

**U.S. District Court
Middle District of Florida (Jacksonville)
CIVIL DOCKET FOR CASE #: 3:21-cv-00514-MMH-JRK**

Wynn v. Vilsack et al
Assigned to: Judge Marcia Morales Howard
Referred to: Magistrate Judge James R. Klindt
Demand: \$1,000
Cause: 05:0702 Administrative Procedure Act

Date Filed: 05/18/2021
Jury Demand: None
Nature of Suit: 440 Civil Rights:
Other
Jurisdiction: U.S. Government
Defendant

Plaintiff

Scott Wynn
an individual

represented by **Daniel M. Ortner**
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V.

Defendant

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*in his official capacity as U.S.
Secretary of Agriculture*

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Defendant

Zach Ducheneaux
in his official capacity as
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represented by **Emily Newton**
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Kyla Snow
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TERMINATED: 08/26/2021
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Amicus

**Association of American Indian
Farmers**

represented by **Janet R. Varnell**
(See above for address)
LEAD ATTORNEY
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Brian W. Warwick
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David Samuel Muraskin
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Randolph T. Chen
(See above for address)
TERMINATED: 08/26/2021
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/18/2021	1	<p><i>COMPLAINT for Injunctive and Declaratory Relief against All Defendants</i> (Filing fee \$ 402 receipt number AFLMDC-18264397)</p> <p>filed by Scott Wynn. (Attachments: # 1 Civil Cover Sheet, # 2 Proposed Summons to Thomas Vilsack, # 3 Proposed Summons to Zach Ducheneaux)(Martin, Christina) (Entered: 05/18/2021)</p>
05/18/2021	2	NEW CASE ASSIGNED to Judge Marcia Morales Howard and Magistrate Judge James R. Klindt. New case number: 3:21-cv-0514-MMH-JRK. (SJB) (Entered: 05/18/2021)
05/18/2021	3	CERTIFICATE of interested persons and corporate disclosure statement by Scott Wynn. (Martin, Christina) (Entered: 05/18/2021)
05/19/2021	4	NOTICE of Local Rule 3.02(a)(2), which requires the parties in every civil proceeding, except those described in subsection (d), to file a case management report (CMR) using the uniform form at www.flmd.uscourts.gov. The CMR must be filed (1) within forty days after any defendant appears in an action originating in this court, (2) within forty days after the docketing of an action removed or transferred to this court, or (3) within seventy days after service on the United States attorney in an action against the United States, its agencies or employees. Judges may have a special CMR form for certain types of cases. These forms can be found at www.flmd.uscourts.gov under the Forms tab for each judge. (Signed by Deputy Clerk). (JW) (Entered: 05/19/2021)
05/20/2021	5	MOTION for Wencong Fa to appear pro hac vice, Special Admission fee paid, Receipt No. AFLMDC-18275740 for \$150 by Scott Wynn. (Martin, Christina) Motions referred to Magistrate Judge James R. Klindt. (Entered: 05/20/2021)
05/20/2021	6	MOTION for Daniel M. Ortner to appear pro hac vice, Special Admission fee paid, Receipt No. AFLMDC-18275777 for \$150 by Scott Wynn. (Martin, Christina) Motions referred to Magistrate Judge James R. Klindt. (Entered: 05/20/2021)
05/20/2021	7	MOTION for Glenn E. Roper to appear pro hac vice, Special Admission fee paid, Receipt No. AFLMDC-18275796 for \$150 by Scott Wynn. (Martin, Christina) Motions referred to Magistrate Judge James R. Klindt. (Entered: 05/20/2021)

05/21/2021	8	ORDER granting 5, 6, and 7 Motions to Appear Pro Hac Vice and Written Designations and Consents to Act. Wencong Fa, Daniel M. Ortner, and Glenn E. Roper are permitted to appear pro hac vice on behalf of Plaintiff. Mr. Fa, Mr. Ortner, and Mr. Roper shall expeditiously ensure mandatory registration with the Court's electronic case filing (ECF) system, if they have not already done so. Signed by Magistrate Judge James R. Klindt on 5/21/2021. (MDC) (Entered: 05/21/2021)
05/21/2021	9	SUMMONS issued as to Thomas J. Vilsack. (RH) (Entered: 05/21/2021)
05/21/2021	10	SUMMONS issued as to Zach Ducheneaux. (RH) (Entered: 05/21/2021)
05/25/2021	11	MOTION for Preliminary Injunction by Scott Wynn. (Attachments: # 1 Text of Proposed Order Granting Motion for Preliminary Injunction)(Fa, Wencong) (Entered: 05/25/2021)
05/25/2021	12	DECLARATION of Scott Wynn re 11 MOTION for Preliminary Injunction by Scott Wynn. (Fa, Wencong) (Entered: 05/25/2021)
05/26/2021	13	ORDER: Plaintiff's Motion for Preliminary Injunction (Doc. 11) is TAKEN UNDER ADVISEMENT. Plaintiff is DIRECTED to immediately serve Defendants and notify the Court when service has been completed. See Order for details. Signed by Judge Marcia Morales Howard on 5/26/2021. (DKM) (Entered: 05/26/2021)
05/27/2021	14	NOTICE by Scott Wynn re 13 Order pdf <i>regarding Service of Motion for Preliminary Injunction and Complaint</i> (Attachments: # 1 Exhibit A - Affidavit and USPS receipts)(Fa, Wencong) (Entered: 05/27/2021)
05/27/2021	15	SUMMONS returned executed by Scott Wynn. Zach Ducheneaux served on 5/26/2021, answer due 7/26/2021; Thomas J. Vilsack served on 5/26/2021, answer due 7/26/2021. (Attachments: # 1 Exhibit A - Affidavit of Service on AUSA, # 2 Exhibit B - Certified Mail Receipts)(Fa, Wencong) (Entered: 05/27/2021)
05/27/2021	16	ORDER regarding 11 Plaintiff's Motion for Preliminary Injunction. A hearing on the motion is set for either June 15, 2021, at 2:00 p.m. or June 16, 2021, at 10:00 a.m. Defendants shall have until June 4, 2021, at 1:00 p.m. to file a response.

		Plaintiff shall have until June 9, 2021, at 1:00 p.m. to file a reply, which shall not exceed ten pages. See Order for additional details. Signed by Judge Marcia Morales Howard on 5/27/2021. (JW) (Entered: 05/27/2021)
05/28/2021	17	ENDORSED ORDER directing counsel for Plaintiff to immediately serve 16 the Order entered on May 27, 2021, upon Defendants. After doing so, counsel for Plaintiff shall file a notice of compliance with the Court. Signed by Judge Marcia Morales Howard on 5/28/2021. (JW) (Entered: 05/28/2021)
05/28/2021	18	NOTICE of Appearance by Emily Newton on behalf of Zach Ducheneaux, Thomas J. Vilsack (Newton, Emily) (Entered: 05/28/2021)
05/28/2021	19	NOTICE of compliance re 17 Order by Scott Wynn (Fa, Wencong) (Entered: 05/28/2021)
06/01/2021	20	MOTION for Leave to File Response Brief in Excess of 20 Pages by All Defendants. (Snow, Kyla) (Modified on 6/2/2021, to edit text) (BGR). (Entered: 06/01/2021)
06/02/2021	21	ENDORSED ORDER: Defendants' Motion for Leave to File Response Brief in Excess of 20 Pages 20 is GRANTED in part and DENIED in part. Defendants' response in opposition to Plaintiff's Motion for Preliminary Injunction 11 shall not exceed forty pages in length. Plaintiff's reply brief shall not exceed twenty pages in length. Signed by Judge Marcia Morales Howard on 6/2/2021. (DKM) (Entered: 06/02/2021)
06/04/2021	22	RESPONSE re 11 MOTION for Preliminary Injunction by Zach Ducheneaux, Thomas J. Vilsack. (Attachments: # 1 Exhibit Table of Authorities, # 2 Exhibit)(Newton, Emily) (Entered: 06/04/2021)
06/09/2021	23	REPLY to Response to Motion re 11 MOTION for Preliminary Injunction filed by Scott Wynn. (Attachments: # 1 Exhibit 1 - Decl. of Cobb)(Fa, Wencong) (Entered: 06/09/2021)
06/10/2021	24	NOTICE of Appearance by Janet R. Varnell on behalf of The National Black Farmers Association, Association of American Indian Farmers (Varnell, Janet) (Entered: 06/10/2021)

06/10/2021	25	MOTION for Leave to File Amicus Brief by Association of American Indian Farmers, The National Black Farmers Association. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4)(Varnell, Janet) (Entered: 06/10/2021)
06/11/2021	26	ENDORSED ORDER: The preliminary injunction hearing in this matter will be held on June 16, 2021, at 10:00 a.m. in Courtroom 10B. Signed by Judge Marcia Morales Howard on 6/11/2021. (JW) (Entered: 06/11/2021)
06/11/2021	27	MOTION for David S. Muraskin to appear pro hac vice, Special Admission fee paid, Receipt No. AFLMDC-18355283 for \$150 by Association of American Indian Farmers, The National Black Farmers Association. (Varnell, Janet) Motions referred to Magistrate Judge James R. Klindt. (Entered: 06/11/2021)
06/11/2021	28	NOTICE of supplemental authority re 11 MOTION for Preliminary Injunction by Scott Wynn. (Attachments: # 1 Exhibit 1 - Decision Granting TRO)(Fa, Wencong) (Entered: 06/11/2021)
06/11/2021	29	MOTION for Randolph T. Chen to appear pro hac vice, Special Admission fee paid, Receipt No. AFLMDC-18355304 for \$150 by Association of American Indian Farmers, The National Black Farmers Association. (Varnell, Janet) Motions referred to Magistrate Judge James R. Klindt. (Entered: 06/11/2021)
06/11/2021	30	MOTION for Jessica L. Culpepper to appear pro hac vice, Special Admission fee paid, Receipt No. AFLMDC-18355316 for \$150 by Association of American Indian Farmers, The National Black Farmers Association. (Varnell, Janet) Motions referred to Magistrate Judge James R. Klindt. (Entered: 06/11/2021)
06/14/2021	31	ORDER granting 27, 29, and 30 Motions for Special Admission of Non-Resident Lawyers. David S. Muraskin, Randolph T. Chen, and Jessica L. Culpepper are permitted to appear pro hac vice on behalf of Proposed Amici Curiae the National Black Farmers Association and the Association of American Indian Farmers. Mr. Muraskin, Mr. Chen, and Ms. Culpepper shall expeditiously ensure mandatory registration with the Court's electronic case filing (ECF) system, if they have not already done so. Signed by Magistrate Judge James R. Klindt on 6/14/2021. (MDC) (Entered: 06/14/2021)
06/15/2021	32	ORDER permitting members of the press to enter the courthouse with laptops, tablets, and/or cell phones for tomorrow's preliminary injunction hearing. See Order for

		details and instructions on prohibited live transmission and audio/video recording. Signed by Judge Marcia Morales Howard on 6/15/2021. (MAM) (Entered: 06/15/2021)
06/15/2021	33	MOTION for Leave to Intervene as Defendants by Association of American Indian Farmers, The National Black Farmers Association. (Varnell, Janet) (Modified on 6/16/2021, to edit text) (BGR). (Entered: 06/15/2021)
06/15/2021	34	MEMORANDUM in support re 33 Motion to Intervene filed by Association of American Indian Farmers, The National Black Farmers Association. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4)(Varnell, Janet) (Entered: 06/15/2021)
06/15/2021	35	ANSWER and affirmative defenses to 1 Complaint by Association of American Indian Farmers, The National Black Farmers Association.(Varnell, Janet) (Entered: 06/15/2021)
06/16/2021	36	Minute Entry. In Person Proceedings held before Judge Marcia Morales Howard: PRELIMINARY INJUNCTION HEARING held on 6/16/2021; granting 25 The National Black Farmers Association and the Association of American Indian Farmers' Opposed Motion for Leave to File Amicus Curiae Brief in Opposition to Plaintiff's Motion for Preliminary Injunction; granting, in part, and deferring, in part, 33 The National Black Farmers Association and the Association of American Indian Farmers' Opposed Conditional Motion for Leave to Intervene as Defendants; taking under advisement 11 Plaintiff's Motion for Preliminary Injunction. Notice due June 22, 2021. See Minutes for additional details. Court Reporter: Cindy Packevicz Jarriel (JW) (Entered: 06/16/2021)
06/21/2021	37	TRANSCRIPT of Preliminary Injunction hearing held on June 16, 2021 before Judge Marcia Morales Howard. Court Reporter/Transcriber Cindy Packevicz Jarriel, Telephone number 904-301-6843; cindyrprferr@gmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter.. Redaction Request due 7/12/2021 Redacted Transcript Deadline set for 7/22/2021 Release of Transcript Restriction set for 9/20/2021. (CLP) (Entered: 06/21/2021)
06/21/2021	38	NOTICE to counsel of filing of OFFICIAL TRANSCRIPT. The parties have seven (7) calendar days to file with the court a Notice

		of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days. Any party needing a copy of the transcript to review for redaction purposes may purchase a copy from the court reporter or view the document at the clerk's office public terminal. Court Reporter: Cindy Packevicz Jarriel. cindyrprfcr@gmail.com (CLP) (Entered: 06/21/2021)
06/22/2021	39	NOTICE of a related action per Local Rule 1.07(c) by Scott Wynn. Related case(s): Yes (Fa, Wencong) (Entered: 06/22/2021)
06/22/2021	40	NOTICE by Zach Ducheneaux, Thomas J. Vilsack (Newton, Emily) (Entered: 06/22/2021)
06/23/2021	41	ORDERED: Plaintiff's Motion for Preliminary Injunction 11 is GRANTED. Defendants are immediately enjoined from issuing any payments, loan assistance, or debt relief pursuant to Section 1005(a)(2) of the American Rescue Plan Act of 2021 until further order from the Court. No later than June 29, 2021, the parties must confer and submit to the Court a proposed expedited schedule to resolve the merits of this action. See Order for further details. Signed by Judge Marcia Morales Howard on 6/23/2021. (DKM) (Entered: 06/23/2021)
06/29/2021	42	NOTICE by Zach Ducheneaux, Thomas J. Vilsack <i>re Proposed Schedule</i> (Knapp, Michael) (Entered: 06/29/2021)
07/08/2021	43	CASE MANAGEMENT AND SCHEDULING ORDER: Deadline for Defendants to answer the Complaint is 7/14/2021. Discovery due by 12/3/2021. Cross-motions for summary judgment due by 1/6/2022. Responses to cross-motions for summary judgment due by 1/20/2022. Reply briefs due by 1/27/2022. Signed by Judge Marcia Morales Howard on 7/8/2021. (JW) (Entered: 07/08/2021)
07/12/2021	44	MOTION to Stay <i>Proceedings</i> by All Defendants. (Attachments: # 1 Exhibit A - Miller Decision)(Snow, Kyla) (Entered: 07/12/2021)
07/12/2021	45	MOTION to Stay <i>Administratively Timely Deadlines</i> by All Defendants. (Snow, Kyla) (Entered: 07/12/2021)

07/12/2021	46	MEMORANDUM in opposition re 45 Motion to Stay <i>Pending Resolution of Defendants' Stay Motion</i> filed by Scott Wynn. (Fa, Wencong) (Entered: 07/12/2021)
07/13/2021	47	NOTICE of supplemental authority re 46 Memorandum in opposition to <i>Defendants' Motion for an Administrative Stay</i> by Scott Wynn. (Fa, Wencong) (Entered: 07/13/2021)
07/14/2021	48	ANSWER and affirmative defenses to 1 Complaint by Zach Ducheneaux, Thomas J. Vilsack.(Newton, Emily) (Entered: 07/14/2021)
07/26/2021	49	RESPONSE in Opposition re 44 MOTION to Stay <i>Proceedings</i> filed by Scott Wynn. (Attachments: # 1 Exhibit 1 - Miller, Joint Report)(Fa, Wencong) (Entered: 07/26/2021)
07/27/2021	50	ENDORSED ORDER denying 45 Defendants' Motion for an Administrative Stay Pending Resolution of Defendants' Stay Motion. Until the Court rules on 44 Defendants' Motion to Stay, this case remains active and the parties are expected to proceed as previously directed. Signed by Judge Marcia Morales Howard on 7/27/2021. (JW) (Entered: 07/27/2021)
07/27/2021	51	MOTION for Leave to File a Reply by All Defendants. (Newton, Emily) (Modified on 7/28/2021, to edit text) (BGR). (Entered: 07/27/2021)
07/27/2021	52	RESPONSE in Opposition re 51 MOTION for Leave to File Reply filed by Scott Wynn. (Fa, Wencong) (Modified on 7/28/2021, to edit text) (BGR). (Entered: 07/27/2021)
08/02/2021	53	NOTICE of supplemental authority re 49 Response in Opposition to Motion <i>for a Stay</i> , by Scott Wynn. (Attachments: # 1 Exhibit 1 - Order, Holman v Vilsack)(Fa, Wencong) (Entered: 08/02/2021)
08/16/2021	54	NOTICE of supplemental authority re 44 MOTION to Stay <i>Proceedings</i> by Zach Ducheneaux, Thomas J. Vilsack. (Attachments: # 1 Exhibit Carpenter opinion granting stay)(Newton, Emily) (Entered: 08/16/2021)

08/19/2021	55	NOTICE of supplemental authority re 44 MOTION to Stay <i>Proceedings</i> by Zach Ducheneaux, Thomas J. Vilsack. (Attachments: # 1 Exhibit Order granting Defendants' motion for a stay in Joyner v. Vilsack)(Newton, Emily) (Entered: 08/19/2021)
08/20/2021	56	ORDER granting 51 Defendants' Motion for Leave to Reply. Defendants shall have up to and including August 30, 2021, to file a reply, not to exceed fifteen pages. Plaintiff shall have up to and including September 7, 2021, to file a sur-reply, not to exceed ten pages. Signed by Judge Marcia Morales Howard on 8/19/2021. (MHM) (Entered: 08/20/2021)
08/25/2021	57	Unopposed MOTION to Withdraw as Counsel by Association of American Indian Farmers, The National Black Farmers Association. (Chen, Randolph) Motions referred to Magistrate Judge James R. Klindt. (Modified on 8/25/2021, to edit text) (BGR). (Entered: 08/25/2021)
08/26/2021	58	ORDER granting 57 the Unopposed Motion to Withdraw as Counsel. Randolph T. Chen is permitted to withdraw as counsel for amici curiae the National Black Farmers Association and the Association of American Indian Farmers. The National Black Farmers Association and the Association of American Indian Farmers will continue to be represented by other counsel of record. Signed by Magistrate Judge James R. Klindt on 8/26/2021. (KEH) (Entered: 08/26/2021)
08/30/2021	59	REPLY to Response to Motion re 44 MOTION to Stay <i>Proceedings</i> filed by Zach Ducheneaux, Thomas J. Vilsack. (Attachments: # 1 Exhibit 1 - Faust Order)(Knapp, Michael) (Entered: 08/30/2021)
08/31/2021	60	NOTICE of supplemental authority re 44 MOTION to Stay <i>Proceedings</i> by Zach Ducheneaux, Thomas J. Vilsack. (Attachments: # 1 Exhibit 1 - McKinney Order Granting Stay)(Knapp, Michael) (Entered: 08/31/2021)
09/07/2021	61	RESPONSE in Opposition re 44 MOTION to Stay <i>Proceedings (Sur-reply)</i> filed by Scott Wynn. (Fa, Wencong) (Entered: 09/07/2021)

09/13/2021	62	NOTICE of supplemental authority re 44 MOTION to Stay <i>Proceedings</i> by Zach Ducheneaux, Thomas J. Vilsack. (Attachments: # 1 Exhibit Exhibit 1 - Tiegs Order Staying Case)(Newton, Emily) (Entered: 09/13/2021)
09/21/2021	63	NOTICE of supplemental authority re 44 MOTION to Stay <i>Proceedings</i> by Zach Ducheneaux, Thomas J. Vilsack. (Attachments: # 1 Exhibit 1 - Dunlap Order Granting Stay)(Knapp, Michael) (Entered: 09/21/2021)
09/22/2021	64	NOTICE of Update in Related Action by Zach Ducheneaux, Thomas J. Vilsack (Attachments: # 1 Exhibit Miller Orders and Second Amended Complaint)(Newton, Emily) (Modified on 9/23/2021, to edit text) (BGR). (Entered: 09/22/2021)
10/13/2021	65	NOTICE by Zach Ducheneaux, Thomas J. Vilsack re 44 MOTION to Stay <i>Proceedings</i> (Attachments: # 1 Exhibit Miller Order Denying Motion to Opt Out of Certified Classes)(Newton, Emily) (Entered: 10/13/2021)
10/13/2021	66	NOTICE of supplemental authority re 65 Notice (Other) by Scott Wynn. (Fa, Wencong) (Entered: 10/13/2021)
10/14/2021	67	MOTION to Continue <i>Defendants' Deadline to Submit Their Opening Expert Report</i> by All Defendants. (Attachments: # 1 Affidavit Declaration of Gianna Short)(Newton, Emily) (Entered: 10/14/2021)
10/19/2021	68	ORDER taking under advisement 67 Defendants' Partially Unopposed Motion for an Extension of the Opening Expert Report Deadline. Plaintiff shall have up to and including 10/20/2021 to file a response to the Motion, failing which the Motion will be deemed unopposed. Signed by Magistrate Judge James R. Klindt on 10/19/2021. (KEH) (Entered: 10/19/2021)
10/19/2021	69	RESPONSE in Opposition re 67 MOTION to Continue <i>Defendants' Deadline to Submit Their Opening Expert Report</i> filed by Scott Wynn. (Fa, Wencong) (Entered: 10/19/2021)

10/21/2021	70	ORDER granting 67 Defendants' Partially Unopposed Motion for an Extension of the Opening Expert Report Deadline. The deadline for disclosing expert reports under the Case Management and Scheduling Order (Doc. No. 43) is extended to 10/29/2021. The deadline for disclosing rebuttal expert reports is extended to 11/22/2021. Signed by Magistrate Judge James R. Klindt on 10/21/2021. (KEH) (Entered: 10/21/2021)
10/21/2021	71	STIPULATION <i>for Protective Order</i> by Scott Wynn. (Fa, Wencong) (Entered: 10/21/2021)
10/22/2021	72	NOTICE of supplemental authority re 44 MOTION to Stay <i>Proceedings</i> by Zach Ducheneaux, Thomas J. Vilsack. (Attachments: # 1 Exhibit Holman Order Partially Granting Motion for Reconsideration and Staying Discovery and Case Deadlines)(Newton, Emily) (Entered: 10/22/2021)
10/27/2021	73	RESPONSE re 72 Notice of filing supplemental authority filed by Scott Wynn. (Fa, Wencong) (Entered: 10/27/2021)
11/03/2021	74	STIPULATED PROTECTIVE ORDER AND 502(d) ORDER. Signed by Magistrate Judge James R. Klindt on 11/3/2021. (KAW) (Entered: 11/03/2021)
11/10/2021	75	NOTICE of supplemental authority re 44 MOTION to Stay <i>Proceedings</i> by Scott Wynn. (Attachments: # 1 Exhibit 1 - Order, Kent v Vilsack)(Fa, Wencong) (Entered: 11/10/2021)

PACER Service Center			
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11/11/2021 23:12:26			
PACER Login:	CRClearinghouse	Client Code:	Hudson-Erdman
Description:	Docket Report	Search Criteria:	3:21-cv-00514-MMH-JRK
Billable Pages:	9	Cost:	0.90
Exempt flag:	Not Exempt	Exempt reason:	Not Exempt

