

CLOSED

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:11-cv-10852-DJC**

House v. Napolitano et al
Assigned to: Judge Denise J. Casper
Demand: \$0
Cause: 28:1331 Fed. Question

Date Filed: 05/13/2011
Date Terminated: 05/24/2013
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

David House

represented by **Alexia R. De Vincentis**
American Civil Liberties Union
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617-482-3170
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TERMINATED: 10/03/2011
ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

V.

Defendant

Janet Napolitano
*in her official capacity as Secretary of the
U.S. Department of Homeland Security*

represented by **Diane Kelleher**
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Fax: 617-748-3969
TERMINATED: 02/13/2013
ATTORNEY TO BE NOTICED

Defendant

Alan Bersin
*in his official capacity as Commissioner,
U.S. Customs and Border Protection*

represented by **Diane Kelleher**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jennifer A. Serafyn
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marsha S. Edney
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amy E. Powell
(See above for address)
ATTORNEY TO BE NOTICED

Barbara Healy Smith
(See above for address)

TERMINATED: 02/13/2013
ATTORNEY TO BE NOTICED

Defendant

John T. Morton

*in his official capacity as Director, U.S.
Immigration and Customs Enforcement*

represented by **Diane Kelleher**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jennifer A. Serafyn
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marsha S. Edney
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Amy E. Powell
(See above for address)
ATTORNEY TO BE NOTICED

Barbara Healy Smith
(See above for address)
TERMINATED: 02/13/2013
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/13/2011	<u>1</u>	COMPLAINT against All Plaintiffs Filing fee: \$ 350, receipt number 0101-3403625 (Fee Status: Filing Fee paid), filed by David House. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Civil Cover Sheet Category Sheet)(Reinstein, John) (Entered: 05/13/2011)
05/13/2011		ELECTRONIC NOTICE of Case Assignment. Judge Denise J. Casper assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Jennifer C. Boal. (Abaid, Kimberly) (Entered: 05/13/2011)
05/13/2011	<u>2</u>	Summons Issued as to Alan Bersin, John T. Morton, Janet Napolitano. Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (Attachments: # <u>1</u> Notice of Summons) (York, Steve) (Entered: 05/13/2011)
05/13/2011	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Catherine Crump Filing fee: \$ 50, receipt number 0101-3404557 by David House. (Attachments: # <u>1</u> Affidavit of Catherine Crump)(Reinstein, John) (Entered: 05/13/2011)
05/19/2011	<u>4</u>	AFFIDAVIT OF SERVICE Executed by David House. Janet Napolitano served on 5/13/2011, answer due 6/3/2011. Acknowledgement filed by David House. (De Vincentis, Alexia) (Entered: 05/19/2011)
05/19/2011	<u>5</u>	AFFIDAVIT OF SERVICE Executed by David House. Alan Bersin served on 5/13/2011, answer due 6/3/2011. Acknowledgement filed by David House. (De Vincentis, Alexia) (Entered: 05/19/2011)
05/19/2011	<u>6</u>	AFFIDAVIT OF SERVICE Executed by David House. John T. Morton served on 5/13/2011, answer due 6/3/2011. Acknowledgement filed by David House. (De Vincentis, Alexia) (Entered: 05/19/2011)
05/24/2011		Set/Reset Answer Deadlines for All Defendants. Answers due 7/13/2011. (Gaudet, Jennifer) (Entered: 05/24/2011)

06/01/2011		Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>3</u> Motion for Leave to Appear Pro Hac Vice Added Catherine Crump. Attorneys admitted Pro Hac Vice must register for electronic filing. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Gaudet, Jennifer) (Entered: 06/01/2011)
07/05/2011	<u>7</u>	NOTICE of Appearance by Barbara Healy Smith on behalf of Alan Bersin, John T. Morton, Janet Napolitano (Healy Smith, Barbara) (Entered: 07/05/2011)
07/05/2011	<u>8</u>	Joint MOTION to Enter Briefing Schedule by Alan Bersin, John T. Morton, Janet Napolitano. (Attachments: # <u>1</u> Text of Proposed Order)(Healy Smith, Barbara) (Entered: 07/05/2011)
07/06/2011		Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>8</u> Joint Motion to Enter Briefing Schedule by Alan Bersin, John T. Morton, Janet Napolitano. Defts.' motion in response to complaint due 7/28/2011; pltf.'s opp due 8/31/2011; defts.' reply brief due 9/14/2011 and defts.' sur-reply due 9/28/2011. (Gaudet, Jennifer) (Entered: 07/06/2011)
07/13/2011	<u>9</u>	NOTICE of Appearance by Diane Kelleher on behalf of Alan Bersin, John T. Morton, Janet Napolitano (Kelleher, Diane) (Entered: 07/13/2011)
07/28/2011	<u>10</u>	MOTION to Dismiss <i>or in the Alternative for Summary Judgment</i> by Alan Bersin, John T. Morton, Janet Napolitano.(Kelleher, Diane) (Entered: 07/28/2011)
07/28/2011	<u>11</u>	MEMORANDUM in Support re <u>10</u> MOTION to Dismiss <i>or in the Alternative for Summary Judgment</i> filed by Alan Bersin, John T. Morton, Janet Napolitano. (Kelleher, Diane) (Entered: 07/28/2011)
07/28/2011	<u>12</u>	STATEMENT of facts re <u>10</u> MOTION to Dismiss <i>or in the Alternative for Summary Judgment</i> . (Attachments: # <u>1</u> Exhibit Exhibits to Defendants' LR 56.1 Statement)(Kelleher, Diane) (Entered: 07/28/2011)
08/17/2011	<u>13</u>	MOTION for Extension of Time to 09/14/11 to File Response/Reply as to <u>10</u> MOTION to Dismiss <i>or in the Alternative for Summary Judgment</i> by David House. (Attachments: # <u>1</u> Text of Proposed Order)(Crump, Catherine) (Entered: 08/17/2011)
08/24/2011		Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>13</u> Unopposed Motion for Extension of Time to File Response/Reply re <u>10</u> MOTION to Dismiss <i>or in the Alternative for Summary Judgment</i> . Responses due by 9/14/2011. "Granted to this extent counsel must seek leave of Court to file reply and sur-reply." (Gaudet, Jennifer) (Entered: 08/24/2011)
09/09/2011	<u>14</u>	MOTION for Extension of Time to 09/21/2011 to File Response/Reply as to <u>10</u> MOTION to Dismiss <i>or in the Alternative for Summary Judgment</i> by David House. (Attachments: # <u>1</u> Text of Proposed Order)(Crump, Catherine) (Entered: 09/09/2011)
09/12/2011		Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>14</u> Unopposed Motion for Extension of Time to File Response/Reply re <u>10</u> MOTION to Dismiss <i>or in the Alternative for Summary Judgment</i> . Responses due by 9/21/2011. (Gaudet, Jennifer) (Entered: 09/12/2011)
09/21/2011	<u>15</u>	Opposition re <u>10</u> MOTION to Dismiss <i>or in the Alternative for Summary Judgment</i> filed by David House. (Crump, Catherine) (Entered: 09/21/2011)
09/21/2011	<u>16</u>	MEMORANDUM in Opposition re <u>10</u> MOTION to Dismiss <i>or in the Alternative for Summary Judgment</i> filed by David House. (Crump, Catherine) (Entered: 09/21/2011)
09/21/2011	<u>17</u>	Statement of Material Facts L.R. 56.1 re <u>10</u> MOTION to Dismiss <i>or in the Alternative for Summary Judgment</i> filed by David House. (Crump, Catherine) (Entered: 09/21/2011)
09/30/2011	<u>18</u>	MOTION to Withdraw as Attorney by David House.(De Vincentis, Alexia) (Entered: 09/30/2011)

10/03/2011		Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>18</u> Motion to Withdraw as Attorney. Attorney Alexia R. De Vincentis terminated. (Gaudet, Jennifer) (Entered: 10/03/2011)
10/11/2011		ELECTRONIC NOTICE Setting Hearing on Motion <u>10</u> MOTION to Dismiss <i>or in the Alternative for Summary Judgment</i> : Motion Hearing set for 12/20/2011 02:00 PM in Courtroom 11 before Judge Denise J. Casper. (Hourihan, Lisa) (Entered: 10/11/2011)
10/27/2011	<u>19</u>	MOTION for Leave to File <i>Reply Brief in Response to Plaintiff's Opposition (Unopposed)</i> by Alan Bersin, John T. Morton, Janet Napolitano. (Attachments: # <u>1</u> Exhibit Defendants' Reply Brief)(Kelleher, Diane) (Entered: 10/27/2011)
10/28/2011		Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>19</u> Unopposed Motion for Leave to File a Reply Brief; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Gaudet, Jennifer) (Entered: 10/28/2011)
10/28/2011	<u>20</u>	REPLY to Response to <u>10</u> MOTION to Dismiss <i>or in the Alternative for Summary Judgment</i> filed by Alan Bersin, John T. Morton, Janet Napolitano. (Kelleher, Diane) (Entered: 10/28/2011)
11/15/2011		ELECTRONIC NOTICE TO COUNSEL re: Cameras in the Courtroom Project. The parties in this case are hereby notified that this scheduled proceeding is eligible for video recording. Counsel are directed to the district court web site at http://www.mad.uscourts.gov/general/cameras.html to determine if they wish to consent to video recording. Responses are due seven days from the date of this notice. (Re: motion to dismiss or in the alternative for summary judgment scheduled for 11/20/11) (Hourihan, Lisa) (Entered: 11/15/2011)
11/15/2011		CORRECTED ELECTRONIC NOTICE TO COUNSEL re: Cameras in the Courtroom Project. (TO REFLECT PROPER HEARING DATE) The parties in this case are hereby notified that this scheduled proceeding is eligible for video recording. Counsel are directed to the district court web site at http://www.mad.uscourts.gov/general/cameras.html to determine if they wish to consent to video recording. Responses are due seven days from the date of this notice. (Re: motion to dismiss or in the alternative for summary judgment scheduled for 12/20/11) (Hourihan, Lisa) (Entered: 11/15/2011)
12/05/2011	<u>21</u>	MOTION for Leave to File <i>Surreply</i> by David House. (Attachments: # <u>1</u> Exhibit Proposed Surreply, # <u>2</u> Affidavit Declaration of Alexander Stamos)(Crump, Catherine) (Entered: 12/05/2011)
12/06/2011		Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>21</u> Motion for Leave to File Surreply in Opposition to Motion to Dismiss; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Gaudet, Jennifer) (Entered: 12/06/2011)
12/06/2011	<u>22</u>	SUR–REPLY to Motion re <u>10</u> MOTION to Dismiss <i>or in the Alternative for Summary Judgment</i> filed by David House. (Attachments: # <u>1</u> Affidavit Declaration of Alexander Stamos)(Crump, Catherine) (Entered: 12/06/2011)
12/09/2011		ELECTRONIC NOTICE of Hearing. Telephone Conference set for 12/9/2011 10:00 AM in Courtroom 11 before Judge Denise J. Casper. (Hourihan, Lisa) (Entered: 12/09/2011)
12/09/2011		ELECTRONIC Clerk's Notes for proceedings held before Judge Denise J. Casper: Telephone Conference held on 12/9/2011. Discussion on cameras in the courtroom pilot project and the procedures. (Court Reporter: Lee Marzilli at leemarz@aol.com.)(Attorneys present: Catherine Crump and John Reinstein for the plaintiff. Diane Kelliher and Rosemary Connelly for the Government.) (Hourihan, Lisa) (Entered: 12/09/2011)

12/09/2011		ELECTRONIC NOTICE Resetting Hearing on Motion <u>10</u> MOTION to Dismiss <i>or in the Alternative for Summary Judgment</i> : Motion Hearing set for 12/20/2011 02:00 PM in Courtroom 2 before Judge Denise J. Casper. (NOTE: change in courtroom only)(Hourihan, Lisa) (Entered: 12/09/2011)
12/20/2011		ELECTRONIC Clerk's Notes for proceedings held before Judge Denise J. Casper: Motion Hearing held on 12/20/2011 re <u>10</u> MOTION to Dismiss <i>or in the Alternative for Summary Judgment</i> filed by Alan Bersin, John T. Morton, Janet Napolitano. Arguments. Court takes under advisement <u>10</u> Motion to Dismiss; (Court Reporter: Debra Joyce at joycedebra@gmail.com.)(Attorneys present: Catherine Crimp and John Reinstein for the plaintiff. Diane Kelleher, Sandra Schraibman and Paul McClusky for the defendants.) (Hourihan, Lisa) (Entered: 12/21/2011)
03/26/2012	<u>23</u>	NOTICE by Alan Bersin, John T. Morton, Janet Napolitano (Attachments: # <u>1</u> Exhibit Cotterman En Banc Order)(Kelleher, Diane) (Entered: 03/26/2012)
03/28/2012	<u>24</u>	Judge Denise J. Casper: ORDER entered. MEMORANDUM AND ORDER – denying Defendants' motion to dismiss. (Maynard, Timothy) (Entered: 03/28/2012)
03/28/2012	<u>25</u>	NOTICE of Scheduling Conference Scheduling Conference set for 5/7/2012 02:15 PM in Courtroom 11 before Judge Denise J. Casper. (Hourihan, Lisa) (Entered: 03/28/2012)
03/28/2012	<u>26</u>	Judge Denise J. Casper: ORDER entered. Standing Order Re: Courtroom Opportunities for Relatively Inexperienced Attorneys(Hourihan, Lisa) (Entered: 03/28/2012)
04/02/2012	<u>27</u>	MOTION for Extension of Time to Answer the Complaint , MOTION for Extension of Time to File Answer (Responses due by 4/16/2012) by Alan Bersin, John T. Morton, Janet Napolitano.(Kelleher, Diane) (Entered: 04/02/2012)
04/03/2012		Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>27</u> Motion for Extension of Time; granting <u>27</u> Motion for Extension of Time to Answer re <u>1</u> Complaint Alan Bersin answer due 4/27/2012; John T. Morton answer due 4/27/2012; Janet Napolitano answer due 4/27/2012. (Maynard, Timothy) (Entered: 04/03/2012)
04/10/2012	<u>28</u>	Joint MOTION for Extension of Time to Reschedule Scheduling Conference to June 18, 2012 by Alan Bersin, David House, John T. Morton, Janet Napolitano.(Kelleher, Diane) (Entered: 04/10/2012)
04/11/2012		Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>28</u> Motion for Extension of Time Scheduling Conference set for 6/18/2012 03:00 PM in Courtroom 11 before Judge Denise J. Casper. (Maynard, Timothy) (Entered: 04/11/2012)
04/27/2012	<u>29</u>	NOTICE of Appearance by Amy E. Powell on behalf of Alan Bersin, John T. Morton, Janet Napolitano (Powell, Amy) (Entered: 04/27/2012)
04/27/2012	<u>30</u>	ANSWER to <u>1</u> Complaint by Alan Bersin, John T. Morton, Janet Napolitano.(Powell, Amy) (Entered: 04/27/2012)
06/11/2012	<u>31</u>	JOINT STATEMENT of counsel Pursuant to Local Rule 16.1(D). (Kelleher, Diane) (Entered: 06/11/2012)
06/12/2012	<u>32</u>	CERTIFICATION pursuant to Local Rule 16.1 (d)(3). (Kelleher, Diane) (Entered: 06/12/2012)
06/13/2012	<u>33</u>	CERTIFICATION pursuant to Local Rule 16.1 . (Reinstein, John) (Entered: 06/13/2012)
06/18/2012	34	ELECTRONIC NOTICE OF RESCHEDULING Scheduling Conference set for 6/18/2012 04:00 PM in Courtroom 11 before Judge Denise J. Casper. (Maynard, Timothy) (Entered: 06/18/2012)
06/18/2012	35	ELECTRONIC Clerk's Notes for proceedings held before Judge Denise J. Casper: Scheduling Conference held on 6/18/2012, Initial disclosures due by 6/29/12. Amended Pleadings due by 8/29/2012. Fact discovery due by 3/15/13. Plaintiff's

		expert disclosure due by 4/15/13. Defendants' expert disclosure due by 5/15/13. Expert discovery to be completed by 6/14/2013. Summary Judgment Motions due by 7/15/2013. Opposition and/or cross motion for summary judgment due by 8/15/13. Status Conference set for 3/18/2013 02:00 PM in Courtroom 11 before Judge Denise J. Casper(Court Reporter: Catherine Handel at 617-261-0555.)(Attorneys present: Catherine Crump and John Reinstein for the plaintiff. Diane Kelliher for the defendants.) (Hourihan, Lisa) (Entered: 06/19/2012)
06/19/2012	<u>36</u>	Judge Denise J. Casper: ORDER entered. SCHEDULING ORDER.(Hourihan, Lisa) (Entered: 06/19/2012)
01/11/2013	<u>37</u>	NOTICE of Appearance by Jennifer A. Serafyn on behalf of Alan Bersin, John T. Morton, Janet Napolitano (Serafyn, Jennifer) (Entered: 01/11/2013)
01/11/2013	<u>38</u>	NOTICE of Withdrawal of Appearance by Barbara Healy Smith (Healy Smith, Barbara) (Entered: 01/11/2013)
03/05/2013	<u>39</u>	NOTICE of Appearance by Marsha S. Edney on behalf of Alan Bersin, John T. Morton, Janet Napolitano (Edney, Marsha) (Entered: 03/05/2013)
03/13/2013	<u>40</u>	Joint MOTION to Continue status conference to April 2013 by Alan Bersin, John T. Morton, Janet Napolitano.(Edney, Marsha) (Entered: 03/13/2013)
03/15/2013	41	Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>40</u> Motion to Continue Status Conference set for 4/23/2013 03:15 PM in Courtroom 11 before Judge Denise J. Casper. (Hourihan, Lisa) (Entered: 03/15/2013)
04/23/2013	42	ELECTRONIC Clerk's Notes for proceedings held before Judge Denise J. Casper: Status Conference held on 4/23/2013. Counsel report they are close to settlement. Counsel request a 30 day stay of the case. Stipulation of dismissal to be filed by 5/23/13. (Court Reporter: Debra Joyce at joycedebra@gmail.com.)(Attorneys present: Catherine Crump for the plaintiff. Marsha Edney for the defendants. (By phone)) (Hourihan, Lisa) (Entered: 04/24/2013)
05/23/2013	<u>44</u>	STIPULATION of Dismissal by David House. (Crump, Catherine) (Entered: 05/23/2013)