

CLOSED

**U.S. District Court  
EASTERN DISTRICT OF NORTH CAROLINA (Western Division)  
CIVIL DOCKET FOR CASE #: 5:16-cv-00245-FL**

North Carolinians for Privacy v. United States Department of  
Justice, et al

Assigned to: District Judge Louise Wood Flanagan

related Cases: [5:16-cv-00238-BO](#)

[5:16-cv-00240-FL](#)

Cause: 28:2201 Constitutionality of State Statute(s)

Date Filed: 05/10/2016

Date Terminated: 06/29/2016

Jury Demand: None

Nature of Suit: 899 Other Statutes:

Administrative Procedures Act/Review or  
Appeal of Agency Decision

Jurisdiction: U.S. Government Defendant

**Plaintiff**

**North Carolinians for Privacy**

*an unincorporated nonprofit association*

represented by **David A. Cortman**

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**United States Department of Justice**

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**Defendant**

**Loretta E. Lynch**  
*in her official capacity as United States  
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**Defendant**

**United States Department of Education**

represented by **Michael James**  
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**Defendant**

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**Gene C. Schaerr**  
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**Robert D. Potter , Jr.**  
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Date Filed	#	Docket Text
05/10/2016	<u>1</u>	<b>COMPLAINT</b> for Declaratory and Injunctive Relief against All Defendants (Filing fee \$ 400, receipt number 0417-3678475) filed by North Carolinians for Privacy. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Proposed Summons, # <u>3</u> Proposed Summons, # <u>4</u> Proposed Summons, # <u>5</u> Proposed Summons, # <u>6</u> Proposed Summons) (Dewart, Deborah) (Entered: 05/10/2016)
05/10/2016	<u>2</u>	Financial Disclosure Statement by North Carolinians for Privacy. (Dewart, Deborah) (Entered: 05/10/2016)
05/11/2016		Notice to Counsel – All counsel must file a Notice of Appearance pursuant to Local Civil Rule 5.2(a). (Baker, C.) (Entered: 05/11/2016)
05/11/2016	<u>3</u>	Summonses Issued as to All Defendants. (*NOTICE: Counsel shall print the attached summonses and serve with other case opening documents in accordance with

		<i>Fed.R.Civ.P. 4.*</i> (Baker, C.) (Entered: 05/11/2016)
05/12/2016	<u>4</u>	Notice of Appearance filed by Deborah J. Dewart on behalf of North Carolinians for Privacy. (Dewart, Deborah) (Entered: 05/12/2016)
05/16/2016	<u>5</u>	Notice of Appearance for non–district counsel by David A. Cortman on behalf of North Carolinians for Privacy. (Cortman, David) (Entered: 05/16/2016)
05/16/2016	<u>6</u>	Notice of Appearance for non–district counsel by Joseph E. La Rue on behalf of North Carolinians for Privacy. (La Rue, Joseph) (Entered: 05/16/2016)
05/16/2016	<u>7</u>	Notice of Appearance for non–district counsel by Jeremy D. Tedesco on behalf of North Carolinians for Privacy. (Tedesco, Jeremy) (Entered: 05/16/2016)
05/17/2016	<u>8</u>	Notice of Appearance for non–district counsel by James A. Campbell on behalf of North Carolinians for Privacy. (Campbell, James) (Entered: 05/17/2016)
05/17/2016	<u>9</u>	Notice of Appearance for non–district counsel by Kristen K. Waggoner on behalf of North Carolinians for Privacy. (Waggoner, Kristen) (Entered: 05/17/2016)
05/23/2016	<u>10</u>	Notice of Appearance for non–district by John Matthew Sharp on behalf of North Carolinians for Privacy. (Sharp, John) (Entered: 05/23/2016)
05/24/2016	<u>11</u>	Notice of Appearance for non–district by Jonathan Caleb Dalton on behalf of North Carolinians for Privacy. (Dalton, Jonathan) (Entered: 05/24/2016)
05/24/2016	<u>12</u>	MOTION to Consolidate Cases filed by North Carolinians for Privacy. (Attachments: # <u>1</u> Text of Proposed Order) (Dewart, Deborah) (Entered: 05/24/2016)
05/24/2016	<u>13</u>	Memorandum in Support regarding <u>12</u> MOTION to Consolidate Cases filed by North Carolinians for Privacy. (Dewart, Deborah) (Entered: 05/24/2016)
06/14/2016	<u>14</u>	Notice of Appearance filed by James O. Bickford on behalf of All Defendants. (Bickford, James) (Entered: 06/14/2016)
06/14/2016	<u>15</u>	Memorandum in Opposition regarding <u>12</u> MOTION to Consolidate Cases filed by John B. King, Jr, Loretta E. Lynch, United States Department of Education, United States Department of Justice. (Bickford, James) (Entered: 06/14/2016)
06/15/2016		**** Set Hearing – Telephonic Rule 16 Status Conference and Motion Hearing as to <u>12</u> MOTION to Consolidate Cases set for 6/21/2016 at 10:00 AM before District Judge Louise Wood Flanagan. * <i>Counsel will be provided dial–in instructions in advance of the telephonic hearing</i> * (Tripp, S.) (Entered: 06/15/2016)
06/16/2016	<u>16</u>	Notice of Appearance filed by Michael James on behalf of All Defendants. (James, Michael) (Entered: 06/16/2016)
06/17/2016	<u>17</u>	Notice of Appearance filed by Brennan Tyler Brooks on behalf of Patrick McCrory. (Brooks, Brennan) (Entered: 06/17/2016)
06/17/2016	<u>18</u>	Notice of Appearance filed by William W. Stewart, Jr. on behalf of Patrick McCrory. (Stewart, William) (Entered: 06/17/2016)
06/17/2016	<u>19</u>	Notice of Appearance filed by Frank J. Gordon on behalf of Patrick McCrory. (Gordon, Frank) (Entered: 06/17/2016)
06/17/2016	<u>20</u>	Notice of Appearance for non–district by Karl S. Bowers, Jr. on behalf of Patrick McCrory, Frank Perry. (Bowers, Karl) (Entered: 06/17/2016)
06/17/2016	<u>21</u>	RESPONSE to Motion regarding <u>12</u> MOTION to Consolidate Cases filed by Patrick McCrory, Frank Perry. (Stewart, William) (Entered: 06/17/2016)
06/17/2016	<u>22</u>	Financial Disclosure Statement by Patrick McCrory. (Stewart, William) (Entered: 06/17/2016)
06/17/2016	<u>23</u>	Financial Disclosure Statement by Frank Perry. (Bowers, Karl) (Entered: 06/17/2016)
06/17/2016	<u>24</u>	REPLY to Response to Motion regarding <u>12</u> MOTION to Consolidate Cases filed by North Carolinians for Privacy. (Campbell, James) (Entered: 06/17/2016)

06/17/2016		Motion Submitted to District Judge Louise Wood Flanagan – <u>12</u> MOTION to Consolidate Cases. (Baker, C.) (Entered: 06/17/2016)
06/17/2016	<u>25</u>	Notice of Appearance filed by Stuart K. Duncan on behalf of Philip Berger, Tim Moore. (Duncan, Stuart) (Entered: 06/17/2016)
06/17/2016	<u>26</u>	Notice of Appearance filed by Robert D. Potter, Jr. on behalf of Philip Berger, Tim Moore. (Potter, Robert) (Entered: 06/17/2016)
06/17/2016	<u>27</u>	RESPONSE in Support regarding <u>12</u> MOTION to Consolidate Cases filed by Philip Berger, Tim Moore. (Duncan, Stuart) (Entered: 06/17/2016)
06/17/2016	<u>28</u>	Notice of Appearance filed by Gene C. Schaerr on behalf of Philip Berger, Tim Moore. (Schaerr, Gene) (Entered: 06/17/2016)
06/20/2016		NOTICE OF DEFICIENCY regarding: <u>25</u> Notice of Appearance, <u>28</u> Notice of Appearance – Counsel failed to attach a certificate of service pursuant to Fed. R. Civ. P. 5(d) and Section F(3) of the Court's CM/ECF Electronic Policies and Procedures Manual. Counsel should file a separately captioned certificate of service using the appropriate event located under the <i>Civil Events – Service of Process</i> category. (Tripp, S.) (Entered: 06/20/2016)
06/20/2016		Remark – <u>27</u> RESPONSE in Support submitted to District Judge Louise Wood Flanagan. (Tripp, S.) (Entered: 06/20/2016)
06/20/2016	<u>29</u>	Certificate of Service filed by Philip Berger, Tim Moore regarding <u>28</u> Notice of Appearance . (Schaerr, Gene) (Entered: 06/20/2016)
06/21/2016	<u>30</u>	Notice of Appearance filed by Robert C. Stephens on behalf of Patrick McCrory. (Stephens, Robert) (Entered: 06/21/2016)
06/21/2016	<u>31</u>	Minute Entry for proceedings held before District Judge Louise Wood Flanagan in New Bern: Telephonic Rule 16 Status Conference and Motion Hearing as to <u>12</u> MOTION to Consolidate Cases held on 6/21/2016. Counsel present for all parties. Court hears oral argument as to motion and procedural posture of the case. Matters taken under advisement. Written order to follow. (Court Reporter – David Collier) (Baker, C.) (Entered: 06/21/2016)
06/28/2016	<u>32</u>	*DOCUMENT CORRECTED AND REFILED AT DOCKET ENTRY <u>33</u> * – Affidavit of Service for Summons and Complaint filed by North Carolinians for Privacy served on Defendants on 06/21/2016. (Campbell, James) Modified on 6/29/2016 to insert refiling information. (Baker, C.) (Entered: 06/28/2016)
06/28/2016		NOTICE OF DEFICIENCIES regarding <u>32</u> Affidavit of Service – Filing is not text searchable. Local Civil Rule 5.1 requires that all documents submitted for filing be in a text searchable format. Also, supporting documents should be filed as <i>attachments</i> to the underlying filing. Pursuant to Section L(2) of the court's CM/ECF Policies and Procedures Manual, attachments and exhibits must be identified with a clear and complete description of the document. Each exhibit or attachment must be separated as a filing party would do when creating a hard copy version of the documents. When filing a document with more than five (5) exhibits or attachments, the first attached document must be an index of all of the subsequently attached documents. Counsel is directed to refile the document with the necessary corrections. (Baker, C.) (Entered: 06/28/2016)
06/28/2016	<u>33</u>	Affidavit of Service for Summons and Complaint filed by North Carolinians for Privacy served on Defendants on 06/21/2016. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A – US Dept of Justice, # <u>3</u> Exhibit B – Loretta Lynch, # <u>4</u> Exhibit C – US Dept of Education, # <u>5</u> Exhibit D – John B King Jr, # <u>6</u> Exhibit E – US Attorney Civil Process Clerk, # <u>7</u> Exhibit F – US Attorney General, # <u>8</u> Exhibit G – James Bickford) (Campbell, James) (Entered: 06/28/2016)
06/29/2016	<u>34</u>	ORDER denying <u>12</u> Motion to Consolidate Cases – On its own initiative, having heard from the parties further at hearing and conference June 21, 2016, the court TRANSFERS case number 5:16–CV–240–FL and case number 5:16–CV–245–FL to the Middle District. Signed by District Judge Louise Wood Flanagan on 6/29/2016. (Baker, C.) (Entered: 06/29/2016)

06/30/2016		Remark – Case transferred from North Carolina Eastern District has been opened in North Carolina Middle District as case 1:16–cv–00845, filed 06/29/2016. (Baker, C.) (Entered: 06/30/2016)
07/15/2016	<u>35</u>	MOTION to Withdraw as Attorney filed by United States Department of Justice. (Attachments: # <u>1</u> Text of Proposed Order Granting Motion to Withdraw) (James, Michael) (Entered: 07/15/2016)
07/15/2016	<u>36</u>	Memorandum in Support regarding <u>35</u> MOTION to Withdraw as Attorney filed by United States Department of Justice. (James, Michael) (Entered: 07/15/2016)
07/18/2016	<u>37</u>	ORDER granting <u>35</u> Motion to Withdraw as Attorney – Signed by District Judge Louise Wood Flanagan on 7/18/2016. (Baker, C.) (Entered: 07/18/2016)