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**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-01320-CKK**

ELECTRONIC PRIVACY INFORMATION CENTER v.
PRESIDENTIAL ADVISORY COMMISSION ON ELECTION
INTEGRITY et al

Assigned to: Judge Colleen Kollar-Kotelly

Case in other court: USCA, 17-05171

Cause: 05:702 Administrative Procedure Act

Date Filed: 07/03/2017

Date Terminated: 08/22/2018

Jury Demand: None

Nature of Suit: 899 Administrative

Procedure Act/Review or Appeal of
Agency Decision

Jurisdiction: U.S. Government Defendant

Plaintiff

**ELECTRONIC PRIVACY
INFORMATION CENTER**

represented by **Marc Rotenberg**
ELECTRONIC PRIVACY
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1718 Connecticut Avenue, NW
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Washington, DC 20009
(202) 483-1140, ext 106
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

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V.

Defendant

**PRESIDENTIAL ADVISORY
COMMISSION ON ELECTION
INTEGRITY**

represented by **Carol Federighi**
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
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LEAD ATTORNEY
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Kristina Ann Wolfe
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

MICHAEL R. PENCE
*In his official capacity as Chair of the
Presidential Advisory Commission on
Election Integrity*

represented by **Carol Federighi**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth J. Shapiro
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joseph Evan Borson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kristina Ann Wolfe
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

KRIS KOBACH

*In his official capacity as Vice Chair of
the Presidential Advisory Commission on
Election Integrity*

represented by **Carol Federighi**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth J. Shapiro
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joseph Evan Borson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kristina Ann Wolfe
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**EXECUTIVE OFFICE OF THE
PRESIDENT OF THE UNITED
STATES**

represented by **Carol Federighi**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth J. Shapiro
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joseph Evan Borson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kristina Ann Wolfe
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**OFFICE OF THE VICE PRESIDENT
OF THE UNITED STATES**

represented by **Carol Federighi**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth J. Shapiro
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joseph Evan Borson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kristina Ann Wolfe
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**GENERAL SERVICES
ADMINISTRATION**

represented by **Carol Federighi**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth J. Shapiro
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joseph Evan Borson
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kristina Ann Wolfe
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. DEPARTMENT OF DEFENSE

represented by **Carol Federighi**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joseph Evan Borson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kristina Ann Wolfe
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

CHARLES G. HERNDON
*in his official capacity as Director of
White House Information Technology*

represented by **Carol Federighi**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joseph Evan Borson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kristina Ann Wolfe
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**UNITED STATES DIGITAL
SERVICE**

represented by **Carol Federighi**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joseph Evan Borson
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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Kristina Ann Wolfe

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant**EXECUTIVE COMMITTEE FOR
PRESIDENTIAL INFORMATION
TECHNOLOGY**represented by **Carol Federighi**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Joseph Evan Borson

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Kristina Ann Wolfe

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/03/2017	<u>1</u>	COMPLAINT against EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES, GENERAL SERVICES ADMINISTRATION, KRIS KOBACH, OFFICE OF THE VICE PRESIDENT OF THE UNITED STATES, MICHAEL PENCE, PRESIDENTIAL ADVISORY COMMISSION ON ELECTION INTEGRITY (Filing fee \$ 400, receipt number 4616085803) filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Civil Cover Sheet)(td) (Entered: 07/03/2017)
07/03/2017		SUMMONS (8) Issued as to EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES, GENERAL SERVICES ADMINISTRATION, KRIS KOBACH, OFFICE OF THE VICE PRESIDENT OF THE UNITED STATES, MICHAEL PENCE, PRESIDENTIAL ADVISORY COMMISSION ON ELECTION INTEGRITY, U.S. Attorney and U.S. Attorney General (td) (Entered: 07/03/2017)
07/03/2017	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by ELECTRONIC PRIVACY INFORMATION CENTER (td) (Entered: 07/03/2017)
07/03/2017	<u>3</u>	MOTION for Temporary Restraining Order by ELECTRONIC PRIVACY INFORMATION CENTER (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(td) (Entered: 07/03/2017)
07/03/2017		MINUTE ORDER: At approximately 4:50 P.M. EST, the Court held an on-the-record teleconference, attended by counsel for both parties, to set a briefing schedule on Plaintiff's <u>3</u> Emergency Motion for a Temporary Restraining Order. Defendants shall file their opposition to the motion by 4 P.M. EST on WEDNESDAY, JULY 5, 2017. Plaintiff shall file its reply by 9 A.M. EST on THURSDAY, JULY 6, 2017. Signed by Judge Colleen Kollar-Kotelly on 7/3/2017. (lcckk1) (Entered: 07/03/2017)
07/03/2017	<u>4</u>	ORDER Establishing Procedures for Cases Assigned to Judge Colleen Kollar-Kotelly. Signed by Judge Colleen Kollar-Kotelly on 07/03/2017. (DM) (Entered: 07/03/2017)
07/03/2017	<u>5</u>	NOTICE of Appearance by Elizabeth J. Shapiro on behalf of All Defendants (Shapiro, Elizabeth) (Entered: 07/03/2017)
07/03/2017		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Telephone Conference held on 7/3/2017. (Court Reporter Richard Ehrlich.) (dot) (Entered: 07/07/2017)

07/05/2017	<u>6</u>	NOTICE of Appearance by Carol Federighi on behalf of All Defendants (Federighi, Carol) (Entered: 07/05/2017)
07/05/2017	<u>7</u>	NOTICE of Appearance by Joseph Evan Borson on behalf of EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES, GENERAL SERVICES ADMINISTRATION, KRIS KOBACH, OFFICE OF THE VICE PRESIDENT OF THE UNITED STATES, MICHAEL PENCE, PRESIDENTIAL ADVISORY COMMISSION ON ELECTION INTEGRITY (Borson, Joseph) (Entered: 07/05/2017)
07/05/2017	<u>8</u>	RESPONSE re <u>3</u> MOTION for Temporary Restraining Order filed by EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES, GENERAL SERVICES ADMINISTRATION, KRIS KOBACH, OFFICE OF THE VICE PRESIDENT OF THE UNITED STATES, MICHAEL PENCE, PRESIDENTIAL ADVISORY COMMISSION ON ELECTION INTEGRITY. (Attachments: # <u>1</u> Declaration of Kris Kobach, # <u>2</u> Text of Proposed Order)(Federighi, Carol) (Entered: 07/05/2017)
07/05/2017	<u>9</u>	ORDER. Signed by Judge Colleen Kollar-Kotelly on 7/5/2017. (lcckk1) (Entered: 07/05/2017)
07/06/2017	<u>10</u>	TRANSCRIPT OF SCHEDULING CONFERENCE before Judge Colleen Kollar-Kotelly held on July 3, 2017; Page Numbers: 1– 13. Date of Issuance: July 6, 2017. Court Reporter/Transcriber Richard D. Ehrlich, Telephone number 202–354–3269, Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov. Redaction Request due 7/27/2017. Redacted Transcript Deadline set for 8/6/2017. Release of Transcript Restriction set for 10/4/2017.(Ehrlich, Richard) Modified date of hearing on 7/7/2017 (znmw). (Entered: 07/06/2017)
07/06/2017	<u>11</u>	RESPONSE TO ORDER OF THE COURT re <u>9</u> Order filed by EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES, GENERAL SERVICES ADMINISTRATION, KRIS KOBACH, OFFICE OF THE VICE PRESIDENT OF THE UNITED STATES, MICHAEL PENCE, PRESIDENTIAL ADVISORY COMMISSION ON ELECTION INTEGRITY. (Attachments: # <u>1</u> Declaration of Kris W. Kobach)(Borson, Joseph) (Entered: 07/06/2017)
07/06/2017	<u>12</u>	NOTICE of Appearance by Alan Jay Butler on behalf of ELECTRONIC PRIVACY INFORMATION CENTER (Butler, Alan) (Entered: 07/06/2017)
07/06/2017	<u>13</u>	REPLY to opposition to motion re <u>3</u> MOTION for Temporary Restraining Order filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Addendum, # <u>2</u> Affirmation of Marc Rotenberg, # <u>3</u> Exhibits 1–11)(Butler, Alan) (Entered: 07/06/2017)
07/06/2017	<u>14</u>	ERRATA by ELECTRONIC PRIVACY INFORMATION CENTER <u>13</u> Reply to opposition to Motion filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Corrected Exhibit 11)(Butler, Alan) (Entered: 07/06/2017)
07/06/2017	<u>15</u>	ORDER. The Court hereby sets a hearing on Plaintiff's <u>3</u> Motion for a Temporary Restraining Order, to be held at 4:00 P.M. on July 7, 2017, in Courtroom 28A. Signed by Judge Colleen Kollar-Kotelly on 7/6/2017. (lcckk1) (Entered: 07/06/2017)
07/06/2017		Set/Reset Hearings: Motion Hearing set for 7/7/2017 at 4:00 PM in Courtroom 28A before Judge Colleen Kollar-Kotelly. (dot) (Entered: 07/07/2017)

07/07/2017	<u>16</u>	Unopposed MOTION for Leave to File <i>Surreply</i> by EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES, GENERAL SERVICES ADMINISTRATION, KRIS KOBACH, OFFICE OF THE VICE PRESIDENT OF THE UNITED STATES, MICHAEL PENCE, PRESIDENTIAL ADVISORY COMMISSION ON ELECTION INTEGRITY (Attachments: # <u>1</u> Exhibit Proposed Surreply, # <u>2</u> Text of Proposed Order)(Federighi, Carol) (Entered: 07/07/2017)
07/07/2017	<u>17</u>	RESPONSE TO ORDER OF THE COURT <i>Filing of Supplemental Brief</i> by ELECTRONIC PRIVACY INFORMATION CENTER re <u>15</u> Order (Butler, Alan) Modified event title on 7/10/2017 (znmw). (Entered: 07/07/2017)
07/07/2017	<u>18</u>	RESPONSE TO ORDER OF THE COURT re <u>15</u> Order <i>Defendants' Supplemental Brief on Informational Standing</i> filed by EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES, GENERAL SERVICES ADMINISTRATION, KRIS KOBACH, OFFICE OF THE VICE PRESIDENT OF THE UNITED STATES, MICHAEL PENCE, PRESIDENTIAL ADVISORY COMMISSION ON ELECTION INTEGRITY. (Borson, Joseph) (Entered: 07/07/2017)
07/07/2017	<u>19</u>	Unopposed MOTION for Leave to File <i>Sur-surreply</i> by ELECTRONIC PRIVACY INFORMATION CENTER (Attachments: # <u>1</u> Exhibit Proposed sur-surreply, # <u>2</u> Exhibit Exhibit to proposed sur-surreply, # <u>3</u> Text of Proposed Order)(Butler, Alan) (Entered: 07/07/2017)
07/07/2017	<u>20</u>	NOTICE of <i>Supplemental Exhibits</i> by ELECTRONIC PRIVACY INFORMATION CENTER re <u>15</u> Order (Attachments: # <u>1</u> Supplemental Exhibits)(Butler, Alan) (Entered: 07/07/2017)
07/07/2017		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Motion Hearing held on 7/7/2017 re <u>3</u> MOTION for Temporary Restraining Order filed by ELECTRONIC PRIVACY INFORMATION CENTER; and taken under advisement. (Court Reporter Richard Ehrlich.) (dot) (Entered: 07/07/2017)
07/07/2017	<u>21</u>	AMENDED COMPLAINT <i>pursuant to FRCP 15(a)(1)(A)</i> against ELECTRONIC PRIVACY INFORMATION CENTER filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Summons as to U.S. Department of Defense)(Butler, Alan) (Entered: 07/07/2017)
07/09/2017	<u>22</u>	TRANSCRIPT OF TEMPORARY RESTRAINING ORDER before Judge Colleen Kollar-Kotelly held on July 7, 2017; Page Numbers: 1 – 63. Date of Issuance: July 10, 2017. Court Reporter/Transcriber Richard D. Ehrlich, Telephone number (202) 354-3269, Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov. Redaction Request due 7/30/2017. Redacted Transcript Deadline set for 8/9/2017. Release of Transcript Restriction set for 10/7/2017.(Ehrlich, Richard) (Entered: 07/09/2017)
07/10/2017	<u>23</u>	ORDER. Signed by Judge Colleen Kollar-Kotelly on 7/10/2017. (lcckk1) (Entered: 07/10/2017)
07/10/2017		Set/Reset Deadline: Supplemental briefing due by 4:00 PM on 7/10/2017. (tth) (Entered: 07/10/2017)
07/10/2017	<u>24</u>	RESPONSE TO ORDER OF THE COURT re <u>23</u> Order <i>Supplemental Brief re: DOD</i> filed by EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES, GENERAL SERVICES ADMINISTRATION, KRIS KOBACH, OFFICE OF THE

		VICE PRESIDENT OF THE UNITED STATES, MICHAEL PENCE, PRESIDENTIAL ADVISORY COMMISSION ON ELECTION INTEGRITY. (Attachments: # <u>1</u> Declaration Third Kobach Decl.)(Borson, Joseph) (Entered: 07/10/2017)
07/10/2017	<u>25</u>	SUMMONS (1) Issued Electronically as to U.S. DEPARTMENT OF DEFENSE. (znmw) (Entered: 07/10/2017)
07/10/2017	<u>26</u>	ORDER. Signed by Judge Colleen Kollar-Kotelly on 7/10/2017. (lcckk1) (Entered: 07/10/2017)
07/11/2017	<u>27</u>	RESPONSE TO ORDER OF THE COURT re <u>26</u> Order filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Butler, Alan) (Entered: 07/11/2017)
07/11/2017	<u>28</u>	NOTICE of Appearance by Jeramie D. Scott on behalf of ELECTRONIC PRIVACY INFORMATION CENTER (Scott, Jeramie) (Entered: 07/11/2017)
07/11/2017	<u>29</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Caitriona Fitzgerald, :Firm- Electronic Privacy Information Center, :Address- 14 Tyler Street, Third Floor, Somerville, MA 02143. Phone No. - (617) 945-8409. Filing fee \$ 100, receipt number 0090-5026343. Fee Status: Fee Paid. by ELECTRONIC PRIVACY INFORMATION CENTER (Attachments: # <u>1</u> Declaration of Caitriona Fitzgerald, # <u>2</u> Text of Proposed Order)(Rotenberg, Marc) (Entered: 07/11/2017)
07/11/2017	<u>30</u>	MOTION for Leave to File a <i>Second Amended Complaint</i> by ELECTRONIC PRIVACY INFORMATION CENTER (Attachments: # <u>1</u> Second Amended Complaint, # <u>2</u> Exhibit 5, # <u>3</u> Summons as to Charles C. Herndon, # <u>4</u> Summons as to U.S. Digital Service, # <u>5</u> Summons as to Executive Committee for Presidential Information Technology, # <u>6</u> Text of Proposed Order)(Butler, Alan) (Entered: 07/11/2017)
07/11/2017	<u>31</u>	ORDER. Signed by Judge Colleen Kollar-Kotelly on 7/11/2017. (lcckk1) (Entered: 07/11/2017)
07/11/2017	<u>32</u>	RESPONSE re <u>30</u> MOTION for Leave to File a <i>Second Amended Complaint</i> filed by EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES, GENERAL SERVICES ADMINISTRATION, KRIS KOBACH, OFFICE OF THE VICE PRESIDENT OF THE UNITED STATES, MICHAEL PENCE, PRESIDENTIAL ADVISORY COMMISSION ON ELECTION INTEGRITY, U.S. DEPARTMENT OF DEFENSE. (Federighi, Carol) (Entered: 07/11/2017)
07/11/2017		MINUTE ORDER: For good cause shown, and in light of Defendants' notice that they do not oppose this relief, ECF No. 32, Plaintiff's <u>30</u> Motion for Leave to File a Second Amended Complaint is GRANTED. Signed by Judge Colleen Kollar-Kotelly on 7/11/2017. (lcckk1) (Entered: 07/11/2017)
07/11/2017	<u>33</u>	SECOND AMENDED COMPLAINT against GENERAL SERVICES ADMINISTRATION, KRIS KOBACH, OFFICE OF THE VICE PRESIDENT OF THE UNITED STATES, MICHAEL PENCE, PRESIDENTIAL ADVISORY COMMISSION ON ELECTION INTEGRITY, U.S. DEPARTMENT OF DEFENSE, CHARLES G. HERNDON, UNITED STATES DIGITAL SERVICE, EXECUTIVE COMMITTEE FOR PRESIDENTIAL INFORMATION TECHNOLOGY filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Exhibit 5)(znmw) (Entered: 07/12/2017)
07/12/2017	<u>34</u>	SUMMONS (3) Issued Electronically as to EXECUTIVE COMMITTEE FOR PRESIDENTIAL INFORMATION TECHNOLOGY, CHARLES G. HERNDON, UNITED STATES DIGITAL SERVICE. (znmw) (Entered: 07/12/2017)
07/13/2017	<u>35</u>	Amended MOTION for Temporary Restraining Order , MOTION for Preliminary Injunction by ELECTRONIC PRIVACY INFORMATION CENTER (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit List, # <u>3</u> Exhibit 1-20, # <u>4</u> Exhibit 21-30, # <u>5</u> Exhibit 31-40, # <u>6</u> Text of Proposed Order)(Butler, Alan) (Entered: 07/13/2017)
07/13/2017	<u>36</u>	ERRATA <i>Corrected Exhibits 21-30</i> by ELECTRONIC PRIVACY INFORMATION CENTER <u>35</u> Amended MOTION for Temporary Restraining Order MOTION for Preliminary Injunction filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Exhibit 21-30)(Butler, Alan) (Entered: 07/13/2017)

07/16/2017	<u>37</u>	NOTICE of Appearance by Kristina Ann Wolfe on behalf of All Defendants (Wolfe, Kristina) (Entered: 07/16/2017)
07/17/2017	<u>38</u>	RESPONSE re <u>35</u> Amended MOTION for Temporary Restraining Order MOTION for Preliminary Injunction filed by EXECUTIVE COMMITTEE FOR PRESIDENTIAL INFORMATION TECHNOLOGY, EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES, GENERAL SERVICES ADMINISTRATION, CHARLES G. HERNDON, KRIS KOBACH, OFFICE OF THE VICE PRESIDENT OF THE UNITED STATES, MICHAEL PENCE. (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Borson, Joseph) (Entered: 07/17/2017)
07/17/2017	<u>39</u>	REPLY to opposition to motion re <u>35</u> Amended MOTION for Temporary Restraining Order MOTION for Preliminary Injunction filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Declaration of Eleni Kyriakides)(Butler, Alan) (Entered: 07/17/2017)
07/18/2017		NOTICE OF ERROR re <u>39</u> Reply to opposition to Motion; emailed to butler@epic.org, cc'd 9 associated attorneys -- The PDF file you docketed contained errors: 1. FYI on future filings, the signature of the person filing and the one signing the document must match. (ztd,) (Entered: 07/18/2017)
07/24/2017	<u>40</u>	MEMORANDUM OPINION. Signed by Judge Colleen Kollar-Kotelly on 7/24/2017. (lcckk1) (Entered: 07/24/2017)
07/24/2017	<u>41</u>	ORDER. Plaintiff's <u>35</u> Motion for a Temporary Restraining Order and Preliminary Injunction is DENIED WITHOUT PREJUDICE. Signed by Judge Colleen Kollar-Kotelly on 7/24/2017. (lcckk1) (Entered: 07/24/2017)
07/25/2017	<u>42</u>	NOTICE OF APPEAL TO DC CIRCUIT COURT as to <u>41</u> Order on Motion for TRO, Order on Motion for Preliminary Injunction by ELECTRONIC PRIVACY INFORMATION CENTER. Filing fee \$ 505, receipt number 0090-5047166. Fee Status: Fee Paid. Parties have been notified. (Attachments: # <u>1</u> Exhibit 1)(Rotenberg, Marc) (Entered: 07/25/2017)
07/26/2017	<u>43</u>	Transmission of the Notice of Appeal, Order Appealed (Memorandum Opinion), and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid this date re <u>42</u> Notice of Appeal to DC Circuit Court. (znmw) (Entered: 07/26/2017)
07/27/2017		USCA Case Number 17-5171 for <u>42</u> Notice of Appeal to DC Circuit Court, filed by ELECTRONIC PRIVACY INFORMATION CENTER. (zrdj) (Entered: 07/27/2017)
08/02/2017	<u>44</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/16/2017. Answer due for ALL FEDERAL DEFENDANTS by 9/4/2017. (Rotenberg, Marc) Modified dates on 8/3/2017 (znmw). (Entered: 08/02/2017)
08/02/2017	<u>45</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 7/6/2017. (Rotenberg, Marc) Modified date of service on 8/3/2017 (znmw). (Entered: 08/02/2017)
08/02/2017	<u>46</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. EXECUTIVE COMMITTEE FOR PRESIDENTIAL INFORMATION TECHNOLOGY served on 7/24/2017; EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES served on 7/6/2017; GENERAL SERVICES ADMINISTRATION served on 7/6/2017; CHARLES G. HERNDON served on 7/24/2017; KRIS KOBACH served on 7/6/2017; OFFICE OF THE VICE PRESIDENT OF THE UNITED STATES served on 7/6/2017; MICHAEL PENCE served on 7/6/2017; PRESIDENTIAL ADVISORY COMMISSION ON ELECTION INTEGRITY served on 7/6/2017; U.S. DEPARTMENT OF DEFENSE served on 7/24/2017; UNITED STATES DIGITAL SERVICE served on 7/24/2017 (Rotenberg, Marc) (Entered: 08/02/2017)
08/11/2017		MINUTE ORDER: The <u>3</u> Motion for Temporary Restraining Order and related <u>16</u> Motion for Leave to File Surreply, and <u>17</u> Motion for Leave to File Sur-surreply, are DENIED AS MOOT. The Court previously ordered Plaintiff to file an amended motion for injunctive relief. Order, ECF No. 31. The <u>35</u> Amended Motion for Temporary Restraining Order and Preliminary Injunction was resolved by the Court's

		July 24, 2017 Memorandum Opinion, ECF No. 40. Separately, the Court has received the <u>29</u> Motion for Admission Pro Hac Vice of attorney Caitriona Fitzgerald. That Motion is GRANTED CONTINGENT on Ms. Fitzgerald filing a declaration, by AUGUST 18, 2017, certifying to the Court that she is familiar with the Local Rules of this Court. (lcckk1) (Entered: 08/11/2017)
08/16/2017	<u>47</u>	RESPONSE TO ORDER OF THE COURT re Order on Motion for Leave to Appear Pro Hac Vice,,,, Order on Motion for TRO,,,, Order on Motion for Leave to File,,,,, filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Declaration of Caitriona Fitzgerald)(Butler, Alan) (Entered: 08/16/2017)
08/25/2017	<u>48</u>	MOTION to Stay <i>Proceedings Pending Appeal, or in the Alternative, for Additional Time to Respond to the Second Amended Complaint</i> by EXECUTIVE COMMITTEE FOR PRESIDENTIAL INFORMATION TECHNOLOGY, EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES, GENERAL SERVICES ADMINISTRATION, CHARLES G. HERNDON, KRIS KOBACH, OFFICE OF THE VICE PRESIDENT OF THE UNITED STATES, MICHAEL PENCE, PRESIDENTIAL ADVISORY COMMISSION ON ELECTION INTEGRITY, U.S. DEPARTMENT OF DEFENSE, UNITED STATES DIGITAL SERVICE (Attachments: # <u>1</u> Text of Proposed Order Granting Stay, # <u>2</u> Text of Proposed Order Granting Additional Time to Respond)(Borson, Joseph). Added MOTION for Extension of Time to File Answer on 8/28/2017 (znmw). (Entered: 08/25/2017)
09/05/2017		MINUTE ORDER: The Court has received Defendants' <u>48</u> Motion to Stay Proceedings, and hereby sets the following briefing schedule. Plaintiff's response shall be due by SEPTEMBER 8, 2017. Defendants' reply shall be due by SEPTEMBER 15, 2017. Signed by Judge Colleen Kollar-Kotelly on 9/5/2017. (lcckk1) (Entered: 09/05/2017)
09/05/2017	<u>49</u>	MOTION to Dismiss <i>Second Amended Complaint</i> by EXECUTIVE COMMITTEE FOR PRESIDENTIAL INFORMATION TECHNOLOGY, EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES, GENERAL SERVICES ADMINISTRATION, CHARLES G. HERNDON, KRIS KOBACH, OFFICE OF THE VICE PRESIDENT OF THE UNITED STATES, MICHAEL PENCE, PRESIDENTIAL ADVISORY COMMISSION ON ELECTION INTEGRITY, U.S. DEPARTMENT OF DEFENSE, UNITED STATES DIGITAL SERVICE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Federighi, Carol) (Entered: 09/05/2017)
09/05/2017		Set/Reset Deadlines: Plaintiff's Response due by 9/8/2017. Defendants' Reply due by 9/15/2017. (dot) (Entered: 09/08/2017)
09/08/2017	<u>50</u>	Memorandum in opposition to re <u>48</u> MOTION to Stay <i>Proceedings Pending Appeal, or in the Alternative, for Additional Time to Respond to the Second Amended Complaint</i> MOTION for Extension of Time to File Answer filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Text of Proposed Order)(Rotenberg, Marc) (Entered: 09/08/2017)
09/15/2017	<u>51</u>	REPLY to opposition to motion re <u>48</u> MOTION to Stay <i>Proceedings Pending Appeal, or in the Alternative, for Additional Time to Respond to the Second Amended Complaint</i> MOTION for Extension of Time to File Answer filed by EXECUTIVE COMMITTEE FOR PRESIDENTIAL INFORMATION TECHNOLOGY, EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES, GENERAL SERVICES ADMINISTRATION, CHARLES G. HERNDON, KRIS KOBACH, OFFICE OF THE VICE PRESIDENT OF THE UNITED STATES, MICHAEL PENCE, PRESIDENTIAL ADVISORY COMMISSION ON ELECTION INTEGRITY, U.S. DEPARTMENT OF DEFENSE, UNITED STATES DIGITAL SERVICE. (Wolfe, Kristina) (Entered: 09/15/2017)
09/19/2017	<u>52</u>	Memorandum in opposition to re <u>49</u> MOTION to Dismiss <i>Second Amended Complaint</i> filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Exhibit 1 – Second Declaration of Marc Rotenberg, # <u>2</u> Exhibit 2 – Declaration of Deborah C. Peel, # <u>3</u> Exhibit 3 – Declaration of Helen Nissenbaum, # <u>4</u> Exhibit 4 – Declaration of Robert Ellis Smith, # <u>5</u> Text of Proposed Order)(Rotenberg, Marc)

		(Entered: 09/19/2017)
09/26/2017	<u>53</u>	REPLY to opposition to motion re <u>49</u> MOTION to Dismiss <i>Second Amended Complaint</i> filed by EXECUTIVE COMMITTEE FOR PRESIDENTIAL INFORMATION TECHNOLOGY, EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES, GENERAL SERVICES ADMINISTRATION, CHARLES G. HERNDON, KRIS KOBACH, OFFICE OF THE VICE PRESIDENT OF THE UNITED STATES, MICHAEL PENCE, PRESIDENTIAL ADVISORY COMMISSION ON ELECTION INTEGRITY, U.S. DEPARTMENT OF DEFENSE, UNITED STATES DIGITAL SERVICE. (Federighi, Carol) (Entered: 09/26/2017)
10/12/2017	<u>54</u>	MOTION for Leave to File <i>Third Amended Complaint</i> by ELECTRONIC PRIVACY INFORMATION CENTER (Attachments: # <u>1</u> Appendix of Statutes and Regulations, # <u>2</u> Exhibit Proposed Third Amended Complaint, # <u>3</u> Text of Proposed Order)(Rotenberg, Marc) (Entered: 10/12/2017)
10/16/2017		MINUTE ORDER: The Court has received Plaintiff's <u>54</u> Motion for Leave to File Third Amended Complaint. The parties shall abide by the following briefing schedule. Defendants' response is due by OCTOBER 26, 2017. Plaintiff's reply, if any, is due by NOVEMBER 2, 2017. Signed by Judge Colleen Kollar-Kotelly on 10/16/2017. (lcckk1) (Entered: 10/16/2017)
10/16/2017		Set/Reset Deadlines: Defendants' Response to <u>54</u> due by 10/26/2017. Plaintiff's Reply if any to <u>54</u> due by 11/2/2017. (dot) (Entered: 10/17/2017)
10/26/2017	<u>55</u>	Memorandum in opposition to re <u>54</u> MOTION for Leave to File <i>Third Amended Complaint</i> filed by EXECUTIVE COMMITTEE FOR PRESIDENTIAL INFORMATION TECHNOLOGY, EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES, GENERAL SERVICES ADMINISTRATION, CHARLES G. HERNDON, KRIS KOBACH, OFFICE OF THE VICE PRESIDENT OF THE UNITED STATES, MICHAEL PENCE, PRESIDENTIAL ADVISORY COMMISSION ON ELECTION INTEGRITY, U.S. DEPARTMENT OF DEFENSE, UNITED STATES DIGITAL SERVICE. (Federighi, Carol) (Entered: 10/26/2017)
11/02/2017	<u>56</u>	REPLY to opposition to motion re <u>54</u> MOTION for Leave to File <i>Third Amended Complaint</i> filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Rotenberg, Marc) (Entered: 11/02/2017)
01/03/2018	<u>57</u>	NOTICE of Executive Order by EXECUTIVE COMMITTEE FOR PRESIDENTIAL INFORMATION TECHNOLOGY, EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES, GENERAL SERVICES ADMINISTRATION, CHARLES G. HERNDON, KRIS KOBACH, OFFICE OF THE VICE PRESIDENT OF THE UNITED STATES, MICHAEL R. PENCE, PRESIDENTIAL ADVISORY COMMISSION ON ELECTION INTEGRITY, U.S. DEPARTMENT OF DEFENSE, UNITED STATES DIGITAL SERVICE (Attachments: # <u>1</u> Exhibit Executive Order)(Borson, Joseph) (Entered: 01/03/2018)
01/24/2018		MINUTE ORDER: In light of the Court of Appeals' decision in <i>Electronic Privacy Information Center v. Presidential Advisory Commission on Election Integrity</i> , 878 F.3d 371 (D.C. Cir. 2017), and the filing of Defendants' <u>49</u> Motion to Dismiss with respect to the Second Amended Complaint, the Court DENIES as moot Defendants' <u>48</u> Motion to Stay Proceedings Pending Appeal, or in the Alternative, for Additional Time to Respond to the Second Amended Complaint, with Incorporated Memorandum. Signed by Judge Colleen Kollar-Kotelly on January 24, 2018. (lcckk1) (Entered: 01/24/2018)
01/25/2018	<u>58</u>	Supplemental Record on Appeal transmitted to US Court of Appeals re Minute Order on Motion to Stay, Order on Motion for Extension of Time to Answer; USCA Case Number 17-05171. (znmw) (Entered: 01/25/2018)
04/02/2018	<u>59</u>	ORDER of USCA ORDERED that the motion be denied as to <u>42</u> Notice of Appeal to DC Circuit Court, filed by ELECTRONIC PRIVACY INFORMATION CENTER ; USCA Case Number 17-5171. (zrdj) (Entered: 04/21/2018)
04/16/2018	<u>60</u>	MANDATE of USCA as to <u>42</u> Notice of Appeal to DC Circuit Court, filed by ELECTRONIC PRIVACY INFORMATION CENTER ; USCA Case Number 17-5171. (Attachments: # <u>1</u> judgment filed December 26, 2017)(zrdj) (Entered: 04/16/2018)

		04/21/2018)
06/28/2018		MINUTE ORDER: In order to facilitate the Court's decision as to Defendants' <u>49</u> Motion to Dismiss the Second Amended Complaint and Plaintiff's <u>54</u> Motion for Leave to File a Third Amended Complaint, the Court shall require additional information from Defendants regarding the current status of the state voter data collected by the now-defunct Commission. See Notice of Executive Order, ECF No. <u>57</u> (indicating that Commission was terminated by Executive Order). In an affidavit in a related case, Defendant Charles Herndon, Director of White House Information Technology ("WHIT") stated, <i>inter alia</i> , that "[p]ending resolution of outstanding litigation involving the Commission, and pending consultation with [the National Archives and Records Administration], the White House intends to destroy all state voter data. Until such disposition, the data will continue to be maintained by the WHIT technical staff as Presidential Records." 2d Decl. of Charles C. Herndon, <i>Dunlap v. Presidential Advisory Comm'n on Election Integrity</i> , No. 17-cv-2361 (D.D.C. Jan. 9, 2018), ECF No. 39-2, ¶ 4. By JULY 20, 2018 , Defendants shall file an updated affidavit from Mr. Herndon identifying the current status of the state voter data, including whether it has been transferred to any individual or entity, as well as Defendants' plans for its disposition. Signed by Judge Colleen Kollar-Kotelly on June 28, 2018. (lcckk1) (Entered: 06/28/2018)
06/29/2018		Set/Reset Deadlines: Defendant's updated affidavit due by 7/20/2018. (kt) (Entered: 06/29/2018)
07/17/2018	<u>61</u>	NOTICE of Compliance with this Court's June 28, 2018 Minute Order by EXECUTIVE COMMITTEE FOR PRESIDENTIAL INFORMATION TECHNOLOGY, EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES, GENERAL SERVICES ADMINISTRATION, CHARLES G. HERNDON, KRIS KOBACH, OFFICE OF THE VICE PRESIDENT OF THE UNITED STATES, MICHAEL R. PENCE, PRESIDENTIAL ADVISORY COMMISSION ON ELECTION INTEGRITY, U.S. DEPARTMENT OF DEFENSE, UNITED STATES DIGITAL SERVICE re Order,,,,, (Attachments: # <u>1</u> Declaration of Charles C. Herndon (4th), # <u>2</u> Exhibit A, # <u>3</u> Exhibit B)(Borson, Joseph) (Entered: 07/17/2018)
07/19/2018	<u>62</u>	NOTICE of Exhibit by ELECTRONIC PRIVACY INFORMATION CENTER re Order,,,,, (Attachments: # <u>1</u> Exhibit)(Rotenberg, Marc) (Entered: 07/19/2018)
07/19/2018	<u>63</u>	ORDER. The Court DENIES WITHOUT PREJUDICE Defendants' <u>49</u> Motion to Dismiss and DENIES WITHOUT PREJUDICE Plaintiff's <u>54</u> Motion for Leave to File a Third Amended Complaint. Defendants shall file a Notice by AUGUST 20, 2018 , confirming whether all state voter data collected by the Commission has been deleted, and if not, identifying when Defendants expect to complete that process. See Order for further details. Signed by Judge Colleen Kollar-Kotelly on July 19, 2018. (lcckk1) (Entered: 07/19/2018)
07/19/2018		Set/Reset Deadlines: Defendant shall file a Notice by 8/20/2018, confirming whether all state voterdata collected by the Commission has been deleted, and if not, identifying when Defendantsexpect to complete that process. (dot) (Entered: 07/20/2018)
08/20/2018	<u>64</u>	NOTICE of Deletion by EXECUTIVE COMMITTEE FOR PRESIDENTIAL INFORMATION TECHNOLOGY, EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES, GENERAL SERVICES ADMINISTRATION, CHARLES G. HERNDON, KRIS KOBACH, OFFICE OF THE VICE PRESIDENT OF THE UNITED STATES, MICHAEL R. PENCE, PRESIDENTIAL ADVISORY COMMISSION ON ELECTION INTEGRITY, U.S. DEPARTMENT OF DEFENSE, UNITED STATES DIGITAL SERVICE re <u>63</u> Order on Motion to Dismiss,,, Order on Motion for Leave to File,, (Attachments: # <u>1</u> Declaration (Fifth) of Charles C. Herndon)(Borson, Joseph) (Entered: 08/20/2018)
08/22/2018	<u>65</u>	ORDER. This case is DISMISSED. Signed by Judge Colleen Kollar-Kotelly on August 22, 2018. (lcckk1) (Entered: 08/22/2018)