

CLOSED

**U.S. District Court
Eastern District of Virginia – (Norfolk)
CIVIL DOCKET FOR CASE #: 2:13-cv-00395-AWA-LRL**

Bostic et al v. McDonnell et al
Assigned to: District Judge Arenda L. Wright Allen
Referred to: Magistrate Judge Lawrence R. Leonard
Case in other court: 4CCA – Case Manager RJ Warren,
14-01167
4CCA – Case Manager RJ Warren,
14-01169

Date Filed: 07/18/2013
Date Terminated: 02/24/2014
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Cause: 42:1983 Violation of Due Process and Equal Protection

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Date Filed	#	Docket Text
07/18/2013	<u>1</u>	COMPLAINT for Declaratory, Injunctive and Other Relief against Kenneth T. Cuccinelli, Robert F. McDonnell, George E. Schaefer, III (Filing fee \$ 400.00, receipt number 24683020217.), filed by Timothy B. Bostic, Tony C. London. (Attachments: #

		<u>1</u> Civil Cover Sheet, # <u>2</u> Receipt, # <u>3</u> Letter)(rsim,) (Additional attachment(s) added on 1/10/2014: # <u>4</u> Civil Cover Sheet) (afar,). (Entered: 07/22/2013)
07/22/2013	<u>2</u>	Three Summonses (with one copy each) issued as to Kenneth T. Cuccinelli, Robert F. McDonnell, George E. Schaefer, III and provided to counsel for service. (Attachments: # <u>1</u> Magistrate Judge Notice & Judge's Instructions)(rsim,) (Entered: 07/22/2013)
07/24/2013		Case reassigned to District Judge Arenda L. Wright Allen. Chief District Judge Rebecca Beach Smith no longer assigned to the case. (rsim,) (Entered: 07/24/2013)
07/26/2013	<u>3</u>	NOTICE of Appearance by Thomas Brady Shuttleworth, II on behalf of Timothy B. Bostic, Tony C. London (Shuttleworth, Thomas) (Entered: 07/26/2013)
07/26/2013	<u>4</u>	NOTICE of Appearance by Charles Barnet Lustig on behalf of Timothy B. Bostic, Tony C. London (Lustig, Charles) (Entered: 07/26/2013)
08/05/2013	<u>5</u>	SUMMONS Returned Executed Kenneth T. Cuccinelli served on 7/29/2013; as to Robert F. McDonnell served on 7/29/2013 (rsim,) (Entered: 08/06/2013)
08/06/2013	<u>6</u>	SUMMONS Returned Executed as to George E. Schaefer, III served on 7/29/2013 (rsim,) (Entered: 08/06/2013)
08/09/2013	<u>7</u>	MOTION to Dismiss <i>on Sovereign Immunity Grounds</i> by Kenneth T. Cuccinelli, Robert F. McDonnell. (Getchell, Earle) Modified on 9/20/2013 to terminate motion (rsim,). (Entered: 08/09/2013)
08/09/2013	<u>8</u>	Memorandum in Support re <u>7</u> MOTION to Dismiss <i>on Sovereign Immunity Grounds</i> filed by Kenneth T. Cuccinelli, Robert F. McDonnell. (Getchell, Earle) (Entered: 08/09/2013)
08/09/2013	<u>9</u>	MOTION to Intervene by Commonwealth Of Va.. (Getchell, Earle) Modified on 9/20/2013 to terminate motion (rsim,). (Entered: 08/09/2013)
08/09/2013	<u>10</u>	Memorandum in Support re <u>9</u> MOTION to Intervene filed by Commonwealth Of Va.. (Getchell, Earle) (Entered: 08/09/2013)
08/16/2013	<u>11</u>	NOTICE of Appearance by David Brandt Oakley on behalf of George E. Schaefer, III (Oakley, David) (Entered: 08/16/2013)
08/16/2013	<u>12</u>	MOTION for Extension of Time to File Responsive Pleadings and Entry of Consent Order by George E. Schaefer, III. (Attachments: # <u>1</u> Exhibit A-Consent Order)(Oakley, David) (Entered: 08/16/2013)
08/16/2013	<u>13</u>	Memorandum in Support re <u>12</u> MOTION for Extension of Time to File Responsive Pleadings and Entry of Consent Order filed by George E. Schaefer, III. (Attachments: # <u>1</u> Exhibit A-Consent Order)(Oakley, David) (Entered: 08/16/2013)
08/22/2013	<u>14</u>	MOTION Staying Briefing on Motion to Dismiss and Motion to Intervene and Setting Other Deadlines by Timothy B. Bostic, Tony C. London. (Attachments: # <u>1</u> Exhibit Consent Order)(Lustig, Charles) (Entered: 08/22/2013)
08/22/2013	<u>15</u>	Memorandum in Support re <u>14</u> MOTION Staying Briefing on Motion to Dismiss and Motion to Intervene and Setting Other Deadlines filed by Timothy B. Bostic, Tony C. London. (Lustig, Charles) (Entered: 08/22/2013)
08/30/2013	<u>16</u>	ORDER granting <u>12</u> , the unopposed Motion for an Extension of Time as follows: Defendant George E. Schaefer, III is granted leave and an extension of time to file responsive pleadings upon the earlier of either October 21, 2013, or twenty-one (21) days after the filing of an Amended Complaint by the Plaintiffs Signed by District Judge Arenda L. Wright Allen on 08/30/2013. (Allen, Arenda) (Entered: 08/30/2013)
08/30/2013	<u>17</u>	Plaintiffs' unopposed Motion for Entry of a Consent Order to Suspend Briefing on Motion to Dismiss and Motion to Intervene, and To Set Deadlines for Filing Amended Complaint and For Filing Cross-Motions for Summary Judgment (ECF 14) is GRANTED AS FOLLOWS: (1) briefing on the Motion to Dismiss filed by Defendants McDonnell and Cuccinelli, and on the Motion to Intervene filed by the Commonwealth of Virginia, is suspended indefinitely pending filing of an Amended Complaint; (2) Plaintiffs shall file an Amended Complaint by September 3, 2013 and Defendants shall have twenty-one days to respond or otherwise answer; and (3) the

		parties agree that they shall file cross-motions for summary judgment and supporting materials by September 30, 2013. Memoranda in support of these motions shall not exceed thirty-five pages. Responses to the cross-motions shall be filed by October 24, 2013, and shall not exceed twenty pages. Reply briefs shall be filed by October 31, 2013, and shall not exceed eleven pages. Oral argument will be set by the Court if deemed necessary. Signed by District Judge Arenda L. Wright Allen on 08/30/2013. (Allen, Arenda) (Entered: 08/30/2013)
09/03/2013	<u>18</u>	AMENDED COMPLAINT against All Defendants, filed by Timothy B. Bostic, Tony C. London.(Lustig, Charles) (Entered: 09/03/2013)
09/05/2013	<u>19</u>	NOTICE of Voluntary Dismissal of <i>Defendants McDonnell and Cuccinelli</i> by Timothy B. Bostic, Tony C. London (Lustig, Charles) (Entered: 09/05/2013)
09/06/2013	<u>20</u>	MOTION to Dismiss As <i>Moot Motion to Dismiss and Motion to Intervene</i> by Commonwealth Of Va., Kenneth T. Cuccinelli, Robert F. McDonnell. (Getchell, Earle) (Entered: 09/06/2013)
09/16/2013	<u>21</u>	ANSWER to Amended Complaint by Janet M Rainey.(Getchell, Earle) (Entered: 09/16/2013)
09/19/2013	<u>22</u>	ORDER granting <u>20</u> as follows: the MOTION to Dismiss As Moot the Motion to Dismiss <u>7</u> and the Motion to Intervene by Commonwealth Of Virginia <u>9</u> , is granted in part. The motions [7 & 9] have been rendered moot by subsequent filings, but counsel are reminded that the proper means for updating the Docket is to file a Notice of Withdrawal of the motions. Defendants' motion to dismiss as moot <u>20</u> is construed liberally as this Notice of Withdrawal, and is granted as such. Counsel are advised to refrain from superfluous filings and to seek guidance from the Clerk of the Court when necessary to ensure compliance with Local Rules and federal rules of procedure. Signed by District Judge Arenda L. Wright Allen on 09/19/2013. (Allen, Arenda) (Entered: 09/19/2013)
09/20/2013	<u>23</u>	ANSWER to Amended Complaint and <i>Affirmative Defenses</i> by George E. Schaefer, III.(Oakley, David) (Entered: 09/20/2013)
09/25/2013	<u>24</u>	NOTICE of Appearance by Erik C. Porcaro on behalf of Timothy B. Bostic, Tony C. London (Porcaro, Erik) (Entered: 09/25/2013)
09/30/2013	<u>25</u>	MOTION for Summary Judgment <i>Or, In The Alternative, Preliminary Injunction</i> by Timothy B. Bostic, Tony C. London, Carol Schall, Mary Townley. (Lustig, Charles) (Entered: 09/30/2013)
09/30/2013	<u>26</u>	Memorandum in Support re <u>25</u> MOTION for Summary Judgment <i>Or, In The Alternative, 27 Motion for Preliminary Injunction</i> filed by Timothy B. Bostic, Tony C. London, Carol Schall, Mary Townley. (Attachments: # <u>1</u> Affidavit Declaration of Timothy Bostic, # <u>2</u> Affidavit Declaration of Tony London, # <u>3</u> Affidavit Declaration of Carol Schall, # <u>4</u> Affidavit Declaration of Mary Townley, # <u>5</u> Affidavit Declaration of Charles Lustig, # <u>6</u> Exhibit A, # <u>7</u> Exhibit B, # <u>8</u> Exhibit C, # <u>9</u> Exhibit D, # <u>10</u> Exhibit E, # <u>11</u> Exhibit F, # <u>12</u> Exhibit G, # <u>13</u> Exhibit H, # <u>14</u> Exhibit I, # <u>15</u> Exhibit J, # <u>16</u> Exhibit K, # <u>17</u> Exhibit L, # <u>18</u> Exhibit M, # <u>19</u> Exhibit N)(Lustig, Charles) Modified on 10/1/2013 to add link to second motion (rsim,). (Entered: 09/30/2013)
09/30/2013		Notice of Correction re <u>25</u> MOTION for Summary Judgment <i>Or, In The Alternative, Preliminary Injunction</i> : The filing user has been notified to file this document separately for each motion relief. (rsim,) (Entered: 09/30/2013)
09/30/2013	<u>27</u>	MOTION for Preliminary Injunction by Timothy B. Bostic, Tony C. London, Carol Schall, Mary Townley. (Lustig, Charles) (Entered: 09/30/2013)
09/30/2013	<u>28</u>	Motion to appear Pro Hac Vice by Theodore B. Olson and Certification of Local Counsel Charles B. Lustig Filing fee \$ 75, receipt number 0422-3687870. by Timothy B. Bostic, Tony C. London, Carol Schall, Mary Townley. (Lustig, Charles) (Entered: 09/30/2013)
09/30/2013	<u>29</u>	Motion to appear Pro Hac Vice by David Boies and Certification of Local Counsel Charles B. Lustig Filing fee \$ 75, receipt number 0422-3687940. by Timothy B. Bostic, Tony C. London, Carol Schall, Mary Townley. (Lustig, Charles) (Entered: 09/30/2013)

09/30/2013	<u>30</u>	Request for Hearing by Timothy B. Bostic, Tony C. London, Carol Schall, Mary Townley re <u>25</u> MOTION for Summary Judgment <i>Or, In The Alternative, Preliminary Injunction</i> , <u>26</u> Memorandum in Support,, <u>27</u> MOTION for Preliminary Injunction (Lustig, Charles) (Entered: 09/30/2013)
09/30/2013	<u>31</u>	Motion to appear Pro Hac Vice by Matthew D. McGill and Certification of Local Counsel Charles B. Lustig Filing fee \$ 75, receipt number 0422-3688128. by Timothy B. Bostic, Tony C. London, Carol Schall, Mary Townley. (Lustig, Charles) (Entered: 09/30/2013)
09/30/2013	<u>32</u>	Motion to appear Pro Hac Vice by Amir C. Teyrani and Certification of Local Counsel Charles B. Lustig Filing fee \$ 75, receipt number 0422-3688179. by Timothy B. Bostic, Tony C. London, Carol Schall, Mary Townley. (Lustig, Charles) (Entered: 09/30/2013)
09/30/2013	<u>33</u>	Motion to appear Pro Hac Vice by Joshua S. Lipshutz and Certification of Local Counsel Charles B. Lustig Filing fee \$ 75, receipt number 0422-3688186. by Timothy B. Bostic, Tony C. London, Carol Schall, Mary Townley. (Lustig, Charles) (Entered: 09/30/2013)
09/30/2013	<u>34</u>	Motion to appear Pro Hac Vice by Chantale Fiebig and Certification of Local Counsel Charles B. Lustig Filing fee \$ 75, receipt number 0422-3688193. by Timothy B. Bostic, Tony C. London, Carol Schall, Mary Townley. (Lustig, Charles) (Entered: 09/30/2013)
09/30/2013	<u>35</u>	Motion to appear Pro Hac Vice by William Isaacson and Certification of Local Counsel Charles B. Lustig Filing fee \$ 75, receipt number 0422-3688205. by Timothy B. Bostic, Tony C. London, Carol Schall, Mary Townley. (Lustig, Charles) (Entered: 09/30/2013)
09/30/2013	<u>36</u>	Motion to appear Pro Hac Vice by Jeremy M. Goldman and Certification of Local Counsel Charles B. Lustig Filing fee \$ 75, receipt number 0422-3688211. by Timothy B. Bostic, Tony C. London, Carol Schall, Mary Townley. (Lustig, Charles) (Entered: 09/30/2013)
09/30/2013	<u>37</u>	Motion to appear Pro Hac Vice by Joshua I. Schiller and Certification of Local Counsel Charles B. Lustig Filing fee \$ 75, receipt number 0422-3688217. by Timothy B. Bostic, Tony C. London, Carol Schall, Mary Townley. (Lustig, Charles) (Entered: 09/30/2013)
09/30/2013	<u>38</u>	MOTION for Summary Judgment by Janet M Rainey. (Getchell, Earle) (Entered: 09/30/2013)
09/30/2013	<u>39</u>	Memorandum in Support re <u>38</u> MOTION for Summary Judgment filed by Janet M Rainey. (Attachments: # <u>1</u> Attachment)(Getchell, Earle) (Entered: 09/30/2013)
09/30/2013	<u>40</u>	MOTION for Summary Judgment by George E. Schaefer, III. (Oakley, David) (Entered: 09/30/2013)
09/30/2013	<u>41</u>	Memorandum in Support re <u>40</u> MOTION for Summary Judgment filed by George E. Schaefer, III. (Oakley, David) (Entered: 09/30/2013)
09/30/2013	<u>42</u>	Motion to appear Pro Hac Vice by Theodore J. Boutrous, Jr. and Certification of Local Counsel Charles B. Lustig Filing fee \$ 75, receipt number 0422-3689051. by Timothy B. Bostic, Tony C. London, Carol Schall, Mary Townley. (Lustig, Charles) (Entered: 09/30/2013)
09/30/2013	<u>43</u>	Motion to appear Pro Hac Vice by Robert B. Silver and Certification of Local Counsel Charles B. Lustig Filing fee \$ 75, receipt number 0422-3689076. by Timothy B. Bostic, Tony C. London, Carol Schall, Mary Townley. (Lustig, Charles) (Entered: 09/30/2013)
10/01/2013		Notice of Correction re <u>39</u> Memorandum in Support: when you filed document number (39), you exceeded the court page limit for a brief. Please refile the document. (rsim,) (Entered: 10/01/2013)
10/01/2013	<u>44</u>	Memorandum in Support re <u>38</u> MOTION for Summary Judgment filed by Janet M Rainey. (Attachments: # <u>1</u> Table of Contents, Table of Authorities, # <u>2</u> Attachment)(Getchell, Earle) (Entered: 10/01/2013)

10/11/2013	45	ORDER granting <u>28</u> , the Motion to appear Pro Hac Vice by Theodore B. Olson as certified by local counsel Charles B. Lustig for Plaintiff. Signed by District Judge Arenda L. Wright Allen on 10/11/13. (Allen, Arenda) (Entered: 10/11/2013)
10/11/2013	46	ORDER granting <u>29</u> , the Motion to appear Pro Hac Vice by David Boies as certified by local counsel Charles B. Lustig for Plaintiff. Signed by District Judge Arenda L. Wright Allen on 10/11/13. (Allen, Arenda) (Entered: 10/11/2013)
10/11/2013	47	ORDER granting <u>31</u> , the Motion to appear Pro Hac Vice by Matthew D. McGill as certified by local counsel Charles B. Lustig for Plaintiff. Signed by District Judge Arenda L. Wright Allen on 10/11/13. (Allen, Arenda) (Entered: 10/11/2013)
10/11/2013	48	ORDER granting <u>32</u> , the Motion to appear Pro Hac Vice by Amir C. Tayrani as certified by local counsel Charles B. Lustig for Plaintiff. Signed by District Judge Arenda L. Wright Allen on 10/11/13. (Allen, Arenda) (Entered: 10/11/2013)
10/11/2013	49	ORDER granting <u>33</u> , the Motion to appear Pro Hac Vice by Joshua S. Lipshutz as certified by local counsel Charles B. Lustig. Signed by District Judge Arenda L. Wright Allen on 10/11/13. (Allen, Arenda) (Entered: 10/11/2013)
10/11/2013	50	ORDER granting <u>34</u> , the Motion to appear Pro Hac Vice by Chantale Fiebig as certified by local counsel Charles B. Lustig for Plaintiff. Signed by District Judge Arenda L. Wright Allen on 10/11/13. (Allen, Arenda) (Entered: 10/11/2013)
10/11/2013	51	ORDER granting <u>35</u> , the Motion to appear Pro Hac Vice by William Isaacson as certified by local counsel Charles B. Lustig for Plaintiff. Signed by District Judge Arenda L. Wright Allen on 10/11/13. (Allen, Arenda) (Entered: 10/11/2013)
10/11/2013	52	ORDER granting <u>36</u> , the Motion to appear Pro Hac Vice by Jeremy M. Goldman as certified by local counsel Charles B. Lustig for Plaintiff. Signed by District Judge Arenda L. Wright Allen on 10/11/13. (Allen, Arenda) (Entered: 10/11/2013)
10/11/2013	53	ORDER granting <u>37</u> , the Motion to appear Pro Hac Vice by Joshua I. Schiller as certified by local counsel Charles B. Lustig for Plaintiff. Signed by District Judge Arenda L. Wright Allen on 10/11/13. (Allen, Arenda) (Entered: 10/11/2013)
10/11/2013	54	ORDER granting <u>42</u> , Motion to appear Pro Hac Vice by Theodore J. Boutrous, Jr., as certified by local counsel Charles B. Lustig for Plaintiff. Signed by District Judge Arenda L. Wright Allen on 10/11/13. (Allen, Arenda) (Entered: 10/11/2013)
10/11/2013	55	ORDER granting <u>43</u> , the Motion to appear Pro Hac Vice by Robert B. Silver as certified by local counsel Charles B. Lustig for Plaintiff. Signed by District Judge Arenda L. Wright Allen on 10/11/13. (Allen, Arenda) (Entered: 10/11/2013)
10/14/2013	<u>56</u>	NOTICE of Appearance by Andrew Mitchell Hendrick on behalf of Timothy B. Bostic, Tony C. London, Carol Schall, Mary Townley (Hendrick, Andrew) (Entered: 10/14/2013)
10/24/2013	<u>57</u>	Memorandum in Opposition re <u>25</u> MOTION for Summary Judgment <i>Or, In The Alternative, Preliminary Injunction</i> filed by Janet M. Rainey. (Getchell, Earle) (Entered: 10/24/2013)
10/24/2013	<u>58</u>	RESPONSE in Opposition re <u>25</u> MOTION for Summary Judgment <i>Or, In The Alternative, Preliminary Injunction</i> , <u>27</u> MOTION for Preliminary Injunction filed by George E. Schaefer, III(in his official capacity as the Clerk of Court for Norfolk Circuit Court). (Oakley, David) (Entered: 10/24/2013)
10/24/2013	<u>59</u>	Memorandum in Opposition re <u>40</u> MOTION for Summary Judgment , <u>38</u> MOTION for Summary Judgment filed by Timothy B. Bostic, Tony C. London, Carol Schall, Mary Townley. (Lustig, Charles) (Entered: 10/24/2013)
10/28/2013		Notice of Correction re <u>59</u> Memorandum in Opposition: Attorney notified that leave of court may be needed to file the <u>59</u> Memorandum in Opposition re <u>40</u> MOTION for Summary judgment. Pursuant to Order entered on 8/30/2013 you have exceeded the page limit for a response brief. The proposed document should not have exceeded 20 pages. Please refile document 59; if necessary refile as an attachment to your motion. (rsim,) (Entered: 10/28/2013)

10/28/2013	<u>60</u>	Memorandum in Opposition re <u>40</u> MOTION for Summary Judgment , <u>38</u> MOTION for Summary Judgment filed by Timothy B. Bostic, Tony C. London, Carol Schall, Mary Townley. (Attachments: # <u>1</u> Table of Contents, Table of Authorities)(Lustig, Charles) (Entered: 10/28/2013)
10/28/2013	<u>61</u>	NOTICE of Appearance by Mark Randolph Matney on behalf of The Family Foundation of Virginia (Matney, Mark) (Entered: 10/28/2013)
10/28/2013	<u>62</u>	MOTION for Leave to File by The Family Foundation of Virginia. (Attachments: # <u>1</u> Exhibit Amicus Curiae Brief, # <u>2</u> Proposed Order)(Matney, Mark) (Entered: 10/28/2013)
10/29/2013	<u>63</u>	NOTICE of Appearance by Norman Allan Thomas on behalf of Janet M. Rainey (Thomas, Norman) (Entered: 10/29/2013)
10/29/2013	<u>64</u>	MOTION for Leave to File <i>Brief of Amici Curiae Professors in Support of Defendants' Motions for Summary Judgment</i> by Lynn D. Wardle, William C. Duncan, Joseph P. Price, Robert A. Destro, Lynne Marie Kohm. (Attachments: # <u>1</u> [Proposed] Brief, # <u>2</u> Proposed Order)(Mattox, Michael) (Entered: 10/29/2013)
10/31/2013	<u>65</u>	REPLY to Response to Motion re <u>38</u> MOTION for Summary Judgment filed by Janet M. Rainey. (Getchell, Earle) (Entered: 10/31/2013)
10/31/2013	<u>66</u>	REPLY to Response to Motion re <u>25</u> MOTION for Summary Judgment <i>Or, In The Alternative, Preliminary Injunction</i> , <u>27</u> MOTION for Preliminary Injunction filed by Timothy B. Bostic, Tony C. London, Carol Schall, Mary Townley. (Attachments: # <u>1</u> Table of Contents, Table of Authorities)(Lustig, Charles) (Entered: 10/31/2013)
11/01/2013	<u>67</u>	Financial Interest Disclosure Statement (Local Rule 7.1) by The Family Foundation of Virginia. (Matney, Mark) (Entered: 11/01/2013)
11/12/2013		MOTION REFERRED to Magistrate Judge Lawrence R. Leonard. <u>62</u> MOTION for Leave to File (rsim,) (Entered: 11/12/2013)
11/13/2013	<u>68</u>	NOTICE by Robert A. Destro, William C. Duncan, Lynne Marie Kohm, Joseph P. Price, Lynn D. Wardle re <u>64</u> MOTION for Leave to File <i>Brief of Amici Curiae Professors in Support of Defendants' Motions for Summary Judgment (Certificate of Conference)</i> (Mattox, Michael) (Entered: 11/13/2013)
11/17/2013	<u>69</u>	NOTICE by The Family Foundation of Virginia re <u>62</u> MOTION for Leave to File (Matney, Mark) (Entered: 11/17/2013)
11/20/2013		MOTION REFERRED to Magistrate Judge Lawrence R. Leonard. <u>64</u> MOTION for Leave to File <i>Brief of Amici Curiae Professors in Support of Defendants' Motions for Summary Judgment</i> (rsim,) (Entered: 11/20/2013)
12/03/2013	70	ORDER granting <u>62</u> as follows: the proposed Amicus Curiae brief (ECF No. 62-1) by The Family Foundation of Virginia in support of Defendants' Motion for Summary Judgment is accepted and deemed filed. Signed by District Judge Arenda L. Wright Allen on 12/03/2013. (Allen, Arenda) (Entered: 12/03/2013)
12/03/2013	71	ORDER granting <u>64</u> , the Motion for Leave to File Brief of Amici Curiae Professors in Support of Defendants' Motions for Summary Judgment, as follows: the proposed Amici Curiae brief (ECF No. 64-1) by Lynn D. Wardle, William C. Duncan, Joseph P. Price, Robert A. Destro, and Lynne Marie Kohm is accepted and deemed filed. Signed by District Judge Arenda L. Wright Allen on 12/03/2013. (Allen, Arenda) (Entered: 12/03/2013)
12/20/2013	<u>72</u>	MOTION to Intervene by Michele McQuigg. (Attachments: # <u>1</u> Declaration of Michele B. McQuigg in Support of Motion to Intervene, # <u>2</u> Proposed Answer and Affirmative Defenses of Intervenor-Defendant Michele B. McQuigg, # <u>3</u> Proposed Intervenor's Motion for Summary Judgment and Response in Opposition to Plaintiffs' Motion for Summary Judgment, # <u>4</u> Request for Hearing, # <u>5</u> Application to Qualify as a Foreign Attorney - Byron J. Babione, # <u>6</u> Application to Qualify as a Foreign Attorney - Kenneth J. Connelly)(Mattox, Michael) Modified on 1/17/2014 to remove Attachment 3, see Order of 1/17.14 (rsim,). (Entered: 12/20/2013)
12/20/2013	<u>73</u>	Memorandum in Support re <u>72</u> MOTION to Intervene filed by Michele McQuigg. (Mattox, Michael) (Entered: 12/20/2013)

12/23/2013		Motions Hearing set for 1/30/2014 at 09:00 AM in Norfolk Courtroom 3 before District Judge Arenda L. Wright Allen. (lhow) (Entered: 12/23/2013)
12/30/2013	<u>74</u>	NOTICE by Commonwealth Of Va., Janet M. Rainey (<i>Withdrawal</i>) (Getchell, Earle) (Entered: 12/30/2013)
01/03/2014	75	MOTION to Intervene by Michele McQuigg (ECF No. 72) is taken under advisement. All briefs in opposition to this motion must be filed no later than January 7, 2014. A Reply brief from Michael Mattox, counsel for the proposed Intervenor shall be filed by January 10, 2014. Shortly after that date, all counsel of record will be notified as to whether oral argument on the motion to intervene will be heard on January 30 2014. If Mr. Mattox, as counsel for the proposed Intervenor, wishes for other counsel to "qualify as a foreign attorney" in this matter, he must comply with Local Rule 83.1 and the online instructions provided by the Clerk of the Court. Other attorneys who are not licensed to practice in this District must first associate with local counsel and comply with the Court's Local Rules before they may appear, file, or otherwise participate as counsel in this action. Signed by District Judge Arenda L. Wright Allen on 01/03/2014. (Allen, Arenda) (Entered: 01/03/2014)
01/06/2014	<u>76</u>	NOTICE of Appearance by Jordan Woodard Lorence on behalf of Michele McQuigg (Lorence, Jordan) (Entered: 01/06/2014)
01/06/2014	<u>77</u>	Motion to appear Pro Hac Vice by Byron J. Babione and Certification of Local Counsel M. Casey Mattox Filing fee \$ 75, receipt number 0422-3802221. by Michele McQuigg. (Mattox, Michael) (Entered: 01/06/2014)
01/06/2014	<u>78</u>	Motion to appear Pro Hac Vice by Kenneth J. Connelly and Certification of Local Counsel M. Casey Mattox Filing fee \$ 75, receipt number 0422-3802271. by Michele McQuigg. (Mattox, Michael) (Entered: 01/06/2014)
01/06/2014	<u>79</u>	NOTICE of Appearance by Michael Hugh Brady on behalf of Janet M. Rainey (Brady, Michael) (Entered: 01/06/2014)
01/06/2014	<u>80</u>	Notice of Substitution of Counsel of Earle Duncan Getchell, Jr. by Michael Hugh Brady on behalf of Janet M. Rainey (Brady, Michael) (Entered: 01/06/2014)
01/06/2014	<u>81</u>	NOTICE by Janet M. Rainey re <u>72</u> MOTION to Intervene (<i>Consent to Intervention</i>) (Brady, Michael) (Entered: 01/06/2014)
01/06/2014	<u>82</u>	NOTICE of Appearance by Jonathan Caleb Dalton on behalf of Michele McQuigg (Dalton, Jonathan) (Entered: 01/06/2014)
01/07/2014	83	NOTICE of Appearance by Catherine Crooks Hill on behalf of Janet M. Rainey (Hill, Catherine) Modified – document deleted as it was not PDF'd correctly on 1/8/2014 (afar). (Entered: 01/07/2014)
01/07/2014	<u>84</u>	RESPONSE to Motion re <u>72</u> MOTION to Intervene filed by Timothy B. Bostic, Tony C. London, Carol Schall, Mary Townley. (Lustig, Charles) (Entered: 01/07/2014)
01/08/2014		Notice of Correction re 83 Notice of Appearance – The filing user has been notified that document [83] is an incorrectly saved PDF fillable form and has been removed. The filing user was directed to refile the document.(afar) (Entered: 01/08/2014)
01/08/2014	<u>85</u>	NOTICE of Appearance by Catherine Crooks Hill on behalf of Janet M. Rainey (Hill, Catherine) (Entered: 01/08/2014)
01/10/2014	86	ORDER granting <u>78</u> the Motion to appear Pro Hac Vice by Kenneth J. Connelly as certified by Local Counsel M. Casey Mattox. Signed by District Judge Arenda L. Wright Allen on 01/10/2014. (Allen, Arenda) (Entered: 01/10/2014)
01/10/2014	87	ORDER granting <u>77</u> the Motion to appear Pro Hac Vice by Byron J. Babione as certified by Local Counsel M. Casey Mattox. Signed by District Judge Arenda L. Wright Allen on 01/10/2014. (Allen, Arenda) (Entered: 01/10/2014)
01/10/2014	<u>88</u>	REPLY to Response to Motion re <u>72</u> MOTION to Intervene filed by Michele McQuigg. (Mattox, Michael) (Entered: 01/10/2014)
01/14/2014	<u>89</u>	NOTICE of Appearance by Stuart Alan Raphael on behalf of Janet M. Rainey (Raphael, Stuart) (Entered: 01/14/2014)

01/15/2014	<u>90</u>	NOTICE by Janet M. Rainey [<i>of Withdrawal of Counsel</i>] (Thomas, Norman) (Entered: 01/15/2014)
01/16/2014		Notice of Correction re <u>90</u> NOTICE: Counsel must file a motion to withdraw from a case. Please file a Motion to Withdraw as counsel. (rsim,) (Entered: 01/16/2014)
01/17/2014	<u>91</u>	ORDER granting in part <u>72</u> Motion to Intervene. Signed by District Judge Arenda L. Wright Allen and filed on 1/17/2014. (rsim,) (Entered: 01/17/2014)
01/20/2014	<u>92</u>	ANSWER to Complaint by Michele McQuigg.(Mattox, Michael) (Entered: 01/20/2014)
01/21/2014	<u>93</u>	MOTION to Withdraw as Attorney by Janet M. Rainey. (Thomas, Norman) (Entered: 01/21/2014)
01/21/2014		Refer for 16(b) (rsim,) (Entered: 01/21/2014)
01/22/2014	<u>94</u>	Response to <u>91</u> Order on Motion to Intervene filed by Michele McQuigg. (Mattox, Michael) (Entered: 01/22/2014)
01/22/2014	<u>95</u>	NOTICE by Timothy B. Bostic, Tony C. London, Carol Schall, Mary Townley re <u>25</u> MOTION for Summary Judgment <i>Or, In The Alternative, Preliminary Injunction of Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit SmithKline v. Abbott (9th Cir. 2014))(Lustig, Charles) (Entered: 01/22/2014)
01/23/2014	<u>96</u>	NOTICE by Janet M. Rainey re <u>25</u> MOTION for Summary Judgment <i>Or, In The Alternative, Preliminary Injunction, Set Motion and R&R Deadlines/Hearings, 40</i> MOTION for Summary Judgment , <u>38</u> MOTION for Summary Judgment <i>of Change in Legal Position</i> (Attachments: # <u>1</u> Memorandum In Support, # <u>2</u> Table of Authorities)(Raphael, Stuart) (Entered: 01/23/2014)
01/23/2014	<u>97</u>	<i>Amended</i> ANSWER to Complaint [<i>Amended (18)</i>] by Janet M. Rainey.(Raphael, Stuart) (Entered: 01/23/2014)
01/23/2014	<u>98</u>	MOTION to Withdraw as Attorney by Janet M. Rainey. (Brady, Michael) (Entered: 01/23/2014)
01/23/2014	99	ORDER taking under advisement <u>25</u> , Plaintiffs' Motion for Summary Judgment. All pending motions for summary judgment are taken under advisement. In light of the compelling Notice from the Office of the Attorney General of Virginia indicating that the Attorney General has concluded that Virginia's laws denying the right to marry to same-sex couples violate the Fourteenth Amendment to the United States Constitution, counsel for the parties and the Intervenor are ordered to file Status Reports addressing:(1) whether oral argument on the issues presented remains warranted, or whether the Court should instead rule promptly on the briefs without a hearing; (2) if oral argument is desired by a party or Intervenor, the requested scope and duration of that party's argument (with the understanding that duplicative or cumulative arguments are strongly discouraged); and (3) whether, in light of the change of position by the Attorney General, any parties or other entities have grounds to present argument that the laws denying the right to marry to same-sex couples should be construed as constitutional. Additionally, the Intervenor and Defendant Schaefer, III, are ordered to each file supplemental briefing not to exceed five pages responding to the Virginia Attorney General's position that the laws at issue are unconstitutional. The Status Reports from the parties and the Intervenor are ordered to be filed no later than 3 PM Friday, January 24, 2014. The Court will determine whether the hearing scheduled for January 30, 2014 should be held and, if so, its scope and duration, upon receipt of these Reports. The supplemental briefing by the Intervenor and Defendant Schaefer, III shall be filed no later than noon on January 27, 2014. Signed by District Judge Arenda L. Wright Allen on 01/23/2014. (Allen, Arenda) (Entered: 01/23/2014)
01/23/2014		Notice of Correction re <u>97</u> Answer to Complaint: The Notice of Correction regarding this document was posted in error by the Clerk's Office and has been removed from the docket. (Entered: 01/23/2014)
01/23/2014	<u>100</u>	NOTICE of Appearance by Mary Elizabeth McAlister on behalf of Liberty Counsel, Inc (McAlister, Mary) (Entered: 01/23/2014)

01/23/2014	<u>101</u>	NOTICE of Appearance by Mary Elizabeth McAlister on behalf of Liberty Counsel, Inc (McAlister, Mary) (Entered: 01/23/2014)
01/23/2014	<u>102</u>	NOTICE of Appearance by Mary Elizabeth McAlister on behalf of Liberty Counsel, Inc (McAlister, Mary) (Entered: 01/23/2014)
01/23/2014	<u>103</u>	MOTION for Leave to File <i>Amicus Curiae Brief on behalf of Liberty Counsel</i> by Liberty Counsel, Inc. (Attachments: # <u>1</u> Proposed Order)(McAlister, Mary) (Entered: 01/23/2014)
01/23/2014	<u>104</u>	Motion to appear Pro Hac Vice by Mathew D Staver and Certification of Local Counsel Richard L Mast Filing fee \$ 75, receipt number 0422-3825988. by Liberty Counsel, Inc. (McAlister, Mary) (Entered: 01/23/2014)
01/24/2014		Notice of Correction re <u>102</u> Notice of Appearance, <u>101</u> Notice of Appearance: The signature blocks on the documents do not match the filing users logins. The filing user has been notified and has been asked to either refile the document or to have the attorney whose signature block appears on the documents refile the document. (rsim,) (Entered: 01/24/2014)
01/24/2014	<u>105</u>	STATUS REPORT by George E. Schaefer, III. (Oakley, David) (Entered: 01/24/2014)
01/24/2014	<u>106</u>	NOTICE of Appearance by Mary Elizabeth McAlister on behalf of Liberty Counsel, Inc (McAlister, Mary) (Entered: 01/24/2014)
01/24/2014	<u>107</u>	NOTICE of Appearance by Mary Elizabeth McAlister on behalf of Liberty Counsel, Inc (McAlister, Mary) (Entered: 01/24/2014)
01/24/2014	<u>108</u>	NOTICE of Appearance by Trevor Stephen Cox on behalf of Janet M. Rainey (Cox, Trevor) (Entered: 01/24/2014)
01/24/2014	<u>109</u>	STATUS REPORT by Michele McQuigg. (Mattox, Michael) (Entered: 01/24/2014)
01/24/2014		Notice of Correction re <u>104</u> Motion to appear Pro Hac Vice by Mathew D Staver: The signature block on the document does not match the filing users login. The filing user has been notified and has been asked to either refile the document or to have the attorney whose signature block appears on the document refile the document. Counsel is also advised that the court has a preferred filing method and provides a fillable form for Pro Hac Vice motions. The form can be found on the Court's website under attorney forms. Please call the clerk's office before re-filing for further instructions. (tlev,) (Entered: 01/24/2014)
01/24/2014	<u>110</u>	STATUS REPORT by Janet M. Rainey. (Raphael, Stuart) (Entered: 01/24/2014)
01/24/2014	<u>111</u>	STATUS REPORT by Timothy B. Bostic, Tony C. London, Carol Schall, Mary Townley. (Lustig, Charles) (Entered: 01/24/2014)
01/24/2014	112	ORDER denying <u>103</u> , the Motion for Leave to File an Amicus Curiae Brief on behalf of Liberty Counsel. The Motion is denied as untimely. The moving entity was advised on August 12, 2013 that the Office of the Virginia Attorney General did not then object to its filing an amicus brief. The entity did not seek permission to participate in this case until one week before oral argument on dispositive motions. The entity's failure to act for more than five months, and its failure to explain this delay, establish grounds for denying its request. Moreover, this entity failed to include a proposed brief with its motion, precluding any evaluation from the Court to determine whether the entity's arguments might be new or useful. Signed by District Judge Arenda L. Wright Allen on 01/24/2014. (Allen, Arenda) (Entered: 01/24/2014)
01/24/2014	<u>113</u>	Motion to appear Pro Hac Vice by David Austin Robert Nimocks and Certification of Local Counsel M. Casey Mattox Filing fee \$ 75, receipt number 0422-3827956. by Michele McQuigg. (Mattox, Michael) (Entered: 01/24/2014)
01/27/2014		Notice of Correction re <u>106</u> Notice of Appearance, <u>107</u> Notice of Appearance: The signature blocks on the documents do not match the filing users logins. The filing user has been notified and has been asked to have the attorney whose signature block appears on the documents refile the document. (rsim,) (Entered: 01/27/2014)
01/27/2014	<u>114</u>	Reply to <u>96</u> NOTICE, of Change in Legal Position filed by George E. Schaefer, III. (Oakley, David) (Entered: 01/27/2014)

01/27/2014	<u>115</u>	ORDER that Intervenor-Defendant Michele B. McQuigg's request is GRANTED, and by this Order, Intervenor is permitted to adopt the Motion (ECF No. 38) and briefing (ECF Nos. 44 and 65) as requested. Signed by District Judge Arenda L. Wright Allen and filed on 1/27/2014. (rsim,) (Entered: 01/27/2014)
01/27/2014	<u>116</u>	Response to <u>96</u> NOTICE, filed by Michele McQuigg. (Mattox, Michael) (Entered: 01/27/2014)
01/27/2014	<u>117</u>	ORDER taking <u>27</u> Plaintiffs' Motion for a Preliminary Injunction, and all motions for summary judgment, under advisement. Following review of the parties' status reports and the supplemental briefing now filed, the Court confirms that oral argument on the summary judgment motions and the motion for a preliminary injunction will be heard commencing at 9 AM on Thursday, January 30, 2014, in Courtroom Three. Counsel are advised that no Internet connections are permitted in the Courthouse. No electronic equipment is permitted in the Courthouse, unless prior written approval is requested by counsel for a party to the action, and approval is subsequently granted in writing by the Court. Written requests for equipment approval must be received no later than 3 PM Tuesday, January 28, 2014, and must include specific descriptions of the equipment for which approval is sought, and the purpose for which that equipment will be used during oral argument. NOTE --- the Court sets the following Order of Presentation for oral argument at the hearing: Counsel for Plaintiffs present opening argument for no more than twenty minutes; Counsel for Defendant Rainey present argument for no more than twenty minutes; Counsel for Defendant Schaefer, III, present argument for no more than thirty minutes; Counsel for Intervenor McQuigg present argument for no more than thirty minutes; Counsel for Amicus The Family Foundation of Virginia present argument for no more than thirty minutes; Counsel for Amici Professors in Support of Defendants' Motions for Summary Judgment present argument for no more than thirty minutes; Counsel for Plaintiffs present rebuttal for up to ten minutes; and Counsel for Defendant Rainey present rebuttal for up to ten minutes. Counsel are advised that duplicative or cumulative argument is strongly discouraged. The pending motions will be taken under further advisement at the close of the hearing. Signed by District Judge Arenda L. Wright Allen on 01/27/2014. (Allen, Arenda) (Entered: 01/27/2014)
01/27/2014	<u>118</u>	NOTICE by Robert A. Destro, William C. Duncan, Lynne Marie Kohm, Joseph P. Price, Lynn D. Wardle re 117 Order on Motion for Preliminary Injunction,,,,,, (Mattox, Michael) (Entered: 01/27/2014)
01/27/2014	<u>119</u>	NOTICE by Michele McQuigg re 117 Order on Motion for Preliminary Injunction,,,,,, <i>Presentment of Oral Argument</i> (Mattox, Michael) (Entered: 01/27/2014)
01/27/2014	<u>120</u>	NOTICE by Michele McQuigg re 117 Order on Motion for Preliminary Injunction,,,,,, <i>Request for Use of a Laptop Computer at Counsels' Table</i> (Mattox, Michael) (Entered: 01/27/2014)
01/27/2014	<u>121</u>	NOTICE by The Family Foundation of Virginia re 117 Order on Motion for Preliminary Injunction,,,,,, (Matney, Mark) (Entered: 01/27/2014)
01/28/2014	<u>122</u>	NOTICE by George E. Schaefer, III re 117 Order on Motion for Preliminary Injunction,,,,,, <i>for Request to Use Laptop Computer at Oral Argument</i> (Oakley, David) (Entered: 01/28/2014)
01/28/2014	<u>123</u>	NOTICE of Appearance by Jennifer Jesusa Truitt on behalf of Robert A. Destro, William C. Duncan, Lynne Marie Kohm, Joseph P. Price, Lynn D. Wardle (Truitt, Jennifer) (Entered: 01/28/2014)
01/28/2014	<u>124</u>	MOTION to Withdraw as Attorney by Robert A. Destro, William C. Duncan, Lynne Marie Kohm, Joseph P. Price, Lynn D. Wardle. (Mattox, Michael) (Entered: 01/28/2014)
01/28/2014	<u>125</u>	ORDER granting <u>93</u> , the Motion to Withdraw as Attorney as advanced by attorney Norman Allan Thomas. It is within the sound discretion of the Court to grant attorney withdrawals in civil cases. Huang v. Bd. of Governors of Univ. of N.C., 902 F.2d 1134, 1142 (4th Cir. 1990). Defendant Rainey is not disadvantaged by this withdrawal as she will continue to be represented by the Solicitor General, among others. Mr. Thomas's representation is terminated. Signed by District Judge Arenda L. Wright Allen on 01/28/2014. (Allen, Arenda) (Entered: 01/28/2014)

01/28/2014	126	ORDER granting <u>98</u> , the Motion to Withdraw as Attorney as advanced by attorney Michael Hugh Brady. It is within the sound discretion of the Court to grant attorney withdrawals in civil cases. Huang v. Bd. of Governors of Univ. of N.C., 902 F.2d 1134, 1142 (4th Cir. 1990). Mr. Brady has provided adequate justification for his withdrawal. Defendant Rainey is not disadvantaged by this withdrawal as she will continue to be represented by the Solicitor General, among others. Mr. Brady's representation is terminated. Signed by District Judge Arenda L. Wright Allen on 01/28/2014. (Allen, Arenda) (Entered: 01/28/2014)
01/29/2014	<u>127</u>	NOTICE by Robert A. Destro, William C. Duncan, Lynne Marie Kohm, Joseph P. Price, Lynn D. Wardle re 117 Order on Motion for Preliminary Injunction,,,,,, (Truitt, Jennifer) (Entered: 01/29/2014)
01/29/2014	128	ORDER ADVISING ALL COUNSEL that due to inclement weather, the Courthouse will be CLOSED on Thursday, January 30, 2014. The hearing set for oral argument on pending dispositive motions in this matter is CONTINUED. The hearing will be re-scheduled in February as soon as practicable. Signed by District Judge Arenda L. Wright Allen on 01/29/2014. (Allen, Arenda) (Entered: 01/29/2014)
01/31/2014		Reset Motions Hearing for 2/4/2014 at 10:00 AM in Norfolk Courtroom 4 before District Judge Arenda L. Wright Allen. (lhow) (Entered: 01/31/2014)
01/31/2014	129	ORDER granting <u>113</u> , the Motion to appear Pro Hac Vice by David Austin Robert Nimocks as certified by Local Counsel M. Casey Mattox. Signed by District Judge Arenda L. Wright Allen on 01/31/2014. (Allen, Arenda) (Entered: 01/31/2014)
02/03/2014	130	NOTICE of Appearance by Rhodes Beahm Ritenour on behalf of Janet M. Rainey (Ritenour, Rhodes) (Entered: 02/03/2014)
02/03/2014		Notice of Correction re 130 Notice of Appearance: The filing user has been notified that document 130 was incorrectly saved as a PDF fillable form and has been removed. The filing user was directed to refile the document. (rsim,) (Entered: 02/03/2014)
02/04/2014	<u>131</u>	MOTIONS HEARING held before District Judge Arenda L. Wright Allen on 2/4/2014: Theodore Olson, David Boies and Thomas Shuttleworth present on behalf of the Plaintiffs; Stuart Raphael present on behalf of the Defendant, Janet M. Rainey; David Oakley present on behalf of the Defendant, George E. Schaefer, III. Austin Nimocks present on behalf of the Intervenor-defendant, Michele McQuigg. Matter came on re <u>25</u> MOTION for Summary Judgment <u>27</u> MOTION for Preliminary Injunction <u>40</u> MOTION for Summary Judgment and <u>38</u> MOTION for Summary Judgment. Arguments of counsel heard. Court to take matter under advisement. Court adjourned. (Court Reporter Tamora Tichenor.)(lhow) (Entered: 02/04/2014)
02/06/2014	<u>132</u>	TRANSCRIPT of proceedings held on February 4, 2014, before Judge Arenda Wright Allen, Court Reporter/Transcriber Tami Tichenor, Telephone number 757 222-7078. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty(30) 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 will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov 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 Redaction Request due 3/10/2014. Redacted Transcript Deadline set for 4/8/2014. Release of Transcript Restriction set for 5/7/2014.(tichenor, tamora) (Entered: 02/06/2014)
02/12/2014	<u>133</u>	NOTICE of Appearance by Rhodes Beahm Ritenour on behalf of Janet M. Rainey (Ritenour, Rhodes) (Entered: 02/12/2014)
02/12/2014	<u>134</u>	NOTICE by Janet M. Rainey re <u>25</u> MOTION for Summary Judgment <i>Or, In The Alternative, Preliminary Injunction</i> , <u>96</u> NOTICE, <u>40</u> MOTION for Summary Judgment , <u>38</u> MOTION for Summary Judgment <i>Notice of Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit Defendant-Appellee Governor of Nevada, Motion for Leave to Withdraw Brief, <i>Sevcik v. Sandoval</i> , No. 12-17668 (9th Cir. Feb. 10, 2014), # <u>2</u> Exhibit <i>Bourke v. Beshear</i> , No. 3:13-CV-750-H (W.D. Ky. Feb. 12, 2014))(Raphael, Stuart) (Entered: 02/12/2014)

02/13/2014	<u>135</u>	The Court GRANTS Plaintiffs' Motion for Summary Judgment (ECF No. 25), GRANTS Plaintiffs' Motion for Preliminary Injunction (ECF No. 27) and DENIES Defendant Schaefer's and Intervenor-Defendant's Motions for Summary Judgment (ECF Nos. 38 and 40). The Court ENJOINS the Commonwealth from enforcing Sections 20-45.2 and 20-45.3 of the Virginia Code and Article I, § 15-A of the Virginia Constitution to the extent these laws prohibit a person from marrying another person of the same gender. The Court finds Va. Const. Art. I, § 15-A, Va. Code §§ 20-45.2, 20-45.3, and any other Virginia law that bars same-sex marriage or prohibits Virginia's recognition of lawful same-sex marriages from other jurisdictions unconstitutional. These laws deny Plaintiffs their rights to due process and equal protection guaranteed under the Fourteenth Amendment of the United States Constitution. In accordance with the Supreme Court's issuance of a stay in Herbert v. Kitchen, and consistent with the reasoning provided in Bishop, this Court stays execution of this injunction pending the final disposition of any appeal to the Fourth Circuit Court of Appeals. Counsel for Plaintiffs, Defendants, and Intervenor-Defendant are ordered to file proposed Judgments for the Court's consideration. These proposals shall be filed by March 14, 2014. IT IS SO ORDERED. Signed by District Judge Arenda L. Wright Allen and filed on 2/13/14. Copies distributed to all parties 2/13/14. (ldab,) (Entered: 02/13/2014)
02/14/2014	<u>136</u>	AMENDED OPINION AND ORDER: The Court GRANTS Plaintiffs' Motion for Summary Judgment (ECF No. 25), GRANTS Plaintiffs' Motion for Preliminary Injunction (ECF No. 27) and DENIES Defendant Schaefer's and Intervenor-Defendant's Motions for Summary Judgment (ECF Nos. 38 and 40). The Court ENJOINS the Commonwealth from enforcing Sections 20-45.2 and 20-45.3 of the Virginia Code and Article I, § 15-A of the Virginia Constitution to the extent these laws prohibit a person from marrying another person of the same gender. The Court finds Va. Const. Art. I, § 15-A, Va. Code §§ 20-45.2, 20-45.3, and any other Virginia law that bars same-sex marriage or prohibits Virginia's recognition of lawful same-sex marriages from other jurisdictions unconstitutional. These laws deny Plaintiffs their rights to due process and equal protection guaranteed under the Fourteenth Amendment of the United States Constitution. In accordance with the Supreme Court's issuance of a stay in Herbert v. Kitchen, and consistent with the reasoning provided in Bishop, this Court stays execution of this injunction pending the final disposition of any appeal to the Fourth Circuit Court of Appeals. Counsel for Plaintiffs, Defendants, and Intervenor-Defendant are ordered to file proposed Judgments for the Court's consideration. These proposals shall be filed by March 14, 2014. IT IS SO ORDERED. Signed by District Judge Arenda L. Wright Allen and filed on 2/14/14. Copies distributed to all parties 2/14/14. (ldab,) (Entered: 02/14/2014)
02/21/2014	<u>137</u>	NOTICE by Janet M. Rainey of <i>Agreed Form of Judgment</i> (Attachments: # <u>1</u> Judgment)(Raphael, Stuart) (Entered: 02/21/2014)
02/24/2014	138	ORDER granting <u>124</u> ORDER granting ECF No. 124, the Motion to Withdraw as Attorney as advanced by attorney M. Casey Mattox and Byron J. Babione. It is within the sound discretion of the Court to grant attorney withdrawals in civil cases. Huang v. Bd. of Governors of Univ. of N.C., 902 F.2d 1134, 1142 (4th Cir. 1990). Amici Professors Robert A. Destro, William C. Duncan, Lynne Marie Kohm, Joseph P. Price, Lynn D. Wardle are not disadvantaged by this withdrawal as they will continue to be represented by Jennifer J. Truitt. Representation by Mr. Mattox and Mr. Babione is terminated. Signed by District Judge Arenda L. Wright Allen on 2/24/2014. (Allen, Arenda) (Entered: 02/24/2014)
02/24/2014	<u>139</u>	JUDGMENT that Virginia's marriage laws are facially unconstitutional under the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the United States Constitution to the extent they deny the rights of marriage to same-sex couples or recognition of lawful marriages between same-sex couples that are validly entered into in other jurisdictions. The Clerk of the Circuit Court of the City of Norfolk, the Clerk of the Circuit Court of Prince William County, and their officers, agents, and employees, and the officers, agents, and employees of the Commonwealth of Virginia including the State Registrar of Vital Records are ENJOINED from enforcing: Article I, § 15-A, of the Constitution of Virginia; Virginia Code § 20-45.2; Virginia Code § 20-45.3; and any other Virginia law if and to the extent that it denies to same-sex couples the rights and privileges of marriage that are afforded to opposite-sex couples. Signed by District Judge Arenda L. Wright Allen and filed on 2/24/2014. (rsim,)

		(Entered: 02/24/2014)
02/24/2014	<u>140</u>	NOTICE OF APPEAL as to <u>139</u> Judgment,,,, by George E. Schaefer, III. Filing fee \$ 505, receipt number 0422-3863266. (Oakley, David) (Entered: 02/24/2014)
02/24/2014	<u>141</u>	NOTICE OF APPEAL by Janet M. Rainey. Filing fee \$ 505, receipt number 0422-3863332. (Raphael, Stuart) (Entered: 02/24/2014)
02/24/2014	<u>142</u>	Transmission of Notice of Appeal to US Court of Appeals re <u>140</u> Notice of Appeal (All case opening forms, plus the transcript guidelines, may be obtained from the Fourth Circuit's website at www.ca4.uscourts.gov) (bgra) (Entered: 02/25/2014)
02/24/2014	<u>143</u>	Transmission of Notice of Appeal to US Court of Appeals re <u>141</u> Notice of Appeal (All case opening forms, plus the transcript guidelines, may be obtained from the Fourth Circuit's website at www.ca4.uscourts.gov) (bgra) (Entered: 02/25/2014)
02/25/2014	<u>144</u>	NOTICE OF APPEAL as to <u>136</u> Order,,,,, <u>139</u> Judgment,,,,, <u>135</u> Order on Motion for Summary Judgment, Order on Motion for Preliminary Injunction,,,,,,,,,,,,,,,,,,,,, by Michele McQuigg. Filing fee \$ 505, receipt number 0422-3865159. (Dalton, Jonathan) (Entered: 02/25/2014)
02/25/2014	<u>145</u>	USCA Case Number 14-1167 4CCA - Case Manager RJ Warren for <u>140</u> Notice of Appeal filed by George E. Schaefer, III. (14-1167) (bgra) (Entered: 02/26/2014)
02/25/2014	<u>146</u>	USCA Case Number 14-1169 4CCA - Case Manager RJ Warren for <u>141</u> Notice of Appeal filed by Janet M. Rainey. (14-1169) (bgra) (Entered: 02/26/2014)
02/25/2014	<u>147</u>	ORDER of USCA as to <u>140</u> Notice of Appeal filed by George E. Schaefer, III, <u>141</u> Notice of Appeal filed by Janet M. Rainey. The court consolidates Case No. 14-1167 and Case No. 14-1169. Entry of appearance forms and disclosure statements filed by counsel and parties to the lead case are deemed filed in the secondary case. (14-1167) (bgra) (Entered: 02/26/2014)
02/25/2014	<u>148</u>	Transmission of Notice of Appeal to US Court of Appeals re <u>144</u> Notice of Appeal, (All case opening forms, plus the transcript guidelines, may be obtained from the Fourth Circuit's website at www.ca4.uscourts.gov) (bgra) (Entered: 02/26/2014)
02/26/2014	<u>149</u>	ORDER of USCA as to <u>140</u> Notice of Appeal filed by George E. Schaefer, III, <u>141</u> Notice of Appeal filed by Janet M. Rainey, <u>144</u> Notice of Appeal, filed by Michele McQuigg: The court consolidates Case No. 14-1167(L) and Case No. 14-1173. (rsim,) (Entered: 02/27/2014)
07/28/2014	<u>150</u>	Opinion of USCA (Copy) re <u>140</u> Notice of Appeal, <u>141</u> Notice of Appeal, <u>144</u> Notice of Appeal affirming the decision of the district court. (judgment will not take effect until issuance of the mandate) (rsim,) (Entered: 07/29/2014)
07/28/2014	<u>151</u>	USCA JUDGMENT as to <u>140</u> Notice of Appeal filed by George E. Schaefer, III, <u>141</u> Notice of Appeal filed by Janet M. Rainey, <u>144</u> Notice of Appeal, filed by Michele McQuigg: In accordance with the decision of this court, the judgment of the district court is affirmed. This judgment shall become final and take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41. (rsim,) (Entered: 07/29/2014)
08/13/2014	<u>152</u>	ORDER of USCA as to <u>140</u> Notice of Appeal filed by George E. Schaefer, III, <u>141</u> Notice of Appeal filed by Janet M. Rainey, <u>144</u> Notice of Appeal, filed by Michele McQuigg: Upon consideration of submissions relative to the motion to stay mandate, the court denies the motion. (rsim,) (Entered: 08/13/2014)
10/06/2014	<u>153</u>	USCA Mandate re <u>140</u> Notice of Appeal: The judgment of this court, entered July 28, 2014, takes effect today. This constitutes the formal mandate of this court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure. (rsim,) (Entered: 10/06/2014)
10/20/2014	<u>154</u>	Joint MOTION for Entry of Consent Order Regarding Applications for Attorneys' Fees and Costs by Timothy B. Bostic, Tony C. London, Carol Schall, Mary Townley. (Attachments: # <u>1</u> Proposed Order)(Lustig, Charles) (Entered: 10/20/2014)
10/21/2014		Notice of Correction re <u>154</u> Joint MOTION for Entry of Consent Order Regarding Applications for Attorneys' Fees and Costs: The signature block on the certificate of

		service does not match the filing users login. The filing user has been notified to file a separate Certificate of Service. (rsim,) (Entered: 10/21/2014)
10/21/2014	<u>155</u>	CERTIFICATE of Service re <u>154</u> Joint MOTION for Entry of Consent Order Regarding Applications for Attorneys' Fees and Costs by Charles Barnet Lustig on behalf of Timothy B. Bostic, Tony C. London, Carol Schall, Mary Townley (Lustig, Charles) (Entered: 10/21/2014)
10/21/2014	<u>156</u>	ORDER re <u>154</u> Motion for Entry of a Consent Order Regarding; Any prevailing party wishing to file an application for attorney's fees and costs under 42U.S.C. § 1988 shall file such application by November 21, 2014.Responses to such applications shall be filed by December 22, 2014.Replies in support of such applications shall be filed by January 6, 2015. Signed by District Judge Arenda L. Wright Allen and filed on 10/21/2014. (rsim,) (Entered: 10/21/2014)
11/18/2014	<u>157</u>	NOTICE of Appearance by Rebecca Kim Glenberg on behalf of Joanne Harris, Jessica Duff, Christy Berghoff, Victoria Kidd (Glenberg, Rebecca) (Entered: 11/18/2014)
11/18/2014	<u>158</u>	Joint MOTION for Settlement (<i>Entry of Consent Order</i>) by Christy Berghoff, Jessica Duff, Joanne Harris, Victoria Kidd, Janet M. Rainey. (Attachments: # <u>1</u> Proposed Order Ex. 1: proposed Consent Order (resolving claims of Harris Class), # <u>2</u> Exhibit Ex. 2: Order, Harris v. Rainey,No. 5:13cv00077 (W.D. Va. Nov. 17, 2014))(Raphael, Stuart) (Entered: 11/18/2014)
11/18/2014		Notice of Correction re <u>157</u> Notice of Appearance: The filing user has been notified that document (157) was incorrectly saved PDF fillable form and has been removed from the docket sheet. The filing user was directed to refile the document. (rsim,) (Entered: 11/18/2014)
11/18/2014	<u>159</u>	NOTICE of Appearance by Rebecca Kim Glenberg on behalf of Christy Berghoff, Jessica Duff, Joanne Harris, Victoria Kidd (Glenberg, Rebecca) (Entered: 11/18/2014)
11/20/2014	<u>160</u>	Joint MOTION for Extension of Time for Applications for Attorney's Fees and Costs by Timothy B. Bostic, Tony C. London, Carol Schall, Mary Townley. (Attachments: # <u>1</u> Proposed Order)(Lustig, Charles) (Entered: 11/20/2014)
11/24/2014	<u>161</u>	ORDER deferring ruling on <u>158</u> , the Motion for Settlement. Counsel are directed to file a Joint Status Report no later than Thursday, December 4, 2014, establishing whether the Motion for Settlement should be adjudicated by Judge Allen or Judge Urbanski. If the parties request that Judge Allen adjudicate the motion, the basis for this request, and Judge Urbanski's views on the request, must be clearly provided. Signed by District Judge Arenda L. Wright Allen on 11/24/2014. (Allen, Arenda) (Entered: 11/24/2014)
11/24/2014	<u>162</u>	ORDER granting <u>160</u> , the Motion for Extension of Time to File, as follows: Upon consideration of the parties' Joint Motion to Extend Time for Applications for Attorneys' Fees and Costs, it is hereby ORDERED that any prevailing party wishing to file an application for attorneys' fees and costs shall file an application by December 12, 2014. Responses to such applications shall be filed by January 12, 2015. Replies in support of such applications shall be filed by January 26, 2015. Signed by District Judge Arenda L. Wright Allen on 11/24/2014. (Allen, Arenda) (Entered: 11/24/2014)
12/03/2014	<u>163</u>	STATUS REPORT by Defendant Rainey and the Harris Class respecting entry of Consent Order (ECF 158-1) by Christy Berghoff, Jessica Duff, Joanne Harris, Victoria Kidd, Janet M. Rainey. (Attachments: # <u>1</u> Exhibit 1--Fourth Circuit Order granting Harris Class Intervention, # <u>2</u> Exhibit 2--Fourth Circuit Order directing that fees be determined in district court)(Raphael, Stuart) (Entered: 12/03/2014)
12/11/2014	<u>164</u>	Joint MOTION to Suspend Time for Applications for Attorney's Fees and Costs by Timothy B. Bostic, Tony C. London, Carol Schall, Mary Townley. (Attachments: # <u>1</u> Proposed Order)(Lustig, Charles) (Entered: 12/11/2014)
01/23/2015	<u>165</u>	ORDER re <u>164</u> Joint Motion to Suspend Time for Applications for Attorney's Fees and Costs. The deadlines relating to applications for attorney's fees and costs are hereby suspended for 45 days. The parties shall file a status report by February 9, 2015, unless a notice of settlement or resolution is filed by the parties prior to that date. Signed by District Judge Arenda L. Wright Allen and filed on 1/23/2015. (rsim,) (Entered: 01/26/2015)

01/26/2015	<u>166</u>	STATUS REPORT by Christy Berghoff, Jessica Duff, Joanne Harris, Victoria Kidd, Janet M. Rainey. (Raphael, Stuart) (Entered: 01/26/2015)
01/28/2015	<u>167</u>	NOTICE of Settlement <i>Regarding Fees and Costs</i> by Timothy B. Bostic, Tony C. London, Carol Schall, Mary Townley (Attachments: # <u>1</u> Exhibit Settlement Agreement)(Lustig, Charles) (Entered: 01/28/2015)
02/13/2015	<u>168</u>	CONSENT ORDER re <u>158</u> Motion for Settlement; Attorneys' fees and costs in the amount of \$60,000 are hereby awarded to the Harris Class in full satisfaction of all of their claims for attorneys' fees and costs, whether made in this case or in Harris. The Harris Class will seek no further relief against any party in this case or in Harris, except in connection with enforcing its rights under this Consent Order. The Harris Class will cooperate with Defendant Rainey in seeking an agreed dismissal of the lawsuit in Harris in light of this ConsentOrder.(see Order for specifics). Signed by District Judge Arenda L. Wright Allen and filed on 2/13/2015. (rsim,) (Entered: 02/13/2015)