

CLOSED,REOPENED

**U.S. District Court
Eastern District of Michigan (Detroit)
CIVIL DOCKET FOR CASE #: 2:14-cv-10071-RHC-PJK**

Parsons et al v. United States Department of Justice et al
Assigned to: District Judge Robert H. Cleland
Referred to: Magistrate Judge Paul J. Komives
Case in other court: U.S. Court of Appeals – Sixth Circuit,
14-01848
U.S. Court of Appeals – Sixth Circuit,
14-01848
U.S. Court of Appeals – Sixth Circuit,
16-02440
U.S. Court of Appeal, 16-02440

Date Filed: 01/08/2014
Date Terminated: 09/29/2016
Jury Demand: None
Nature of Suit: 899 Other Statutes:
Administrative Procedures Act/Review or
Appeal of Agency Decision
Jurisdiction: U.S. Government Defendant

Cause: 28:1331 Fed. Question: Review Agency Decision

Plaintiff

Mr. Mark Parsons

represented by **Daniel S. Korobkin**
American Civil Liberties Union of
Michigan
2966 Woodward Avenue
Detroit, MI 48201
(313) 578-6824
Fax: (313) 578-6811
Email: dkorobkin@aclumich.org
ATTORNEY TO BE NOTICED

Emily C. Palacios
Miller, Canfield,
101 N. Main Street
7th Floor
Ann Arbor, MI 48104-1400
734-663-2445
Fax: 734-663-8624
Email: palacios@millercanfield.com
ATTORNEY TO BE NOTICED

James D. Boufides
Miller, Canfield, Paddock and Stone, PLC
277 South Rose Street
Suite 5000
Kalamazoo, MI 49007
269-381-7030
Fax: 269-382-0244
Email: boufides@millercanfield.com
ATTORNEY TO BE NOTICED

Michael J. Steinberg
American Civil Liberties Union Fund of
Michigan
2966 Woodward Avenue
Detroit, MI 48201
313-578-6814
Email: msteinberg@aclumich.org
ATTORNEY TO BE NOTICED

Saura J. Sahu
Clancy PLC
1624 Estates Drive
Detroit, MI 48206
269-808-3140

Email: sahu@clancyadvisors.com
ATTORNEY TO BE NOTICED

Plaintiff

Brandon Bradley

represented by **Daniel S. Korobkin**
(See above for address)
ATTORNEY TO BE NOTICED

Emily C. Palacios
(See above for address)
ATTORNEY TO BE NOTICED

James D. Boufides
(See above for address)
ATTORNEY TO BE NOTICED

Michael J. Steinberg
(See above for address)
ATTORNEY TO BE NOTICED

Saura J. Sahu
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Scott Gandy

represented by **Daniel S. Korobkin**
(See above for address)
ATTORNEY TO BE NOTICED

Emily C. Palacios
(See above for address)
ATTORNEY TO BE NOTICED

James D. Boufides
(See above for address)
ATTORNEY TO BE NOTICED

Michael J. Steinberg
(See above for address)
ATTORNEY TO BE NOTICED

Saura J. Sahu
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Robert Hellin

represented by **Daniel S. Korobkin**
(See above for address)
ATTORNEY TO BE NOTICED

Emily C. Palacios
(See above for address)
ATTORNEY TO BE NOTICED

James D. Boufides
(See above for address)
ATTORNEY TO BE NOTICED

Michael J. Steinberg
(See above for address)
ATTORNEY TO BE NOTICED

Saura J. Sahu

(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Joseph F. Bruce

represented by **Elizabeth C. Thomson**
Hertz Schram PC
1760 South Telegraph Road
Suite 300
Bloomfield Hills, MI 48302
248-335-5000
Fax: 248-335-3346
Email: lthomson@hertzschram.com
ATTORNEY TO BE NOTICED

Howard Hertz
Hertz Schram
1760 S. Telegraph Road
Suite 300
Bloomfield Hills, MI 48302
248-335-5000
Email: hhertz@hertzschram.com
ATTORNEY TO BE NOTICED

Joseph A. Bellanca
Hertz Schram
1760 S. Telegraph Road
Suite 300
Bloomfield Hills, MI 48302
248-335-5000
Fax: 248-335-3346
Email: jbellanca@hertzschram.com
ATTORNEY TO BE NOTICED

Saura J. Sahu
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Joseph W. Utsler

represented by **Elizabeth C. Thomson**
(See above for address)
ATTORNEY TO BE NOTICED

Howard Hertz
(See above for address)
ATTORNEY TO BE NOTICED

Joseph A. Bellanca
(See above for address)
ATTORNEY TO BE NOTICED

Saura J. Sahu
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

United States Department of Justice

represented by **Amy Powell**
U.S. Department of Justice
Civil Division
20 Massachusetts Ave., NW
Washington, DC 20001

202-514-9836
 Fax: 202-616-8202
 Email: amy.powell@usdoj.gov
ATTORNEY TO BE NOTICED

Defendant**Federal Bureau of Investigation**

represented by **Amy Powell**
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/08/2014	<u>1</u>	COMPLAINT filed by All Plaintiffs against All Defendants. Plaintiff requests summons issued. Receipt No: 0645-4443592 – Fee: $ 400. County of 1st Plaintiff: Out of State – County Where Action Arose: Wayne County – County of 1st Defendant: USA. [Previously dismissed case: No] [Possible companion case(s): None] (Sahu, Saura) (Entered: 01/08/2014)
01/08/2014		A United States Magistrate Judge of this Court is available to conduct all proceedings in this civil action in accordance with 28 U.S.C. 636c and FRCP 73. The Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form is available for download at http://www.mied.uscourts.gov (KKra) (Entered: 01/08/2014)
01/08/2014	<u>2</u>	SUMMONS Issued for *Federal Bureau of Investigation* (KKra) (Entered: 01/08/2014)
01/08/2014	<u>3</u>	SUMMONS Issued for *United States Department of Justice* (KKra) (Entered: 01/08/2014)
01/08/2014	<u>4</u>	SUMMONS Issued for the United States Attorney and the Office of the Attorney General. (KKra) (Entered: 01/08/2014)
01/10/2014	<u>5</u>	NOTICE of Appearance by Howard Hertz on behalf of Joseph F. Bruce, Joseph W. Utsler. (Hertz, Howard) (Entered: 01/10/2014)
01/10/2014	<u>6</u>	NOTICE of Appearance by Elizabeth C. Thomson on behalf of Joseph F. Bruce, Joseph W. Utsler. (Thomson, Elizabeth) (Entered: 01/10/2014)
01/13/2014	<u>7</u>	NOTICE by Joseph F. Bruce, Joseph W. Utsler of <i>Potentially Related Cases</i> (Hertz, Howard) (Entered: 01/13/2014)
01/13/2014	<u>8</u>	NOTICE of Appearance by Daniel S. Korobkin on behalf of Brandon Bradley, Scott Gandy, Robert Hellin, Mark Parsons. (Korobkin, Daniel) (Entered: 01/13/2014)
01/14/2014	<u>9</u>	NOTICE of Appearance by Michael J. Steinberg on behalf of Brandon Bradley, Scott Gandy, Robert Hellin, Mark Parsons. (Steinberg, Michael) (Entered: 01/14/2014)
01/14/2014	<u>10</u>	CERTIFICATE of Service/Summons Returned Executed. U.S. Attorney on behalf of All Plaintiffs. (Sahu, Saura) Modified on 1/15/2014 (KKra). [US ATTORNEY SERVED 1/10/14] (Entered: 01/14/2014)
01/30/2014	<u>11</u>	CERTIFICATE of Service/Summons Returned Executed. U.S. Attorney General served on January 10, 2014. (Sahu, Saura) (Entered: 01/30/2014)
01/30/2014	<u>12</u>	CERTIFICATE of Service/Summons Returned Executed. U.S. Department of Justice served on January 10, 2014. (Sahu, Saura) (Entered: 01/30/2014)
01/30/2014	<u>13</u>	CERTIFICATE of Service/Summons Returned Executed. Federal Bureau of Investigation served on January 10, 2014. (Sahu, Saura) (Entered: 01/30/2014)
02/19/2014	<u>14</u>	NOTICE of Appearance by Amy Powell on behalf of All Defendants. (Powell, Amy) (Entered: 02/19/2014)
03/04/2014	<u>15</u>	MOTION for Extension of Time to File Response/Reply to the Complaint, Unopposed by All Defendants. (Powell, Amy) (Entered: 03/04/2014)
03/13/2014	<u>16</u>	ORDER granting <u>15</u> Motion for Extension of Time to File Response <u>15</u> to the Complaint, Response due by 4/1/2014 . Signed by District Judge Robert H. Cleland.

		(LWag) (Entered: 03/13/2014)
03/28/2014	<u>17</u>	NOTICE of Appearance by James D. Boufides on behalf of Brandon Bradley, Scott Gandy, Robert Hellin, Mark Parsons. (Boufides, James) (Entered: 03/28/2014)
03/31/2014	<u>18</u>	STIPULATION AND ORDER for Extension of Time for Defendants to file a response, (Response due by 4/4/2014) Signed by District Judge Robert H. Cleland. (LWag) (Entered: 03/31/2014)
04/04/2014	<u>19</u>	Ex Parte MOTION for Leave to File Excess Pages by All Defendants. (Attachments: # <u>1</u> Proposed Filing – Motion to Dismiss and Supporting Memorandum, # <u>2</u> Exhibit Butler Declaration in Support of Motion to Dismiss) (Powell, Amy) (Entered: 04/04/2014)
04/07/2014		TEXT–ONLY ORDER GRANTING <u>19</u> Ex Parte MOTION for Leave to File Excess Pages filed by United States Department of Justice, Federal Bureau of Investigation. Signed by District Judge Robert H. Cleland. (LWag) (Entered: 04/07/2014)
04/09/2014	<u>20</u>	MOTION to Dismiss by All Defendants. (Attachments: # <u>1</u> Exhibit Declaration of Diedre Butler) (Powell, Amy) (Entered: 04/09/2014)
04/11/2014	<u>21</u>	NOTICE OF HEARING on <u>20</u> MOTION to Dismiss . Motion Hearing set for 6/4/2014 02:00 PM before District Judge Robert H. Cleland (LWag) (Entered: 04/11/2014)
04/30/2014	<u>22</u>	STIPULATION AND ORDER for Extension of Time to Responses and Joint Request to Reschedule Hearing as to <u>20</u> MOTION to Dismiss :(Response due by 5/16/2014, Reply due by 5/30/2014, Motion Hearing re–set for 6/23/2014 02:00 PM before District Judge Robert H. Cleland) Signed by District Judge Robert H. Cleland. (LWag) (Entered: 04/30/2014)
05/15/2014	<u>23</u>	ATTORNEY APPEARANCE: Emily C. Palacios appearing on behalf of Brandon Bradley, Scott Gandy, Robert Hellin, Mark Parsons (Palacios, Emily) (Entered: 05/15/2014)
05/16/2014	<u>24</u>	Ex Parte MOTION for Leave to File Excess Pages by All Plaintiffs. (Attachments: # <u>1</u> Exhibit Plaintiffs' Response to Defendants' Motion to Dismiss) (Sahu, Saura) (Entered: 05/16/2014)
05/20/2014		TEXT–ONLY ORDER GRANTING <u>24</u> Ex Parte MOTION for Leave to File Excess Pages filed by Robert Hellin, Joseph W. Utsler, Joseph F. Bruce, Scott Gandy, Brandon Bradley, Mark Parsons. Signed by District Judge Robert H. Cleland. (LWag) (Entered: 05/20/2014)
05/20/2014	<u>25</u>	RESPONSE to <u>20</u> MOTION to Dismiss filed by All Plaintiffs. (Sahu, Saura) (Entered: 05/20/2014)
06/01/2014	<u>26</u>	STIPULATION AND ORDER for extension of time to file the reply as to <u>20</u> MOTION to Dismiss :(Reply due by 6/6/2014) Signed by District Judge Robert H. Cleland. (LWag) (Entered: 06/01/2014)
06/06/2014	<u>27</u>	Ex Parte MOTION for Leave to File Excess Pages by All Defendants. (Attachments: # <u>1</u> Proposed Filing – Defendants' Reply in Support of Motion to Dismiss) (Powell, Amy) (Entered: 06/06/2014)
06/17/2014		TEXT–ONLY ORDER GRANTING <u>27</u> Ex Parte MOTION for Leave to File Excess Pages filed by United States Department of Justice, Federal Bureau of Investigation. Signed by District Judge Robert H. Cleland. (LWag) (Entered: 06/17/2014)
06/17/2014	<u>28</u>	REPLY to Response re <u>20</u> MOTION to Dismiss filed by All Defendants. (Powell, Amy) (Entered: 06/17/2014)
06/23/2014		Minute Entry for proceedings held before District Judge Robert H. Cleland: Motion Hearing held on 6/23/2014 re <u>20</u> MOTION to Dismiss filed by United States Department of Justice, Federal Bureau of Investigation Disposition: TAKEN UNDER ADVISEMENT(Court Reporter Christin Russell) (LWag) (Entered: 06/24/2014)
06/30/2014	<u>29</u>	OPINION AND ORDER granting <u>20</u> Defendants' Motion to Dismiss. Signed by District Judge Robert H. Cleland. (LWag) (Entered: 06/30/2014)

07/08/2014	<u>30</u>	NOTICE OF APPEAL by All Plaintiffs re <u>29</u> Order on Motion to Dismiss. Receipt No: 0645-4720248 – Fee: \$ 505 – Fee Status: Fee Paid. (Sahu, Saura) (Entered: 07/08/2014)
07/08/2014	<u>31</u>	Certificate of Service re <u>30</u> Notice of Appeal. (TMcg) (Entered: 07/08/2014)
07/21/2014		Court Reporter Acknowledgment of Transcript Order Form received on 7/17/2014. Transcript for court proceeding held on: 6/23/2014. Estimated transcript completion date: 8/16/2014. Estimated number of pages: 50. Payment arrangements were made on 7/21/2014. (Russell, C.) (Entered: 07/21/2014)
07/25/2014	<u>32</u>	TRANSCRIPT of Motion Hearing held on 6/23/2014. (Court Reporter/Transcriber: Christin E. Russell) (Number of Pages: 50) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 8/15/2014. Redacted Transcript Deadline set for 8/25/2014. Release of Transcript Restriction set for 10/23/2014. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Russell, C.) (Entered: 07/25/2014)
09/17/2015	<u>33</u>	JUDGMENT from U.S. Court of Appeals – Sixth Circuit re <u>30</u> Notice of Appeal filed by Robert Hellin, Joseph W. Utsler, Joseph F. Bruce, Scott Gandy, Brandon Bradley, Mark Parsons [Appeal Case Number 14-1848] (KClA) (Entered: 09/18/2015)
11/19/2015	<u>36</u>	MANDATE from U.S. Court of Appeals – Sixth Circuit as to <u>33</u> Appeal Order/Opinion/Judgment [Appeal Case Number 14-1848] (Ahmed, N) (Entered: 12/15/2015)
11/30/2015	<u>34</u>	NOTICE TO APPEAR BY TELEPHONE: Status Conference set for 12/17/2015 09:30 AM before District Judge Robert H. Cleland THE COURT WILL INITIATE THE CALL (LWag) (Entered: 11/30/2015)
12/09/2015	<u>35</u>	NOTICE of Appearance by Joseph A. Bellanca on behalf of Joseph F. Bruce, Joseph W. Utsler. (Bellanca, Joseph) (Entered: 12/09/2015)
12/17/2015		Minute Entry for proceedings before District Judge Robert H. Cleland: Status Conference held on 12/17/2015, Set Motion and Response Deadline as to (Motion to Dismiss to be filed by 1/29/2016, Response due by 2/16/2016) Disposition: Government's Motion to Dismiss to be filed. Counsel to indicate if Oral Argument would be requested. (LWag) (Entered: 01/12/2016)
01/29/2016	<u>37</u>	Second MOTION to Dismiss by All Defendants. (Powell, Amy) (Entered: 01/29/2016)
02/08/2016	<u>38</u>	[STRICKEN] STIPULATION TO EXTENSION OF TIME TO RESPOND TO DEFENDANTS' MOTION TO DISMISS by Brandon Bradley, Scott Gandy, Robert Hellin, Mark Parsons (Palacios, Emily) Modified on 2/9/2016 (LWag). (Entered: 02/08/2016)
02/09/2016		TEXT-ONLY ORDER STRIKING as Improvidently filed <u>38</u> Stipulation filed by Robert Hellin, Scott Gandy, Brandon Bradley, Mark Parsons. Signed by District Judge Robert H. Cleland. (LWag) (Entered: 02/09/2016)
02/10/2016	<u>39</u>	STIPULATION AND ORDER to Extend Time to File a Response as to <u>37</u> Second MOTION to Dismiss :(Response due by 3/14/2016) Signed by District Judge Robert H. Cleland. (LWag) (Entered: 02/10/2016)
03/11/2016	<u>40</u>	STIPULATION AND ORDER Extending time to file responses as to <u>37</u> Second MOTION to Dismiss :(Response due by 4/4/2016, Reply due by 4/26/2016) Signed by District Judge Robert H. Cleland. (LWag) (Entered: 03/11/2016)
04/04/2016	<u>41</u>	Ex Parte MOTION for Leave to File Excess Pages by Brandon Bradley, Scott Gandy, Robert Hellin, Mark Parsons. (Attachments: # <u>1</u> Plaintiffs' Response to Defendants' Motion to Dismiss) (Palacios, Emily) (Entered: 04/04/2016)
04/05/2016		TEXT-ONLY ORDER GRANTING <u>41</u> Ex Parte MOTION for Leave to File Excess Pages filed by Robert Hellin, Scott Gandy, Brandon Bradley, Mark Parsons and Directing Plaintiffs' to file their Brief in Opposition as soon as possible. Signed by

		District Judge Robert H. Cleland. (LWag) (Entered: 04/05/2016)
04/05/2016	<u>42</u>	RESPONSE to <u>37</u> Second MOTION to Dismiss filed by Brandon Bradley, Scott Gandy, Robert Hellin, Mark Parsons. (Palacios, Emily) (Entered: 04/05/2016)
04/26/2016	<u>43</u>	MOTION for Leave to File Excess Pages by All Defendants. (Attachments: # <u>1</u> Proposed Reply Memorandum) (Powell, Amy) (Entered: 04/26/2016)
04/27/2016		TEXT-ONLY ORDER GRANTING <u>43</u> MOTION for Leave to File Excess Pages filed by United States Department of Justice, Federal Bureau of Investigation. Signed by District Judge Robert H. Cleland. (LWag) (Entered: 04/27/2016)
04/29/2016	<u>44</u>	REPLY to Response re <u>37</u> Second MOTION to Dismiss filed by All Defendants. (Powell, Amy) (Entered: 04/29/2016)
09/29/2016	<u>45</u>	OPINION AND ORDER granting <u>37</u> Defendants' Motion to Dismiss. Signed by District Judge Robert H. Cleland. (LWag) (Entered: 09/29/2016)
09/29/2016	<u>46</u>	JUDGMENT in favor of Defendants against Planitiff (LWag) (Entered: 09/29/2016)
10/13/2016	<u>47</u>	NOTICE OF APPEAL by Brandon Bradley, Scott Gandy, Robert Hellin, Mark Parsons re <u>45</u> Order on Motion to Dismiss. Receipt No: 0645-5913409 - Fee: \$ 505 - Fee Status: Fee Paid. (Palacios, Emily)[FILING ERROR: NOTICE OF APPEAL FILED BY ALL PLAINTIFFS] Modified on 10/19/2016 (DPer). (Entered: 10/13/2016)
10/13/2016	<u>48</u>	Certificate of Service re <u>47</u> Notice of Appeal. (DWor) (Entered: 10/13/2016)
12/18/2017	<u>49</u>	OPINION AND JUDGMENT from U.S. Court of Appeals - Sixth Circuit re <u>47</u> Notice of Appeal, filed by Robert Hellin, Scott Gandy, Brandon Bradley, Mark Parsons [Appeal Case Number 16-2440] (SKra) (Entered: 12/18/2017)
02/09/2018	<u>50</u>	MANDATE from U.S. Court of Appeal as to <u>49</u> Appeal Order/Opinion/Judgment, <u>47</u> Notice of Appeal, filed by Robert Hellin, Scott Gandy, Brandon Bradley, Mark Parsons [Appeal Case Number 16-2440] (DWor) (Entered: 02/13/2018)