmyle, James Scott, Amy Dell, and Nicholis Mutton (telephonic)). (no document attached) (kxm) (Entered: 01/31/2020)
01/31/2020	<u>163</u>	ORDER (1) Setting Telephonic Status Conferences; (2) Maintaining Stay on Briefing Schedule for Plaintiffs' Motion to Compel; and (3) Extending Deadline for Compliance with Court's August 6, 2019 Order. Parties must provide comments and/or proposed revisions to the Court's latest draft Settlement Stipulation by 2/7/2020. Telephonic Status Conference with Plaintiffs' counsel set for 2/10/2020 at 09:30 AM and Telephonic Status Conference with Defendants' counsel set for the same day at 10:30 AM before Magistrate Judge Allison H. Goddard. Briefing Schedule on <u>130</u> Plaintiffs' Motion to Compel remains stayed. Defendants' deadline to fully comply with <u>120</u> Order Granting Motion to Compel in Part extended to 2/18/2020. Signed by Magistrate Judge Allison H. Goddard on 01/31/2020. (kxm) (Entered: 01/31/2020)
02/04/2020	<u>164</u>	ORDER Resetting Telephonic Status Conferences With Counsel. Telephonic Status Conference with Defendants' counsel is reset for 2/11/2020 at 2 PM. Telephonic Status Conference with Plaintiffs' counsel is reset for 2/12/2020 at 1:30 PM. Signed by Magistrate Judge Allison H. Goddard on 2/4/2020. (jdt) (Entered: 02/04/2020)
02/11/2020	165	Minute Entry for proceedings held before Magistrate Judge Allison H. Goddard: Confidential Telephonic Status Conference re proposed revisions to draft settlement stipulation held with counsel for Defendants on 2/11/2020. (Defendant Attorneys Rachael Westmoreland and Bradley Craigmyle). (no document attached) (kxm) (Entered: 02/11/2020)
02/12/2020	166	Minute Entry for proceedings held before Magistrate Judge Allison H. Goddard: Confidential Telephonic Status Conference re: proposed revisions to draft settlement stipulation held with counsel for Plaintiffs on 2/12/2020. (Plaintiff Attorneys Mitra Ebadolahi, Sara D'Amico, Arthur Luk, Samuel Callahan, and Sarah Thompson). (no document attached) (kxm) (Entered: 02/12/2020)
02/13/2020	<u>167</u>	ORDER: (1) Setting Telephonic Status Conferences; and (2) Extending Deadline for Compliance With Court's August 6, 2019, Order. The Court sets a confidential Telephonic Status Conference with Defendants' counsel for 2/18/2020 at 11:30 AM and another confidential Telephonic Status Conference with Plaintiffs' counsel for 2/21/2020 at 11:00 AM. All briefing schedule deadlines related to Plaintiffs' Motion to Compel (ECF No. <u>130</u>) remain stayed. The Court further extends Defendants' deadline to fully comply with the Court's August 6, 2019 Order granting Plaintiffs' motion to compel in part (ECF No. <u>120</u>) to 3/10/2020. Signed by Magistrate Judge Allison H. Goddard on 2/13/2020. (jdt) (Entered: 02/13/2020)
02/18/2020	168	Minute Entry for proceedings held before Magistrate Judge Allison H. Goddard: Confidential Telephonic Status Conference re: continuing settlement discussions held on 2/18/2020 with counsel for Defendants. (Defendant Attorneys Rachael Westmoreland and Bradley Craigmyle). (no document attached) (kxm) (Entered: 02/18/2020)
02/21/2020	169	Minute Entry for proceedings held before Magistrate Judge Allison H. Goddard: Confidential Telephonic Status Conference held on 2/21/2020 re: continuing settlement discussions with counsel for Plaintiffs. Judge Goddard will provide the parties a Mediator's Proposal of a new proposed stipulated settlement early next week. (Plaintiff Attorneys Mitra Ebadolahi, Sara D'Amico, Sarah Thompson, and Arthur Luk). (no document attached) (kxm) (Entered: 02/21/2020)
03/06/2020	<u>170</u>	ORDER Extending Deadline for Compliance With Court's August 6, 2019 Order. The Court extends Defendants' deadline to fully comply with the Court's 8/6/2019 Order granting Plaintiffs' motion to compel in part (ECF No. <u>120</u>) from 3/10/2020 to 3/24/2020. Signed by Magistrate Judge Allison H. Goddard on 3/6/2020. (jdt) (Entered: 03/09/2020)
03/23/2020	<u>171</u>	ORDER Extending Deadline for Compliance With Court's August 6, 2019 Order. The Court extends Defendants' deadline to fully comply with the Court's Order granting Plaintiffs' motion to compel in part (ECF No. <u>120</u>) to 4/7/2020. Signed by Magistrate

		Judge Allison H. Goddard on 3/23/2020. (jdt) (Entered: 03/23/2020)
04/06/2020	<u>172</u>	ORDER Extending Deadline for Compliance With Court's August 6, 2019 Order. The Court extends Defendants' deadline to fully comply with the Court's August 6, 2019 Order granting Plaintiffs' motion to compel in part (ECF No. <u>120</u>) to 4/28/2020. Signed by Magistrate Judge Allison H. Goddard on 4/6/2020. (jdt) (Entered: 04/06/2020)
04/13/2020	<u>173</u>	ORDER Setting Attorneys-Only Telephonic Settlement Conference for 4/20/2020 at 10:30 AM before Magistrate Judge Allison H. Goddard. See order for details regarding the governing procedures. Signed by Magistrate Judge Allison H. Goddard on 04/13/2020.(kxm) (Entered: 04/13/2020)
04/15/2020	<u>174</u>	ORDER: (1) Continuing Telephonic Settlement Conference; and (2) Staying Deadline for Compliance with August 6, 2019 Order on Motion to Compel. The Telephonic Settlement Conference is continued to 4/28/2020 at 9:00 AM before Magistrate Judge Allison H. Goddard. Signed by Magistrate Judge Allison H. Goddard on 4/15/2020. (jdt) (Entered: 04/15/2020)
04/24/2020	<u>175</u>	ORDER: (1) Continuing Telephonic Settlement Conference; and (2) Setting Deadline for Defendants' Counteroffer. The Court continues the telephonic Settlement Conference to 5/6/2020 at 9:00 AM before Magistrate Judge Allison H. Goddard. Signed by Magistrate Judge Allison H. Goddard on 4/24/2020. (jdt) (Entered: 04/24/2020)