

CLOSED

U.S. District Court
United States District Court for the Western District of Washington (Seattle)
CIVIL DOCKET FOR CASE #: 2:20-cv-01119-BJR

State of Washington v. DeVos et al
Assigned to: Judge Barbara J. Rothstein
Cause: 05:551 Administrative Procedure Act

Date Filed: 07/20/2020
Date Terminated: 10/26/2020
Jury Demand: None
Nature of Suit: 899 Other Statutes:
Administrative Procedures
Act/Review or Appeal of Agency
Decision
Jurisdiction: U.S. Government
Defendant

Plaintiff

State of Washington

represented by **Brian Hunt Rowe**
ATTORNEY GENERAL'S OFFICE
(SEATTLE)
800 FIFTH AVENUE
STE 2000
SEATTLE, WA 98104
206-389-3888
Email: brian.rowe@atg.wa.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey Todd Sprung
ATTORNEY GENERAL'S OFFICE
(SEA- FIFTH AVE)
800 5TH AVE
STE 2000
SEATTLE, WA 98104-3188
206-464-7744
Email: jeff.sprung@atg.wa.gov
ATTORNEY TO BE NOTICED

R July Simpson
ATTORNEY GENERAL'S OFFICE
(40111-OLY)
COMPLEX LITIGATION
DEPARTMENT
7141 CLEANWATER DRIVE SW

PO BOX 40111
OLYMPIA, WA 98504-0111
360-586-3151
Email: july.simpson@atg.wa.gov
ATTORNEY TO BE NOTICED

Spencer W Coates
ATTORNEY GENERAL'S OFFICE
(CRIM JUST-SEA)
CRIMINAL JUSTICE DIVISION
800 FIFTH AVENUE, SUITE 2000
SEATTLE, WA 98104
206-287-4173
Email: spencer.coates@atg.wa.gov
ATTORNEY TO BE NOTICED

Paul M. Crisalli
ATTORNEY GENERAL'S OFFICE
(SEA- FIFTH AVE)
800 5TH AVE
STE 2000
SEATTLE, WA 98104-3188
206-464-7740
Fax: 206-587-4290
Email: paul.crisalli@atg.wa.gov
ATTORNEY TO BE NOTICED

V.

Defendant

Betsy DeVos

*Secretary of the United States
Department of Education*

represented by **Kristin Berger Johnson**
US ATTORNEY'S OFFICE (SEA)
700 STEWART ST
STE 5220
SEATTLE, WA 98101-1271
206-553-7970
Email: Kristin.B.Johnson@usdoj.gov
ATTORNEY TO BE NOTICED

William Kerwin Lane , III
DOJ-CIVIL DIVISION
950 PENNSYLVANIA AVE NW
STE MAIN 3138
WASHINGTON, DC 20530
202-305-7920

Email: william.lane2@usdoj.gov
ATTORNEY TO BE NOTICED

Defendant

**United States Department of
Education**
a federal agency

represented by **Kristin Berger Johnson**
(See above for address)
ATTORNEY TO BE NOTICED

William Kerwin Lane , III
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

Council of the Great City Schools

represented by **Aleksandra O. Rushing**
HUSCH BLACKWELL LLP (MO)
190 CARONDELET PLAZA
SUITE 600
ST. LOUIS, MO 63105
314-345-6275
Fax: 314-480-1505
Email:
aleks.rushing@huschblackwell.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

John W Borkowski
HUSCH BLACKWELL LLP
120 S RIVERSIDE PLAZA STE
2200
CHICAGO, IL 60606
312-655-1500
Email:
john.borkowski@huschblackwell.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Mary E Deweese
HUSCH BLACKWELL LLP
120 S RIVERSIDE PLAZA
STE 2200
CHICAGO, IL 60606
312-655-1500
Email:
mary.deweese@huschblackwell.com
LEAD ATTORNEY

*PRO HAC VICE
ATTORNEY TO BE NOTICED*

Paige Duggins-Clay
HUSCH BLACKWELL LLP (TX)
111 CONGRESS AVE STE 1400
AUSTIN, TX 78701
512-479-1156
Email: paige.duggins-
clay@huschblackwell.com
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Shmuel Benzion Shulman
HUSCH BLACKWELL LLP
190 CARONDELET PLZ STE 600
SAINT LOUIS, MO 63105
314-480-1616
Fax: 314-480-1505
Email:
shmuli.shulman@huschblackwell.com
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Gregory J Wong
PACIFICA LAW GROUP LLP
1191 SECOND AVENUE
SUITE 2000
SEATTLE, WA 98101
206-245-1700
Fax: 206-245-1750
Email:
greg.wong@pacificallawgroup.com
ATTORNEY TO BE NOTICED

Amicus

Mackinac Center for Public Policy

represented by **Luke Berg**

WISCONSIN INSTITUTE FOR
LAW & LIBERTY
330 E KILBOURN AVE STE 725
MILWAUKEE, WI 53202-3141
414-727-7361
Email: luke@will-law.org
LEAD ATTORNEY

*PRO HAC VICE
ATTORNEY TO BE NOTICED*

Eric R Stahlfeld
FREEDOM FOUNDATION
PO BOX 552
OLYMPIA, WA 98507
360-956-3482
Email: stahlfeldE@aol.com
ATTORNEY TO BE NOTICED

Amicus

**Council for American Private
Education**

represented by **Luke Berg**
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

**National Catholic Educational
Association**

represented by **Luke Berg**
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

Agudath Israel of America

represented by **Luke Berg**
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

**Council of Islamic Schools in
North America**

represented by **Luke Berg**
(See above for address)

*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

**Association of Christian Schools
International**

represented by **Luke Berg**
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

**Association of Christian Teachers
and Schools**

represented by **Luke Berg**
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

**WELS Commission on Lutheran
Schools**

represented by **Luke Berg**
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

**Washington State Catholic
Conference**

represented by **Luke Berg**
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

**Washington Federation of
Independent Schools (WFIS)**

represented by **Luke Berg**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

**American Federation for Children
(AFC)**

represented by **Luke Berg**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

EdChoice

represented by **Luke Berg**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

Catholic Education Partners

represented by **Luke Berg**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Eric R Stahlfeld

(See above for address)
ATTORNEY TO BE NOTICED

Amicus

Washington Policy Center (WPC)

represented by **Luke Berg**

(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

**California Catholic Conference
(CCC)**

represented by **Luke Berg**

(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

**Colorado Catholic Conference
(CCC)**

represented by **Luke Berg**

(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

**Colorado Association of Private
Schools (CAPS)**

represented by **Luke Berg**

(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

**Indiana Non-Public Education
Association**

represented by **Luke Berg**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

**Michigan Catholic Conference
(MCC)**

represented by **Luke Berg**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

**Michigan Association of Non-
Public Schools (MANS)**

represented by **Luke Berg**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

**Midsouth Association of
Independent Schools**

represented by **Luke Berg**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

**Catholic Conference of Oklahoma
(CCO)**

represented by **Luke Berg**
(See above for address)
LEAD ATTORNEY

*PRO HAC VICE
ATTORNEY TO BE NOTICED*

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

**Pennsylvania Affiliate of the
Council for American Private
Education (PACAPE)**

represented by **Luke Berg**
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

Texas Private Schools Association

represented by **Luke Berg**
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

**Wisconsin Council of Religious &
Independent Schools (WCRIS)**

represented by **Luke Berg**
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

**Wisconsin Catholic Conference
(WCC)**

represented by **Luke Berg**
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

School Choice Wisconsin Action

represented by **Luke Berg**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

Goldwater Institute

represented by **Luke Berg**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

California Policy Center

represented by **Luke Berg**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

James Madison Institute (JMI)

represented by **Luke Berg**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

Liberty Justice Center

represented by **Luke Berg**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

**Great Lakes Education
Foundation**

represented by **Luke Berg**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

**Mississippi Center for Public
Policy**

represented by **Luke Berg**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

**Nevada Policy Research Institute
(NPRI)**

represented by **Luke Berg**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

Rio Grande Foundation

represented by **Luke Berg**
(See above for address)

*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

Roughrider Policy Center

represented by **Luke Berg**
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

Buckeye Institute

represented by **Luke Berg**
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

Commonwealth Foundation

represented by **Luke Berg**
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

School Choice Wisconsin

represented by **Luke Berg**
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Eric R Stahlfeld
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/20/2020	1	COMPLAINT against defendant(s) Betsy DeVos, United States Department of Education (Receipt # AWAADC-6473688) Attorney Paul M. Crisalli added to party State of Washington(pty:pla), filed by State of Washington. (Attachments: # 1 Civil Cover Sheet, # 2 Summons DeVos, # 3 Summons DOE, # 4 Exhibit Attachment 1, # 5 Exhibit Attachment 2, # 6 Exhibit Attachment 3, # 7 Exhibit Attachment 4, # 8 Exhibit Attachment 5, # 9 Exhibit Attachment 6)(Crisalli, Paul) (Entered: 07/20/2020)
07/21/2020		Hon. Michelle L. Peterson added. (SG) (Entered: 07/21/2020)
07/21/2020	2	NOTICE TO FILER: re 1 Complaint,. Notice of Filing Deficiency ** Action Required ** See attached letter for more information and instructions.(SG) Modified on 7/21/2020-clerical error (SG). (Entered: 07/21/2020)
07/21/2020	3	NOTICE TO FILER: re 1 Complaint,. Notice of Filing Deficiency ** Action Required ** See attached letter for more information and instructions. (SG) (Entered: 07/21/2020)
07/21/2020	4	Summons(es) Electronically Issued as to defendant(s) All Defendants (Attachments: # 1 Summons)(SG) (Entered: 07/21/2020)
07/21/2020	5	NOTICE of Appearance by attorney Jeffrey Todd Sprung on behalf of Plaintiff State of Washington. (Sprung, Jeffrey) (Entered: 07/21/2020)
07/21/2020	6	NOTICE of Appearance by attorney R July Simpson on behalf of Plaintiff State of Washington. (Simpson, R) (Entered: 07/21/2020)
07/22/2020	7	NOTICE of Appearance by attorney Spencer W Coates on behalf of Plaintiff State of Washington. (Coates, Spencer) (Entered: 07/22/2020)
07/23/2020	8	MOTION for Preliminary Injunction , filed by Plaintiff State of Washington. Oral Argument Requested. (Attachments: # 1 Proposed Order) Noting Date 8/14/2020 , (Crisalli, Paul) Modified to strike noting date per BJR Standing Order on 7/24/2020 (LH). (Entered: 07/23/2020)
07/23/2020	9	DECLARATION of Jolynn Berge filed by Plaintiff State of Washington re 8 MOTION for Preliminary Injunction (Crisalli, Paul) (Entered: 07/23/2020)
07/23/2020	10	DECLARATION of Thomas J. Kelly filed by Plaintiff State of Washington re 8 MOTION for Preliminary Injunction (Crisalli, Paul) (Entered: 07/23/2020)

07/23/2020	11	DECLARATION of Barbara Posthumus filed by Plaintiff State of Washington re 8 MOTION for Preliminary Injunction (Crisalli, Paul) (Entered: 07/23/2020)
07/23/2020	12	DECLARATION of Paul M. Crisalli filed by Plaintiff State of Washington re 8 MOTION for Preliminary Injunction (Crisalli, Paul) (Entered: 07/23/2020)
07/23/2020	13	EXHIBITS to Supplemental 12 DECLARATION of Paul M. Crisalli filed by Plaintiff State of Washington re 8 MOTION for Preliminary Injunction (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit)(Crisalli, Paul) Modified on 7/23/2020 (TF). (Entered: 07/23/2020)
07/23/2020	14	MINUTE ORDER REASSIGNING CASE by Clerk William M McCool. Case reassigned to Judge Barbara J. Rothstein for all further proceedings. Hon. Michelle L. Peterson no longer assigned to case. (TF) (Entered: 07/23/2020)
07/24/2020	15	STANDING ORDER FOR ALL CIVIL CASES. The procedures in this Order supplement, and in some cases, supersede the local rules. The parties are responsible for being familiar with the procedures in this Order. Failure to comply with the procedures may result in sanctions. Signed by Judge Barbara J. Rothstein. (GC) (Entered: 07/24/2020)
07/24/2020	16	MINUTE ORDER: The Court is in receipt of the State of Washington's Motion for Preliminary Injunction. Dkt. No. 8 . The Court hereby ORDERS Defendants Department of Education and Secretary DeVos to respond no later than Thursday, July 30, 2020. Additionally, the Court hereby schedules oral argument for 10:00am PST on Tuesday, August 4, 2020. Technical details on oral argument will follow. (MW) (Entered: 07/24/2020)
07/27/2020	17	NOTICE of Appearance by attorney Kristin Berger Johnson on behalf of Defendants Betsy DeVos, United States Department of Education. (Johnson, Kristin) (Entered: 07/27/2020)
07/27/2020	18	MOTION for Extension of Time <i>to Respond to Plaintiff's Motion for Preliminary Injunction</i> , filed by Defendants Betsy DeVos, United States Department of Education. (Attachments: # 1 Proposed Order)(Johnson, Kristin) (Entered: 07/27/2020)
07/28/2020	19	MINUTE ORDER: The Court is in receipt of the Governments Motion for Extension of Time to Respond to Plaintiff's Motion for Preliminary Injunction. Dkt. No. 18 . If the State wishes to respond, it shall do so no later than close of business on Wednesday, July 29, 2020. Authorized by Judge Barbara J. Rothstein. (GC) (Entered: 07/28/2020)
07/28/2020	20	RESPONSE, by Plaintiff State of Washington, to 18 MOTION for Extension of Time <i>to Respond to Plaintiff's Motion for Preliminary Injunction</i> . (Crisalli, Paul) (Entered: 07/28/2020)

07/28/2020	21	DECLARATION of Paul M. Crisalli filed by Plaintiff State of Washington re 18 MOTION for Extension of Time to Respond to Plaintiff's Motion for Preliminary Injunction (Crisalli, Paul) (Entered: 07/28/2020)
07/29/2020	22	MINUTE ORDER: The Court is in receipt of the Government's Motion for Extension of Time to Respond to the State's Motion for Preliminary Injunction, Dkt. No. 18 , and the State's Response, Dkt. No. 20 . The Court hereby GRANTS the motion and extends the Government's deadline to respond to the Preliminary Injunction motion until close of business Thursday, August 6, 2020. The Court also hereby reschedules the hearing currently scheduled for August 4, 2020, Dkt. No. 16 , until Monday, August 10, 2020 at 10am PST. Authorized by Judge Barbara J. Rothstein. (TH) (Entered: 07/29/2020)
07/29/2020	23	NOTICE of Pendency of Other Action in United States District Court for the Northern District of California, case number in other court 3:20-cv-04478 ; filed by Plaintiff State of Washington. (Crisalli, Paul) (Entered: 07/29/2020)
07/31/2020	24	APPLICATION OF ATTORNEY Brian H. Rowe FOR LEAVE TO APPEAR PRO HAC VICE for Plaintiff State of Washington (Fee Paid) Receipt No. AWAADC-6502344 (Crisalli, Paul) (Entered: 07/31/2020)
07/31/2020	25	NOTICE of Appearance by attorney Gregory J Wong on behalf of Amicus Council of the Great City Schools. (Wong, Gregory) (Entered: 07/31/2020)
07/31/2020	26	MOTION for Leave to File <i>Amicus Brief</i> , filed by Amicus Council of the Great City Schools. (Attachments: # 1 [Proposed] Amicus Brief, # 2 Proposed Order [Proposed] Order) Noting Date 7/31/2020, (Wong, Gregory) (Entered: 07/31/2020)
07/31/2020	27	CORPORATE DISCLOSURE STATEMENT indicating no Corporate Parents and/or Affiliates. Filed pursuant to Fed.R.Civ.P 7.1. Filed by Council of the Great City Schools (Wong, Gregory) (Entered: 07/31/2020)
07/31/2020	28	APPLICATION OF ATTORNEY John W. Borkowski FOR LEAVE TO APPEAR PRO HAC VICE for Amicus Council of the Great City Schools (Fee Paid) Receipt No. BWAADC-6502574 (Wong, Gregory) (Entered: 07/31/2020)
07/31/2020	29	APPLICATION OF ATTORNEY Mary Dewese FOR LEAVE TO APPEAR PRO HAC VICE for Amicus Council of the Great City Schools (Fee Paid) Receipt No. AWAADC-6502615 (Wong, Gregory) (Entered: 07/31/2020)
07/31/2020	30	APPLICATION OF ATTORNEY Paige Duggins-Clay FOR LEAVE TO APPEAR PRO HAC VICE for Amicus Council of the Great City Schools (Fee Paid) Receipt No. AWAADC-6502622 (Wong, Gregory) (Entered: 07/31/2020)
07/31/2020	31	APPLICATION OF ATTORNEY Aleksandra O. Rushing FOR LEAVE TO APPEAR PRO HAC VICE for Amicus Council of the Great City Schools

		(Fee Paid) Receipt No. AWAWDC-6502627 (Wong, Gregory) (Entered: 07/31/2020)
07/31/2020	32	APPLICATION OF ATTORNEY Shmuel B. Shulman FOR LEAVE TO APPEAR PRO HAC VICE for Amicus Council of the Great City Schools (Fee Paid) Receipt No. AWAWDC-6502629 (Wong, Gregory) (Entered: 07/31/2020)
08/03/2020	33	MINUTE ORDER: The Court is in receipt of the Council of the Great City Schools' Motion for Leave to File Amicus Brief. Dkt. No. 26 . The Court notes the State's consent. The Department shall respond no later than Tuesday, August 4, 2020 as to whether it objects to leave to file. Authorized by Judge Barbara J. Rothstein. (TH) (Entered: 08/03/2020)
08/03/2020	34	ORDER re 24 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Brian Hunt Rowe for Plaintiff State of Washington, by Clerk William M McCool. No document associated with this docket entry, text only. <i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d).(DS) (Entered: 08/03/2020)</i>
08/04/2020	35	NOTICE of No Opposition re 26 MOTION for Leave to File Amicus Brief ; filed by Defendants Betsy DeVos, United States Department of Education. (Johnson, Kristin) (Entered: 08/04/2020)
08/04/2020	36	ORDER re 30 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Paige Duggins-Clay for Amicus Council of the Great City Schools, by Clerk William M McCool. No document associated with this docket entry, text only. <i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d).(DS) (Entered: 08/04/2020)</i>
08/04/2020	37	ORDER re 31 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Aleksandra O. Rushing for Amicus Council of the Great City Schools, by Clerk William M McCool. No document associated with this docket entry, text only. <i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d).(DS) (Entered: 08/04/2020)</i>
08/04/2020	38	ORDER re 32 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Shmuel Benzion Shulman for Amicus Council of the

		<p>Great City Schools, by Clerk William M McCool. No document associated with this docket entry, text only.</p> <p><i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d).(DS) (Entered: 08/04/2020)</i></p>
08/04/2020	39	<p>ORDER re 28 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney John W Borkowski for Amicus Council of the Great City Schools, by Clerk William M McCool. No document associated with this docket entry, text only.</p> <p><i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d).(DS) (Entered: 08/04/2020)</i></p>
08/05/2020	40	<p>MINUTE ORDER: The Court is in receipt of the Government's Notice of No Opposition, Dkt. No. 35, to amicus curiae Council of the Great City Schools' Motion for Leave to File Amicus Brief, Dkt. No. 26. The Court hereby GRANTS the motion and the Council's request to file an overlength brief. Authorized by Judge Barbara J. Rothstein. (TH) (Entered: 08/05/2020)</p>
08/05/2020	41	<p>ORDER re 29 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Mary E Dewese for Amicus Council of the Great City Schools, by Clerk William M McCool. No document associated with this docket entry, text only.</p> <p><i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d).(DS) (Entered: 08/05/2020)</i></p>
08/05/2020	42	<p>BRIEF by Amicus Council of the Great City Schools re 8 Motion for Preliminary Injunction (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F)(Wong, Gregory) Modified to add linkage to Motion on 8/6/2020 (LH). (Entered: 08/05/2020)</p>
08/06/2020	43	<p>NOTICE of Appearance by attorney Eric R Stahlfeld on behalf of Amicus Parties Mackinac Center for Public Policy, Council for American Private Education, National Catholic Educational Association, Agudath Israel of America, Council of Islamic Schools in North America, Association of Christian Schools International, Association of Christian Teachers and Schools, WELS Commission on Lutheran Schools, Washington State Catholic Conference, Washington Federation of Independent Schools (WFIS), American Federation for Children (AFC), EdChoice, Catholic Education Partners, Washington Policy Center (WPC), California Catholic</p>

		Conference (CCC), Colorado Catholic Conference (CCC), Colorado Association of Private Schools (CAPS), Indiana Non-Public Education Association, Michigan Catholic Conference (MCC), Michigan Association of Non-Public Schools (MANS), Midsouth Association of Independent Schools, Catholic Conference of Oklahoma (CCO), Pennsylvania Affiliate of the Council for American Private Education (PACAPE), Texas Private Schools Association, Wisconsin Council of Religious & Independent Schools (WCRIS), Wisconsin Catholic Conference (WCC), School Choice Wisconsin Action, Goldwater Institute, California Policy Center, James Madison Institute (JMI), Liberty Justice Center, Great Lakes Education Foundation, Mississippi Center for Public Policy, Nevada Policy Research Institute (NPRI), Rio Grande Foundation, Roughrider Policy Center, Buckeye Institute, Commonwealth Foundation, School Choice Wisconsin. (Stahlfeld, Eric) (Entered: 08/06/2020)
08/06/2020	44	APPLICATION OF ATTORNEY Luke N. Berg FOR LEAVE TO APPEAR PRO HAC VICE for Amicus Parties Agudath Israel of America, American Federation for Children (AFC), Association of Christian Schools International, Association of Christian Teachers and Schools, Buckeye Institute, California Catholic Conference (CCC), California Policy Center, Catholic Conference of Oklahoma (CCO), Catholic Education Partners, Colorado Association of Private Schools (CAPS), Colorado Catholic Conference (CCC), Commonwealth Foundation, Council for American Private Education, Council of Islamic Schools in North America, Council of the Great City Schools , EdChoice, Goldwater Institute, Great Lakes Education Foundation, Indiana Non-Public Education Association, James Madison Institute (JMI), Liberty Justice Center, Mackinac Center for Public Policy, Michigan Association of Non-Public Schools (MANS), Michigan Catholic Conference (MCC), Midsouth Association of Independent Schools, Mississippi Center for Public Policy, National Catholic Educational Association, Nevada Policy Research Institute (NPRI), Pennsylvania Affiliate of the Council for American Private Education (PACAPE), Rio Grande Foundation, Roughrider Policy Center, School Choice Wisconsin, School Choice Wisconsin Action, Texas Private Schools Association, WELS Commission on Lutheran Schools, Washington Federation of Independent Schools (WFIS), Washington Policy Center (WPC), Washington State Catholic Conference, Wisconsin Catholic Conference (WCC), Wisconsin Council of Religious & Independent Schools (WCRIS) (Fee Paid) Receipt No. AWAWDC-6514071 (Stahlfeld, Eric) Removed party name on 8/7/2020 (DS). (Entered: 08/06/2020)
08/06/2020	45	MOTION for Leave to File <i>Amicus Brief</i> , filed by Amicus Parties Agudath Israel of America, American Federation for Children (AFC), Association of Christian Schools International, Association of Christian Teachers and Schools, Buckeye Institute, California Catholic Conference (CCC), California Policy Center, Catholic Conference of Oklahoma (CCO), Catholic Education Partners, Colorado Association of Private Schools

	<p>(CAPS), Colorado Catholic Conference (CCC), Commonwealth Foundation, Council for American Private Education, Council of Islamic Schools in North America, Council of the Great City Schools, EdChoice, Goldwater Institute, Great Lakes Education Foundation, Indiana Non-Public Education Association, James Madison Institute (JMI), Liberty Justice Center, Michigan Association of Non-Public Schools (MANS), Michigan Catholic Conference (MCC), Midsouth Association of Independent Schools, Mississippi Center for Public Policy, National Catholic Educational Association, Nevada Policy Research Institute (NPRI), Pennsylvania Affiliate of the Council for American Private Education (PACAPE), Rio Grande Foundation, Roughrider Policy Center, School Choice Wisconsin, School Choice Wisconsin Action, Texas Private Schools Association, WELS Commission on Lutheran Schools, Washington Federation of Independent Schools (WFIS), Washington Policy Center (WPC), Washington State Catholic Conference, Wisconsin Catholic Conference (WCC), Wisconsin Council of Religious & Independent Schools (WCRIS). (Attachments: # 1 Proposed Order) Noting Date 8/6/2020, (Stahlfeld, Eric) (Entered: 08/06/2020)</p>
08/06/2020	<p>46 MOTION for Leave to File Amicus Brief IN SUPPORT OF DEFENDANTS AND IN OPPOSITION TO PRELIMINARY INJUNCTION, filed by Amicus Parties Agudath Israel of America, American Federation for Children (AFC), Association of Christian Schools International, Association of Christian Teachers and Schools, Buckeye Institute, California Catholic Conference (CCC), California Policy Center, Catholic Conference of Oklahoma (CCO), Catholic Education Partners, Colorado Association of Private Schools (CAPS), Colorado Catholic Conference (CCC), Commonwealth Foundation, Council for American Private Education, Council of Islamic Schools in North America, Council of the Great City Schools, EdChoice, Goldwater Institute, Great Lakes Education Foundation, Indiana Non-Public Education Association, James Madison Institute (JMI), Liberty Justice Center, Michigan Association of Non-Public Schools (MANS), Michigan Catholic Conference (MCC), Midsouth Association of Independent Schools, Mississippi Center for Public Policy, National Catholic Educational Association, Nevada Policy Research Institute (NPRI), Pennsylvania Affiliate of the Council for American Private Education (PACAPE), Rio Grande Foundation, Roughrider Policy Center, School Choice Wisconsin, School Choice Wisconsin Action, Texas Private Schools Association, WELS Commission on Lutheran Schools, Washington Federation of Independent Schools (WFIS), Washington Policy Center (WPC), Washington State Catholic Conference, Wisconsin Catholic Conference (WCC), Wisconsin Council of Religious & Independent Schools (WCRIS). Noting Date 8/6/2020, (Stahlfeld, Eric) Modified on 8/7/2020 to terminate motion and edit docket text (TH). (Entered: 08/06/2020)</p>

08/06/2020	47	<p>ORDER re 44 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Amicus Parties Agudath Israel of America, American Federation for Children (AFC), Association of Christian Schools International, Association of Christian Teachers and Schools, Buckeye Institute, California Catholic Conference (CCC), California Policy Center, Catholic Conference of Oklahoma (CCO), Catholic Education Partners, Colorado Association of Private Schools (CAPS), Colorado Catholic Conference (CCC), Commonwealth Foundation, Council for American Private Education, Council of Islamic Schools in North America, Council of the Great City Schools, EdChoice, Goldwater Institute, Great Lakes Education Foundation, Indiana Non-Public Education Association, James Madison Institute (JMI), Liberty Justice Center, Mackinac Center for Public Policy, Michigan Association of Non-Public Schools (MANS), Michigan Catholic Conference (MCC), Midsouth Association of Independent Schools, Mississippi Center for Public Policy, National Catholic Educational Association, Nevada Policy Research Institute (NPRI), Pennsylvania Affiliate of the Council for American Private Education (PACAPE), Rio Grande Foundation, Roughrider Policy Center, School Choice Wisconsin, School Choice Wisconsin Action, Texas Private Schools Association, WELS Commission on Lutheran Schools, Washington Federation of Independent Schools (WFIS), Washington Policy Center (WPC), Washington State Catholic Conference, Wisconsin Catholic Conference (WCC), Wisconsin Council of Religious & Independent Schools (WCRIS) by Clerk William M McCool. No document associated with this docket entry, text only.</p> <p><i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d).</i>(DS) Removed party name on 8/7/2020 (DS). (Entered: 08/06/2020)</p>
08/06/2020	48	<p>MINUTE ORDER: The Court is in receipt of <i>amici curiae's</i> Motion for Leave to File Amicus Brief. Dkt. No. 45 . Noting that all parties have consented, Dkt. No. 45 at 2, the Court hereby GRANTS leave to file. Authorized by Judge Barbara J. Rothstein. (TH) (Entered: 08/06/2020)</p>
08/06/2020	49	<p>NOTICE of Appearance by attorney William Kerwin Lane, III on behalf of Defendants Betsy DeVos, United States Department of Education. (Lane, William) (Entered: 08/06/2020)</p>
08/06/2020	50	<p>RESPONSE, by Defendants Betsy DeVos, United States Department of Education, to 8 MOTION for Preliminary Injunction . (Lane, William) (Entered: 08/06/2020)</p>
08/09/2020	51	<p>REPLY, filed by Plaintiff State of Washington, TO RESPONSE to 8 MOTION for Preliminary Injunction (Crisalli, Paul) (Entered: 08/09/2020)</p>

08/10/2020	52	MINUTE ENTRY for proceedings held before Judge Barbara J. Rothstein-Dep Clerk: <i>Grant Cogswell</i> ; Pla Counsel: <i>Paul Crisalli, Jeffrey Sprung, Brian Rowe</i> ; Def Counsel: <i>William Lane</i> ; CR: <i>Andrea Ramirez</i> ; Time of Hearing: <i>10:00AM</i> ; Preliminary Injunction Hearing held on 8/10/2020 via ZoomGov. Court hears argument from counsel and takes matter under advisement. Written order to follow. (GC) Modified on 8/10/2020 (GC). (Entered: 08/10/2020)
08/17/2020	53	NOTICE of Pendency of Other Action in United States District Court for the District of Maryland, case number in other court 1:20-cv-02310 ; filed by Plaintiff State of Washington. (Crisalli, Paul) (Entered: 08/17/2020)
08/21/2020	54	ORDER granting the State's 8 Motion for Preliminary Injunction. Signed by Judge Barbara J. Rothstein. (LH) (Entered: 08/21/2020)
08/26/2020	55	MOTION CLARIFICATION REGARDING SCOPE OF PRELIMINARY INJUNCTION re 54 Order on Motion for Preliminary Injunction , filed by Defendants Betsy DeVos, United States Department of Education. (Attachments: # 1 Proposed Order) Noting Date 8/26/2020, (Lane, William) (Entered: 08/26/2020)
08/27/2020	56	MINUTE ORDER: The Court is in receipt of Defendants' Motion for Clarification regarding the scope of the Preliminary Injunction issued by the Court in this matter on August 21, 2020. Dkt. No. 55 . The State shall respond to this Motion no later than August 31, 2020, and Defendants may reply in support of their Motion no later than September 2, 2020. Authorized by Judge Barbara J. Rothstein. (LH) (Entered: 08/27/2020)
08/28/2020	57	NOTICE of Related Case(s) 3:20-cv-04478-JD, by Plaintiff State of Washington. (Attachments: # 1 Attachment)(Sprung, Jeffrey) (Entered: 08/28/2020)
08/31/2020	58	RESPONSE, by Plaintiff State of Washington, to 55 MOTION CLARIFICATION REGARDING SCOPE OF PRELIMINARY INJUNCTION re 54 Order on Motion for Preliminary Injunction . (Simpson, R) (Entered: 08/31/2020)
09/02/2020	59	REPLY, filed by Defendants Betsy DeVos, United States Department of Education, TO RESPONSE to 55 MOTION CLARIFICATION REGARDING SCOPE OF PRELIMINARY INJUNCTION re 54 Order on Motion for Preliminary Injunction (Lane, William) (Entered: 09/02/2020)
09/03/2020	60	MINUTE ORDER: The Court is in receipt of the parties' briefing on Defendants' Motion for Clarification Regarding Scope of Preliminary Injunction. Dkt. No. 55 . In its response, the State asks for expedited briefing on a dispositive motion it seeks to file, which would address whether or not the preliminary injunction should be made permanent and/or whether summary judgment should be granted in this matter. Because the Court believes that clarification will be obviated by the Court's ruling on the dispositive motion the State proposes, it hereby sets the following expedited briefing schedule: the State shall submit its motion no later than September

		11, 2020. Defendants shall respond no later than September 18, 2020, and the State may reply no later than September 23, 2020. The State's motion and Defendants' response shall not exceed 12 pages. The State's reply shall not exceed 5 pages. Authorized by Judge Barbara J. Rothstein. (LH) (Entered: 09/03/2020)
09/08/2020	61	MINUTE ORDER: The Court has reviewed the decision rendered by Judge Dabney Friedrich in <i>NAACP v. DeVos</i> granting summary judgment to plaintiffs and vacating the Interim Final Rule at issue in the matter before this Court. <i>See</i> No. 20-cv-1996, 2020 WL 5291406 (D.D.C. Sept. 4, 2020). The Court hereby schedules a video-teleconference for 9:00 am PDT on Wednesday, September 9, 2020 to discuss the effect of that ruling on future motions in this case. Authorized by Judge Barbara J. Rothstein. (LH) (Entered: 09/08/2020)
09/09/2020	62	MINUTE ENTRY for proceedings held before Judge Barbara J. Rothstein-Dep Clerk: <i>Grant Cogswell</i> ; Pla Counsel: <i>Paul Crisalli, Jeffrey Sprung</i> ; Def Counsel: <i>William Lane</i> ; CR: <i>Nickie Drury</i> ; Time of Hearing: 9:00AM; Telephone Conference via ZoomGov held on 9/9/2020. Court discusses recent ruling in <i>NAACP v. DeVos</i> with both parties and its effect on this case. Modified on 9/9/2020 (GC). (Entered: 09/09/2020)
09/09/2020	63	MINUTE ORDER: On September 9, 2020, the Court held a hearing on this matter via video-teleconference. The State of Washington was represented by Paul Crisalli and the Defendants by William Lane III. During the hearing, the parties discussed the recent ruling in <i>NAACP v. DeVos</i> and its effect on this case. <i>See</i> No. 20-cv-1996, 2020 WL 5291406 (D.D.C. Sept. 4, 2020). Defendants represented that the Department of Education considers the Interim Final Rule vacated and no longer in effect nationwide. In light of this representation, the Court will allow the State of Washington to file its Motion for Summary Judgment, but will stay all other proceedings for 30 days from this Order while the Defendants consider whether to appeal the ruling in <i>NAACP v. DeVos</i> . The Court hereby ORDERS Defendants to notify the Court within 30 days, or as soon as the decision is made, as to whether they intend to appeal. Authorized by Judge Barbara J. Rothstein. (LH) (Entered: 09/09/2020)
09/11/2020	64	MOTION for Summary Judgment , filed by Plaintiff State of Washington. (Attachments: # 1 Proposed Order)(Crisalli, Paul) (Entered: 09/11/2020)
10/26/2020	6	MINUTE ORDER: The Court in <i>NAACP v. DeVos</i> (D.D.C 20-cv-1996) having effectively enjoined the rule at issue in the case before this Court, the Court finds that no further action is required in this matter and, therefore, dismisses this case. Authorized by Judge Barbara J. Rothstein. (MW) (Entered: 10/26/2020)
11/09/2020	66	MOTION for Reconsideration re 65 Order Dismissing Case, , filed by Plaintiff State of Washington. (Attachments: # 1 Proposed Order) Noting Date 11/9/2020, (Crisalli, Paul) (Entered: 11/09/2020)

11/10/2020	67	MINUTE ORDER: The Court is in receipt of the State of Washington's Motion for Reconsideration. Dkt. No. 66 . Pursuant to W.D. Wa. LCR 7(h)(3), the Court hereby orders Defendants to respond no later than Monday, November 16, 2020. Defendants' response shall not exceed 7 pages. Authorized by Judge Barbara J. Rothstein. (MW) (Entered: 11/10/2020)
11/16/2020	68	RESPONSE, by Defendants Betsy DeVos, United States Department of Education, to 66 MOTION for Reconsideration re 65 Order Dismissing Case, . (Attachments: # 1 Exhibit Email from K. Talmor to Plaintiff's Counsel)(Talmor, Kate) (Entered: 11/16/2020)
12/09/2020	69	ORDER denying Plaintiff's 66 Motion for Reconsideration re 65 Order Dismissing Case. Should the Department renege on this commitment, and attempt to enforce the now-defunct Rule, the State may seek to reopen this matter at that time. Signed by Judge Barbara J. Rothstein. (LH) (Entered: 12/09/2020)

PACER Service Center

Transaction Receipt

03/05/2021 08:52:29

PACER Login:	CRClearinghouse	Client Code:	Gillan
Description:	Docket Report	Search Criteria:	2:20-cv-01119-BJR
Billable Pages:	18	Cost:	1.80
Exempt flag:	Not Exempt	Exempt reason:	Not Exempt