

**U.S. District Court
Western District of Virginia (Charlottesville)
CIVIL DOCKET FOR CASE #: 3:16-cv-00044-NKM-JCH**

Stinnie et al v. Holcomb
Assigned to: Judge Norman K. Moon
Referred to: Magistrate Judge Joel C. Hoppe
Case in other court: 4CCA, 17-01740
Cause: 28:1331 Fed. Question

Date Filed: 07/06/2016
Date Terminated: 03/13/2017
Jury Demand: None
Nature of Suit: 950 Constitutional – State Statute
Jurisdiction: Federal Question

Plaintiff

Damian Stinnie

*Individually, and on behalf of all others
similarly situated*

represented by **Angela A. Ciolfi**
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Plaintiff

Demetrice Moore

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Plaintiff

Robert Taylor

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Plaintiff

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Defendant

Richard D. Holcomb
*in his official capacity as the
Commissioner of the Virginia
Department of Motor Vehicles*

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Date Filed	#	Docket Text
07/06/2016	<u>1</u>	COMPLAINT against Richard D. Holcomb (Filing & Administrative fee \$ 400 paid by e-receipt 0423-2485566.), filed by Neil Russo, Demetrice Moore, Damian Stinnie, Robert Taylor. 70 Day Notice due by 9/14/2016 90 Day Service due by 10/4/2016 (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Civil Cover Sheet)(hnw)
07/07/2016	<u>2</u>	Summons Issued as to Richard D. Holcomb.(hnw)

08/02/2016	<u>3</u>	ACKNOWLEDGEMENT OF SERVICE Executed <i>August 2, 2016</i> Acknowledgement filed by Demetrice Moore, Neil Russo, Damian Stinnie, Robert Taylor.(Blank, Jonathan)
08/02/2016	<u>4</u>	WAIVER OF SERVICE Returned Executed by Neil Russo, Demetrice Moore, Damian Stinnie, Robert Taylor. Richard D. Holcomb waiver sent on 7/19/2016, answer due 9/19/2016.(Blank, Jonathan)
08/02/2016	<u>5</u>	Consent MOTION for Extension of Time to File Answer <i>October 3, 2016</i> by Demetrice Moore, Neil Russo, Damian Stinnie, Robert Taylor. (Blank, Jonathan)
08/02/2016	<u>6</u>	ORDER granting <u>5</u> Motion for Extension of Time to Answer re <u>1</u> Complaint. Richard D. Holcomb answer due 10/3/2016.. Signed by Judge Norman K. Moon on 8/2/2016. (mab)
10/03/2016	<u>7</u>	NOTICE of Appearance by Margaret Hoehl O'Shea on behalf of Richard D. Holcomb (O'Shea, Margaret)
10/03/2016	<u>8</u>	NOTICE of Appearance by Nancy Hull Davidson on behalf of All Defendants (Davidson, Nancy)
10/03/2016	<u>9</u>	MOTION to Dismiss by Richard D. Holcomb. (Davidson, Nancy)
10/03/2016	<u>10</u>	Brief / Memorandum in Support re <u>9</u> MOTION to Dismiss . filed by Richard D. Holcomb. (Attachments: # <u>1</u> Exhibit A)(Davidson, Nancy)
10/04/2016	<u>11</u>	PRETRIAL ORDER, CASE REFERRED Magistrate Judge Joel C. Hoppe.. Signed by Judge Norman K. Moon on 10/04/2016. (mab)
10/06/2016	<u>12</u>	Consent MOTION for Extension of Time to File Response/Reply <i>to Defendant's Motion to Dismiss Plaintiffs' Complaint</i> by Demetrice Moore, Neil Russo, Damian Stinnie, Robert Taylor.Motions referred to Judge Joel C. Hoppe. (Blank, Jonathan)
10/06/2016	<u>13</u>	ORDER granting <u>12</u> Motion for Extension of Time to File Response/Reply Responses due by 11/3/2016. Signed by Magistrate Judge Joel C. Hoppe on 10/6/16. (jcj)
10/13/2016	14	Minute Entry for proceedings held before Magistrate Judge Joel C. Hoppe: In Chambers Conference Call with parties held on 10/13/2016. Court allows 7 additional days to request changes to <u>11</u> pretrial order. (kld)
10/20/2016	<u>15</u>	Joint MOTION to Amend/Correct <u>11</u> Pretrial Order, Case Referred to Magistrate Judge by Demetrice Moore, Neil Russo, Damian Stinnie, Robert Taylor.Motions referred to Judge Joel C. Hoppe. (Attachments: # <u>1</u> Text of Proposed Order to Amend Pre-Trial Dates)(Ciolfi, Angela)
10/27/2016	<u>16</u>	MOTION for Leave to File Excess Pages by Demetrice Moore, Neil Russo, Damian Stinnie, Robert Taylor.Motions referred to Judge Joel C. Hoppe. (Attachments: # <u>1</u> Text of Proposed Order)(Blank, Jonathan)
10/27/2016	<u>17</u>	ORDER granting <u>16</u> Unopposed Motion for Leave to Plaintiff's to File a brief exceeding twenty-five (25) pages to respond to Defendant's Motion to Dismiss. Signed by Magistrate Judge Joel C. Hoppe on 10/27/16. (jcj)
10/27/2016	18	NOTICE of Telephonic Hearing: (N) (No Interpreter requested) . Scheduling Conference Call set for 11/2/2016 01:00 PM before Magistrate Judge Joel C. Hoppe. Chambers to set up call and email parties dial in instructions. (kld)
11/02/2016	<u>19</u>	ORDER granting <u>15</u> Motion to Amend dates in <u>11</u> Pretrial Order; Fed.R.Civ.P.26(f) Conference: No later than January 6, 2017; Initial disclosures under Fed.R.Civ.P.26(a): No later than January 9, 2017; Plaintiff initial expert disclosure: No later than April 18, 2017; Defendant initial expert disclosure: No later than June 19, 2017; Rebuttal expert: No later than July 20, 2017; Deadline to complete discovery: 105 days before trial date; Deadline to file dispositive motions: 100 days before trial date; Deadline for hearing dispositive motions: 45 days before trial date; Trial set for December 11-15, 2017. Signed by Magistrate Judge Joel C. Hoppe on 11/2/2016. (mab)
11/02/2016	20	Minute Entry for proceedings held before Magistrate Judge Joel C. Hoppe: Scheduling Conference Call held in chambers on 11/2/2016. (kld)

11/03/2016	<u>21</u>	Brief / Memorandum in Opposition re <u>9</u> MOTION to Dismiss <i>Plaintiffs' Complaint</i> . filed by Demetrice Moore, Neil Russo, Damian Stinnie, Robert Taylor. (Blank, Jonathan)
11/03/2016	<u>22</u>	NOTICE of Appearance by David L. Heilberg on behalf of Naacp (Heilberg, David)
11/03/2016	<u>23</u>	MOTION for Leave to File <i>Amicus Brief</i> by Naacp. Motions referred to Judge Joel C. Hoppe. (Attachments: # <u>1</u> Exhibit Exhibit 1 to Motion, # <u>2</u> Exhibit Exhibit A to Brief, # <u>3</u> Exhibit Exhibit B to Brief, # <u>4</u> Text of Proposed Order)(Heilberg, David)
11/03/2016	24	NOTICE of Hearing: (CR) Bench Trial set for December 11–15, 2017 09:30 AM in Charlottesville before Judge Norman K. Moon. Counsel must contact the Clerk's Office no later than five (5) business days before the scheduled trial date for your technology needs. (hnw)
11/04/2016	<u>25</u>	ORDER granting <u>23</u> Motion for Leave to File brief as amicus curiae; directing clerk to file the brief and supporting affidavits. Signed by Magistrate Judge Joel C. Hoppe on 11/4/2016. (mab)
11/04/2016	<u>26</u>	Brief in Opposition to <u>9</u> MOTION to Dismiss . filed by NAACP. (Attachments: # <u>1</u> Affidavit Aaron Bloomfield, # <u>2</u> Affidavit Cassius Adair)(mab) Modified on 11/8/2016–corrected spelling of party name (mab).
11/07/2016	<u>27</u>	Brief/Memorandum – <i>Statement of Interest of the United States</i> . filed by UNITED STATES OF AMERICA. (Giorno, Anthony)
11/09/2016	<u>28</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>21</u> Brief / Memorandum in Opposition to <i>Defendant's Motion to Dismiss</i> by Richard D. Holcomb. Motions referred to Judge Joel C. Hoppe. (Baugh, Janet)
11/09/2016	29	Oral ORDER granting <u>28</u> Motion for Extension of Time to File Response/Reply. Defendant's reply brief is due not later than November 22, 2016. Entered by Magistrate Judge Joel C. Hoppe on 11/9/16. (JCH)
11/22/2016	<u>30</u>	NOTICE by Richard D. Holcomb of <i>Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit Virginia Supreme Court Rule 1:24)(O'Shea, Margaret)
11/22/2016	<u>31</u>	REPLY to Response to Motion re <u>9</u> MOTION to Dismiss . filed by Richard D. Holcomb. (Davidson, Nancy)
11/30/2016	<u>32</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>30</u> Notice (Other) of <i>Supplemental Authority</i> by Demetrice Moore, Neil Russo, Damian Stinnie, Robert Taylor. Motions referred to Judge Joel C. Hoppe. (Blank, Jonathan)
12/01/2016	<u>33</u>	ORDER granting <u>32</u> Motion for Extension of Time to File Response/Reply to <u>30</u> Notice of Supplemental Authority in Support of Defendant's Motion to Dismiss Responses due by 12/22/2016 Replies due by 1/6/2017.. Signed by Magistrate Judge Joel C. Hoppe on 12/1/2016. (mab)
12/01/2016	34	NOTICE of Hearing on Motion <u>9</u> MOTION to Dismiss : (CR) (Motion Hearing set for 2/2/2017 02:00 PM in Charlottesville before Judge Norman K. Moon.), NOTICE of Hearing: (CR) (Oral Argument Hearing on NOTICE by Richard D. Holcomb of Supplemental Authority set for 2/2/2017 02:00 PM in Charlottesville before Judge Norman K. Moon.) (hnw)
12/22/2016	<u>35</u>	Response re <u>30</u> Notice (Other) of <i>Supplemental Authority</i> . filed by Demetrice Moore, Neil Russo, Damian Stinnie, Robert Taylor. (Blank, Jonathan)
01/06/2017	<u>36</u>	Response re <u>35</u> Response, <u>30</u> Notice (Other) <i>Reply to Plaintiff's Response in Opposition to Notice of Supplemental Authority</i> . filed by Richard D. Holcomb. (O'Shea, Margaret)
01/18/2017	37	NOTICE of Telephonic Hearing: (N) In Chambers Conference Call set for 2/8/2017 11:00 AM before Magistrate Judge Joel C. Hoppe. Chambers to set up call and email parties dial in instructions. (kld)
01/24/2017	<u>38</u>	NOTICE of Appearance by Adam John Yost on behalf of Richard D. Holcomb (Yost, Adam)

01/24/2017	<u>39</u>	Memorandum in Support of <u>40</u> MOTION to Stay <i>Discovery</i> by Richard D. Holcomb. (Baugh, Janet) Modified on 1/25/2017–changed event type; incorrectly docketed as motion by counsel (mab).
01/24/2017	<u>40</u>	MOTION to Stay <i>Discovery</i> by Richard D. Holcomb. Motions referred to Judge Joel C. Hoppe. (Attachments: # <u>1</u> Exhibit Plaintiffs' first set of discovery request)(Baugh, Janet) Modified on 1/25/2017–Modified text; removed link to document 39; Memorandum in Support of Motion (mab).
01/25/2017	41	Notice of Correction re <u>39</u> Memorandum in Support of Motion to Stay <u>40</u> , <u>40</u> MOTION to Stay; modifications made to docket entries. Memorandum in support of motion was incorrectly filed as a motion to stay by counsel; Motion to stay text was modified to remove double language. (mab)
01/30/2017	<u>42</u>	RESPONSE in Opposition re <u>40</u> MOTION to Stay . filed by Demetrice Moore, Neil Russo, Damian Stinnie, Robert Taylor. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8)(Blank, Jonathan)
01/30/2017	<u>43</u>	NOTICE by Demetrice Moore, Neil Russo, Damian Stinnie, Robert Taylor re 37 Notice of Hearing <i>Notice to Add Motion to Stay to February 8, 2017 Status Hearing</i> (Blank, Jonathan)
01/31/2017	44	NOTICE of Telephonic Hearing on Motion <u>40</u> MOTION to Stay : (FTR) Telephonic Motion Hearing set for 2/8/2017 11:00 AM before Magistrate Judge Joel C. Hoppe. Conference call previously set up and parties have been emailed dial in instructions.(kld)
02/02/2017	<u>46</u>	Minute Entry for proceedings held before Judge Norman K. Moon: Motion Hearing held on 2/2/2017 re <u>9</u> MOTION to Dismiss filed by Richard D. Holcomb. (Court Reporter Judy Webb.) (hnw)
02/06/2017	<u>47</u>	REPLY to Response to Motion re <u>40</u> MOTION to Stay <i>Discovery</i> . filed by Richard D. Holcomb. (Yost, Adam)
02/08/2017	<u>48</u>	Minute Entry for proceedings held before Magistrate Judge Joel C. Hoppe: Telephonic Motion Hearing held on 2/8/2017 re <u>40</u> MOTION to Stay discovery filed by Richard D. Holcomb. (Court Reporter M. Bottiglieri, FTR.) (mab)
02/08/2017	<u>49</u>	ORDER denying <u>40</u> Motion to Stay Discovery. Signed by Magistrate Judge Joel C. Hoppe on 2/8/2017. (mab)
02/08/2017	<u>50</u>	FTR Log Notes for Telephonic Motion Hearing in the Charlottesville Division in CR3 held before Judge Joel C. Hoppe on 2/8/2017. In accordance with 28 USC 753(b), I certify that I monitored the digital recording of this proceeding and that it is a true and correct record, that it is sufficiently intelligible when played on the FTR (For the Record) Player, and that it can be transcribed without undue difficulty. FTR Operator: Michele Bottiglieri, FTR (mab)
02/09/2017	<u>51</u>	Objections by Defendant Richard D. Holcomb re <u>49</u> Order on Motion to Stay (O'Shea, Margaret)
02/16/2017	<u>52</u>	TRANSCRIPT REQUEST (Expedited–7 calendar days Service) by Damian Stinnie for Motion to Dismiss held on 2/2/2017 before Judge Norman K. Moon. (Judy Webb, OCR) <i>Transcript Due Deadline will be set when Financial Arrangements are made.</i> (Blank, Jonathan) Modified on 2/16/2017 – added court reporter's name (bkd).
02/17/2017	53	Financial arrangements made (Expedited–7 calendar days Service) re <u>52</u> Transcript Request, Transcript due by 2/23/2017. (jw)
02/17/2017	<u>54</u>	Brief/Memorandum in Opposition to Defendant's Objections to the Magistrate Judge's Order Denying Defendant's Motion to Stay Discovery. filed by Damian Stinnie. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B)(Blank, Jonathan)
02/23/2017	<u>55</u>	TRANSCRIPT of Proceedings: Motion Hearing held on 2/2/2017 before Judge Norman K. Moon. Court Reporter/Transcriber Judy Webb, Telephone number judyw@vawd.uscourts.gov/540–857–5100 X 5333. NOTICE RE REDACTION OF TRANSCRIPTS: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 will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vawd.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 3/16/2017. Redacted Transcript Deadline set for 3/27/2017. Release of Transcript Restriction set for 5/24/2017. (jw)
03/13/2017	<u>56</u>	MEMORANDUM OPINION. Signed by Judge Norman K. Moon on 3/13/17. (hnw) (Main Document 56 replaced on 3/15/2017) (mab).
03/13/2017	<u>57</u>	ORDER granting <u>9</u> Motion to Dismiss. This case is hereby dismissed without prejudice for lack of subject matter jurisdiction. The motion to stay discovery and objections to Magistrate Judge Joel C. Hoppe's Order thereon are Denied as Moot. The Clerk is hereby directed to strike this case from the active docket of this court. Signed by Judge Norman K. Moon on 3/13/17. (hnw)
03/13/2017	58	Notice of Cancellation of December 11–15, 2017 Bench Trial (Cancel Court Reporter) (hnw)
03/15/2017	<u>59</u>	Notice of Correction re <u>56</u> Memorandum Opinion; Original document contained typographical errors and was replaced with corrected Memorandum Opinion. Errors corrected were: Page 11, line 11, word 12 is corrected from "difference" to "different." Citations in footnote 38 to "Rule 1:23" are corrected to "Rule 1:24". (mab)
04/10/2017	<u>60</u>	MOTION to Alter Judgment <i>per FRCP 59 and Obtain Relief from Judgment per FRCP 60</i> by Demetrice Moore, Neil Russo, Damian Stinnie, Robert Taylor. (Blank, Jonathan)
04/10/2017	<u>61</u>	Brief / Memorandum in Support re <u>60</u> MOTION to Alter Judgment <i>per FRCP 59 and Obtain Relief from Judgment per FRCP 60</i> . filed by Demetrice Moore, Neil Russo, Damian Stinnie, Robert Taylor. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11)(Blank, Jonathan) Modified on 5/22/2017 Docket entries 61–1 through 61–11 are STRICKEN from the RECORD Pursuant to Order <u>72</u> Entered May 22, 2017.(hnw).
04/20/2017	<u>62</u>	TRANSCRIPT REQUEST (COPY *Only applies if original transcript has been ordered Service) by Richard D. Holcomb for Motions Hearing held on February 2, 2017 reported by Court Reporter Judy Webb before Judge Norman K. Moon. <i>Transcript Due Deadline will be set when Financial Arrangements are made.</i> (O'Shea, Margaret)
04/20/2017	63	Transcript Copy Delivered re <u>62</u> Transcript Request, (jw)
04/24/2017	<u>64</u>	MOTION to Strike <u>61</u> Brief / Memorandum in Support, <i>Exhibits</i> by Richard D. Holcomb.Motions no longer referred to Judge Joel C. Hoppe. (Davidson, Nancy) Modified on 4/27/2017 (hnw).
04/24/2017	<u>65</u>	Brief / Memorandum in Support re <u>64</u> MOTION to Strike <u>61</u> Brief / Memorandum in Support, <i>Exhibits</i> . filed by Richard D. Holcomb. (Davidson, Nancy)
04/24/2017	<u>66</u>	Brief / Memorandum in Opposition re <u>60</u> MOTION to Alter Judgment <i>per FRCP 59 and Obtain Relief from Judgment per FRCP 60</i> . filed by Richard D. Holcomb. (Davidson, Nancy)
05/01/2017	<u>67</u>	REPLY to Response to Motion re <u>60</u> MOTION to Alter Judgment <i>per FRCP 59 and Obtain Relief from Judgment per FRCP 60</i> . filed by Demetrice Moore, Neil Russo, Damian Stinnie, Robert Taylor. (Blank, Jonathan)
05/08/2017	<u>68</u>	Brief / Memorandum in Opposition re <u>64</u> MOTION to Strike <u>61</u> Brief / Memorandum in Support, <i>Exhibits</i> . filed by Demetrice Moore, Neil Russo, Damian Stinnie, Robert Taylor. (Blank, Jonathan)
05/09/2017	69	NOTICE of Hearing on Motion <u>60</u> MOTION to Alter Judgment <i>per FRCP 59 and Obtain Relief from Judgment per FRCP 60</i> : (CR) (No Interpreter requested) Motion Hearing set for 5/23/2017 12:00 PM in Charlottesville before Judge Norman K. Moon. (hnw)

05/11/2017	70	NOTICE of Hearing on Motion <u>64</u> MOTION to Strike <u>61</u> Brief / Memorandum in Support, <i>Exhibits</i> : (CR) (No Interpreter requested) Motion Hearing set for 5/23/2017 12:00 PM in Charlottesville before Judge Norman K. Moon. (hnw)
05/15/2017	<u>71</u>	REPLY to Response to Motion re <u>64</u> MOTION to Strike <u>61</u> Brief / Memorandum in Support, <i>Exhibits</i> . filed by Richard D. Holcomb. (Yost, Adam)
05/22/2017	<u>72</u>	ORDER granting Defendants' <u>64</u> Motion to Strike. Docket entries <u>61</u> -1 through <u>61</u> -11 are Stricken from the record. Order denying Plaintiffs' <u>60</u> Motion for reconsideration. Signed by Judge Norman K. Moon on 5/22/17. (hnw)
05/22/2017	73	Notice of Cancellation of May 23, 2017 Motion Hearing schedule at 12:00 pm in Charlottesville before the Hon. Norman K. Moon (Cancel Court Reporter) (hnw)
06/14/2017	<u>74</u>	NOTICE OF APPEAL as to <u>72</u> Order on Motion to Alter Judgment, Order on Motion to Strike, <u>57</u> Order on Motion to Dismiss, by Demetrice Moore, Neil Russo, Damian Stinnie, Robert Taylor. Filing fee \$ 505, receipt number 0423-2694355. (Blank, Jonathan)
06/15/2017	<u>75</u>	Transmittal of Notice of Appeal to 4CCA re <u>74</u> Notice of Appeal, NOTE: The Docketing Statement and Transcript Order Form are available on the 4th Circuit Court of Appeals website at www.ca4.uscourts.gov. If CJA24 form(s) are applicable, you must submit a separate Auth-24 for each court reporter from whom you wish to order a transcript through the District Court's eVoucher system. (jcj)
06/16/2017	<u>76</u>	NOTICE of Docketing Record on Appeal from USCA re <u>74</u> Notice of Appeal, filed by Damian Stinnie, Demetrice Moore, Neil Russo, Robert Taylor. USCA Case Number 17-1740. Case Manager Tony Webb (hnw)
07/21/2017	<u>77</u>	STIPULATION re <u>61</u> Brief / Memorandum in Support,, <i>Concerning Correction of Exhibits Attached to the Memorandum in Support of Plaintiffs' Rule 59 and 60 Motions</i> by Damian Stinnie (Attachments: # <u>1</u> Exhibit Exhibit A)(Blank, Jonathan)