

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-00408-TNM**

CENTER FOR BIOLOGICAL DIVERSITY et al v. TRUMP et al
Assigned to: Judge Trevor N. McFadden
Cases: [1:19-cv-00404-TNM](#)
[1:19-cv-00969-TNM](#)
[1:20-cv-01230-TNM](#)
[1:19-cv-02085-KBJ](#)

Date Filed: 02/16/2019
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: U.S. Government Defendant

Cause: 28:1331 Fed. Question

Plaintiff

**CENTER FOR BIOLOGICAL
DIVERSITY**

represented by **Anthony T. Eliseuson**
ANIMAL LEGAL DEFENSE FUND
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TERMINATED: 04/28/2020

Plaintiff

DEFENDERS OF WILDLIFE

represented by **Anthony T. Eliseuson**
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE*

Brian Paul Segee
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE*

Jason C. Rylander
(See above for address)
ATTORNEY TO BE NOTICED

Marc D. Fink
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*PRO HAC VICE
ATTORNEY TO BE NOTICED*

Tanya Sanerib
(See above for address)
TERMINATED: 04/28/2020

Plaintiff

ANIMAL LEGAL DEFENSE FUND

represented by **Anthony T. Eliseuson**
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE*

Brian Paul Segee
(See above for address)
*LEAD ATTORNEY
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ATTORNEY TO BE NOTICED*

Jason C. Rylander
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(See above for address)
*PRO HAC VICE
ATTORNEY TO BE NOTICED*

Tanya Sanerib
(See above for address)
TERMINATED: 04/28/2020

V.

Defendant

DONALD J. TRUMP

*in his official capacity as President of the
United States*

TERMINATED: 04/02/2020

represented by **Andrew I. Warden**
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Leslie Cooper Vigen

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TERMINATED: 02/04/2020

Defendant

PATRICK M. SHANAHAN

*in his official capacity as acting Secretary
of Defense*

represented by **Andrew I. Warden**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Leslie Cooper Vigen

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James Mahoney Burnham

(See above for address)
TERMINATED: 02/04/2020

Defendant

STEVEN T. MNUCHIN

*In his official capacity as Secretary of the
Department of Treasury*

TERMINATED: 04/15/2019

represented by **Andrew I. Warden**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Leslie Cooper Vigen

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James Mahoney Burnham

(See above for address)
TERMINATED: 02/04/2020

Defendant

KIRSTJEN M. NIELSEN
*in her official capacity as Homeland
Security Secretary*
TERMINATED: 04/15/2019

represented by **Andrew I. Warden**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Leslie Cooper Vigen
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James Mahoney Burnham
(See above for address)
TERMINATED: 02/04/2020

Defendant

DAVID L. BERNHARDT
*in his official capacity as Secretary of the
Interior*

represented by **Andrew I. Warden**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Leslie Cooper Vigen
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James Mahoney Burnham
(See above for address)
TERMINATED: 02/04/2020

Defendant

TODD T. SEMONITE
*Lieutenant General, in his official
capacity as Commander and Chief of
Engineers*

represented by **Andrew I. Warden**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Leslie Cooper Vigen
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James Mahoney Burnham
(See above for address)
TERMINATED: 02/04/2020

Defendant

KEVIN K. MCALEENAN
*in his official capacity as acting
Homeland Security Secretary*

represented by **Andrew I. Warden**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Leslie Cooper Vigen
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James Mahoney Burnham
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TERMINATED: 02/04/2020

Amicus

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Amicus

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PRO HAC VICE

Date Filed	#	Docket Text
02/16/2019	<u>1</u>	COMPLAINT <i>for Declaratory and Injunctive Relief</i> against All Defendants (Filing fee \$ 400 receipt number 0090-5952405), CIVIL COVER SHEET by CENTER FOR BIOLOGICAL DIVERSITY, ANIMAL LEGAL DEFENSE FUND, DEFENDERS OF WILDLIFE, REQUEST FOR SUMMONS TO ISSUE filed by CENTER FOR BIOLOGICAL DIVERSITY, ANIMAL LEGAL DEFENSE FUND, DEFENDERS OF WILDLIFE. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons, # <u>7</u> Summons, # <u>8</u> Summons, # <u>9</u> Notice of Designation of Related Cases)(Sanerib, Tanya) (Entered: 02/16/2019)
02/16/2019	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by ANIMAL LEGAL DEFENSE FUND, CENTER FOR BIOLOGICAL DIVERSITY, DEFENDERS OF WILDLIFE (Sanerib, Tanya) (Entered: 02/16/2019)
02/16/2019	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Brian Segee, :Firm- Center for Biological Diversity, :Address- 660 S. Figueroa Street, Suite 1000, Los Angeles, CA 90017. Phone No. - (805) 750-8852. Filing fee \$ 100, receipt number 0090-5952419. Fee Status: Fee Paid. by ANIMAL LEGAL DEFENSE FUND, CENTER FOR BIOLOGICAL DIVERSITY, DEFENDERS OF WILDLIFE (Attachments: # <u>1</u> Declaration)(Sanerib, Tanya) (Entered: 02/16/2019)
02/16/2019	<u>4</u>	NOTICE OF RELATED CASE by All Plaintiffs. Case related to Case No. 19-cv-404 and 19-cv-405. (zsb) (Entered: 02/19/2019)
02/19/2019		Case Assigned to Judge Trevor N. McFadden. (zsb) (Entered: 02/19/2019)
02/19/2019	<u>5</u>	SUMMONS (7) Issued Electronically as to DAVID BERNHARDT, STEVEN MNUCHIN, KIRSTJEN M. NIELSEN, PATRICK M. SHANAHAN, DONALD J. TRUMP, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and

		Consent)(zef,) (Entered: 02/19/2019)
02/19/2019	<u>6</u>	STANDING ORDER establishing procedures for cases before Judge Trevor N. McFadden. The parties are ORDERED to read and strictly comply with the directives in the attached order. Signed by Judge Trevor N. McFadden on 2/19/2019. (lctnm3) (Entered: 02/19/2019)
02/19/2019		ORDER granting the <u>3</u> Motion for Leave to Appear Pro Hac Vice. Attorney Brian Segee shall promptly register for this Court's CM/ECF system. Signed by Judge Trevor N. McFadden on 2/19/2019. (lctnm3) (Entered: 02/19/2019)
02/20/2019	<u>7</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Anthony T. Eliseuson, :Firm– Animal Legal Defense Fund, :Address– 150 South Wacker Drive, Suite 2400; Chicago, Illinois 60606. Phone No. – (707) 795–2533. Filing fee \$ 100, receipt number 0090–5956275. Fee Status: Fee Paid. by ANIMAL LEGAL DEFENSE FUND, CENTER FOR BIOLOGICAL DIVERSITY, DEFENDERS OF WILDLIFE (Attachments: # <u>1</u> Declaration)(Sanerib, Tanya) (Entered: 02/20/2019)
02/21/2019		MINUTE ORDER granting the <u>7</u> Motion for Leave to Appear Pro Hac Vice. Attorney Anthony T. Eliseuson shall promptly register for this Court's CM/ECF system. Signed by Judge Trevor N. McFadden on 2/21/2019. (lctnm3) Modified on 2/21/2019 to edit event title (hmc). (Entered: 02/21/2019)
02/28/2019	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 2/27/2019. Answer due for ALL FEDERAL DEFENDANTS by 4/28/2019. (Segee, Brian) (Entered: 02/28/2019)
02/28/2019	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 02/27/2019. (Segee, Brian) (Entered: 02/28/2019)
02/28/2019	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DAVID BERNHARDT served on 2/26/2019; STEVEN MNUCHIN served on 2/27/2019; KIRSTJEN M. NIELSEN served on 2/26/2019; PATRICK M. SHANAHAN served on 2/26/2019; DONALD J. TRUMP served on 2/27/2019 (Segee, Brian) (Entered: 02/28/2019)
03/01/2019	<u>11</u>	NOTICE of Appearance by Anchun Jean Su on behalf of CENTER FOR BIOLOGICAL DIVERSITY (Su, Anchun) (Entered: 03/01/2019)
04/02/2019	<u>12</u>	MOTION to Dismiss by DAVID BERNHARDT, STEVEN MNUCHIN, KIRSTJEN M. NIELSEN, PATRICK M. SHANAHAN, DONALD J. TRUMP (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(Vigen, Leslie) (Entered: 04/02/2019)
04/02/2019	<u>13</u>	NOTICE of Appearance by Andrew I. Warden on behalf of DAVID BERNHARDT, STEVEN MNUCHIN, KIRSTJEN M. NIELSEN, PATRICK M. SHANAHAN, DONALD J. TRUMP (Warden, Andrew) (Entered: 04/02/2019)
04/02/2019	<u>14</u>	NOTICE of Appearance by Leslie Cooper Vigen on behalf of All Defendants (Vigen, Leslie) (Entered: 04/02/2019)
04/09/2019	<u>15</u>	MOTION for Leave to File <i>Amicus Memo of Law</i> by Andy Barr (Attachments: # <u>1</u> Memorandum in Support Proposed Amicus Brief, # <u>2</u> Text of Proposed Order Proposed Order)(Joseph, Lawrence) (Entered: 04/09/2019)
04/15/2019	<u>16</u>	AMENDED COMPLAINT (<i>First</i>) against DAVID BERNHARDT, KIRSTJEN M. NIELSEN, PATRICK M. SHANAHAN, DONALD J. TRUMP, TODD T. SEMONITE filed by ANIMAL LEGAL DEFENSE FUND, DEFENDERS OF WILDLIFE, CENTER FOR BIOLOGICAL DIVERSITY. (Attachments: # <u>1</u> redline comparision with original complaint)(Segee, Brian) (Entered: 04/15/2019)
04/15/2019	<u>17</u>	REQUEST FOR SUMMONS TO ISSUE <i>Lieutenant General Todd T. Semonite, in his official capacity as Commander and Chief Engineer, U.S. Army Corps of Engineers</i> re <u>16</u> Amended Complaint, filed by ANIMAL LEGAL DEFENSE FUND, DEFENDERS OF WILDLIFE, CENTER FOR BIOLOGICAL DIVERSITY. Related document: <u>16</u> Amended Complaint, filed by DEFENDERS OF WILDLIFE, ANIMAL LEGAL DEFENSE FUND, CENTER FOR BIOLOGICAL DIVERSITY.(Segee, Brian)

		(Entered: 04/15/2019)
04/17/2019	<u>18</u>	SUMMONS (1) Issued Electronically as to TODD T. SEMONITE. (Attachment: # <u>1</u> Notice and Consent) (tth) (Entered: 04/17/2019)
04/18/2019		MINUTE ORDER denying the Defendants' <u>12</u> Motion to Dismiss as moot. The Plaintiffs have file an Amended Complaint (<u>16</u>) as permitted by Federal Rule of Civil Procedure 15. Signed by Judge Trevor N. McFadden on 4/18/2019. (lctnm3) (Entered: 04/18/2019)
04/23/2019	<u>19</u>	Consent MOTION for Briefing Schedule <i>and to Stay Discovery and Initial Case Management Obligations</i> by DAVID BERNHARDT, KEVIN MCALEENAN, TODD T. SEMONITE, PATRICK M. SHANAHAN, DONALD J. TRUMP (Attachments: # <u>1</u> Text of Proposed Order)(Vigen, Leslie). Added MOTION to Stay on 4/26/2019 (tth). (Entered: 04/23/2019)
04/23/2019		MINUTE ORDER: Upon consideration of the Defendants' <u>19</u> Consent Motion, the following briefing schedule is hereby ordered: the Defendants shall file a renewed Motion to Dismiss on or before May 10, 2019. The Plaintiffs shall file their Opposition on or before May 31, 2019. The Defendants shall file their Reply on or before June 12, 2019. It is further ordered that the parties' discovery and initial case management obligations, including the requirements of Local Civil Rule 16.3 and Federal Rules of Civil Procedure 16 and 26 shall be stayed during the pendency of the Defendants' Motion to Dismiss. Signed by Judge Trevor N. McFadden on 4/23/2019. (lctnm3) (Entered: 04/23/2019)
04/23/2019		Set/Reset Deadlines: Defendants' renewed Motion to Dismiss due by 5/10/2019. Plaintiffs' Opposition due by 5/31/2019. Defendants' reply due by 6/12/2019. (hmc) (Entered: 04/23/2019)
04/24/2019		MINUTE ORDER granting the <u>15</u> Motion for Leave to File. Signed by Judge Trevor N. McFadden on 4/24/2019. (lctnm3) (Entered: 04/24/2019)
04/24/2019	<u>20</u>	AMICUS BRIEF by ANDY BARR. (ztd) (Entered: 04/25/2019)
05/07/2019	<u>21</u>	Unopposed MOTION for Leave to File Excess Pages by DAVID BERNHARDT, KEVIN K. MCALEENAN, TODD T. SEMONITE, PATRICK M. SHANAHAN, DONALD J. TRUMP (Attachments: # <u>1</u> Text of Proposed Order)(Vigen, Leslie) (Entered: 05/07/2019)
05/07/2019		MINUTE ORDER: Upon consideration of the Defendants' <u>21</u> Unopposed Motion for Leave to File Excess Pages, it is hereby ORDERED that the Defendants may file a motion to dismiss up to, but not exceeding, 55 pages in length. The Plaintiffs may file an opposition to this motion up to, but not exceeding, 55 pages in length. Signed by Judge Trevor N. McFadden on 5/7/2019. (lctnm3) (Entered: 05/07/2019)
05/10/2019	<u>22</u>	MOTION to Dismiss <i>Plaintiffs' Amended Complaint</i> by DAVID BERNHARDT, KEVIN K. MCALEENAN, STEVEN MNUCHIN, KIRSTJEN M. NIELSEN, TODD T. SEMONITE, PATRICK M. SHANAHAN, DONALD J. TRUMP (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(Warden, Andrew) (Entered: 05/10/2019)
05/14/2019	<u>23</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Elizabeth Goitein, :Firm– Brennan Center for Justice, :Address– 1140 Connecticut Ave. NW, Ste. 1150, Washington, D.C. 20036. Phone No. – 202–249–7192. Fax No. – 202–223–2683 Filing fee \$ 100, receipt number 0090–6122342. Fee Status: Fee Paid. by BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF LAW (Attachments: # <u>1</u> Declaration of Elizabeth Goitein in Support of Pro Hac Vice Motion, # <u>2</u> Text of Proposed Order)(Weiner, Daniel) (Entered: 05/14/2019)
05/14/2019	<u>24</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– J. Andrew Boyle, :Firm– Brennan Center for Justice, :Address– 1140 Connecticut Ave. NW, Ste. 1150, Washington, D.C. 20036. Phone No. – 202–753–5909. Fax No. – 202–223–2683 Filing fee \$ 100, receipt number 0090–6122458. Fee Status: Fee Paid. by BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF LAW (Attachments: # <u>1</u> Declaration of J. Andrew Boyle in Support of Motion for Admission Pro Hac Vice, # <u>2</u> Text of Proposed Order)(Weiner, Daniel) (Entered: 05/14/2019)

05/14/2019		MINUTE ORDER granting the <u>23</u> and <u>24</u> Motions for Leave to Appear Pro Hac Vice. Attorneys Elizabeth Goitein and J. Andrew Boyle shall promptly register for this Court's CM/ECF system. Signed by Judge Trevor N. McFadden on 5/14/2019. (lctnm3) (Entered: 05/14/2019)
05/16/2019	<u>25</u>	NOTICE of Filing of Second Declaration of Kenneth Rapuano by DAVID BERNHARDT, KEVIN K. MCALEENAN, TODD T. SEMONITE, PATRICK M. SHANAHAN, DONALD J. TRUMP (Attachments: # <u>1</u> Declaration Second Declaration of Kenneth Rapuano)(Vigen, Leslie) (Entered: 05/16/2019)
05/16/2019	<u>26</u>	NOTICE of Filing of Statement by DAVID BERNHARDT, KEVIN K. MCALEENAN, TODD T. SEMONITE, PATRICK M. SHANAHAN, DONALD J. TRUMP (Attachments: # <u>1</u> Exhibit May 13, 2019 Order, # <u>2</u> Exhibit Response to May 13, 2019 Order)(Vigen, Leslie) (Entered: 05/16/2019)
05/23/2019	<u>27</u>	Unopposed MOTION for Leave to File <i>Memorandum of Law in Support of Defendants as Amicus Curiae</i> by ANDY BARR (Attachments: # <u>1</u> Exhibit Proposed Amicus Memo of Law, # <u>2</u> Text of Proposed Order proposed order)(Joseph, Lawrence) (Entered: 05/23/2019)
05/23/2019		MINUTE ORDER granting the <u>27</u> Unopposed Motion for Leave to File an Amicus Brief. Signed by Judge Trevor N. McFadden on 5/23/2019. (lctnm3) (Entered: 05/23/2019)
05/23/2019	<u>28</u>	AMICUS BRIEF by ANDY BARR. (tth) (Entered: 05/24/2019)
05/28/2019	<u>29</u>	MOTION for Leave to File <i>Amicus Brief</i> by BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF LAW (Attachments: # <u>1</u> Amicus Brief, # <u>2</u> Text of Proposed Order)(Goitein, Elizabeth) (Entered: 05/28/2019)
05/29/2019		MINUTE ORDER granting the <u>29</u> Motion for Leave to File an Amicus Brief. The Clerk of the Court shall extract the Brief, ECF No. 29-1, and file it on the docket. Signed by Judge Trevor N. McFadden on 5/29/2019. (lctnm3) (Entered: 05/29/2019)
05/29/2019	<u>30</u>	AMICUS BRIEF by BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF LAW. (tth) (Entered: 05/30/2019)
05/31/2019	<u>31</u>	Memorandum in opposition to re <u>22</u> MOTION to Dismiss <i>Plaintiffs' Amended Complaint</i> filed by ANIMAL LEGAL DEFENSE FUND, CENTER FOR BIOLOGICAL DIVERSITY, DEFENDERS OF WILDLIFE. (Attachments: # <u>1</u> Declaration of Brian Segee, # <u>2</u> Declaration of Kara Clauser (with map attachments), # <u>3</u> Declaration Standing Declarations)(Segee, Brian) (Entered: 05/31/2019)
06/06/2019	<u>32</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>22</u> MOTION to Dismiss <i>Plaintiffs' Amended Complaint</i> by DAVID BERNHARDT, KEVIN K. MCALEENAN, TODD T. SEMONITE, PATRICK M. SHANAHAN, DONALD J. TRUMP (Attachments: # <u>1</u> Text of Proposed Order)(Vigen, Leslie) (Entered: 06/06/2019)
06/06/2019		MINUTE ORDER: Upon consideration of the Defendants' <u>32</u> Unopposed Motion, it is hereby ORDERED that the Defendants shall file any Reply in support of their Motion to Dismiss on or before June 17, 2019. Signed by Judge Trevor N. McFadden on 6/6/2019. (lctnm3) (Entered: 06/06/2019)
06/07/2019		Set/Reset Deadlines: Defendants' reply in support of their Motion to Dismiss due by 6/17/2019. (hmc) (Entered: 06/07/2019)
06/17/2019	<u>33</u>	REPLY to opposition to motion re <u>22</u> MOTION to Dismiss <i>Plaintiffs' Amended Complaint</i> filed by DAVID BERNHARDT, KEVIN K. MCALEENAN, TODD T. SEMONITE, PATRICK M. SHANAHAN, DONALD J. TRUMP. (Vigen, Leslie) (Entered: 06/17/2019)
07/11/2019	<u>34</u>	Joint STATUS REPORT by DAVID BERNHARDT, KEVIN K. MCALEENAN, TODD T. SEMONITE, PATRICK M. SHANAHAN, DONALD J. TRUMP. (Vigen, Leslie) (Entered: 07/11/2019)
08/06/2019	<u>35</u>	NOTICE OF RELATED CASE by DAVID BERNHARDT, KEVIN K. MCALEENAN, TODD T. SEMONITE, PATRICK M. SHANAHAN, DONALD J. TRUMP. Case related to Case No. 19cv2085. (Warden, Andrew) (Entered: 08/06/2019)

		08/06/2019)
08/27/2019	<u>36</u>	NOTICE <i>Of Decision by the Department of Defense to Authorize Additional Border Barrier Projects Pursuant to 10 U.S.C. § 284</i> by DAVID BERNHARDT, KEVIN K. MCALEENAN, TODD T. SEMONITE, PATRICK M. SHANAHAN, DONALD J. TRUMP (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Warden, Andrew) (Entered: 08/27/2019)
09/03/2019	<u>37</u>	NOTICE <i>of Decision by the Department of Defense to Authorize Border Barrier Projects Pursuant to 10 U.S.C. § 2808</i> by DAVID BERNHARDT, KEVIN K. MCALEENAN, TODD T. SEMONITE, PATRICK M. SHANAHAN, DONALD J. TRUMP (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Warden, Andrew) (Entered: 09/03/2019)
09/05/2019	<u>38</u>	NOTICE <i>Supplement to Notice of Decision by the Department of Defense to Authorize Border Barrier Projects Pursuant to 10 U.S.C. § 2808</i> by DAVID BERNHARDT, KEVIN K. MCALEENAN, TODD T. SEMONITE, PATRICK M. SHANAHAN, DONALD J. TRUMP re <u>37</u> Notice (Other), (Attachments: # <u>1</u> Exhibit)(Warden, Andrew) (Entered: 09/05/2019)
09/10/2019	<u>39</u>	Joint MOTION for Briefing Schedule <i>to Address 10 U.S.C. 2808</i> by DAVID BERNHARDT, KEVIN K. MCALEENAN, TODD T. SEMONITE, PATRICK M. SHANAHAN, DONALD J. TRUMP (Attachments: # <u>1</u> Text of Proposed Order)(Vigen, Leslie) (Entered: 09/10/2019)
09/10/2019		MINUTE ORDER granting <u>39</u> Motion for Briefing Schedule. The parties shall file supplemental briefs to address whether or how the Secretary of Defenses decision to authorize certain border barrier projects pursuant to 10 U.S.C. § 2808 affects the parties' arguments made in support of or in opposition to Defendants' Motion to Dismiss Plaintiffs' Amended Complaint. It is furthered ORDERED that the parties shall adhere to the following briefing schedule and page limitations: Defendants' Supplemental Brief, not to exceed 10 pages, shall be filed on or before September 18, 2019. Plaintiffs' response to Defendants' Supplemental Brief, not to exceed 10 pages, shall be filed on or before October 2, 2019. Defendants' Reply, not to exceed 5 pages, shall be filed on or before October 9, 2019. Signed by Judge Trevor N. McFadden on 9/10/19. (lctnm1) Modified on 9/12/2019 to edit event title (hmc). (Entered: 09/10/2019)
09/10/2019		Set/Reset Deadlines: Defendants' Supplemental Brief due by 9/18/2019. Plaintiffs' response to Defendants' Supplemental Brief due by 10/2/2019. Defendants' Reply due by 10/9/2019. (hmc) (Entered: 09/10/2019)
09/16/2019	<u>40</u>	NOTICE <i>Supplemental Notice Regarding Decision by the Department of Defense to Authorize Additional Border Barrier Projects Pursuant to 10 U.S.C. § 284</i> by DAVID BERNHARDT, KEVIN K. MCALEENAN, TODD T. SEMONITE, PATRICK M. SHANAHAN, DONALD J. TRUMP re <u>36</u> Notice (Other), (Attachments: # <u>1</u> Exhibit)(Warden, Andrew) (Entered: 09/16/2019)
09/18/2019	<u>41</u>	SUPPLEMENTAL MEMORANDUM to re <u>22</u> MOTION to Dismiss <i>Plaintiffs' Amended Complaint to Address 10 U.S.C. 2808</i> filed by DAVID BERNHARDT, KEVIN K. MCALEENAN, TODD T. SEMONITE, PATRICK M. SHANAHAN, DONALD J. TRUMP. (Vigen, Leslie) (Entered: 09/18/2019)
09/18/2019	<u>42</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by DAVID BERNHARDT, KEVIN K. MCALEENAN, TODD T. SEMONITE, PATRICK M. SHANAHAN, DONALD J. TRUMP (Attachments: # <u>1</u> Exhibit U.S. Government Accountability Office Opinion B-330862)(Vigen, Leslie) (Entered: 09/18/2019)
09/30/2019	<u>43</u>	NOTICE <i>Regarding Funding of Border Barrier Projects Pursuant to 10 U.S.C. § 284 in Fiscal Year 2020</i> by DAVID BERNHARDT, KEVIN K. MCALEENAN, TODD T. SEMONITE, PATRICK M. SHANAHAN, DONALD J. TRUMP (Attachments: # <u>1</u> Exhibit)(Warden, Andrew) (Entered: 09/30/2019)
10/02/2019	<u>44</u>	SUPPLEMENTAL MEMORANDUM to re <u>22</u> MOTION to Dismiss <i>Plaintiffs' Amended Complaint</i> filed by ANIMAL LEGAL DEFENSE FUND, CENTER FOR BIOLOGICAL DIVERSITY, DEFENDERS OF WILDLIFE. (Attachments: # <u>1</u> Declaration (Holslin standing declaration))(Segee, Brian) (Entered: 10/02/2019)

10/09/2019	<u>45</u>	REPLY re <u>41</u> Supplemental Memorandum, to Address 10 U.S.C. 2808 filed by DAVID BERNHARDT, KEVIN K. MCALEENAN, TODD T. SEMONITE, PATRICK M. SHANAHAN, DONALD J. TRUMP. (Vigen, Leslie) (Entered: 10/09/2019)
11/04/2019		MINUTE ORDER. It is hereby ORDERED that the parties shall appear for a joint hearing with <i>Rio Grande International et al. v. Trump et al.</i> (19-cv-00720) on the Defendants' <u>22</u> Motion to Dismiss on December 16, 2019, at 10:00 a.m. in Courtroom 2, before Judge Trevor N. McFadden. Signed by Judge Trevor N. McFadden on 11/4/2019. (lctnm1) (Entered: 11/04/2019)
11/04/2019		Set/Reset Hearings: Motion Hearing set for 12/16/2019 at 10:00 AM in Courtroom 2 before Judge Trevor N. McFadden. (hmc) (Entered: 11/04/2019)
12/12/2019	<u>46</u>	NOTICE of Recent Decisions by DAVID BERNHARDT, KEVIN K. MCALEENAN, TODD T. SEMONITE, PATRICK M. SHANAHAN, DONALD J. TRUMP (Warden, Andrew) (Entered: 12/12/2019)
12/12/2019	<u>47</u>	NOTICE of Appearance by James Mahoney Burnham on behalf of All Defendants (Burnham, James) (Entered: 12/12/2019)
12/16/2019		Minute Entry for proceedings held before Judge Trevor N. McFadden: Motion Hearing held on 12/16/2019 re <u>22</u> MOTION to Dismiss <i>Plaintiffs' Amended Complaint</i> . Matter taken under advisement. Government's Supplemental Briefing due by 1/6/2020. Plaintiff's Opposition due by 1/20/2020. Government's Reply due by 1/27/2020. (Court Reporter: Crystal Pilgrim.) (hmc) (Entered: 12/16/2019)
01/06/2020	<u>48</u>	SUPPLEMENTAL MEMORANDUM to re <u>22</u> MOTION to Dismiss <i>Plaintiffs' Amended Complaint Addressing Zone of Interests</i> filed by DAVID BERNHARDT, KEVIN K. MCALEENAN, STEVEN T. MNUCHIN, KIRSTJEN M. NIELSEN, TODD T. SEMONITE, PATRICK M. SHANAHAN, DONALD J. TRUMP. (Warden, Andrew) (Entered: 01/06/2020)
01/20/2020	<u>49</u>	SUPPLEMENTAL MEMORANDUM to re <u>22</u> MOTION to Dismiss <i>Plaintiffs' Amended Complaint Addressing Zone of Interests</i> filed by ANIMAL LEGAL DEFENSE FUND, CENTER FOR BIOLOGICAL DIVERSITY, DEFENDERS OF WILDLIFE. (Segee, Brian) (Entered: 01/20/2020)
01/22/2020	<u>50</u>	NOTICE Regarding Section 2808 Construction by DAVID BERNHARDT, KEVIN K. MCALEENAN, TODD T. SEMONITE, PATRICK M. SHANAHAN, DONALD J. TRUMP (Attachments: # <u>1</u> Exhibit Second Declaration of Brigadier General Glenn A. Goddard)(Vigen, Leslie) (Entered: 01/22/2020)
01/27/2020	<u>51</u>	REPLY in Support of Defendants' Supplemental Memorandum Addressing Zone of Interests filed by DAVID BERNHARDT, KEVIN K. MCALEENAN, STEVEN T. MNUCHIN, TODD T. SEMONITE, PATRICK M. SHANAHAN, DONALD J. TRUMP. (Warden, Andrew) (Entered: 01/27/2020)
02/04/2020	<u>52</u>	MOTION to Withdraw as Attorney by DAVID BERNHARDT, KEVIN K. MCALEENAN, STEVEN T. MNUCHIN, KIRSTJEN M. NIELSEN, TODD T. SEMONITE, PATRICK M. SHANAHAN, DONALD J. TRUMP (Burnham, James) (Entered: 02/04/2020)
02/04/2020		MINUTE ORDER granting the <u>52</u> Motion to Withdraw as Attorney. James Burnham is hereby granted leave to withdraw as counsel for Defendants. SO ORDERED. Signed by Judge Trevor N. McFadden on 2/4/2020. (lctnm1) (Entered: 02/04/2020)
02/13/2020	<u>53</u>	NOTICE Regarding Authorization of Additional Border Barrier Projects Pursuant to 10 U.S.C. § 284 by DAVID BERNHARDT, KEVIN K. MCALEENAN, TODD T. SEMONITE, PATRICK M. SHANAHAN, DONALD J. TRUMP (Attachments: # <u>1</u> Declaration Seventh Rapuano Declaration, # <u>2</u> Declaration Second Stiglich Declaration)(Warden, Andrew) (Entered: 02/13/2020)
04/02/2020	<u>54</u>	MEMORANDUM OPINION re Defendants' <u>22</u> Motion to Dismiss. Signed by Judge Trevor N. McFadden on 4/2/2020. (lctnm1) (Entered: 04/02/2020)
04/02/2020	<u>55</u>	ORDER. For the reasons stated in <u>54</u> Memorandum Opinion, the Defendants' <u>22</u> Motion to Dismiss is GRANTED in part and DENIED in part. See attached Order for details. Signed by Judge Trevor N. McFadden on 4/2/2020. (lctnm1) (Entered: 04/02/2020)

		04/02/2020)
04/02/2020		VACATED PURSUANT TO MINUTE ORDER ENTERED ON 4/10/2020.....MINUTE ORDER. In light of the Court's <u>55</u> Order granting in part and denying in part Defendants' <u>22</u> Motion to Dismiss, Defendants are ORDERED to file an Answer to Plaintiffs' First Amended Complaint on or before April 16, 2020. SO ORDERED. Signed by Judge Trevor N. McFadden on 4/2/2020. (lctnm1) Modified on 4/13/2020 (hmc). (Entered: 04/02/2020)
04/03/2020		Set/Reset Deadlines: Defendants' Answer to Plaintiffs' First Amended Complaint due by 4/16/2020. (zhmc) (Entered: 04/03/2020)
04/06/2020	<u>56</u>	NOTICE of Appearance by Jason C. Rylander on behalf of ANIMAL LEGAL DEFENSE FUND, CENTER FOR BIOLOGICAL DIVERSITY, DEFENDERS OF WILDLIFE (Rylander, Jason) (Entered: 04/06/2020)
04/10/2020	<u>57</u>	Joint MOTION for Briefing Schedule <i>for Motions For Summary Judgment</i> by DAVID L. BERNHARDT, KEVIN K. MCALEENAN, TODD T. SEMONITE, PATRICK M. SHANAHAN (Attachments: # <u>1</u> Text of Proposed Order)(Warden, Andrew) (Entered: 04/10/2020)
04/10/2020		MINUTE ORDER. Upon consideration of the parties' <u>57</u> Joint Motion for Briefing Schedule for Motions for Summary Judgment, it is hereby ORDERED that the briefing schedule for Cross-Motions for Summary Judgment shall be as follows: Defendants shall file the Administrative Record on or before April 16, 2020; Plaintiffs' Motion for Summary Judgment shall be filed on or before May 29, 2020; Defendants' Opposition and Cross-Motion for Summary Judgment shall be filed on or before June 26, 2020; Plaintiffs' Reply in Support of their Motion and Opposition to Defendants Cross-Motion shall be filed on or before July 17, 2020; Defendants' Reply in Support of their Cross-Motion shall be filed on or before August 7, 2020. It is further ORDERED that the Court's April 2, 2020 Minute Order is VACATED and Defendants are not required to answer Plaintiffs' amended complaint. SO ORDERED. Signed by Judge Trevor N. McFadden on 4/10/2020. (lctnm1) (Entered: 04/10/2020)
04/13/2020		Set/Reset Deadlines: Defendant's Administrative Record due by 4/16/2020. Plaintiffs' Motion for Summary Judgment due by 5/29/2020. Defendants' Opposition and Cross-Motion due by 6/26/2020. Plaintiffs' Reply and Opposition due by 7/17/2020. Defendants' Reply due by 8/7/2020. (hmc) (Entered: 04/13/2020)
04/16/2020	<u>58</u>	ADMINISTRATIVE RECORD <i>for Fiscal Year 2019 Border Barrier Projects Undertaken Pursuant to 10 U.S.C. § 284 and 10 U.S.C § 2808</i> by DAVID L. BERNHARDT, KEVIN K. MCALEENAN, TODD T. SEMONITE, PATRICK M. SHANAHAN. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Warden, Andrew) (Entered: 04/16/2020)
04/27/2020	<u>59</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Marc D. Fink, <i>Center for Biological Diversity</i> Filing fee \$ 100, receipt number ADCDC-7063542. Fee Status: Fee Paid. by CENTER FOR BIOLOGICAL DIVERSITY (Attachments: # <u>1</u> Declaration of Marc D. Fink in Support of Pro Hac Vice Motion)(Su, Anchun) (Entered: 04/27/2020)
04/27/2020		MINUTE ORDER granting <u>59</u> Motion for Leave to Appear Pro Hac Vice. Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a). Click for instructions. Signed by Judge Trevor N. McFadden on 4/27/2020. (lctnm1) (Entered: 04/27/2020)
04/28/2020	<u>60</u>	ENTERED IN ERROR.....NOTICE OF SUBSTITUTION OF COUNSEL by Brian Paul Segee on behalf of All Plaintiffs Substituting for attorney Tanya Sanerib (Segee, Brian) Modified on 4/29/2020 (zeg). (Entered: 04/28/2020)
04/29/2020		NOTICE OF CORRECTED DOCKET ENTRY: re <u>60</u> Substitution of Counsel was entered in error and counsel was instructed to refile with correct attorney on said pleading. (eg) (Entered: 04/29/2020)
04/29/2020	<u>61</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Marc D. Fink on behalf of ANIMAL LEGAL DEFENSE FUND, CENTER FOR BIOLOGICAL DIVERSITY, DEFENDERS OF WILDLIFE Substituting for attorney Tanya Sanerib (Fink, Marc) (Entered: 04/29/2020)

04/29/2020	<u>62</u>	NOTICE of Changes In Funding For Border Barrier Projects Undertaken Pursuant to 10 U.S.C. § 2808 in Fiscal Year 2019 by DAVID L. BERNHARDT, KEVIN K. MCALEENAN, TODD T. SEMONITE, PATRICK M. SHANAHAN (Attachments: # <u>1</u> Exhibit)(Warden, Andrew) (Attachment 1 replaced on 5/1/2020) (zeg). (Entered: 04/29/2020)
05/29/2020	<u>63</u>	MOTION for Summary Judgment by ANIMAL LEGAL DEFENSE FUND, CENTER FOR BIOLOGICAL DIVERSITY, DEFENDERS OF WILDLIFE (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration, # <u>3</u> Exhibit 1)(Segee, Brian) (Entered: 05/29/2020)
06/05/2020	<u>64</u>	Joint MOTION to Bifurcate <i>Merits and Remedy Briefing</i> by DAVID L. BERNHARDT, KEVIN K. MCALEENAN, TODD T. SEMONITE, PATRICK M. SHANAHAN (Attachments: # <u>1</u> Text of Proposed Order)(Warden, Andrew) (Entered: 06/05/2020)
06/05/2020	<u>65</u>	<p>TRANSCRIPT OF PROCEEDINGS before Judge Trevor N. McFadden held on 12/16/2019; Page Numbers: 1–129. Date of Issuance:06/05/2020. Court Reporter/Transcriber Crystal M. Pilgrim, Telephone number 202.354.3127, Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referen ced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 6/26/2020. Redacted Transcript Deadline set for 7/6/2020. Release of Transcript Restriction set for 9/3/2020.(Pilgrim, Crystal) (Entered: 06/05/2020)</p>
06/10/2020		MINUTE ORDER. It is hereby ORDERED that the parties shall appear for joint hearing with <i>Rio Grande International et al. v. Trump et al.</i> (19–cv–00720) on the parties' <u>64</u> Joint Motion to Bifurcate Merits and Remedy Briefing on June 11, 2020, at 10:00 a.m. The hearing will take place by telephone. Dial–in information will be emailed to counsel. SO ORDERED. Signed by Judge Trevor N. McFadden on 6/10/2020. (lctnm1) (Entered: 06/10/2020)
06/10/2020		Set/Reset Hearings: Telephonic Motion Hearing set for 6/11/2020 at 10:00 AM before Judge Trevor N. McFadden. (hmc) (Entered: 06/10/2020)
06/11/2020		Minute Entry for proceedings held before Judge Trevor N. McFadden: Telephonic Motion Hearing held on 6/11/2020. <u>64</u> Joint Motion to Bifurcate <i>Merits and Remedy Briefing</i> , DENIED without prejudice. The parties are directed to file, within one week, a subsequent motion for a revised scheduling order. (Court Reporter: Crystal Pilgrim.) (hmc) (Entered: 06/11/2020)
06/17/2020	<u>66</u>	Joint MOTION for Briefing Schedule <i>Adjustment to Address Merits and Remedy Issues</i> by DAVID L. BERNHARDT, KEVIN K. MCALEENAN, TODD T. SEMONITE, PATRICK M. SHANAHAN (Attachments: # <u>1</u> Text of Proposed Order)(Warden, Andrew) (Entered: 06/17/2020)
06/19/2020	<u>67</u>	ORDER granting the parties' <u>66</u> Joint Motion for Briefing Schedule Adjustment to Address Merits and Remedy Issues. See attached Order for details. Signed by Judge Trevor N. McFadden on 6/19/2020. (lctnm1) (Entered: 06/19/2020)
06/22/2020		Set/Reset Deadlines: Defendants' Opposition and Cross–Motion for Summary Judgment due by 6/26/2020. Plaintiffs' Reply and Opposition to Cross–Motion due by 7/17/2020. Defendants' Reply due by 8/14/2020. Plaintiffs' Sur–Reply due by 9/4/2020. (hmc) (Entered: 06/22/2020)

06/26/2020	<u>68</u>	Cross MOTION for Summary Judgment by DAVID L. BERNHARDT, KEVIN K. MCALEENAN, TODD T. SEMONITE, PATRICK M. SHANAHAN (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Text of Proposed Order)(Warden, Andrew) Modified docket event/text on 6/29/2020 (eg). (Entered: 06/26/2020)
06/26/2020	<u>69</u>	Memorandum in opposition to re <u>68</u> MOTION for Summary Judgment filed by DAVID L. BERNHARDT, KEVIN K. MCALEENAN, TODD T. SEMONITE, PATRICK M. SHANAHAN. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Text of Proposed Order)(Warden, Andrew) (Entered: 06/26/2020)
07/10/2020	<u>70</u>	MOTION for Leave to File <i>Memorandum of Law in Support of Defendants as Amicus Curiae</i> by ANDY BARR (Attachments: # <u>1</u> Text of Proposed Order Proposed Order, # <u>2</u> Exhibit Proposed Amicus Memo of Law)(Joseph, Lawrence) (Entered: 07/10/2020)
07/13/2020		MINUTE ORDER granting <u>70</u> Motion for Leave to File Amicus Brief. Signed by Judge Trevor N. McFadden on 7/13/2020. (lctnm1) (Entered: 07/13/2020)
07/13/2020	<u>71</u>	AMICUS BRIEF by ANDY BARR. (eg) (Entered: 07/14/2020)
07/17/2020	<u>72</u>	REPLY to opposition to motion re <u>63</u> MOTION for Summary Judgment filed by ANIMAL LEGAL DEFENSE FUND, CENTER FOR BIOLOGICAL DIVERSITY, DEFENDERS OF WILDLIFE. (Attachments: # <u>1</u> Declaration of Brian Segee)(Segee, Brian) (Attachment 1 replaced on 7/21/2020) (zeg). (Entered: 07/17/2020)
07/17/2020	<u>73</u>	Memorandum in opposition to re <u>68</u> MOTION for Summary Judgment filed by ANIMAL LEGAL DEFENSE FUND, CENTER FOR BIOLOGICAL DIVERSITY, DEFENDERS OF WILDLIFE. (Attachments: # <u>1</u> Declaration of Brian Segee)(Segee, Brian) (Attachment 1 replaced on 7/21/2020) (zeg). (Entered: 07/17/2020)