

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:09-cv-04888-NG-LB**

Acorn et al v. United States of America et al
Assigned to: Judge Nina Gershon
Referred to: Magistrate Judge Lois Bloom
Cause: 28:2201 Injunction

Date Filed: 11/12/2009
Date Terminated: 08/03/2011
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

Acorn

represented by **Darius Charney**
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY 10012
212-614-6464
Fax: 212-614-6499
Email: dcharney@ccrjustice.org
ATTORNEY TO BE NOTICED

Plaintiff

Acorn Institute, Inc.

represented by **Darius Charney**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

**New York Acorn Housing Company,
Inc.**

represented by **Darius Charney**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

United States of America

represented by **Peter D. Leary**
Department of Justice
20 Massachusetts Avenue, Nw
Room 7322
Washington, DC 20530
(202)514-3313
Fax: (202)616-8470
Email: peter.leary@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bradley H Cohen

US Dept of Justice – Fed Programs
20 Massachusetts Ave Nw
Rm 7338
Washington, DC 20001
202-305-9855
Fax: 202-318-0486
Email: bradley.cohen@usdoj.gov
ATTORNEY TO BE NOTICED

Farzin Franklin Amanat

United States Attorneys Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201-1820
(718) 254-6024

Fax: (718)254-6081
 Email: franklin.amanat@usdoj.gov
 ATTORNEY TO BE NOTICED

Defendant

Shaun Donovan
*Secretary of the Department of Housing
 and Urban Development*

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

Bradley H Cohen
 (See above for address)
 ATTORNEY TO BE NOTICED

Farzin Franklin Amanat
 (See above for address)
 ATTORNEY TO BE NOTICED

Defendant

Peter Orszag
*Directorm Office of Management and
 Budget*

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

Bradley H Cohen
 (See above for address)
 ATTORNEY TO BE NOTICED

Farzin Franklin Amanat
 (See above for address)
 ATTORNEY TO BE NOTICED

Defendant

Timothy Geithner
*Secretary of the Department of Treasury
 of the United States*

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

Bradley H Cohen
 (See above for address)
 ATTORNEY TO BE NOTICED

Farzin Franklin Amanat
 (See above for address)
 ATTORNEY TO BE NOTICED

Intervenor

Christopher Earl Strunk
 TERMINATED: 03/09/2010

Date Filed	#	Docket Text
11/12/2009	<u>1</u>	COMPLAINT against Shaun Donovan, Timothy Geithner, Peter Orszag, United States of America Disclosure Statement on Civil Cover Sheet completed –No., filed by Acorn, Acorn Institute, Inc., New York Acorn Housing Company, Inc.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit Part 1, # <u>3</u> Exhibit Part 2, # <u>4</u> Exhibit Part 3, # <u>5</u> Exhibit Part 4, # <u>6</u> Exhibit Part 5, # <u>7</u> Exhibit Part 6) (Davis, Kimberly) (Entered: 11/12/2009)
11/12/2009		FILING FEE: \$ 350.00, receipt number 4653007581 (Davis, Kimberly) (Entered: 11/12/2009)

11/12/2009	<u>2</u>	DISCLOSURE of Interested Parties by Acorn, Acorn Institute, Inc., New York Acorn Housing Company, Inc.. (Davis, Kimberly) (Entered: 11/12/2009)
11/12/2009		Summons Issued as to Shaun Donovan, Timothy Geithner, Peter Orszag, United States of America. (Davis, Kimberly) (Entered: 11/12/2009)
11/13/2009	<u>5</u>	Minute Entry for proceedings held before Senior Judge Nina Gershon:Civil Cause for Preliminary Injunction held on 11/13/2009. Counsel for parties present. Plaintiffs' application for a temporary restraining order was denied on the record. The gov't's papers shall be served by 1 PM on 12/1/09; Pltf's response shall be served and filed by 1 PM 12/4/09; Hearing set for 12/4/2009 at 11:00 AM in Courtroom 6D South before Senior Judge Nina Gershon. (Fernandez, Erica) (Entered: 11/20/2009)
11/16/2009	<u>3</u>	NOTICE of Appearance by Peter D. Leary on behalf of Shaun Donovan, Timothy Geithner, Peter Orszag, United States of America (aty to be noticed) (Leary, Peter) (Entered: 11/16/2009)
11/16/2009	<u>4</u>	NOTICE of Appearance by F. Franklin Amanat on behalf of Shaun Donovan, Timothy Geithner, Peter Orszag, United States of America (aty to be noticed) (Amanat, F.) (Entered: 11/16/2009)
11/25/2009	<u>6</u>	NOTICE of Appearance by Bradley H Cohen on behalf of Shaun Donovan, Timothy Geithner, Peter Orszag, United States of America (aty to be noticed) (Cohen, Bradley) (Entered: 11/25/2009)
12/01/2009	<u>7</u>	MEMORANDUM in Opposition to <i>Plaintiffs' Motion for Preliminary Injunction</i> filed by Shaun Donovan, Timothy Geithner, Peter Orszag, United States of America. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit) (Leary, Peter) (Entered: 12/01/2009)
12/03/2009	<u>8</u>	REPLY in Support <i>Plaintiffs' Motion for Preliminary Injunction</i> filed by Acorn, Acorn Institute, Inc., New York Acorn Housing Company, Inc.. (Attachments: # <u>1</u> Exhibit G-O) (Charney, Darius) (Entered: 12/03/2009)
12/04/2009	<u>27</u>	Minute Entry for proceedings held before Senior Judge Nina Gershon:Preliminary Injunction Hearing held on 12/4/2009. Counsel for parties present. The Court's decision is reserved. (Court Reporter Michele Nardone.) (Fernandez, Erica) (Entered: 01/07/2010)
12/11/2009	<u>9</u>	OPINION and ORDER. The plaintiffs have established a likelihood of success on the merits of their bill of attainder claim. They have also established the likelihood of irreparable harm absent an injunction and that issuance of a preliminary injunction is in the public interest. Therefore the plaintiffs motion for a preliminary injunction is GRANTED. A preliminary injunction in the following form shall issue:Defendants the UNITED STATES OF AMERICA; SHAUN DONOVAN, in his official capacity as Secretary of the Department of Housing and Urban Development; PETER ORSZAG, in his official capacity as Director of the Office of Management and Budget; and TIMOTHY GEITHNER, in his official capacity as Secretary of the Department of Treasury of the United States; and all those acting in concert with them, are herebyENJOINED, during the pendency of this action, from enforcing Section 163 of Division B Continuing Appropriations Resolution, 2010, Pub. L. No. 111-68, § 163, 123 Stat. 2023, 2053 (2009), as renewed by Division B Further Continuing Appropriations Resolution, 2010, Pub. L. No. 111-88, § 101, 123 Stat. 2904, 2972 (2009), which provides that None of the funds made available by this joint resolution or any prior Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations. The defendants are hereby furtherENJOINED, during the pendency of this action, from enforcing the Office ofManagement and Budget Memorandum, entitled Memorandum for the Heads ofExecutive Departments and Agencies providing [g]uidance on [S]ection 163 ofthe Continuing Resolution regarding the Association of CommunityOrganizations for Reform Now (ACORN), dated October 7, 2009. Ordered by Senior Judge Nina Gershon on 12/11/2009. (Vaughn, Terry) (Entered: 12/11/2009)

12/11/2009	<u>10</u>	PRELIMINARY INJUNCTION. Defendants the UNITED STATES OF AMERICA; SHAUN DONOVAN, in his official capacity as Secretary of the Department of Housing and Urban Development; PETER ORSZAG, in his official capacity as Director of the Office of Management and Budget; and TIMOTHY GEITHNER, in his official capacity as Secretary of the Department of Treasury of the United States; and all those acting in concert with them, are hereby enjoined as directed in this Preliminary Injunction. Ordered by Senior Judge Nina Gershon on 12/11/2009. (Vaughn, Terry) (Entered: 12/11/2009)
12/16/2009	<u>11</u>	MOTION for Reconsideration by Shaun Donovan, Timothy Geithner, Peter Orszag, United States of America. (Attachments: # <u>1</u> Exhibit) (Leary, Peter) (Entered: 12/16/2009)
12/16/2009	<u>12</u>	NOTICE OF APPEAL by Shaun Donovan, Timothy Geithner, Peter Orszag, United States of America. (Leary, Peter) (Entered: 12/16/2009)
12/16/2009	<u>13</u>	NOTICE by Shaun Donovan, Timothy Geithner, Peter Orszag, United States of America (Leary, Peter) (Entered: 12/16/2009)
12/16/2009	<u>23</u>	Letter dated 12/15/09 from Christopher-Earl to Judge Gershon requesting a promotion conference. (see letter for details) (Fernandez, Erica) (Entered: 12/22/2009)
12/17/2009	<u>14</u>	AMENDED COMPLAINT against Shaun Donovan, Timothy Geithner, Peter Orszag, United States of America, filed by Acorn, Acorn Institute, Inc., New York Acorn Housing Company, Inc.. (Attachments: # <u>1</u> Exhibit G) (Charney, Darius) (Entered: 12/17/2009)
12/17/2009	<u>15</u>	MOTION to Amend/Correct/Supplement <u>10</u> Preliminary Injunction,, <u>9</u> Memorandum & Opinion,,,,,, by Acorn, Acorn Institute, Inc., New York Acorn Housing Company, Inc.. (Charney, Darius) (Entered: 12/17/2009)
12/17/2009	<u>16</u>	Unsigned Order to Show Cause <i>for Preliminary Injunction</i> by Acorn, Acorn Institute, Inc., New York Acorn Housing Company, Inc. (Charney, Darius) (Entered: 12/17/2009)
12/17/2009	<u>17</u>	DECLARATION re <u>16</u> Unsigned Order to Show Cause <i>Certificate of Compliance</i> by Acorn, Acorn Institute, Inc., New York Acorn Housing Company, Inc. (Charney, Darius) (Entered: 12/17/2009)
12/17/2009	<u>18</u>	By motion dated December 16, 2009, defendants move for reconsideration of this courts December 11, 2009, opinion and order granting plaintiffs motion for a preliminary injunction. In the alternative, defendants seek amendment of the injunction. Plaintiffs, on December 17, 2009, submitted an amended complaint. Plaintiffs also seek modification of the preliminary injunction. Defendants are directed to file their response to plaintiffs motion by 5:00 PM on December 18, 2009. Plaintiffs are directed to respond to defendants motion by the same date and time. The parties are directed to appear for a hearing on their motions on Tuesday, December 22, 2009, at 2:30 PM, in Courtroom 6D South, 225 Cadman Plaza East, Brooklyn, New York. Ordered by Senior Judge Nina Gershon on 12/17/2009. (Ehrlich, Julie) (Entered: 12/17/2009)
12/17/2009	<u>19</u>	AMENDED COMPLAINT <i>CORRECTED</i> against Shaun Donovan, Timothy Geithner, Peter Orszag, United States of America, filed by Acorn, Acorn Institute, Inc., New York Acorn Housing Company, Inc.. (Attachments: # <u>1</u> Exhibit G) (Charney, Darius) (Entered: 12/17/2009)
12/18/2009	<u>20</u>	MEMORANDUM in Opposition re <u>11</u> MOTION for Reconsideration filed by Acorn, Acorn Institute, Inc., New York Acorn Housing Company, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C) (Charney, Darius) (Entered: 12/18/2009)
12/18/2009		Electronic Index to Record on Appeal sent to US Court of Appeals. For docket entries without a hyperlink, contact the court and we'll arrange for the document(s) to be made available to you. <u>13</u> Notice(Other), <u>6</u> Notice of Appearance, <u>20</u> Memorandum in Opposition, <u>10</u> Preliminary Injunction,, <u>15</u> Motion to Amend/Correct/Supplement, <u>18</u> Order,,, <u>11</u> Motion for Reconsideration, <u>1</u> Complaint, <u>7</u> Memorandum in Opposition, <u>17</u> Declaration, <u>8</u> Reply in Support, <u>4</u>

		Notice of Appearance, <u>12</u> Notice of Appeal, <u>2</u> Disclosure of Interested Parties, <u>14</u> Amended Complaint, <u>3</u> Notice of Appearance, <u>19</u> Amended Complaint, <u>5</u> Status Conference, Set Hearings, <u>9</u> Memorandum & Opinion, <u>16</u> Unsigned Order to Show Cause (Gonzalez, Mary) (Entered: 12/18/2009)
12/18/2009	<u>21</u>	RESPONSE in Opposition re <u>15</u> MOTION to Amend/Correct/Supplement <u>10</u> Preliminary Injunction, <u>9</u> Memorandum & Opinion, <u>16</u> Unsigned Order to Show Cause (Gonzalez, Mary) (Entered: 12/18/2009), filed by Shaun Donovan, Timothy Geithner, Peter Orszag, United States of America. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit) (Leary, Peter) (Entered: 12/18/2009)
12/21/2009	<u>22</u>	Letter from F. Franklin Amanat, counsel for defendants, to Judge Gershon, in response/opposition to the letter from Christopher Earl Strunk (a pro se non-party to the action) requesting a pre-motion conference in connection with his planned motion for leave to intervene as a defendant in this action pursuant to Fed. R. Civ. P. 24, by Shaun Donovan, Timothy Geithner, Peter Orszag, United States of America (Amanat, F.) (Entered: 12/21/2009)
12/22/2009	<u>24</u>	MEMORANDUM AND ORDER directing that defendants motion for reconsideration is denied. For reasons stated on the record, the alternative application to strike the United States from the preliminary injunction is also denied. Finally, plaintiffs motion to modify or amend the preliminary injunction is denied without prejudice as described on the record. Ordered by Senior Judge Nina Gershon on 12/22/2009. (Fernandez, Erica) (Entered: 12/22/2009)
12/22/2009	<u>26</u>	Minute Entry for proceedings held before Senior Judge Nina Gershon: Motion Hearing held on 12/22/2009 re <u>15</u> MOTION to Amend/Correct/Supplement <u>10</u> Preliminary Injunction, and <u>9</u> Memorandum & Opinion, filed by New York Acorn Housing Company, Inc., Acorn, Acorn Institute, Inc.; <u>11</u> MOTION for Reconsideration; Parties agreed to the following motion schedule: The Govt shall file its objection paper two weeks from the date the plaintiffs serves their motion for a preliminary injunction. A reply shall be served and filed a week from that date. (Court Reporter Victoria Butler.) (Fernandez, Erica) (Entered: 01/07/2010)
12/30/2009	<u>25</u>	MOTION to Vacate <i>the Court's December 11, 2009 Injunction and Order</i> by Shaun Donovan, Timothy Geithner, Peter Orszag, United States of America. (Attachments: # <u>1</u> Exhibit) (Leary, Peter) (Entered: 12/30/2009)
01/12/2010	<u>28</u>	MOTION for Permanent Injunction (Responses due by 2/10/2010), MOTION for Preliminary Injunction, MOTION for Declaratory Judgment (Responses due by 2/10/2010), MOTION to Amend/Correct/Supplement <i>Complaint</i> by Acorn, Acorn Institute, Inc., New York Acorn Housing Company, Inc.. (Charney, Darius) (Entered: 01/12/2010)
01/12/2010	<u>29</u>	MEMORANDUM in Support re <u>28</u> MOTION for Permanent Injunction MOTION for Preliminary Injunction MOTION for Declaratory Judgment MOTION to Amend/Correct/Supplement <i>Complaint</i> filed by Acorn, Acorn Institute, Inc., New York Acorn Housing Company, Inc.. (Charney, Darius) (Entered: 01/12/2010)
01/13/2010	<u>30</u>	MEMORANDUM in Opposition re <u>25</u> MOTION to Vacate <i>the Court's December 11, 2009 Injunction and Order</i> filed by Acorn, Acorn Institute, Inc., New York Acorn Housing Company, Inc.. (Charney, Darius) (Entered: 01/13/2010)
01/20/2010	<u>31</u>	REPLY in Support of <i>Defendants' Motion to Vacate the Court's December 11, 2009 Injunction and Order</i> filed by Shaun Donovan, Timothy Geithner, Peter Orszag, United States of America. (Leary, Peter) (Entered: 01/20/2010)
01/20/2010	<u>34</u>	NOTICE of Motion to Intervene as a Ex-Relator-Intervener-Defendant USA Citizen and State of New York Citizen filed by Christopher Earl (pro se non party to this action) (Fernandez, Erica) (Entered: 01/26/2010)
01/21/2010	<u>32</u>	ORDER directing that pursuant to FRCP 65(a)(2), Plaintiffs' motion for preliminary injunction is consolidated with their motions for a permanent injunction and declaratory judgment; Ordered that Defendants shall file and serve their response to Plaintiffs' consolidated motion by no later than 6:00 PM on 2/2/2010, and that Plaintiffs shall file and serve their reply papers in support of their consolidated motion by no later than 6:00 PM on 2/9/2010; Ordered that Plaintiffs' motion for leave to file a second amended complaint in this action is

		GRANTED. Ordered by Senior Judge Nina Gershon on 1/20/2010. (Fernandez, Erica) (Entered: 01/21/2010)
01/25/2010	<u>33</u>	AMENDED COMPLAINT <i>Second Amended Complaint for Injunctive and Declaratory Relief</i> against Shaun Donovan, Timothy Geithner, Peter Orszag, United States of America, filed by Acorn, Acorn Institute, Inc., New York Acorn Housing Company, Inc.. (Attachments: # <u>1</u> Exhibit H) (Charney, Darius) (Entered: 01/25/2010)
01/26/2010	<u>35</u>	ORDER directing parties to respond to "Notice of Motion to Intervene" <u>34</u> Ordered by Senior Judge Nina Gershon on 1/26/2010. (Mask, Deirdre) (Entered: 01/26/2010)
01/28/2010	<u>36</u>	Letter <i>Regarding Omitted Exhibit to Plaintiffs' Motion for Declaratory Judgment and Preliminary and Permanent Injunction</i> by Acorn, Acorn Institute, Inc., New York Acorn Housing Company, Inc. (Charney, Darius) (Entered: 01/28/2010)
01/29/2010	<u>37</u>	ORDER re <u>36</u> directing plaintiffs to submit courtesy paper copies of each of its exhibits contained on the CD submitted at the time of filing. Ordered by Senior Judge Nina Gershon on 1/29/2010. (Mask, Deirdre) (Entered: 01/29/2010)
02/02/2010	<u>38</u>	MEMORANDUM in Opposition to <i>Plaintiffs' Motion and in Support of Defendants' Cross-Motion to Dismiss and for Summary Judgment</i> filed by Shaun Donovan, Timothy Geithner, Peter Orszag, United States of America. (Attachments: # <u>1</u> Notice of Motion, # <u>2</u> Rule 56.1 Statement, # <u>3</u> Exhibit Index of Exhibits, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit, # <u>14</u> Exhibit, # <u>15</u> Exhibit, # <u>16</u> Exhibit, # <u>17</u> Exhibit, # <u>18</u> Exhibit, # <u>19</u> Exhibit, # <u>20</u> Exhibit, # <u>21</u> Exhibit, # <u>22</u> Exhibit, # <u>23</u> Exhibit, # <u>24</u> Exhibit, # <u>25</u> Exhibit, # <u>26</u> Exhibit, # <u>27</u> Exhibit, # <u>28</u> Exhibit, # <u>29</u> Exhibit, # <u>30</u> Exhibit, # <u>31</u> Exhibit) (Leary, Peter) (Entered: 02/02/2010)
02/03/2010	<u>39</u>	Notice of MOTION for Summary Judgment <i>and Cross Motion to Dismiss</i> by Shaun Donovan, Timothy Geithner, Peter Orszag, United States of America. (Attachments: # <u>1</u> Proposed Order) (Leary, Peter) (Entered: 02/03/2010)
02/09/2010	<u>40</u>	MEMORANDUM in Opposition re <u>34</u> Notice (Other) of <i>Motion to Intervene by Pro Se Non Party Christopher Earl Strunk</i> , filed by Shaun Donovan, Timothy Geithner, Peter Orszag, United States of America. (Attachments: # <u>1</u> Notice to Pro Se Litigant Pursuant to Local Civil Rule 7.1(c)) (Amanat, F.) (Entered: 02/09/2010)
02/09/2010	<u>41</u>	MEMORANDUM in Opposition re <u>34</u> Notice (Other) <i>Motion to Intervene by Non-Party Christopher Strunk</i> filed by Acorn, Acorn Institute, Inc., New York Acorn Housing Company, Inc.. (Charney, Darius) (Entered: 02/09/2010)
02/09/2010	<u>42</u>	REPLY in Support re <u>28</u> MOTION for Permanent Injunction MOTION for Preliminary Injunction MOTION for Declaratory Judgment MOTION to Amend/Correct/Supplement <i>Complaint</i> filed by Acorn, Acorn Institute, Inc., New York Acorn Housing Company, Inc.. (Attachments: # <u>1</u> Exhibit List, # <u>2</u> Exhibit N, # <u>3</u> Exhibit O, # <u>4</u> Exhibit P, # <u>5</u> Exhibit Q) (Charney, Darius) (Entered: 02/09/2010)
02/09/2010	<u>43</u>	RULE 56.1 STATEMENT re <u>39</u> Notice of MOTION for Summary Judgment <i>and Cross Motion to Dismiss</i> , <u>28</u> MOTION for Permanent Injunction MOTION for Preliminary Injunction MOTION for Declaratory Judgment MOTION to Amend/Correct/Supplement <i>Complaint</i> filed by Acorn, Acorn Institute, Inc., New York Acorn Housing Company, Inc.. (Charney, Darius) (Entered: 02/09/2010)
02/22/2010	<u>44</u>	MOTION for Extension of Time to File a <i>Local Civil Rule 56.1(b) Response</i> by Timothy Geithner, Peter Orszag, United States of America. (Leary, Peter) (Entered: 02/22/2010)
02/22/2010		ORDER granting <u>44</u> Motion for Extension of Time to File. Taking into consideration the unusual procedural circumstances in this case, Defendants' motion for an extension of time to March 1, 2010 to file their response to Plaintiffs' Rule 56.1 statement is granted. Ordered by Senior Judge Nina Gershon on 2/22/2010. (Mask, Deirdre) (Entered: 02/22/2010)

02/25/2010	<u>45</u>	MOTION for Leave to File <i>Additional Affidavit in Support of Motion for Declaratory Judgment and Preliminary and Permanent Injunction</i> by Acorn, Acorn Institute, Inc., New York Acorn Housing Company, Inc.. (Attachments: # <u>1</u> Affidavit) (Charney, Darius) (Entered: 02/25/2010)
03/01/2010		On consent, the plaintiff's application by letter dated February 25, 2010, requesting leave to file any Additional Affidavit of Ismene Speliotis in support of Plaintiffs Motion for a Declaratory Judgment and Preliminary and Permanent Injunction is granted. The defendant is granted leave to file any response by March 1, 2010. Ordered by Senior Judge Nina Gershon on 3/1/2010. (Joe, Victor) (Entered: 03/01/2010)
03/01/2010	<u>46</u>	AFFIDAVIT/DECLARATION in Support re <u>28</u> MOTION for Permanent Injunction MOTION for Preliminary Injunction MOTION for Declaratory Judgment MOTION to Amend/Correct/Supplement <i>Complaint Additional Affidavit of Ismene Speliotis</i> filed by Acorn, Acorn Institute, Inc., New York Acorn Housing Company, Inc.. (Charney, Darius) (Entered: 03/01/2010)
03/01/2010	<u>47</u>	RULE 56.1 STATEMENT <i>Defendants' 56.1(b) Response to Plaintiffs' Statement of Material Facts</i> filed by Shaun Donovan, Timothy Geithner, Peter Orszag, United States of America. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Leary, Peter) (Entered: 03/01/2010)
03/02/2010	<u>48</u>	Letter to <i>Defense Counsel re the Dissolution of Acorn</i> by Acorn, Acorn Institute, Inc., New York Acorn Housing Company, Inc. (Charney, Darius) (Entered: 03/02/2010)
03/09/2010	<u>49</u>	ORDER re <u>34</u> Notice of Motion to Intervene by Christopher Earl Strunk; Therefore, he has not met the requirements for either intervention as of right under Fed.R.Civ.P.24(a) or for permissive intervention under Fed.R.Civ.P.24(b). The motion is denied. Ordered by Senior Judge Nina Gershon on 3/8/2010. (Fernandez, Erica) (Entered: 03/09/2010)
03/10/2010	<u>50</u>	OPINION AND ORDER directing that Plaintiffs have prevailed on their bill of attainder claim. They have also established irreparable harm and the need for both declaratory and injunctive relief. Therefore plaintiffs' motion for declaratory relief and a permanent injunction is GRANTED <u>28</u> . The government's "cross-motion to dismiss and for summary judgment" is DENIED <u>39</u> . The government's motion to vacate ACORN I is DENIED <u>25</u> . Ordered by Senior Judge Nina Gershon on 3/10/2010. (Fernandez, Erica) (Entered: 03/10/2010)
03/10/2010	<u>51</u>	DECLARATORY JUDGMENT AND PERMANENT INJUNCTION. Ordered by Senior Judge Nina Gershon on 3/10/2010. (Fernandez, Erica) (Entered: 03/10/2010)
03/17/2010	<u>52</u>	NOTICE OF APPEAL as to <u>50</u> Order on Motion to Vacate, Order on Motion for Permanent Injunction, Order on Motion for Preliminary Injunction, Order on Motion for Declaratory Judgment, Order on Motion to Amend/Correct/Supplement, Order on Motion for Summary Judgment,,,,,, <u>51</u> Judgment, Permanent Injunction by Shaun Donovan, Timothy Geithner, Peter Orszag, United States of America.No fee. Service done electronically. (Cohen, Bradley) Modified on 3/18/2010 (McGee, Mary Ann). (Entered: 03/17/2010)
03/17/2010	<u>53</u>	MOTION to Stay <i>Declaratory Judgment and Permanent Injunction Pending Appeal, or in the Alternative, for a Temporary Administrative Stay</i> by Shaun Donovan, Timothy Geithner, Peter Orszag, United States of America. (Cohen, Bradley) (Entered: 03/17/2010)
03/18/2010		Electronic Index to Record on Appeal sent to US Court of Appeals <u>52</u> Notice of Appeal, <u>53</u> Motion to Stay. PLEASE NOTE: The documents in this case are online and may be downloaded. (McGee, Mary Ann) (Entered: 03/18/2010)
03/19/2010		The court is in receipt of defendants motion to stay the declaratory judgment and permanent injunction pending appeal <u>53</u> . Plaintiffs are directed to respond by March 26, 2010. Ordered by Senior Judge Nina Gershon on 3/19/2010. (Mask, Deirdre) (Entered: 03/19/2010)

03/26/2010	<u>54</u>	MEMORANDUM in Opposition re <u>53</u> MOTION to Stay <i>Declaratory Judgment and Permanent Injunction Pending Appeal, or in the Alternative, for a Temporary Administrative Stay</i> filed by Acorn, Acorn Institute, Inc., New York Acorn Housing Company, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C) (Charney, Darius) (Entered: 03/26/2010)
03/30/2010	<u>55</u>	REPLY in Support re <u>53</u> MOTION to Stay <i>Declaratory Judgment and Permanent Injunction Pending Appeal, or in the Alternative, for a Temporary Administrative Stay and Response to Plaintiffs' Cross-Motion</i> filed by Shaun Donovan, Timothy Geithner, Peter Orszag, United States of America. (Attachments: # <u>1</u> Declaration) (Cohen, Bradley) (Entered: 03/30/2010)
03/31/2010	<u>56</u>	ORDER denying <u>53</u> Motion to Stay. Ordered by Senior Judge Nina Gershon on 3/31/2010. (Mask, Deirdre) (Entered: 03/31/2010)
04/02/2010	<u>57</u>	ORDER of USCA as to <u>12</u> Notice of Appeal filed by Timothy Geithner, Shaun Donovan, Peter Orszag, United States of America, <u>52</u> Notice of Appeal, filed by Timothy Geithner, Shaun Donovan, Peter Orszag, United States of America. It is Ordered that the motion of the Government for an administrative stay pending resolution of its motion for further stay pending resolution of its appeal from the Order of the District Court is granted. Appellees are granted until Monday morning 4/5/10 at 10:00 a.m. to file a response to the Government's motion. The motion for a stay pending appeal will be determined by a three-judge motions panel as soon as possible. The parties are directed to confer and present the Court on Monday at 10:00 a.m. with either agreed dates for briefing of an expedited appeal, or competing proposals for such a schedule. Certified: 4/2/10. USCA#10-992. (McGee, Mary Ann) (Entered: 04/02/2010)
04/06/2010	<u>58</u>	NOTICE OF APPEAL as to <u>49</u> Order. Christopher Earl Strunk, self-represented Petitioner for Intervention as a Defendant, appeals from Order of 3/8/10. No fee paid. Mr. Strunk via telephone notified of filing fee. Also notified that to have an expedited appeal it is necessary to motion the USCA. Service done electronically. (McGee, Mary Ann) (Entered: 04/07/2010)
04/07/2010		Electronic Index to Record on Appeal sent to US Court of Appeals <u>58</u> Notice of Appeal. Please note: The documents in this case are online and may be downloaded. (McGee, Mary Ann) (Entered: 04/07/2010)
04/08/2010	<u>59</u>	MOTION for Extension of Time to File <i>Attorneys Fees Application</i> by Acorn, Acorn Institute, Inc., New York Acorn Housing Company, Inc.. (Charney, Darius) (Entered: 04/08/2010)
04/09/2010		Plaintiffs' <u>59</u> Motion for Extension of Time to File is "so ordered." Ordered by Senior Judge Nina Gershon on 4/9/2010. (Mask, Deirdre) (Entered: 04/09/2010)
04/13/2010	<u>60</u>	MOTION for Leave to Appeal in forma pauperis by Christopher Earl Strunk. (McGee, Mary Ann) (Main Document 60 replaced on 4/20/2010) (Fernandez, Erica). (Entered: 04/19/2010)
04/22/2010	<u>61</u>	RESPONSE in Opposition re <u>60</u> MOTION for Leave to Appeal in forma pauperis : <i>Letter from AUSA F. Franklin Amanat, on behalf of all defendants, respectfully asking the Court to deny Strunk's application for IFP status and to make a formal finding that any appeal from <u>49</u> this Court's March 9, 2010, Order denying intervention would not be taken in good faith</i> , filed by Shaun Donovan, Timothy Geithner, Peter Orszag, United States of America. (Amanat, F.) (Entered: 04/22/2010)
04/29/2010	<u>62</u>	ORDER denying <u>60</u> Motion for Leave to Appeal in forma pauperis. Ordered by Senior Judge Nina Gershon on 4/27/2010. (Sica, Michele) (Entered: 04/29/2010)
05/17/2010		First Supplemental Electronic Index to Record on Appeal sent to US Court of Appeals. For docket entries without a hyperlink, contact the court and we'll arrange for the document(s) to be made available to you. <u>59</u> Motion for Extension of Time to File, <u>60</u> Motion for Leave to Appeal in forma pauperis, <u>62</u> Order on Motion for Leave to Appeal in forma pauperis, <u>61</u> Response in Opposition to Motion, (McGee, Mary Ann) (Entered: 05/17/2010)

06/28/2010	<u>63</u>	MANDATE of USCA as to <u>58</u> Notice of Appeal filed by Christopher Strunk. A NOA was filed on 4/6/10. The Fee was due on 4/6/10. It is Ordered that the appeal is dismissed effective 5/5/10. Mandate issued on 6/28/10. (Gonzalez, Mary) (Entered: 06/29/2010)
06/29/2010		Incorrect Entry Information. Please be advised the Notice of Appeal that was linked to this USCA Mandate was incorrect. It will be corrected on the next entry. (Gonzalez, Mary) (Entered: 06/29/2010)
12/17/2010	<u>64</u>	MANDATE of USCA as to <u>52</u> Notice of Appeal, filed by Timothy Geithner, Shaun Donovan, Peter Orszag, United States of America. It is Ordered that the judgment of the District Court is affirmed in part and vacated in part. Remanded for further proceedings as to the Pltffs' First Amendment and due process claims. Issued as Mandate: 12/17/10. USCA#10-0992-cv. Chambers notified. (McGee, Mary Ann) (Entered: 12/17/2010)
04/28/2011	<u>65</u>	Letter <i>Updating the Court on the Status of the Case</i> by Acorn, Acorn Institute, Inc., New York Acorn Housing Company, Inc. (Charney, Darius) (Entered: 04/28/2011)
05/09/2011	<u>66</u>	ORDER re <u>65</u> ; Plaintiffs request that this Court stay any further proceedings in this case until after the Supreme Court has ruled on Plaintiffs' certiorari petition; Application granted. Ordered by Senior Judge Nina Gershon on 5/2/2011. (Fernandez, Erica) (Entered: 05/09/2011)
07/06/2011	<u>67</u>	Letter <i>to the Court Providing Case Status Update</i> by Acorn, Acorn Institute, Inc., New York Acorn Housing Company, Inc. (Charney, Darius) (Entered: 07/06/2011)
07/12/2011	<u>68</u>	ORDER re <u>67</u> : Plaintiffs request that the Court continue to stay any further proceedings in this case until August 1, 2011. So Ordered by Senior Judge Nina Gershon on 7/8/2011. (Fernandez, Erica) Modified on 7/13/2011 to correct Judge (Fernandez, Erica). (Entered: 07/12/2011)
08/01/2011	<u>69</u>	STIPULATION <i>of Dismissal</i> by Acorn, Acorn Institute, Inc., New York Acorn Housing Company, Inc. (Charney, Darius) (Entered: 08/01/2011)
08/03/2011	<u>70</u>	STIPULATION AND ORDER DISMISSING CASE: IT IS HEREBY STIPULATED AND AGREED:Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the parties hereby jointly stipulate to the dismissal of this action with prejudice. The parties will bear their own costs and fees. Ordered by Senior Judge Nina Gershon on 8/1/2011. (Fernandez, Erica) (Entered: 08/03/2011)