

**U.S. District Court
District of Oregon (Eugene (6))
CIVIL DOCKET FOR CASE #: 6:18-cv-01959-MC**

State of Oregon et al v. Trump et al
Assigned to: Judge Michael J. McShane
Case in other court: Ninth Circuit, 19-35843
Cause: 8 U.S. Code § 1644 – Communication between State and
local gov't agencies and INS

Date Filed: 11/09/2018
Date Terminated: 08/29/2019
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

State of Oregon

represented by **Marc Abrams**
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Plaintiff

Kate Brown
Governor

represented by **Marc Abrams**
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Plaintiff

Ellen Roseblum
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Plaintiff

City of Portland

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V.

Defendant

Donald J Trump
*President of the United States, in his
official capacity*

represented by **Daniel D. Mauler**
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TERMINATED: 04/18/2019

Defendant

Matthew G. Whitaker
acting Attorney General of the United States, in his official capacity

represented by **Daniel D. Mauler**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

W. Scott Simpson
(See above for address)
TERMINATED: 04/18/2019

Defendant

United States of America

represented by **Daniel D. Mauler**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

W. Scott Simpson
(See above for address)
TERMINATED: 04/18/2019

Defendant

William P. Barr

represented by **Daniel D. Mauler**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

W. Scott Simpson
(See above for address)
TERMINATED: 04/18/2019

Date Filed	#	Docket Text
11/09/2018	<u>1</u>	Complaint. Filing fee in the amount of \$400 collected. Agency Tracking ID: 0979-5630653 Jury Trial Requested: No. Filed by State of Oregon, Ellen Roseblum, Kate Brown against Donald J Trump, United States of America, Matthew G. Whitaker (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Proposed Summons, # <u>3</u> Proposed Summons, # <u>4</u> Proposed Summons). (Abrams, Marc) (Entered: 11/09/2018)
11/09/2018	<u>2</u>	Notice of Case Assignment to Judge Michael J. McShane and Discovery and Pretrial Scheduling Order. NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3-5. Discovery is to be completed by 3/11/2019. Joint Alternate Dispute Resolution Report is due by 4/8/2019. Pretrial Order is due by 4/8/2019. Ordered by Judge Michael J. McShane. (Attachments: # <u>1</u> Summons Issued)

		(kf) (Entered: 11/09/2018)
11/21/2018	<u>3</u>	First Amended Complaint <i>for Declaratory, Injunctive, and Mandamus Relief</i> . Filed by State of Oregon, Ellen Roseblum, Kate Brown against All Defendants. (Abrams, Marc) (Entered: 11/21/2018)
11/30/2018	<u>4</u>	Affidavit of Service upon Matthew G. Whitaker served on 11/14/2018 Filed by State of Oregon; Ellen Roseblum; Kate Brown. (Abrams, Marc) (Main Document 4 replaced on 12/10/2018) (cw). (Entered: 11/30/2018)
11/30/2018	<u>5</u>	Affidavit of Service upon United States of America served on 11/14/2018 Filed by State of Oregon; Ellen Roseblum; Kate Brown. (Abrams, Marc) (Main Document 5 replaced on 12/10/2018) (cw). (Entered: 11/30/2018)
12/07/2018	<u>6</u>	Affidavit of Service upon Donald J Trump served on 11/14/2018 Filed by State of Oregon; Ellen Roseblum; Kate Brown. (Abrams, Marc) (Entered: 12/07/2018)
12/10/2018	<u>7</u>	Clerk's Notice of Docket Correction regarding <u>4</u> Affidavit of Service, <u>5</u> Affidavit of Service. The PDF attached to these entries at filing was incorrect. The documents were missing a case caption cover page. A corrected PDF has been uploaded and has replaced the incorrect attachments. The Notice of Electronic Filing will be regenerated to all parties. (cw) (Entered: 12/10/2018)
12/26/2018	<u>8</u>	Notice of Association of Attorney Marc Abrams, Justin E. Kidd for State of Oregon, Justin E. Kidd for Ellen Roseblum, Justin E. Kidd for Kate Brown. Filed by State of Oregon, Ellen Roseblum, Kate Brown. (Abrams, Marc) (Entered: 12/26/2018)
12/27/2018	<u>9</u>	Unopposed Motion for Stay of <i>Proceedings in Light of Lapse of Appropriations</i> . Filed by All Defendants. (Simpson, W.) (Entered: 12/27/2018)
01/02/2019	<u>10</u>	ORDER: Granting Unopposed Motion for Stay <u>9</u> . Ordered by Judge Michael J. McShane. (cp) (Entered: 01/02/2019)
01/29/2019	<u>11</u>	Stipulated Motion (<i>Stipulation and Proposed Order Regarding Schedule</i>). Filed by All Defendants. (Simpson, W.) (Entered: 01/29/2019)
02/12/2019	<u>12</u>	ORDER: Granting Motion for extension of time to answer <u>11</u> . Answer is due 2/26/2019. The Stay in this case is lifted. Ordered by Judge Michael J. McShane. (cp) (Entered: 02/12/2019)
02/25/2019	<u>13</u>	Unopposed Motion for Extension of Time to Answer Amended Complaint <u>3</u> . Filed by United States of America, Donald J Trump, William P. Barr. (Simpson, W.) (Entered: 02/25/2019)
03/05/2019	<u>14</u>	Motion to Dismiss for Failure to State a Claim , Motion to Dismiss for Lack of Jurisdiction . Oral Argument requested. Filed by William P. Barr, United States of America, Donald J Trump. (Simpson, W.) (Entered: 03/05/2019)
03/05/2019	<u>15</u>	Request for Judicial Notice <i>in Support of</i> Motion to Dismiss for Failure to State a Claim, Motion to Dismiss/Lack of Jurisdiction <u>14</u> . Oral Argument requested. Filed by William P. Barr, Donald J Trump, United States of America. (Simpson, W.) (Entered: 03/05/2019)
03/06/2019	<u>16</u>	ORDER: Granting Motion for Extension of Time to Answer <u>13</u> . Answer is due by 3/5/2019. Ordered by Judge Michael J. McShane. (cp) (Entered: 03/06/2019)
03/14/2019	<u>17</u>	Unopposed Motion for Extension of Time to File a Response/Reply to Motion to Dismiss for Failure to State a Claim Motion to Dismiss for Lack of Jurisdiction <u>14</u> . Filed by All Plaintiffs. (Abrams, Marc) (Entered: 03/14/2019)
03/15/2019	<u>18</u>	ORDER: Granting Motion for Extension of Time to File Response to Motion to Dismiss for Failure to State a Claim <u>14</u> . Response is due by 4/9/2019. Ordered by Judge Michael J. McShane. (cp) (Entered: 03/15/2019)
03/15/2019	<u>19</u>	Motion to File Excess Pages . Filed by Kate Brown, City of Portland, Ellen Roseblum, State of Oregon. (Abrams, Marc) (Entered: 03/15/2019)
03/25/2019	<u>20</u>	ORDER: Granting Motion to File Excess Pages <u>19</u> . Ordered by Judge Michael J. McShane. (cp) (Entered: 03/25/2019)

04/08/2019	<u>21</u>	Motion for Summary Judgment <i>and Response to Defendants' Motion to Dismiss</i> . Filed by All Plaintiffs. (Abrams, Marc) (Entered: 04/08/2019)
04/08/2019	<u>22</u>	Declaration of <i>Michael Schmidt</i> . Filed by All Plaintiffs. (Related document(s): Motion for Summary Judgment <u>21</u> .) (Abrams, Marc) (Entered: 04/08/2019)
04/08/2019	<u>23</u>	Declaration of <i>Peenesh Shah</i> . Filed by All Plaintiffs. (Related document(s): Motion for Summary Judgment <u>21</u> .) (Abrams, Marc) (Entered: 04/08/2019)
04/08/2019	<u>24</u>	Declaration of <i>Timothy D. Smith</i> . Filed by All Plaintiffs. (Related document(s): Motion for Summary Judgment <u>21</u> .) (Abrams, Marc) (Entered: 04/08/2019)
04/08/2019	<u>25</u>	Declaration of <i>Veronica Nordeen</i> . Filed by All Plaintiffs. (Related document(s): Motion for Summary Judgment <u>21</u> .) (Abrams, Marc) (Entered: 04/08/2019)
04/18/2019	<u>26</u>	Notice of Attorney Substitution:Attorney Daniel D. Mauler is substituted as counsel of record in place of Attorney W. Scott Simpson Filed by All Defendants. (Mauler, Daniel) (Entered: 04/18/2019)
04/18/2019	<u>27</u>	Unopposed Motion for Extension of Time to File a Response/Reply to Motion for Summary Judgment <i>and Response to Defendants' Motion to Dismiss</i> <u>21</u> . Filed by All Defendants. (Mauler, Daniel) (Entered: 04/18/2019)
05/02/2019	28	ORDER: Granting Defendants' Unopposed Motion for Extension of Time to File Response to Motion for Summary Judgment and Reply to Defendants' Motion to Dismiss <u>21</u> . Responses and Replies are due by 5/13/2019. Ordered by Judge Michael J. McShane. (cp) (Entered: 05/02/2019)
05/13/2019	<u>29</u>	Response in Opposition to Motion for Summary Judgment <i>and Response to Defendants' Motion to Dismiss</i> <u>21</u> Oral Argument requested, Reply to Motion to Dismiss for Failure to State a Claim Motion to Dismiss for Lack of Jurisdiction <u>14</u> Oral Argument requested. Filed by All Defendants. (Mauler, Daniel) (Entered: 05/13/2019)
05/28/2019	<u>30</u>	Reply to Motion for Summary Judgment <i>and Response to Defendants' Motion to Dismiss</i> <u>21</u> . Filed by All Plaintiffs. (Abrams, Marc) (Entered: 05/28/2019)
05/31/2019	31	Scheduling Order by Judge Michael J. McShane regarding Request for Judicial Notice <u>15</u> , Motion for Summary Judgment <u>21</u> and Motion to Dismiss <u>14</u> . Oral Argument is set for 6/27/2019 at 10:00AM in Eugene Courtroom 2 before Judge Michael J. McShane. Ordered by Judge Michael J. McShane. (plb) (Entered: 05/31/2019)
06/03/2019	32	Scheduling Order by Judge Michael J. McShane: Based upon the request of the parties, the Oral Argument regarding Motions <u>14</u> , <u>15</u> , and <u>21</u> set for 6/27/2019 is reset for 7/26/2019 at 01:30PM in Eugene Courtroom 2 before Judge Michael J. McShane. Ordered by Judge Michael J. McShane. (cp) (Entered: 06/03/2019)
07/18/2019	<u>33</u>	Notice of <i>Supplemental Authority</i> Filed by All Defendants. (Attachments: # <u>1</u> Attachment) (Mauler, Daniel) (Entered: 07/18/2019)
07/19/2019	<u>34</u>	Response to <i>Notice of Supplemental Authority</i> . Filed by All Plaintiffs. (Related document(s): Notice <u>33</u> .) (Abrams, Marc) (Entered: 07/19/2019)
07/26/2019	35	MINUTES of Proceedings: Motion Hearing Held regarding Request for Judicial Notice <u>15</u> , Motion for Summary Judgment <u>21</u> and Motion to Dismiss <u>14</u> . Motions taken under advisement as of 7/26/2019. Marc Abrams, Peenesh H. Shah, Timothy Daly Smith, Naomi Sheffield and Denis M. Vannier present as counsel for plaintiffs. Daniel D. Mauler present as counsel for defendants. Court Reporter: Deborah Cook. Judge Michael J. McShane presiding. (cp) (Entered: 07/31/2019)
08/07/2019	<u>36</u>	OPINION AND ORDER: Based on the foregoing, Defendants' Motion to Dismiss, <u>14</u> is denied and Plaintiffs' Motion for Summary Judgment, <u>21</u> is granted in part. Within 14 days, the parties shall confer on a proposed form of judgment and a proposed form of order with specific language for a permanent injunction, writ of mandamus, and, if desired, a declaration. The proposed form of order and proposed form of judgment shall be submitted within 21 days of this Opinion and Order. If the parties cannot agree on proposed language for either document, each shall submit its own version, with Defendants' proposed language shown in redline. The parties shall also submit a joint statement of no more than 10 pages explaining any disagreements.

		Signed on 8/7/2019 by Judge Michael J. McShane. (cp) (Entered: 08/07/2019)
08/28/2019	<u>37</u>	Joint Notice <i>Statement Regarding Proposed Judgment and Order</i> Filed by State of Oregon. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D) (Smith, Timothy) (Entered: 08/28/2019)
08/29/2019	<u>38</u>	JUDGMENT AND ORDER: Judgement and Order Denying Defendants' Motion to Dismiss; Granting Plaintiffs' Motion for Summary Judgment in Part and Issuing Injunctions and Mandamus. Signed on 8/29/2019 by Judge Michael J. McShane. (cp) (Entered: 08/29/2019)
09/06/2019	<u>39</u>	Bill of Costs <i>and Disbursements</i> . Filed by All Plaintiffs. (Abrams, Marc) (Entered: 09/06/2019)
09/06/2019	<u>40</u>	Declaration of <i>Marc Abrams</i> . Filed by All Plaintiffs. (Related document(s): Bill of Costs <u>39</u> .) (Abrams, Marc) (Entered: 09/06/2019)
10/04/2019	<u>41</u>	Notice of Appeal to the 9th Circuit from Order on Motion to Dismiss for Failure to State a Claim,,,, Order on Request for Judicial Notice,,,, Order on motion for summary judgment,,, <u>36</u> , Judgment <u>38</u> (<i>fee exempt status selected (AUSA)</i>) . Filed by All Defendants. (Mauler, Daniel) (Entered: 10/04/2019)
10/04/2019		USCA Case Number and Notice confirming Docketing Record on Appeal re Notice of Appeal <u>41</u> . Case Appealed to Ninth Circuit Case Number 19-35843 assigned. (kf) (Entered: 10/04/2019)
10/24/2019	<u>42</u>	ORDER: Granting Taxation of Costs. <u>39</u> Costs taxed in the amount of \$420.00 against Defendant. Signed on 11/24/2019 by Judge Michael J. McShane. (cp) (Entered: 10/24/2019)
11/08/2019	<u>43</u>	Amended Order, from USCA for the 9th Circuit, appeals remained stayed pending further order of this court. USCA # 19-35843 re Notice of Appeal <u>41</u> . (kf) (Entered: 11/08/2019)