

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:12-cv-01578-CBA**

Blesch et al v. Holder et al
Assigned to: Chief Judge Carol Bagley Amon
Cause: 28:1361 Petition for Writ of Mandamus

Date Filed: 04/03/2012
Date Terminated: 08/26/2013
Jury Demand: None
Nature of Suit: 465 Other Immigration
Actions
Jurisdiction: U.S. Government Defendant

Plaintiff

Edwin Blesch

represented by **Eric Alan Stone**
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Plaintiff

Timothy Smulian

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Plaintiff

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Plaintiff

Takako Ueda

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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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V.

Defendant

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United States Attorney General

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Defendant

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Defendant

Alejandro Mayorkas
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Defendant

Robert M. Cowan
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Defendant

Daniel M. Renaud
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States Citizenship and Immigration
Services*

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V.

Intervenor Defendant

Bipartisan Legal Advisory Group

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| Date Filed | # | Docket Text |
|------------|-----------|--|
| 04/02/2012 | <u>1</u> | COMPLAINT against Robert M. Cowan, Eric H. Holder, Jr, Alejandro Mayorkas, Janet Napolitano, Daniel M. Renaud, filed by Heather Morgan, Maria Del Mar Verdugo, Frances Herbert, Lucy Truman, Edwin Blesch, Timothy Smulian, Takako Ueda, Pablo Garcia, Santiago Ortiz, Kelli Ryan. (Attachments: # <u>1</u> Civil Cover Sheet) (Davis, Kimberly) (Entered: 04/03/2012) |
| 04/02/2012 | | Summons Issued as to Robert M. Cowan, Eric H. Holder, Jr, Alejandro Mayorkas, Janet Napolitano, Daniel M. Renaud, U.S. Attorney and U.S. Attorney General (Davis, Kimberly) (Entered: 04/03/2012) |
| 04/02/2012 | | FILING FEE: \$ 350.00, receipt number 4653041905 (Davis, Kimberly) (Entered: 04/03/2012) |
| 04/04/2012 | <u>2</u> | NOTICE of Appearance by Scott Dunn on behalf of All Defendants (aty to be noticed) (Dunn, Scott) (Entered: 04/04/2012) |
| 04/09/2012 | <u>3</u> | NOTICE of Appearance by Jesi J. Carlson on behalf of All Defendants (aty to be noticed) (Carlson, Jesi) (Entered: 04/09/2012) |
| 04/10/2012 | <u>4</u> | SUMMONS Returned Executed by Heather Morgan, Maria Del Mar Verdugo, Frances Herbert, Lucy Truman, Edwin Blesch, Timothy Smulian, Takako Ueda, Pablo Garcia, Santiago Ortiz, Kelli Ryan. Daniel M. Renaud served on 4/3/2012, answer due 6/4/2012. (Stone, Eric) (Entered: 04/10/2012) |
| 04/10/2012 | <u>5</u> | SUMMONS Returned Executed by Heather Morgan, Maria Del Mar Verdugo, Frances Herbert, Lucy Truman, Edwin Blesch, Timothy Smulian, Takako Ueda, Pablo Garcia, Santiago Ortiz, Kelli Ryan. Robert M. Cowan served on 4/3/2012, answer due 6/4/2012. (Stone, Eric) (Entered: 04/10/2012) |
| 04/10/2012 | <u>6</u> | SUMMONS Returned Executed by Heather Morgan, Maria Del Mar Verdugo, Frances Herbert, Lucy Truman, Edwin Blesch, Timothy Smulian, Takako Ueda, Pablo Garcia, Santiago Ortiz, Kelli Ryan. Janet Napolitano served on 4/3/2012, answer due 6/4/2012. (Stone, Eric) (Entered: 04/10/2012) |
| 04/10/2012 | <u>7</u> | SUMMONS Returned Executed by Heather Morgan, Maria Del Mar Verdugo, Frances Herbert, Lucy Truman, Edwin Blesch, Timothy Smulian, Takako Ueda, Pablo Garcia, Santiago Ortiz, Kelli Ryan. Alejandro Mayorkas served on 4/3/2012, answer due 6/4/2012. (Stone, Eric) (Entered: 04/10/2012) |
| 04/10/2012 | <u>8</u> | SUMMONS Returned Executed by Heather Morgan, Maria Del Mar Verdugo, Frances Herbert, Lucy Truman, Edwin Blesch, Timothy Smulian, Takako Ueda, Pablo Garcia, Santiago Ortiz, Kelli Ryan. Eric H. Holder, Jr served on 4/3/2012, answer due 6/4/2012. (Stone, Eric) (Entered: 04/10/2012) |
| 05/15/2012 | <u>9</u> | Notice of MOTION to Intervene <i>and Unopposed Motion to Intervene</i> by Bipartisan Legal Advisory Group. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Proposed Order) (Bartolomucci, H) (Entered: 05/15/2012) |
| 05/15/2012 | <u>10</u> | MEMORANDUM in Support re <u>9</u> Notice of MOTION to Intervene <i>and Unopposed Motion to Intervene</i> filed by Bipartisan Legal Advisory Group. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> |

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| | | Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L) (Bartolomucci, H) (Entered: 05/15/2012) |
| 05/15/2012 | <u>11</u> | Letter <i>Re: Motion to Intervene Pursuant to Chief Judge Amon's Motion Practice Rule 3(D)</i> by Bipartisan Legal Advisory Group (Bartolomucci, H) (Entered: 05/15/2012) |
| 05/16/2012 | <u>12</u> | NOTICE of Appearance by Thomas Roy Plummer on behalf of Edwin Blesch, Pablo Garcia, Frances Herbert, Heather Morgan, Santiago Ortiz, Kelli Ryan, Timothy Smulian, Lucy Truman, Takako Ueda, Maria Del Mar Verdugo (aty to be noticed) (Plummer, Thomas) (Entered: 05/16/2012) |
| 05/24/2012 | <u>13</u> | NOTICE by Bipartisan Legal Advisory Group of <i>Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B) (Bartolomucci, H) (Entered: 05/24/2012) |
| 05/25/2012 | <u>14</u> | NOTICE by Robert M. Cowan, Eric H. Holder, Jr, Alejandro Mayorkas, Janet Napolitano, Daniel M. Renaud (Attachments: # <u>1</u> Attachments 1–3) (Carlson, Jesi) (Entered: 05/25/2012) |
| 05/29/2012 | <u>15</u> | RESPONSE to Motion re <u>9</u> Notice of MOTION to Intervene <i>and Unopposed Motion to Intervene</i> filed by All Defendants. (Attachments: # <u>1</u> Proposed Order) (Carlson, Jesi) (Entered: 05/29/2012) |
| 05/30/2012 | <u>16</u> | STIPULATION re <u>1</u> Complaint, <i>Stipulation to Extend Time to Respond to Complaint</i> by Robert M. Cowan, Eric H. Holder, Jr, Alejandro Mayorkas, Janet Napolitano, Daniel M. Renaud (Carlson, Jesi) (Entered: 05/30/2012) |
| 05/31/2012 | <u>17</u> | ORDER granting <u>9</u> Unopposed Motion to Intervene by the Bipartisan Legal Advisory Group of the U.S. House of Representatives. The House's motion to intervene in this matter to defend the constitutionality of Section 3 of the Defense of Marriage Act, 1 U.S.C. § 7, is granted. Ordered by Chief Judge Carol Bagley Amon on 5/30/2012. (Turner–Dodge, Lee) (Entered: 05/31/2012) |
| 06/01/2012 | | ORDER: re <u>16</u> Stipulation filed. The parties and proposed intervenor, the Bipartisan Legal Advisory Group of the U.S. House of Representatives, have stipulated to a 14–day extension of the responsive pleading deadline. The new responsive pleading deadline will be June 18, 2012. Application for the extension is GRANTED. So Ordered by Chief Judge Carol Bagley Amon on 6/1/2012. (Liberatore, Marie) (Entered: 06/01/2012) |
| 06/12/2012 | <u>18</u> | NOTICE of Appearance by Kerry W. Kircher on behalf of Bipartisan Legal Advisory Group (aty to be noticed) (Kircher, Kerry) (Entered: 06/12/2012) |
| 06/15/2012 | <u>19</u> | STIPULATION re <u>1</u> Complaint, <i>Stipulation to Extend Time to Respond to Complaint</i> by Bipartisan Legal Advisory Group (Bartolomucci, H) (Entered: 06/15/2012) |
| 06/18/2012 | | ORDER : re <u>19</u> Stipulation – the parties have agreed, contingent on the Court's approval, to a (30) day extension of the responsive pleading deadline in this action to July 18, 2012. APPLICATION GRANTED. So Ordered by Chief Judge Carol Bagley Amon on 6/15/2012. (Liberatore, Marie) (Entered: 06/18/2012) |
| 07/16/2012 | <u>20</u> | Proposed Scheduling Order <i>re: Proposed Motion to Stay Proceeding and Responsive Pleading Deadline</i> by Bipartisan Legal Advisory Group (Bartolomucci, H) (Entered: 07/16/2012) |
| 07/17/2012 | | NOTICE OF TELEPHONE STATUS CONFERENCE: Re: <u>20</u> . A status conference will be held by telephone on July 25, 2012 at 4:00pm before Chief Judge Amon. Mr. Bartolomucci is directed to coordinate the conference call to chambers 718–613–2410. (Liberatore, Marie) (Entered: 07/17/2012) |
| 07/25/2012 | <u>21</u> | Minute Entry for proceedings held before Chief Judge Carol Bagley Amon: Status Conference held on 7/25/2012. Counsel for parties present. Status conference held by telephone before Chief Judge Amon on 7/25/12. The case is stayed pending the Second Circuit's resolution of Windsor v. United States, No. 12 CV 2335 (2d Cir) (Court Reporter Charisse Kitt.) (Fernandez, Erica) (Entered: 07/26/2012) |

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| 11/01/2012 | <u>22</u> | NOTICE OF PERTINENT RECENT LEGAL DEVELOPMENTS (Marziliano, August) (Entered: 11/02/2012) |
| 11/05/2012 | <u>23</u> | NOTICE by Edwin Blesch, Pablo Garcia, Frances Herbert, Heather Morgan, Santiago Ortiz, Kelli Ryan, Timothy Smulian, Lucy Truman, Takako Ueda, Maria Del Mar Verdugo re <u>22</u> Notice (Other) / <i>Response to Intervenor-Defendant's Notice of Pertinent Recent Legal Developments</i> (Attachments: # <u>1</u> Exhibit A) (Stone, Eric) (Entered: 11/05/2012) |
| 11/14/2012 | <u>24</u> | NOTICE by Bipartisan Legal Advisory Group <i>Regarding Second Notice of Pertinent Recent Legal Developments</i> (Bartolomucci, H) (Entered: 11/14/2012) |
| 11/27/2012 | | ORDER EXTENDING STAY: Upon consent of the parties, the stay imposed by this Court on July 25, 2012 is extended, pending the U.S. Supreme Court's decisions on eight certiorari petitions that ask the Court to review the constitutionality of DOMA. Consideration of these petitions is currently scheduled for Nov. 30, 2012. A status conference will be scheduled sometime after Nov. 30 to determine the schedule for this case. Ordered by Chief Judge Carol Bagley Amon on 11/27/2012. (Baek, Hanna) (Entered: 11/27/2012) |
| 11/27/2012 | <u>25</u> | NOTICE of Appearance by Timothy M. Belsan on behalf of All Defendants (aty to be noticed) (Belsan, Timothy) (Entered: 11/27/2012) |
| 12/04/2012 | <u>26</u> | NOTICE of Appearance by Aaron Goldsmith on behalf of All Defendants (aty to be noticed) (Goldsmith, Aaron) (Entered: 12/04/2012) |
| 12/10/2012 | | SCHEDULING ORDER: Telephone Status Conference set for 12/18/2012 at 2:30 PM before Chief Judge Carol Bagley Amon. Plaintiff's counsel Eric Stone is directed to set up the conference with all involved parties and telephone chambers at 718-613-2410. Ordered by Chief Judge Carol Bagley Amon on 12/10/2012. (Baek, Hanna) (Entered: 12/10/2012) |
| 12/18/2012 | <u>27</u> | Minute Entry for proceedings held before Chief Judge Carol Bagley Amon: Status Conference held on 12/18/2012. Counsel for parties present. Stay is continued pending US Supreme Court's decision in United States v. Windsor. (Court Reporter Victoria Torres Butler.) (Fernandez, Erica) (Entered: 12/18/2012) |
| 07/08/2013 | <u>28</u> | Letter <i>re Unopposed Motion to Withdraw as Intervenor-Defendant</i> by Bipartisan Legal Advisory Group (Bartolomucci, H) Modified on 7/10/2013 (Fernandez, Erica). (Entered: 07/08/2013) |
| 07/19/2013 | | <u>SCHEDULING ORDER</u> : Re <u>28</u> A promotion conference will be held by telephone on Friday, July 26, 2013 at 3:00pm before Chief Judge Amon. Mr. Bartolomucci is directed to coordinate the call to chambers 718-613-2410. So Ordered by Chief Judge Carol Bagley Amon on 7/19/2013. (Liberatore, Marie) (Entered: 07/19/2013) |
| 07/24/2013 | | <u>RESCHEDULING ORDER</u> : All counsel consent to changing the time only to 4:30pm for the promotion telephone conference set for July 26, 2013 before Chief Judge Amon. (Liberatore, Marie) (Entered: 07/24/2013) |
| 07/26/2013 | | Minute Entry: Promotion conference held by telephone before Chief Judge Amon on 7/26/13. Appearances: for Plaintiff - Eric Stone (Julie Fink, Victoria Neilson, Thomas Plummer). For Defendants - Aaron Goldsmith (AUSA Scott Dunn). For Intervenor-Defendant - H. Christopher Bartolomucci. Intervenor-Defendant's motion to withdraw as party defendant is GRANTED. Remaining parties to file a letter with the Court by August 21, 2013 apprising Court of status of the case. (Court Reporter Lisa Schmid.) (Liberatore, Marie) (Entered: 07/26/2013) |
| 08/02/2013 | <u>29</u> | Letter <i>re: Status Update</i> by Edwin Blesch, Pablo Garcia, Frances Herbert, Heather Morgan, Santiago Ortiz, Kelli Ryan, Timothy Smulian, Lucy Truman, Takako Ueda, Maria Del Mar Verdugo (Stone, Eric) (Entered: 08/02/2013) |
| 08/23/2013 | <u>30</u> | NOTICE of Voluntary Dismissal by Edwin Blesch, Pablo Garcia, Frances Herbert, Heather Morgan, Santiago Ortiz, Kelli Ryan, Timothy Smulian, Lucy Truman, Takako Ueda, Maria Del Mar Verdugo <i>Without Prejudice</i> (Stone, Eric) (Entered: 08/23/2013) |

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| 08/26/2013 | <u>31</u> | ORDER DISMISSING CASE: Plaintiffs through their undersigned counsel, hereby dismiss without prejudice this action against Defendants pursuant to Rule 41(a)(1)(i) of the F.R.C.P.. Ordered by Chief Judge Carol Bagley Amon on 8/26/2013. (Fernandez, Erica) (Entered: 08/26/2013) |
|------------|-----------|--|