

CLOSED

**U.S. District Court
Northern District of Texas (Wichita Falls)
CIVIL DOCKET FOR CASE #: 7:15-cv-00056-O**

State of Texas v. United States of America et al
Assigned to: Judge Reed C. O'Connor
Cause: 28:1331 Fed. Question

Date Filed: 03/18/2015
Date Terminated: 07/17/2015
Jury Demand: None
Nature of Suit: 890 Other Statutes: Other
Statutory Actions
Jurisdiction: U.S. Government Defendant

Plaintiff

State of Texas

Office of the Attorney General
P.O. Box 12548
Austin, TX 78711-2548
(512) 936-1534

represented by **William T Deane**
Office of the Texas Attorney General
300 W 15th
11th Floor
Austin, TX 78701
512/463-2120
Fax: 512/320-0667 FAX
Email: bill.deane@oag.texas.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael P Murphy

Office of the Texas Attorney General
Solicitor General Division
PO Box 12548 Capitol Station
Austin, TX 78711-2548
512-936-2995
Fax: 512-474-2697
Email: michaelp.murphy@texasattorneygeneral.gov
PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff

State of Arkansas

Office of the Attorney General of
Arkansas
David Raupp, Senior Assistant Attorney
General
200 Tower Building
323 Center Street
Little Rock, AR 72201-2610
501-682-3657

represented by **William T Deane**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

State of Louisiana

Louisiana Department of Justice
James D. "Buddy" Caldwell
Attorney General of Louisiana
P.O. Box 94005
Baton Rouge, LA 70804

represented by **William T Deane**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stuart Kyle Duncan

Duncan PLLC
1629 K Street NW
Suite 300
Washington, DC 20006
202-714-9492
Fax: 571-730-4429
Email: kduncan@duncanpllc.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff

State of Nebraska
Office of the Attorney General of
Nebraska
Jim Smith, Solicitor General
2115 State Capitol
Lincoln, NE 68509
402-499-1489

represented by **William T Deane**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

State of Georgia

represented by **William T Deane**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

United States of America
200 Constitution Ave., N.W.
Dept. of Labor
Washington, DC 20240

represented by **James C Luh**
US Department of Justice
20 Massachusetts Ave NW
Washington, DC 20530
202-514-4938
Email: James.Luh@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Thomas E Perez

represented by **James C Luh**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

John Parker
United States Attorney's Office
1100 Commerce St.
Room 300
Dallas, TX

represented by **James C Luh**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Eric H Holder, Jr
TERMINATED: 04/27/2015

represented by **James C Luh**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Loretta E Lynch

represented by **James C Luh**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/18/2015	<u>1</u>	COMPLAINT against Eric H Holder, John Parker, Thomas E Perez, United States of America filed by State of Texas. (Filing fee \$400; Receipt number 0539-6669571) Clerk to issue summons(es). In each Notice of Electronic Filing, the judge assignment is indicated, and a link to the Judges Copy Requirements is provided. The court reminds the filer that any required copy of this and future documents must be delivered

		to the judge, in the manner prescribed, within three business days of filing. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: Attorney Information – Bar Membership . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Attachments: # <u>1</u> Cover Sheet, # <u>2</u> Declaration(s), # <u>3</u> Additional Page(s) Summons, # <u>4</u> Additional Page(s) Summons, # <u>5</u> Additional Page(s) Summons, # <u>6</u> Additional Page(s) Summons, # <u>7</u> Exhibit(s) A, # <u>8</u> Exhibit(s) B, # <u>9</u> Exhibit(s) C) (Deane, William) (Entered: 03/18/2015)
03/18/2015	<u>2</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by State of Texas. (Deane, William) (Entered: 03/18/2015)
03/18/2015	<u>3</u>	Summons issued as to All Defendants, U.S. Attorney, and U.S. Attorney General. (trt) (Entered: 03/18/2015)
03/18/2015	<u>4</u>	ORDER: Accordingly, the Court ORDERS Plaintiff to brief whether Defendants have received notice or whether Federal Rule of Civil Procedure 65(b) applies. (Ordered by Judge Reed C O'Connor on 3/18/2015) (trt) (Entered: 03/18/2015)
03/18/2015	<u>5</u>	Application for Admission Pro Hac Vice with Certificate of Good Standing (Filing fee \$25; Receipt number 0539-6670319) filed by State of Texas (Attachments: # <u>1</u> Proposed Order) (Murphy, Michael) (Entered: 03/18/2015)
03/18/2015	<u>6</u>	ELECTRONIC ORDER granting <u>5</u> Application for Admission Pro Hac Vice of Michael P. Murphy. If not already done, Applicant must register as an ECF User within 14 days (LR 5.1(f)). (Ordered by Judge Reed C O'Connor on 3/18/2015) (chmb) (snp) (Entered: 03/18/2015)
03/19/2015	<u>7</u>	RESPONSE filed by State of Texas re: <u>4</u> Order (Deane, William) (Entered: 03/19/2015)
03/19/2015	<u>8</u>	ORDER: Plaintiff must provide a copy of its complaint and this order to the USAO no later than 3/20/2015. Responses due by 3/23/2015. Replies due by 3/25/2015. See order for details. (Ordered by Judge Reed C O'Connor on 3/19/2015) (Judge Reed C O'Connor) (Entered: 03/19/2015)
03/20/2015	<u>9</u>	NOTICE of Attorney Appearance by James C Luh-DOJ on behalf of Thomas E Perez, United States of America. (Filer confirms contact info in ECF is current.) (Attachments: # <u>1</u> Certificate of Service) (Luh-DOJ, James) (Entered: 03/20/2015)
03/20/2015	<u>10</u>	NOTICE of <i>Advisory to the Court</i> re: <u>8</u> Order, filed by State of Texas (Deane, William) (Entered: 03/20/2015)
03/23/2015	<u>11</u>	RESPONSE filed by Thomas E Perez, United States of America re: <u>8</u> Order, <u>1</u> Complaint,,,,, (Attachments: # <u>1</u> Certificate of Service) (Luh-DOJ, James) (Entered: 03/23/2015)
03/24/2015	<u>12</u>	MOTION for Hearing <i>on Application for a Temporary Restraining Order</i> filed by State of Texas (Attachments: # <u>1</u> Proposed Order Proposed Order) (Deane, William) (Entered: 03/24/2015)
03/24/2015	<u>13</u>	RESPONSE filed by Thomas E Perez, United States of America re: <u>12</u> MOTION for Hearing <i>on Application for a Temporary Restraining Order</i> (Attachments: # <u>1</u> Certificate of Service) (Luh-DOJ, James) (Entered: 03/24/2015)
03/25/2015	<u>14</u>	AMENDED COMPLAINT <i>for Declaratory and Injunctive Relief and Application for Temporary Restraining Order and Preliminary Injunction/Stay of Administrative Proceedings</i> against Eric H Holder, John Parker, Thomas E Perez, United States of America filed by State of Texas, State of Arkansas, State of Louisiana, State of Nebraska. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: Attorney Information – Bar Membership . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Attachments: # <u>1</u> Declaration(s) Brantley Starr, # <u>2</u> Exhibit(s) A, # <u>3</u> Exhibit(s) B, # <u>4</u> Exhibit(s) C, # <u>5</u> Exhibit(s) D, # <u>6</u> Exhibit(s) E) (Deane, William) (Entered: 03/25/2015)

03/25/2015	<u>15</u>	REPLY filed by State of Arkansas, State of Louisiana, State of Nebraska, State of Texas re: <u>11</u> Response/Objection (Deane, William) (Entered: 03/25/2015)
03/25/2015	<u>16</u>	MOTION to Extend Time to File Reply in Support of Application for Temporary Restraining Order and Preliminary Injunction/Stay of Administrative Proceedings filed by State of Arkansas, State of Louisiana, State of Nebraska, State of Texas (Attachments: # <u>1</u> Proposed Order) (Deane, William) (Entered: 03/25/2015)
03/26/2015	<u>17</u>	RESPONSE filed by Thomas E Perez, United States of America re: <u>16</u> MOTION to Extend Time to File Reply in Support of Application for Temporary Restraining Order and Preliminary Injunction/Stay of Administrative Proceedings (Attachments: # <u>1</u> Certificate of Service) (Luh-DOJ, James) (Entered: 03/26/2015)
03/26/2015	<u>18</u>	Memorandum Opinion and Order. For the foregoing reasons, the Court finds that Plaintiffs application for a preliminary injunction (ECF No. 14) should be and is hereby GRANTED. See Fed. R. Civ. P. 65. Accordingly, it is hereby ORDERED that the Department of Labor must STAY the application of the Final Rule, pending a full determination of this matter on the merits. It is FURTHER ORDERED that bond is set in the amount of one-hundred dollars. See Fed. R. Civ. P. 65(c). If requested by a party, the Court will set a hearing on this matter in Wichita Falls, Texas for April 13, 2015. (Ordered by Judge Reed C O'Connor on 3/26/2015) (trt) (Entered: 03/26/2015)
03/31/2015	<u>19</u>	RESPONSE filed by Thomas E Perez, United States of America re: <u>18</u> Memorandum Opinion and Order., (Attachments: # <u>1</u> Certificate of Service) (Luh-DOJ, James) (Entered: 03/31/2015)
04/01/2015	<u>20</u>	SUMMONS Returned Executed as to United States of America ; served on 3/24/2015. (Deane, William) (Entered: 04/01/2015)
04/01/2015	<u>21</u>	SUMMONS Returned Executed as to Thomas E Perez ; served on 3/23/2015. (Deane, William) (Entered: 04/01/2015)
04/01/2015	<u>22</u>	SUMMONS Returned Executed as to Eric H Holder ; served on 3/24/2015. (Deane, William) (Entered: 04/01/2015)
04/01/2015	<u>23</u>	SUMMONS Returned Executed as to John Parker ; served on 3/23/2015. (Deane, William) (Entered: 04/01/2015)
04/01/2015	<u>24</u>	ORDER: Before the Court is Defendants Request for a Hearing (ECF No. 19), filed on March 31, 2015, in response to the March 26, 2015 Order (ECF No. 18). The Court finds that the request for a hearing should be and is hereby GRANTED. Due to a scheduling conflict, the Court sets this matter for a hearing on April 10, 2015, at 9:00 a.m. in Fort Worth, Texas. Counsel for Plaintiffs and Defendants are ORDERED to attend and to be prepared to address all issues relating to the preliminary injunction briefing in this case. This hearing will convene in the United States Courthouse, Courtroom Second Floor, 501 West 10th Street, Fort Worth, Texas. (Ordered by Judge Reed C O'Connor on 4/1/2015) (trt) (Entered: 04/01/2015)
04/02/2015	<u>25</u>	Joint STIPULATION <i>Regarding Bond Requirement</i> by State of Texas. (Deane, William) (Entered: 04/02/2015)
04/09/2015	<u>26</u>	***UNFILED*** per <u>27</u> Order. AMENDED COMPLAINT <i>for Declaratory and Injunctive Relief and Application for Temporary Restraining Order and Preliminary Injunction / Stay of Administrative Proceedings</i> against All Defendants filed by State of Louisiana, State of Texas, State of Nebraska, State of Arkansas, State of Georgia. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: Attorney Information – Bar Membership . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Attachments: # <u>1</u> Declaration(s) Brantley Starr, # <u>2</u> Exhibit(s) A, # <u>3</u> Exhibit(s) B, # <u>4</u> Exhibit(s) C, # <u>5</u> Exhibit(s) D, # <u>6</u> Exhibit(s) E) (Deane, William) Modified on 4/10/2015 (plp). (Entered: 04/09/2015)
04/10/2015	<u>27</u>	Order Unfiling <u>26</u> Plaintiffs' Second Amended Complaint. Plaintiffs' Second Amended Complaint was filed without Defendants' written consent or the Court's leave. Accordingly, the Court ORDERS the Clerk of Court to strike and unfile the Second Amended Complaint (ECF No. <u>26</u>). (Ordered by Judge Reed C O'Connor on 4/10/2015) (plp) (Entered: 04/10/2015)

04/10/2015	28	ELECTRONIC Minute Entry for proceedings held before Judge Reed C O'Connor: Motion Hearing held as to ECF Doc. <u>18</u> on 4/10/2015. Attorney Appearances: Plaintiff – William Deane, Michael Murphy; Defense – James Luh. (Court Reporter: Denver Roden) (No exhibits) Time in Court – 1:19. (chmb) (Entered: 04/14/2015)
04/15/2015	<u>29</u>	Notice of Filing of Official Electronic Transcript of Motions Hearing Proceedings held on 04–15–2015 before Judge Reed C. O'Connor. Court Reporter/Transcriber Denver B. Roden, RPR, RMR, Telephone number 214–753–2298. Parties are notified of their <u>duty to review</u> the transcript. A copy may be purchased from the court reporter or viewed at the clerk's office public terminal. If redaction is necessary, a <u>Redaction Request – Transcript</u> must be filed within 21 days. If no such Request is filed, the transcript will be made available via PACER without redaction after 90 calendar days. If redaction request filed, this transcript will not be accessible via PACER; see redacted transcript. The clerk will mail a copy of this notice to parties not electronically noticed. (47 pages) Redaction Request due 5/6/2015. Redacted Transcript Deadline set for 5/18/2015. Release of Transcript Restriction set for 7/14/2015. (dbr) (Entered: 04/15/2015)
04/22/2015	<u>30</u>	Application for Admission Pro Hac Vice with Certificate of Good Standing for Attorney S. Kyle Duncan (Filing fee \$25; Receipt number 0539–6747737) filed by State of Louisiana (Deane, William) (Entered: 04/22/2015)
04/23/2015	31	ELECTRONIC ORDER granting <u>30</u> Application for Admission Pro Hac Vice of S. Kyle Duncan (LR 83.11). If not already done, Applicant must register as an ECF User within 14 days (LR 5.1(f)). (Ordered by Judge Reed C O'Connor on 4/23/2015) (chmb) (snp). (Entered: 04/23/2015)
04/23/2015	<u>32</u>	Joint STATUS REPORT <i>and Proposed Briefing Schedule</i> filed by Thomas E Perez, State of Arkansas, State of Louisiana, State of Nebraska, State of Texas, United States of America. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Certificate of Service) (Luh–DOJ, James) (Entered: 04/23/2015)
04/23/2015	<u>33</u>	Unopposed MOTION for Leave to File Second Amended Complaint filed by State of Arkansas, State of Louisiana, State of Nebraska, State of Texas (Attachments: # <u>1</u> Exhibit(s) A – Second Amended Complaint for Declaratory and Injunctive Relief and Application for Temporary Restraining Order and Preliminary Injunction / Stay of Administrative Proceedings, # <u>2</u> Declaration(s) Brantley Starr, # <u>3</u> Exhibit(s) A, # <u>4</u> Exhibit(s) B, # <u>5</u> Exhibit(s) C, # <u>6</u> Exhibit(s) D, # <u>7</u> Exhibit(s) E, # <u>8</u> Proposed Order). Party State of Georgia added. (Deane, William) (Entered: 04/23/2015)
04/24/2015	<u>34</u>	ORDER: The Court hereby adopts the parties joint proposal for the briefing of the parties motions concerning the preliminary injunction entered by the Court on March 26, 2015. Accordingly, the Court ORDERS the following: Defendants motion, up to 25 pages, must be filed on or before April 27, 2015; Plaintiffs motion and opposition to Defendants motion, consolidated in a single brief of up to 25 pages, must be filed on or before May 14, 2015; Defendants opposition to Plaintiffs motion and reply brief in support of Defendants motion, consolidated in a single brief of up to 25 pages, must be filed on or before May 28, 2015; and Plaintiffs reply brief in support of Plaintiffs motion, up to 10 pages, must be filed on or before June 11, 2015. Also before the Court is Plaintiffs Unopposed Motion for Leave to File Second Amended Complaint (ECF No. 33), filed April 23, 2015. Having considered the motion, the Court finds that it should be and is hereby GRANTED. See Fed. R. Civ. P. 15(a)(2). Accordingly, the Clerk of Court is ORDERED to file the Second Amended Complaint on the Courts docket. (Ordered by Judge Reed C O'Connor on 4/24/2015) (trt) (Entered: 04/24/2015)
04/24/2015	<u>35</u>	SECOND AMENDED COMPLAINT against All Defendants filed by State of Louisiana, State of Georgia, State of Texas, State of Nebraska, State of Arkansas. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: <u>Attorney Information – Bar Membership</u> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (trt) (Entered: 04/24/2015)
04/24/2015	<u>36</u>	NOTICE of Attorney Appearance by William T Deane on behalf of State of Arkansas, State of Georgia, State of Louisiana, State of Nebraska, State of Texas. (Filer confirms contact info in ECF is current.) (Deane, William) (Entered: 04/24/2015)

04/24/2015	<u>37</u>	NOTICE of Attorney Appearance by William T Deane for S. Kyle Duncan on behalf of State of Louisiana. (Deane, William) (Entered: 04/24/2015)
04/24/2015	<u>38</u>	Unopposed MOTION to Stay (<i>Defendants' Unopposed Motion for Partial Stay of Proceedings</i>) filed by Thomas E Perez, United States of America with Brief/Memorandum in Support. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Certificate of Conference, # <u>3</u> Certificate of Service) (Luh-DOJ, James) (Entered: 04/24/2015)
04/27/2015	<u>39</u>	ORDER: Before the Court is Defendants' Unopposed Motion for Partial Stay of Proceedings (ECF No. <u>38</u>), filed April 24, 2015. Having considered the motion, the Court finds that it should be and is hereby GRANTED. Accordingly, it is ORDERED that all proceedings in this matter, other than those related to the preliminary injunction entered March 26, 2015, are hereby stayed pending a ruling by the United States Supreme Court in Obergefell v. Hodges, Nos. 14-556, 14-562, 14-571, 14-574 (U.S.). Defendants' response to Plaintiffs' complaint will be due 30 days after the Supreme Court's decision in that case is entered. The briefing concerning the March 26, 2015 preliminary injunction will proceed according to the schedule set forth in this Court's April 24, 2015 Order (ECF No. <u>34</u>). (Ordered by Judge Reed C O'Connor on 4/27/2015) (plp) (Entered: 04/27/2015)
04/27/2015	<u>40</u>	MOTION to Vacate (<i>Defendants' Motion to Dissolve Preliminary Injunction</i>) filed by Thomas E Perez, United States of America with Brief/Memorandum in Support. (Attachments: # <u>1</u> Exhibit(s) 1, # <u>2</u> Proposed Order, # <u>3</u> Certificate of Conference, # <u>4</u> Certificate of Service) (Luh-DOJ, James) (Entered: 04/27/2015)
05/14/2015	<u>41</u>	RESPONSE filed by State of Arkansas, State of Georgia, State of Louisiana, State of Nebraska, State of Texas re: <u>40</u> MOTION to Vacate (<i>Defendants' Motion to Dissolve Preliminary Injunction</i>) (Deane, William) (Entered: 05/14/2015)
05/28/2015	<u>42</u>	REPLY filed by Thomas E Perez, United States of America re: <u>40</u> MOTION to Vacate (<i>Defendants' Motion to Dissolve Preliminary Injunction</i>) (Attachments: # <u>1</u> Certificate of Service) (Luh-DOJ, James) (Entered: 05/28/2015)
06/11/2015	<u>43</u>	REPLY filed by State of Arkansas, State of Georgia, State of Louisiana, State of Nebraska, State of Texas re: <u>40</u> MOTION to Vacate (<i>Defendants' Motion to Dissolve Preliminary Injunction</i>) (Deane, William) (Entered: 06/11/2015)
06/25/2015	<u>44</u>	NOTICE of Recent Action by the Texas Supreme Court re: <u>40</u> MOTION to Vacate (<i>Defendants' Motion to Dissolve Preliminary Injunction</i>) filed by Thomas E Perez, United States of America (Attachments: # <u>1</u> State v. Naylor, No. 11-0114 (Tex. June 19, 2015), # <u>2</u> Certificate of Service) (Luh-DOJ, James) (Entered: 06/25/2015)
06/26/2015	<u>45</u>	ORDER: Therefore, the Court finds that Defendants Motion to Dissolve Preliminary Injunction (ECF No. 40) is hereby GRANTED. Accordingly, it is ORDERED that the preliminary injunction, issued on March 26, 2015, is hereby DISSOLVED. It is FURTHER ORDERED that the stay of this case is lifted, and in accordance with this Courts April 27, 2015 Order, Defendants response to Plaintiffs live pleading must be filed on or before July 26, 2015. (Ordered by Judge Reed C O'Connor on 6/26/2015) (trt) (Entered: 06/26/2015)
07/17/2015	<u>46</u>	NOTICE of Dismissal filed by State of Arkansas, State of Georgia, State of Louisiana, State of Nebraska, State of Texas (Deane, William) (Entered: 07/17/2015)
07/17/2015		Civil Case Terminated per <u>46</u> Notice of Voluntary Dismissal. (trt) (Entered: 07/20/2015)
08/04/2015	<u>47</u>	MOTION to Vacate <u>18</u> Memorandum Opinion and Order,, (<i>Defendants' Motion to Vacate March 26, 2015, Opinion</i>) filed by Thomas E Perez, United States of America with Brief/Memorandum in Support. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Certificate of Conference, # <u>3</u> Certificate of Service) (Luh-DOJ, James) (Entered: 08/04/2015)
08/25/2015	<u>48</u>	RESPONSE filed by State of Arkansas, State of Georgia, State of Louisiana, State of Nebraska, State of Texas re: <u>47</u> MOTION to Vacate <u>18</u> Memorandum Opinion and Order,, (<i>Defendants' Motion to Vacate March 26, 2015, Opinion</i>) (Deane, William) (Entered: 08/25/2015)
09/08/2015	<u>49</u>	REPLY filed by Thomas E Perez, United States of America re: <u>5</u> Application for Admission Pro Hac Vice with Certificate of Good Standing (Filing fee \$25; Receipt

		number 0539-6670319), <u>47</u> MOTION to Vacate <u>18</u> Memorandum Opinion and Order., (<i>Defendants' Motion to Vacate March 26, 2015, Opinion</i>) (Attachments: # <u>1</u> Certificate of Service) (Luh-DOJ, James) (Entered: 09/08/2015)
02/02/2016	<u>50</u>	ORDER: Before the Court are Defendants' Motion to Vacate Memorandum Opinion Preliminary Statement (ECF No. <u>47</u>), filed August 4, 2015; Plaintiffs' Response (ECF No. <u>48</u>), filed August 25, 2015; and Defendants' Reply (ECF No. <u>49</u>), filed September 8, 2015. Having reviewed the Motion, related briefing, and applicable law, the Court finds that Defendants' Motion to Vacate should beand is hereby DENIED. (Ordered by Judge Reed C O'Connor on 2/2/2016) (plp) (Entered: 02/02/2016)