

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-03185-RDM**

COSTA et al v. BAZRON et al
Assigned to: Judge Randolph D. Moss
Cause: 42:1983 Civil Rights Act

Date Filed: 10/23/2019
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

ENZO COSTA

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Plaintiff

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Plaintiff

STEFON KIRKPATRICK
on behalf of themselves and all persons
similarly situated
TERMINATED: 04/22/2020

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V.

Defendant

BARBARA J. BAZRON
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Defendant

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*Chief Executive Officer, Saint Elizabeths
Hospital, in his individual capacity*

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Defendant

DISTRICT OF COLUMBIA

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Amicus

RONALD WALDMAN
Dr.

Amicus

JOAN HEBDEN

Amicus

PATRICK CANAVAN
Dr.

Date Filed	#	Docket Text
10/23/2019	<u>1</u>	COMPLAINT against BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA (Filing fee \$ 400 receipt number ADCDC-6474930) filed by STEFON KIRKPATRICK, ENZO COSTA, WILLIAM DUNBAR, VINITA SMITH. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons)(Spitzer, Arthur) (Entered: 10/23/2019)
10/25/2019	<u>2</u>	NOTICE of Appearance by John Arak Freedman on behalf of All Plaintiffs (Freedman, John) (Entered: 10/25/2019)
10/25/2019	<u>3</u>	Amended NOTICE of Appearance by John Arak Freedman on behalf of All Plaintiffs (Freedman, John) (Entered: 10/25/2019)
10/25/2019	<u>4</u>	NOTICE of Appearance by Tirzah S. Lollar on behalf of ENZO COSTA, WILLIAM DUNBAR, STEFON KIRKPATRICK, VINITA SMITH (Lollar, Tirzah) (Entered: 10/25/2019)
10/25/2019	<u>5</u>	CIVIL COVER SHEET <i>signed (corrected)</i> by STEFON KIRKPATRICK, ENZO COSTA, WILLIAM DUNBAR, VINITA SMITH re <u>1</u> Complaint, filed by STEFON KIRKPATRICK, ENZO COSTA, WILLIAM DUNBAR, VINITA SMITH. Related document: <u>1</u> Complaint, filed by ENZO COSTA, STEFON KIRKPATRICK, WILLIAM DUNBAR, VINITA SMITH.(Spitzer, Arthur) (Entered: 10/25/2019)
10/30/2019		Case assigned to Judge Christopher R. Cooper. (zmc) (Entered: 10/30/2019)
10/30/2019	<u>6</u>	SUMMONS (4) Issued Electronically as to BARBARA J. BAZRON, MARK J. CHASTANG, District of Columbia Attorney General, and the District of Columbia Mayor. (Attachment: # <u>1</u> Notice and Consent)(zmc) (Entered: 10/30/2019)
10/30/2019	<u>7</u>	Case randomly reassigned to Judge Randolph D. Moss. Judge Christopher R. Cooper is no longer assigned to the case. (ztnr) (Entered: 10/31/2019)
10/31/2019	<u>8</u>	NOTICE of Appearance by Scott Michelman on behalf of All Plaintiffs (Michelman, Scott) (Entered: 10/31/2019)
10/31/2019	<u>9</u>	STANDING ORDER: The parties are hereby ORDERED to comply with the directives set forth in the attached Standing Order. See document for details. Signed by Judge Randolph D. Moss on 10/31/19. (lcrdm2,) (Entered: 10/31/2019)

11/05/2019	<u>10</u>	WITHDRAWN PURSUANT TO DOCKET ENTRY NO. <u>22</u> Emergency MOTION to Take Deposition from 30(b)(6) <i>Witness and Leave to Conduct Expedited Discovery</i> by WILLIAM DUNBAR, STEFON KIRKPATRICK, VINITA SMITH (Attachments: # <u>1</u> Text of Proposed Order)(Freedman, John) Modified on 12/18/2019 (ztd). (Entered: 11/05/2019)
11/05/2019		MINUTE ORDER: In light of Plaintiffs' Emergency Motion to Take Deposition, Dkt. 10, Plaintiffs are hereby ORDERED to confer with Defendants and, together with Defendants, jointly contact the Courtroom Deputy Clerk at or before 3:00 p.m. on November 6, 2019, to identify a day and time the parties are available for a hearing on Plaintiffs' motion. Signed by Judge Randolph D. Moss on 11/04/2019. (lcrdm2,) Modified on 11/6/2019 to correct clerk title(kt). (Entered: 11/05/2019)
11/06/2019	<u>11</u>	NOTICE of Appearance by Micah Ian Bluming on behalf of All Defendants (Bluming, Micah) (Entered: 11/06/2019)
11/07/2019	<u>12</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the District of Columbia Attorney General. Date of Service Upon District of Columbia Attorney General 11/4/2019. Answer due for ALL D.C. DEFENDANTS by 11/25/2019. (Freedman, John) (Entered: 11/07/2019)
11/07/2019	<u>13</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on the Mayor of the District of Columbia. Date of Service Upon the Mayor for the District of Columbia on 11/4/2019. (Freedman, John) (Entered: 11/07/2019)
11/07/2019	<u>14</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. BARBARA J. BAZRON served on 11/4/2019 (Freedman, John) (Entered: 11/07/2019)
11/07/2019	<u>15</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. MARK J. CHASTANG served on 11/4/2019 (Freedman, John) (Entered: 11/07/2019)
11/12/2019		MINUTE ORDER: The parties are hereby ORDERED to appear for a hearing on Plaintiffs' Emergency Motion to Take Deposition, Dkt. 10, on November 21, 2019, at 10:00 a.m. in Courtroom 21. It is further ORDERED that the parties shall file a joint status report on or before November 19, 2019 apprising the Court whether the parties have conferred on the motion, and, if so, whether they have narrowed the issues in dispute with respect to it. Signed by Judge Randolph D. Moss on 11/12/2019. (lcrdm2,) (Entered: 11/12/2019)
11/19/2019	<u>16</u>	NOTICE of Appearance by Kaitlin Rose Banner on behalf of All Plaintiffs (Banner, Kaitlin) (Entered: 11/19/2019)
11/19/2019	<u>17</u>	Joint STATUS REPORT by ENZO COSTA, WILLIAM DUNBAR, STEFON KIRKPATRICK, VINITA SMITH. (Banner, Kaitlin) (Entered: 11/19/2019)
11/20/2019	<u>18</u>	MOTION for Extension of Time to <i>Respond to Complaint</i> by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA (Bluming, Micah) (Entered: 11/20/2019)
11/20/2019		MINUTE ORDER: In light of the parties' joint status report, Dkt. 17, the hearing currently set for November 21, 2019 is hereby VACATED. It is further ORDERED that the parties shall file a joint status report on or before December 3, 2019 apprising the Court on the status of the dispute regarding Plaintiffs' November 5, 2019 Emergency Motion for Leave to Conduct Limited Expedited Discovery ("Pending Motion"), Dkt. 10. It is further ORDERED that the Court shall hold the Pending Motion, including Defendants' obligation to oppose, in ABEYANCE. Signed by Judge Randolph D. Moss on 11/20/2019. (lcrdm2,) (Entered: 11/20/2019)
11/22/2019	<u>19</u>	RESPONSE re <u>18</u> MOTION for Extension of Time to <i>Respond to Complaint</i> filed by ENZO COSTA, WILLIAM DUNBAR, STEFON KIRKPATRICK, VINITA SMITH. (Banner, Kaitlin) (Entered: 11/22/2019)
11/22/2019		MINUTE ORDER: Upon consideration of Defendants' motion for extension, Dkt. <u>18</u> , and Plaintiffs' opposition, Dkt. 19, it is hereby ORDERED that Defendants' motion is GRANTED in part and DENIED in part. Defendant shall file a responsive pleading or motion on the pleadings on or before December 16, 2019. Signed by Judge Randolph D. Moss on 11/22/2019. (lcrdm2,) (Entered: 11/22/2019)

12/03/2019	<u>20</u>	Joint STATUS REPORT <i>re: Emergency Motion for Leave to Conduct Limited Expedited Discovery</i> by ENZO COSTA, WILLIAM DUNBAR, STEFON KIRKPATRICK, VINITA SMITH. (Banner, Kaitlin) (Entered: 12/03/2019)
12/03/2019		NOTICE OF ERROR re <u>20</u> Status Report; emailed to kaitlin_banner@washlaw.org, cc'd 11 associated attorneys -- The PDF file you docketed contained errors: 1. On future filings, please make sure your signature is on the signature line of you document(s). (ztd,) (Entered: 12/03/2019)
12/16/2019	<u>21</u>	MOTION to Dismiss <i>Plaintiffs' Complaint</i> by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA (Attachments: # <u>1</u> Memorandum in Support of Defendants' Motion To Dismiss, # <u>2</u> Exhibit A (Declaration of K. Singh Taneja), # <u>3</u> Text of Proposed Order)(Bluming, Micah) (Entered: 12/16/2019)
12/17/2019	<u>22</u>	WITHDRAWAL of Motion by ENZO COSTA, WILLIAM DUNBAR, STEFON KIRKPATRICK, VINITA SMITH <i>For Leave to Conduct Limited Expedited Discovery</i> . (Banner, Kaitlin) (Entered: 12/17/2019)
12/20/2019	<u>23</u>	MOTION for Discovery <i>for Jurisdictional Discovery</i> by ENZO COSTA, WILLIAM DUNBAR, STEFON KIRKPATRICK, VINITA SMITH (Banner, Kaitlin) (Entered: 12/20/2019)
12/20/2019	<u>24</u>	NOTICE OF PROPOSED ORDER <i>to Add Proposed Order on Motion for Jurisdictional Discovery</i> by ENZO COSTA, WILLIAM DUNBAR, STEFON KIRKPATRICK, VINITA SMITH (Banner, Kaitlin) Modified text on 12/23/2019 (ztd). (Entered: 12/20/2019)
12/26/2019	<u>25</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>21</u> MOTION to Dismiss <i>Plaintiffs' Complaint</i> by ENZO COSTA, WILLIAM DUNBAR, STEFON KIRKPATRICK, VINITA SMITH (Attachments: # <u>1</u> Text of Proposed Order)(Freedman, John) (Entered: 12/26/2019)
12/27/2019		MINUTE ORDER: Upon consideration of Plaintiffs' unopposed motion to extend, Dkt. 25, it is hereby ORDERED that the motion is GRANTED. Plaintiffs shall file their opposition to Defendants' motion to dismiss, Dkt. 21, on or before January 13, 2020, unless otherwise directed by further order of the Court. Signed by Judge Randolph D. Moss on 12/27/2019. (lcrdm2,) (Entered: 12/27/2019)
12/30/2019	<u>26</u>	NOTICE of Appearance by Honey C. Morton on behalf of All Defendants (Morton, Honey) (Entered: 12/30/2019)
01/03/2020	<u>27</u>	Memorandum in opposition to re <u>23</u> MOTION for Discovery <i>for Jurisdictional Discovery</i> filed by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA. (Attachments: # <u>1</u> Text of Proposed Order)(Bluming, Micah) (Entered: 01/03/2020)
01/06/2020		MINUTE ORDER: Upon consideration of the Plaintiffs' motion for leave to conduct jurisdictional discovery, Dkt. 23, the Court has determined that a motions hearing is appropriate. It is hereby ORDERED that the parties shall appear for a motions hearing on January 22, 2020, at 2:00p.m., in Courtroom 21. Signed by Judge Randolph D. Moss on 01/06/2020. (lcrdm2,) (Entered: 01/06/2020)
01/07/2020	<u>28</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>21</u> MOTION to Dismiss <i>Plaintiffs' Complaint</i> by ENZO COSTA, WILLIAM DUNBAR, STEFON KIRKPATRICK, VINITA SMITH (Attachments: # <u>1</u> Text of Proposed Order)(Banner, Kaitlin) (Entered: 01/07/2020)
01/10/2020		MINUTE ORDER: Upon consideration of Plaintiffs' unopposed motion for extension, Dkt. 28, it is hereby ORDERED that the motion is GRANTED. Plaintiffs response to Defendants' motion to dismiss, Dkt. 21, shall be due fourteen days after (i) Defendants complete jurisdictional discovery production, or (ii) the Court denies Plaintiff' motion for jurisdictional discovery, Dkt. 23. Signed by Judge Randolph D. Moss on 01/10/2020. (lcrdm2,) (Entered: 01/10/2020)
01/10/2020	<u>29</u>	REPLY to opposition to motion re <u>23</u> MOTION for Discovery <i>for Jurisdictional Discovery</i> filed by ENZO COSTA, WILLIAM DUNBAR, STEFON KIRKPATRICK, VINITA SMITH. (Attachments: # <u>1</u> Exhibit Exhibit 1 – Testimony of Barbara J. Bazron)(Banner, Kaitlin) (Entered: 01/10/2020)

01/21/2020	<u>30</u>	MOTION to Certify Class by ENZO COSTA, WILLIAM DUNBAR, STEFON KIRKPATRICK, VINITA SMITH (Attachments: # <u>1</u> Text of Proposed Order)(Freedman, John) (Entered: 01/21/2020)
01/22/2020		Minute Entry for proceedings held before Judge Randolph D. Moss: Motion Hearing held on 1/22/2020 re: <u>23</u> MOTION for Discovery for <i>Jurisdictional Discovery</i> filed by ENZO COSTA, STEFON KIRKPATRICK, WILLIAM DUNBAR, VINITA SMITH. For the reasons stated on the record, the motion is GRANTED IN PART and DENIED IN PART; Discovery permitted as to items 1, 2, 4, 5, and 6 of Exhibit 1; As to item 8 of Exhibit 1, Plaintiffs' are allowed to serve a request for admission as outlined by the Court on the record. The Court will hold in abeyance Defendants' obligation to respond to Plaintiffs' pending <u>30</u> Motion to Certify Class. (Court Reporter: Jeff Hook.) (kt) (Entered: 01/22/2020)
01/22/2020	<u>31</u>	Exhibit List by ENZO COSTA, WILLIAM DUNBAR, STEFON KIRKPATRICK, VINITA SMITH. (kt) (Entered: 01/22/2020)
01/22/2020	<u>32</u>	PLAINTIFFS' EXHIBIT (Chart submitted in open court, in support of Plaintiffs' Motion). "Let It Be Filed" by Judge Randolph D. Moss. (kt) (Entered: 01/22/2020)
02/05/2020	<u>33</u>	<p>TRANSCRIPT OF MOTION HEARING before Judge Randolph D. Moss held on January 22, 2020. Page Numbers: 1 – 47. Date of Issuance: February 5, 2020. Court Reporter: Jeff Hook. Telephone number: 202–354–3373. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>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 referred 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.</p> <p>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.</p> <p>Redaction Request due 2/26/2020. Redacted Transcript Deadline set for 3/7/2020. Release of Transcript Restriction set for 5/5/2020.(Hook, Jeff) (Entered: 02/05/2020)</p>
03/12/2020	<u>34</u>	Joint MOTION for Protective Order by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA (Bluming, Micah) (Entered: 03/12/2020)
03/13/2020	<u>35</u>	PROTECTIVE ORDER: It is hereby ORDERED that the parties shall comply with the terms of the stipulated Protective Order, which the Court adopts in full. See document for details. Signed by Judge Randolph D. Moss on 03/13/2020. (lcrdm2,) (Entered: 03/13/2020)
04/16/2020	<u>36</u>	Emergency MOTION for Hearing , MOTION for Leave to File <i>Amended Complaint</i> by ENZO COSTA, WILLIAM DUNBAR, STEFON KIRKPATRICK, VINITA SMITH (Attachments: # <u>1</u> Exhibit Proposed Amended Complaint, # <u>2</u> Exhibit Redline of Proposed Amended Complaint, # <u>3</u> Text of Proposed Order)(Freedman, John) (Entered: 04/16/2020)
04/16/2020		MINUTE ORDER: In light of Plaintiffs' motion for emergency hearing, Dkt. 36, it is hereby ORDERED that the parties shall appear telephonically for a status conference on April 17, 2020 at 12:00pm. The parties shall contact the Court's Deputy Clerk for logistical information concerning appearing telephonically. Signed by Judge Randolph D. Moss on 04/16/2020. (lcrdm2,) (Entered: 04/16/2020)
04/17/2020		Set/Reset Hearings: Telephonic Status Conference set for 4/17/2020 at 12:00 PM before Judge Randolph D. Moss. (kt) (Entered: 04/17/2020)
04/17/2020	<u>37</u>	Joint MOTION to Reschedule Hearing by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Bluming, Micah) Modified event on 4/17/2020 (znmw). (Entered: 04/17/2020)

04/17/2020		MINUTE ORDER: Upon consideration of the parties' joint motion to reschedule, Dkt. 37, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that the status conference currently scheduled for today at noon is RESCHEDULED to April 17, 2020, at 2:00pm. Signed by Judge Randolph D. Moss on 04/17/2020. (lcrdm2,) (Entered: 04/17/2020)
04/17/2020	<u>38</u>	NOTICE of Appearance by Michael Krevans Perloff on behalf of All Plaintiffs (Perloff, Michael) (Entered: 04/17/2020)
04/17/2020		Minute Entry for proceedings held before Judge Randolph D. Moss: Telephonic Status Conference held on 4/17/2020. All parties and the Court appeared via telephone. Plaintiffs shall file their Motion for Temporary Restraining Order by 12 noon on 4/18/2020; Defendants shall file their Response to Plaintiffs' Motion for Temporary Restraining Order by 4:00 PM on 4/21/2020, and their Opposition to Plaintiffs' Motion for Leave to File Amended Complaint by 10:00 AM on 4/21/2020. A Telephonic Motion Hearing is set for 4/22/2020, at 3:30 PM, before Judge Randolph D. Moss. The parties shall utilize the same conference call line and access code. (Court Reporter: Jeff hook.) (kt) (Entered: 04/17/2020)
04/18/2020	<u>39</u>	MOTION for Temporary Restraining Order by ENZO COSTA, WILLIAM DUNBAR, VINITA SMITH (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit 1. Jones Declaration, # <u>3</u> Exhibit 2. Stern Declaration, # <u>4</u> Exhibit 3. Golob Declaration, # <u>5</u> Exhibit 4. Truettner Declaration, # <u>6</u> Exhibit 5. Costa Declaration, # <u>7</u> Exhibit 6. Dunbar Declaration, # <u>8</u> Exhibit 7. Smith Declaration, # <u>9</u> Exhibit 8. Guzman Declaration, # <u>10</u> Exhibit 9. Rose Declaration, # <u>11</u> Exhibit 10. Mason Declaration, # <u>12</u> Exhibit 11. Donkar Declaration, # <u>13</u> Text of Proposed Order)(Freedman, John) (Entered: 04/18/2020)
04/20/2020		MINUTE ORDER: In light of the upcoming motion hearing, Defendants are hereby ORDERED to file a notice on or before April 22, 2020, at 10:00 AM, containing the following information: the numbers of persons affiliated with St. Elizabeths Hospital who have been tested for COVID-19 and an anonymized break-down of those results by date of test, test results, housing unit, and status (e.g., resident or staff) and location (e.g., hospitalized, quarantined, general housing) of the person tested; whether all new residents and staff are tested and, if so, when that protocol took effect; and all relevant written procedures and practices concerning COVID-19, including the Emergency Preparedness Plan that was implemented on March 12, 2020. If any of this information could reveal personal medical information relating to an identifiable person, Defendants may file that information, but only that information, under seal. As the Court previously directed, Plaintiffs shall file its reply in support of its motion on or before April 22, 2020, at 12:00 PM. Signed by Judge Randolph D. Moss on 04/20/2020. (lcrdm2,) (Entered: 04/20/2020)
04/21/2020	<u>40</u>	Memorandum in opposition to re <u>36</u> Emergency MOTION for Hearing MOTION for Leave to File <i>Amended Complaint</i> filed by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA. (Attachments: # <u>1</u> Text of Proposed Order)(Bluming, Micah) (Entered: 04/21/2020)
04/21/2020	<u>41</u>	REPLY to opposition to motion re <u>36</u> Emergency MOTION for Hearing MOTION for Leave to File <i>Amended Complaint</i> filed by ENZO COSTA, WILLIAM DUNBAR, VINITA SMITH. (Freedman, John) (Entered: 04/21/2020)
04/21/2020	<u>42</u>	Memorandum in opposition to re <u>39</u> MOTION for Temporary Restraining Order filed by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Text of Proposed Order)(Bluming, Micah) (Entered: 04/21/2020)
04/21/2020	<u>43</u>	STIPULATION of Dismissal of <i>Plaintiff Stefon Kirkpatrick's Claims</i> by ENZO COSTA, WILLIAM DUNBAR, STEFON KIRKPATRICK, VINITA SMITH. (Banner, Kaitlin) (Entered: 04/21/2020)
04/22/2020	<u>44</u>	SEALED MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL filed by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A Part 1, # <u>3</u> Exhibit A Part 2, # <u>4</u> Exhibit A Part 3, # <u>5</u> Exhibit A Part 4, # <u>6</u> Text of Proposed Order)(Bluming, Micah) (Entered: 04/22/2020)

04/22/2020	<u>45</u>	RESPONSE TO ORDER <i>April 20, 2020 Minute Order</i> by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA (Attachments: # <u>1</u> Exhibit 1 – Patient Data, # <u>2</u> Exhibit 2 – Staff Data, # <u>3</u> Exhibit 3 – Administrative Issuance)(Morton, Honey) Modified text on 4/22/2020 (ztd). (Entered: 04/22/2020)
04/22/2020		MINUTE ORDER: Upon consideration of the parties' joint stipulation of dismissal, Dkt. 43, it is hereby ORDERED that the claims of Plaintiff Stefon Kirkpatrick are DISMISSED without prejudice. The Clerk's Office is directed to terminate Plaintiff Kirkpatrick as a party in this case. Signed by Judge Randolph D. Moss on 04/22/2020. (lcrdm2,) Modified on 4/22/2020 to add clerk's office language (kt). (Entered: 04/22/2020)
04/22/2020	<u>46</u>	REPLY to opposition to motion re <u>39</u> MOTION for Temporary Restraining Order filed by ENZO COSTA, WILLIAM DUNBAR, VINITA SMITH. (Attachments: # <u>1</u> Exhibit Jones Supplemental Declaration, # <u>2</u> Exhibit Stern Supplemental Declaration, # <u>3</u> Exhibit Barkenow Declaration, # <u>4</u> Exhibit Mason Supplemental Declaration)(Freedman, John) (Entered: 04/22/2020)
04/22/2020	<u>47</u>	ENTERED IN ERROR. . . .NOTICE of <i>additional Exhibit 5, Truettner Supplemental Declaration</i> by ENZO COSTA, WILLIAM DUNBAR, STEFON KIRKPATRICK, VINITA SMITH re <u>46</u> Reply to opposition to Motion, (Banner, Kaitlin) Modified on 4/22/2020 (ztd). (Entered: 04/22/2020)
04/22/2020		MINUTE ORDER: There is a strong presumption in favor of public access to judicial records and documents, but that presumption "may be outweighed in certain cases by competing interests." <i>Metlife, Inc. v. Fin. Stability Oversight Council</i> , 865 F.3d 661, 665 (D.C. Cir. 2017). Here, Defendants seek leave to file under seal Saint Elizabeths Hospital's Emergency Preparedness Plan ("EPP"). The EPP contains non –public details about operations at Saint Elizabeths Hospital and how the District plans to maintain operations during various emergency situations, including information about which kinds of patients are kept where, logistics for moving people in emergency situations, and locations of emergency supplies. The Court finds that the public interest in the disclosure of this document is low because little, if any of the EPP's contents bear on the matters being litigated in the case—the Defendants' response to COVID–19. Instead, the EPP's contents pertain to more general emergency preparedness measures. The reason for sealing, in contrast, is compelling. The EPP contains sensitive operational and security details that could be compromised by public disclosure. Accordingly, Defendants' motion for leave to file under seal, Dkt. 44, is hereby GRANTED. The EPP, Dkt. 44–1 (attached exhibits to Dkt. 44), shall be filed under SEAL. Signed by Judge Randolph D. Moss on 04/22/2020. (lcrdm2,) Modified on 4/23/2020 to add language for the Clerk's Office (kt). (Entered: 04/22/2020)
04/22/2020	<u>48</u>	MEMORANDUM OPINION AND ORDER: It is hereby ORDERED that Plaintiffs' motion to supplement their complaint, Dkt. 36, is GRANTED, and Plaintiffs' supplemental pleading, Dkt. 36–1, is deemed filed. Signed by Judge Randolph D. Moss on 04/22/2020. (lcrdm2,) Modified on 4/22/2020 to edit document type to "opinion" (kt). (Main Document 48 replaced on 4/22/2020 to correct typo in first sentence.) (kt). (Entered: 04/22/2020)
04/22/2020	<u>49</u>	NOTICE of Appearance by Margaret Hart on behalf of All Plaintiffs (Hart, Margaret) (Entered: 04/22/2020)
04/22/2020		NOTICE OF ERROR re <u>47</u> Notice (Other); emailed to kaitlin_banner@washlaw.org, cc'd 17 associated attorneys -- The PDF file you docketed contained errors: 1. Please refile document, 2. The main document must be the title page Notice of Filing with the case caption etc.. then the declaration as an attachment to the Notice. (ztd,) (Entered: 04/22/2020)
04/22/2020	<u>50</u>	AMENDED COMPLAINT against BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA filed by WILLIAM DUNBAR, VINITA SMITH.(ztd) (Entered: 04/22/2020)
04/22/2020		Minute Entry for proceedings held before Judge Randolph D. Moss: Telephonic Motion Hearing held on 4/22/2020 re: <u>39</u> MOTION for Temporary Restraining Order filed by ENZO COSTA, WILLIAM DUNBAR, VINITA SMITH. All parties and the Court appeared via telephone. Plaintiffs shall send a records citation to the relevant CDC guidelines, via email, to Defendants tonight; Plaintiffs shall send a list to

		Defendants by 9:00 AM on 4/23/2020; The parties shall meet and confer, and file a Joint Status Report by 4:00 PM on 4/23/2020. (Court Reporter Jeff Hook.) (kt) (Entered: 04/22/2020)
04/22/2020	<u>51</u>	NOTICE of Filing of additional Exhibit 5 by ENZO COSTA, WILLIAM DUNBAR, VINITA SMITH re <u>46</u> Reply to opposition to Motion, (Attachments: # <u>1</u> Exhibit Exhibit 5 to ECF 46, Truettner Supplemental Declaration)(Banner, Kaitlin) (Entered: 04/22/2020)
04/22/2020	<u>52</u>	SEALED DOCUMENT filed by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA. (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Exhibit A2, # <u>2</u> Exhibit A3, # <u>3</u> Exhibit A4)(ztd) (Entered: 04/23/2020)
04/23/2020	<u>53</u>	Joint STATUS REPORT filed on behalf of both parties by ENZO COSTA, WILLIAM DUNBAR, VINITA SMITH. (Attachments: # <u>1</u> Exhibit Plaintiffs' Request List, # <u>2</u> Exhibit Defendants' Response to Plaintiffs' Request List, # <u>3</u> Text of Proposed Order Plaintiffs' Revised Proposed Order)(Freedman, John) (Entered: 04/23/2020)
04/23/2020		MINUTE ORDER: In light of the parties' joint status report, Dkt. 53, it is hereby ORDERED that the parties shall appear telephonically for a status conference on April 24, 2020, at 10:30am. The parties shall utilize the same telephone conference call number and access code. Signed by Judge Randolph D. Moss on 04/23/2020. (lcrdm2,) Modified on 4/24/2020 to add last sentence. (kt). (Entered: 04/23/2020)
04/24/2020	<u>54</u>	NOTICE of Filing CDC and DC Health Guidance by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Bluming, Micah) (Entered: 04/24/2020)
04/24/2020	<u>55</u>	NOTICE OF FILING CDC GUIDANCE DOCUMENTS by ENZO COSTA, WILLIAM DUNBAR, VINITA SMITH (Attachments: # <u>1</u> Exhibit A: Preparing for COVID-19: Long-term Care Facilities, Nursing Homes, # <u>2</u> Exhibit B: Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities)(Spitzer, Arthur) (Entered: 04/24/2020)
04/24/2020		Minute Entry for proceedings held before Judge Randolph D. Moss: Telephonic Status Conference held on 4/24/2020. All parties and the Court appeared via telephone. Any supplemental evidence shall be filed no later than 3:00 PM today. For the reasons stated on the record, the parties shall file a Joint Status Report by 6:00 PM, on 4/27/2020. A further Telephonic Status Conference is set for 4/28/2020, at 3:00 PM, before Judge Randolph D. Moss. The parties shall utilize the same telephone conference call number and access code. (Court Reporter: Jeff Hook.) (kt) (Entered: 04/24/2020)
04/24/2020	<u>56</u>	RESPONSE TO ORDER OF THE COURT Court's Minute Order of April 24, 2020 by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA (Morton, Honey) Modified text on 4/27/2020 (ztd). (Entered: 04/24/2020)
04/24/2020	<u>57</u>	RESPONSE TO ORDER OF THE COURT April 24, 2020 Minute Order by ENZO COSTA, WILLIAM DUNBAR, VINITA SMITH (Banner, Kaitlin) Modified text on 4/27/2020 (ztd). (Entered: 04/24/2020)
04/24/2020	<u>58</u>	NOTICE of Seventh Patient Death by ENZO COSTA, WILLIAM DUNBAR, VINITA SMITH (Banner, Kaitlin) (Entered: 04/24/2020)
04/25/2020	<u>59</u>	MEMORANDUM OPINION: The Court will grant in part and defer in part Plaintiffs' motion for temporary restraining order, Dkt. 39. A separate order will issue. See document for details. Signed by Judge Randolph D. Moss on 04/25/2020. (lcrdm2,) Modified on 4/28/2020 to modify document type as "opinion" (kt). (Entered: 04/25/2020)
04/25/2020	<u>60</u>	ORDER: For reasons set forth in the accompanying Memorandum Opinion, Dkt. 59, it is hereby ORDERED that Plaintiffs' motion for a temporary restraining order, Dkt. 39, is GRANTED in part and DEFERRED in part. It is further ORDERED that Defendants shall comply with the conditions set forth herein. See document for details. Signed by Judge Randolph D. Moss on 04/25/2020. (lcrdm2,) (Entered: 04/25/2020)

04/27/2020	<u>61</u>	Joint STATUS REPORT by ENZO COSTA, WILLIAM DUNBAR, VINITA SMITH. (Banner, Kaitlin) (Entered: 04/27/2020)
04/28/2020	<u>62</u>	NOTICE of Appearance by Robert A. DeBerardinis, Jr on behalf of All Defendants (DeBerardinis, Robert) (Entered: 04/28/2020)
04/28/2020	<u>63</u>	Joint STATUS REPORT by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA. (Bluming, Micah) (Entered: 04/28/2020)
04/28/2020		Minute Entry for proceedings held before Judge Randolph D. Moss: Telephonic Status Conference held on 4/28/2020. All parties and the Court appeared via telephone. As described on the record, Defendants shall provide daily reports to Plaintiffs. For the reasons stated on the record, the parties shall meet and confer, and provide a Joint Status Report as to the appointment of a third party, by 10:00 AM on 4/30/2020. By 5/5/2020 the parties shall meet and confer as to a schedule going forward, and by 5/7/2020 they shall file a Joint Status Report with the Court as to further scheduling. (Court Reporter: Jeff Hook.) (kt) (Entered: 04/28/2020)
04/28/2020	<u>64</u>	NOTICE OF COMPLIANCE by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA (Bluming, Micah) (Entered: 04/28/2020)
04/30/2020	<u>65</u>	Joint STATUS REPORT <i>filed on behalf of Both Parties</i> by ENZO COSTA, WILLIAM DUNBAR, VINITA SMITH. (Attachments: # <u>1</u> Exhibit Exhibit A (Canavan CV), # <u>2</u> Exhibit Exhibit B (Hebden CV), # <u>3</u> Exhibit Exhibit C (Waldman CV), # <u>4</u> Exhibit Exhibit D (Plaintiffs List of Proposed Records to Be Provided))(Freedman, John) (Entered: 04/30/2020)
04/30/2020		MINUTE ORDER: In light of the parties' joint status report, Dkt. 65, it is hereby ORDERED that the parties shall appear telephonically for a status conference on May 1, 2020, at 10:00am. The parties shall utilize the same telephone conference call number and access code. Signed by Judge Randolph D. Moss on 04/30/2020. (lcrdm2,) (Entered: 04/30/2020)
05/01/2020		Set/Reset Hearings: Telephonic Status Conference set for 5/1/2020, at 10:00 AM, before Judge Randolph D. Moss. (kt) (Entered: 05/01/2020)
05/01/2020	<u>66</u>	NOTICE of Saint Elizabeths Hospital COVID-19 Data by ENZO COSTA, WILLIAM DUNBAR, VINITA SMITH (Attachments: # <u>1</u> Exhibit Exhibit 1 – Summarized Patient Data)(Banner, Kaitlin) (Entered: 05/01/2020)
05/01/2020		Minute Entry for proceedings held before Judge Randolph D. Moss: Telephonic Status Conference held on 5/1/2020. All parties and the Court appeared via telephone. The Court placed on the record part of its order that will be forthcoming, and which will include the appointments of Ms. Hepden, Dr. Canavan, and Dr. Waldman as amici. Preliminary findings are due 5/7/2020, and a written report is due 5/11/2020. Revised proposed questions regarding mental health treatment are due by 3:00 PM today. (Court Reporter: Jeff Hook.) (kt) (Entered: 05/01/2020)
05/01/2020	<u>67</u>	Joint STATUS REPORT ON BEHALF OF ALL PARTIES by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA. (Bluming, Micah) (Entered: 05/01/2020)
05/01/2020	<u>68</u>	ORDER: Appointing Dr. Ronald Waldman, Joan Hebden, and Dr. Patrick Canavan as <i>amici curiae</i> to provide information to the Court relating to the questions listed in Attachment A. <i>Amici</i> shall provide an oral report with preliminary factual findings and recommendations on or before May 7, 2020, and shall provide a written report by May 11, 2020. See document for details. Signed by Judge Randolph D. Moss on 05/01/2020. (Attachments: # <u>1</u> Exhibit Attachment A) (lcrdm2,) (Entered: 05/01/2020)
05/01/2020	<u>69</u>	Joint MOTION for Protective Order by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order, # <u>3</u> Exhibit A)(Bluming, Micah) (Entered: 05/01/2020)
05/01/2020	<u>70</u>	NOTICE OF COMPLIANCE by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA (Bluming, Micah) (Entered: 05/01/2020)

05/02/2020		MINUTE ORDER: In light of the Court's order appointing <i>amici</i> , Dkt. 68, it is hereby ORDERED that the parties shall appear telephonically for a status conference on May 7, 2020, at 2:00pm, at which <i>Amici</i> shall provide an oral report with their preliminary factual findings and recommendations. The parties shall utilize the same telephone conference call number and access code as the previous status conference, and shall provide that information to <i>Amici</i> . Signed by Judge Randolph D. Moss on 05/02/2020. (lcrdm2,) (Entered: 05/02/2020)
05/02/2020		MINUTE ORDER: Upon consideration of the parties' joint motion for the entry of a protective order, Dkt. 69, it is hereby ORDERED that the motion is GRANTED. The parties shall abide by the jointly proposed protective order, Dkt. 69-2, which the Court adopts in full. Signed by Judge Randolph D. Moss on 05/02/2020. (lcrdm2,) (Entered: 05/02/2020)
05/04/2020	<u>71</u>	PROTECTIVE ORDER. Signed by Judge Randolph D. Moss on 05/02/2020. (lcrdm2,) (Entered: 05/04/2020)
05/04/2020	<u>72</u>	Consent MOTION for Extension of Time to <i>Respond to Plaintiffs' Amended Complaint</i> by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Bluming, Micah) Modified event on 5/5/2020 (ztd). (Entered: 05/04/2020)
05/05/2020		MINUTE ORDER: Upon consideration of the Defendants' unopposed motion to extend, Dkt. 72, it is hereby ORDERED that the motion is GRANTED. Defendants shall answer or otherwise respond to the amended complaint on or before June 5, 2020. Signed by Judge Randolph D. Moss on 05/05/2020. (lcrdm2,) (Entered: 05/05/2020)
05/05/2020	<u>73</u>	NOTICE OF COMPLIANCE by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA (Bluming, Micah) (Entered: 05/05/2020)
05/06/2020		MINUTE ORDER: It is hereby ORDERED that the Court-appointed <i>amici</i> and the parties shall appear telephonically for a status conference on May 6, 2020, at 2:00pm. The parties shall utilize the same telephone conference call number and access code as the previous status conference and shall provide that information to <i>amici</i> . Signed by Judge Randolph D. Moss on 05/06/2020. (lcrdm2,) (Entered: 05/06/2020)
05/06/2020		Minute Entry for proceedings held before Judge Randolph D. Moss: Telephonic Status Conference held on 5/6/2020. All parties, the Court-appointed amici, and the Court, appeared via telephone. Guidance that was sought by the amici was specified and prescribed on the record by the Court. (Court Reporter: Jeff Hook.) (kt) (Entered: 05/06/2020)
05/07/2020		Minute Entry for proceedings held before Judge Randolph D. Moss: Telephonic Status Conference held on 5/7/2020. All parties, the Court-appointed amici, and the Court, appeared via telephone. Preliminary findings and oral reports of the Court-appointed amici were placed on the record. The parties shall confer and file a Joint Status Report by 4:00 PM on 5/8/2020. The Court extends the TRO without prejudice, to 11:59 PM on 5/11/2020. Further guidance and direction was given on the record by the Court to the amici. (Court Reporter: Jeff Hook.) (kt) (Entered: 05/07/2020)
05/07/2020		MINUTE ORDER: For the reasons stated on the record at the May 7, 2020 status conference, and with consent of the parties, it is hereby ORDERED that the Temporary Restraining Order (TRO) entered on April 25, 2020, Dkt. 60, is hereby EXTENDED until 11:59 pm on May 11, 2020, unless further extended for good cause before that time. The extension is warranted because the public health crisis at Saint Elizabeths Hospital continues, because <i>amici</i> have provided the Court with their preliminary report, which supports the need for continued judicial relief, because <i>amici</i> will not provide their final, written report to the Court until 5:00 pm on May 11, 2020, and because the Court will need an opportunity to determine whether the TRO should be extended and/or modified in light of that report. For the reasons the Court has previously explained, Plaintiffs have established that they are likely to prevail on the merits, that they risk suffering irreparable harm in the absence of emergency relief, and that the public interest and balance of harms tip in favor of emergency relief. Finally, the Court notes that these proceedings have not occurred <i>ex parte</i> and that the Court has had the opportunity to hear from, and to consider the views of, both Plaintiffs and Defendants. Signed by Judge Randolph D. Moss on 05/07/2020. (lcrdm2,) (Entered: 05/07/2020)

		05/07/2020)
05/08/2020	<u>74</u>	Joint STATUS REPORT <i>ON BEHALF OF ALL PARTIES</i> by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA. (Bluming, Micah) (Entered: 05/08/2020)
05/08/2020	<u>75</u>	NOTICE of Proposed Order to <i>Extend and Expand the Temporary Restraining Order</i> by ENZO COSTA, WILLIAM DUNBAR, VINITA SMITH re <u>74</u> Status Report (Banner, Kaitlin) (Entered: 05/08/2020)
05/08/2020	<u>76</u>	NOTICE OF COMPLIANCE by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA (Bluming, Micah) (Entered: 05/08/2020)
05/09/2020	<u>77</u>	<p>TRANSCRIPT OF TELEPHONIC STATUS CONFERENCE before Judge Randolph D. Moss held on May 7, 2020. Page Numbers: 1 – 100. Date of Issuance: May 9, 2020. Court Reporter: Jeff Hook. Telephone number: 202–354–3373. Transcripts may be ordered by submitting the Transcript Order Form</p> <p>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.</p> <p>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.</p> <p>Redaction Request due 5/30/2020. Redacted Transcript Deadline set for 6/9/2020. Release of Transcript Restriction set for 8/7/2020.(Hook, Jeff) (Entered: 05/09/2020)</p>
05/10/2020		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. 74, it is hereby ORDERED that the following schedule shall govern future proceedings in this matter: Plaintiffs shall file their motion for preliminary injunction on or before May 14, 2020; Defendants shall file their brief in opposition to Plaintiffs motion on or before May 18, 2020; Plaintiffs shall file their reply on or before May 20, 2020, at 12:00pm; and the parties shall appear telephonically for a hearing on May 21, 2020, at 3:00pm. The parties shall utilize the same telephone conference call number and access code. Signed by Judge Randolph D. Moss on 05/10/2020. (lcrdm2,) Modified on 5/11/2020 to add language on how to connect to the call (kt). Modified on 5/11/2020 to correct dkt. number reference of joint status report (kt). (Entered: 05/10/2020)
05/11/2020		Set/Reset Deadlines: Motion due by 5/14/2020; Response due by 5/18/2020; Reply due by 5/20/2020. (kt) (Entered: 05/11/2020)
05/11/2020	<u>78</u>	NOTICE of Filing of Report of Amici Dr. Patrick Canavan by PATRICK CANAVAN (Freedman, John) Modified filer on 5/12/2020 (znmw). (Entered: 05/11/2020)
05/11/2020	<u>79</u>	NOTICE of Proposed Order to <i>Deny Extension or Expansion of the Court's Temporary Restraining Order</i> by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA re <u>75</u> Notice of Proposed Order (Bluming, Micah) (Entered: 05/11/2020)
05/11/2020	<u>80</u>	<p>TRANSCRIPT OF TELEPHONIC MOTION HEARING before Judge Randolph D. Moss held on April 22, 2020. Page Numbers: 1 – 96. Date of Issuance: May 11, 2020. Court Reporter: Jeff Hook. Telephone number: 202–354–3373. Transcripts may be ordered by submitting the Transcript Order Form</p> <p>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.</p>

		<p>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.</p> <p>Redaction Request due 6/1/2020. Redacted Transcript Deadline set for 6/11/2020. Release of Transcript Restriction set for 8/9/2020.(Hook, Jeff) (Entered: 05/11/2020)</p>
05/11/2020	<u>81</u>	NOTICE of Filing of Report of Amici Joan Hebden RN and Dr. Ronald Waldman by JOAN HEBDEN, RONALD WALDMAN (Attachments: # <u>1</u> Appendix A)(Freedman, John) Modified filers on 5/12/2020 (znmw). (Entered: 05/11/2020)
05/11/2020	<u>82</u>	MEMORANDUM OPINION: The Court finds that there is good cause to extend the TRO, Dkt. 60, until May 22, 2020, and to expand it in two respects. A separate order will issue. See document for details. Signed by Judge Randolph D. Moss on 05/11/2020. (lcrdm2,) (Entered: 05/11/2020)
05/11/2020	<u>83</u>	ORDER: For reasons set forth in the accompanying Memorandum Opinion, Dkt. 82, the TRO, Dkt. 60, is hereby EXTENDED until May 22, 2020, and expanded in two respects. It is further ORDERED that Defendants shall comply with the conditions set forth herein. See document for details. Signed by Judge Randolph D. Moss on 05/11/2020. (lcrdm2,) (Entered: 05/11/2020)
05/12/2020	<u>84</u>	<p>TRANSCRIPT OF TELEPHONIC STATUS CONFERENCE before Judge Randolph D. Moss held on April 24, 2020. Page Numbers: 1 – 80. Date of Issuance: May 12, 2020. Court Reporter: Jeff Hook. Telephone number: 202–354–3373. Transcripts may be ordered by submitting the Transcript Order Form</p> <p>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 report er 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.</p> <p>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.</p> <p>Redaction Request due 6/2/2020. Redacted Transcript Deadline set for 6/12/2020. Release of Transcript Restriction set for 8/10/2020.(Hook, Jeff) (Entered: 05/12/2020)</p>
05/12/2020	<u>85</u>	NOTICE OF COMPLIANCE by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA (Bluming, Micah) (Entered: 05/12/2020)
05/14/2020	<u>86</u>	NOTICE of Appearance by Gavin Noyes Palmer on behalf of All Defendants (Palmer, Gavin) (Entered: 05/14/2020)
05/14/2020	<u>87</u>	MOTION for Preliminary Injunction by ENZO COSTA, WILLIAM DUNBAR, VINITA SMITH (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit Ex. 1 Declaration of I. Murphy, # <u>3</u> Exhibit Ex. 2 SAMHSA Guidance, # <u>4</u> Exhibit Ex. 3 Second Declaration of V. Smith, # <u>5</u> Exhibit Ex. 4 Second Declaration of E. Costa, # <u>6</u> Exhibit Ex. 5 Second Declaration of W. Dunbar, # <u>7</u> Exhibit Ex. 6 (May 8 D.C. Superior Court Order), # <u>8</u> Exhibit Ex. 7 Third Declaration of E. Jones, # <u>9</u> Exhibit Ex. 8 Second Declaration of W. Rose, # <u>10</u> Text of Proposed Order)(Freedman, John) (Entered: 05/14/2020)
05/15/2020	<u>88</u>	NOTICE OF COMPLIANCE by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA (Bluming, Micah) (Entered: 05/15/2020)
05/16/2020	<u>89</u>	NOTICE OF COMPLIANCE by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA (Bluming, Micah) (Entered: 05/16/2020)

05/18/2020	<u>90</u>	Memorandum in opposition to re <u>87</u> MOTION for Preliminary Injunction filed by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Text of Proposed Order)(Bluming, Micah) (Entered: 05/18/2020)
05/19/2020	<u>91</u>	NOTICE OF COMPLIANCE by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA (Bluming, Micah) (Entered: 05/19/2020)
05/20/2020	<u>92</u>	REPLY to opposition to motion re <u>87</u> MOTION for Preliminary Injunction filed by ENZO COSTA, WILLIAM DUNBAR, VINITA SMITH. (Attachments: # <u>1</u> Exhibit 1 (March 18 Letter from B. Barzon), # <u>2</u> Exhibit 2 (April 16 Letter from B. Barzon))(Freedman, John) (Entered: 05/20/2020)
05/20/2020		MINUTE ORDER: It is hereby ORDERED that the telephonic hearing currently scheduled for May 21, 2020, is RESCHEDULED to May 22, 2020, at 11:00am. Signed by Judge Randolph D. Moss on 05/20/2020. (lcrdm2,) (Entered: 05/20/2020)
05/22/2020		Minute Entry for proceedings held before Judge Randolph D. Moss: Telephonic Motion Hearing held on 5/22/2020 re: <u>87</u> MOTION for Preliminary Injunction filed by ENZO COSTA, WILLIAM DUNBAR, VINITA SMITH. All parties, and the Court, appeared via telephone. Matter taken under advisement; Opinion and Order forthcoming. (Court Reporter: Jeff Hook.) (kt) (Entered: 05/22/2020)
05/22/2020	<u>93</u>	NOTICE OF COMPLIANCE by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA (Bluming, Micah) (Entered: 05/22/2020)
05/22/2020		MINUTE ORDER: The parties are hereby advised that the Court will issue its opinion with respect to the pending motion for a preliminary injunction, Dkt. 87, on May 23, 2020. Signed by Judge Randolph D. Moss on 05/22/2020. (lcrdm2,) (Entered: 05/22/2020)
05/23/2020	<u>94</u>	NOTICE OF COMPLIANCE by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA (Bluming, Micah) (Entered: 05/23/2020)
05/24/2020	<u>95</u>	MEMORANDUM OPINION: For the reasons explained herein, the Court will GRANT in part and DENY in part Plaintiffs' motion for a preliminary injunction, Dkt. 87. A separate order will issue. See document for details. Signed by Judge Randolph D. Moss on 05/24/2020. (lcrdm2,) Modified on 5/26/2020 to edit document type as "opinion" (kt). (Entered: 05/24/2020)
05/24/2020	<u>96</u>	ORDER: For reasons set forth in the accompanying Memorandum Opinion, Dkt. 95, it is hereby ORDERED that Plaintiffs' motion for a preliminary injunction, Dkt. 87, is GRANTED in part and DENIED in part. It is further ORDERED that Defendants shall comply with the conditions set forth herein. See document for details. Signed by Judge Randolph D. Moss on 05/24/2020. (lcrdm2,) (Entered: 05/24/2020)
05/26/2020		Set/Reset Deadlines: Defendants' Status Report due by 6/8/2020. (kt) (Entered: 05/26/2020)
05/28/2020	<u>97</u>	NOTICE OF COMPLIANCE by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA (Bluming, Micah) (Entered: 05/28/2020)
05/29/2020	<u>98</u>	Consent MOTION for Extension of Time to Respond to Plaintiffs' Amended Complaint by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Bluming, Micah) Modified on 6/1/2020 (ztd). (Entered: 05/29/2020)
05/29/2020	<u>99</u>	NOTICE OF COMPLIANCE by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA (Bluming, Micah) (Entered: 05/29/2020)
05/30/2020		MINUTE ORDER: Upon consideration of the Defendants' unopposed motion to extend, Dkt. 98, it is hereby ORDERED that the motion is GRANTED. Defendants shall answer or otherwise respond to the amended complaint on or before July 10, 2020, and Plaintiffs, should they choose, may file an opposition to Defendants' response on or before July 31, 2020. Signed by Judge Randolph D. Moss on 05/30/2020. (lcrdm2,) (Entered: 05/30/2020)

05/30/2020		MINUTE ORDER: Pending before the Court is Defendants' motion to dismiss Plaintiffs' original complaint, Dkt. 21, and Plaintiffs' motion to certify a class, Dkt. 30, which was filed prior to the amended complaint. Given the developments since those motions were filed, including the filing of an amended complaint, Dkt. 50, it is hereby ORDERED that these motions are DENIED as MOOT. The parties are free to refile these motions, updating them as necessary in light of the amended pleadings and other developments. Signed by Judge Randolph D. Moss on 05/30/2020. (lcrdm2,) (Entered: 05/30/2020)
06/06/2020	<u>100</u>	NOTICE OF COMPLIANCE by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA (Bluming, Micah) (Entered: 06/06/2020)
06/08/2020	<u>101</u>	Unopposed MOTION for Extension of Time to <i>File Status Report</i> by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Bluming, Micah) (Entered: 06/08/2020)
06/09/2020		MINUTE ORDER: Upon consideration of Defendants' unopposed motion for extension, Dkt. 102, it is hereby ORDERED that the motion is GRANTED. Defendants shall file a status report regarding the recommendations of the Court-appointed <i>amici</i> , as ordered in the Court's preliminary injunction, Dkt. 96, on or before June 12, 2020. Signed by Judge Randolph D. Moss on 06/09/2020. (lcrdm2,) (Entered: 06/09/2020)
06/12/2020	<u>102</u>	STATUS REPORT by BARBARA J. BAZRON, MARK J. CHASTANG, DISTRICT OF COLUMBIA. (Attachments: # <u>1</u> Exhibit A)(Bluming, Micah) (Entered: 06/12/2020)