

**U.S. District Court
Eastern District of Arkansas (Central Division)
CIVIL DOCKET FOR CASE #: 4:20-cv-00466-KGB**

Whitfield et al v. Thurston
Assigned to: Judge Kristine G. Baker
Case in other court: USCA8, 20-02309
Cause: 42:1983 Civil Rights Act

Date Filed: 04/29/2020
Date Terminated: 06/24/2020
Jury Demand: None
Nature of Suit: 441 Civil Rights:
Voting
Jurisdiction: Federal Question

Plaintiff

Dan Whitfield

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Plaintiff

Gary Fults

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William Whitfield Hyman
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V.

Defendant

John Thurston
*In his Official Capacity as Secretary
of State for the State of Arkansas*

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Date Filed	#	Docket Text
04/29/2020	<u>1</u>	COMPLAINT against John Thurston filed by Dan Whitfield, Gary Fults. Summons issued and returned to counsel. (Fee of \$400 paid, Receipt #LIT077030.) (Attachments: # <u>1</u> Civil Cover Sheet) (ljb) (Entered: 04/30/2020)
04/29/2020	<u>2</u>	MOTION for Leave to Appear pro hac vice by James C. Linger filed by Gary Fults, Dan Whitfield. Fee of \$100 paid, Receipt #LIT077029. (ljb) (Entered: 04/30/2020)
04/30/2020	<u>3</u>	ORDER granting <u>2</u> motion for attorney James C. Linger to appear pro hac vice. Mr. Linger shall appear as counsel for plaintiffs in this matter. Signed by Judge Kristine G. Baker on 4/30/2020. (jbh) (Entered: 04/30/2020)
04/30/2020	<u>4</u>	NOTICE of Appearance by Nicholas Jacob Bronni on behalf of John Thurston (Bronni, Nicholas) (Entered: 04/30/2020)
04/30/2020	<u>5</u>	NOTICE of Appearance by Dylan L. Jacobs on behalf of John Thurston (Jacobs, Dylan) (Entered: 04/30/2020)
04/30/2020	<u>6</u>	NOTICE of Appearance by Vincent Moore Wagner on behalf of John Thurston (Wagner, Vincent) (Entered: 04/30/2020)
04/30/2020	<u>7</u>	WAIVER OF SERVICE Returned Executed as to John Thurston by Dan Whitfield, Gary Fults. (Hyman, William) (Entered: 04/30/2020)
04/30/2020	<u>8</u>	MOTION for Preliminary Injunction by All Plaintiffs (Attachments: # <u>1</u> Exhibit Declaration of Dan Whitfield, # <u>2</u> Exhibit Declaration of Gary Fults)(Linger, James) (Entered: 04/30/2020)
04/30/2020	<u>9</u>	BRIEF IN SUPPORT re <u>1</u> Complaint, <u>8</u> Motion for Preliminary Injunction filed by All Plaintiffs. (Linger, James) (Entered: 04/30/2020)
05/01/2020	<u>10</u>	ORDER directing the parties to confer regarding a proposed briefing and hearing schedule before noon, 12:00 p.m., 5/5/2020; directing counsel for the parties to advise the Court of any

		agreement reached by 2:00 p.m., 5/5/2020; and directing counsel for the parties to provide to the Court each party's position with respect to a request for hearing to address matters raised in the pending motion for preliminary injunction, if the parties are unable to reach agreement, to advise the Court whether the party wishes to present evidence at such a hearing or only argument, if the party seeks a hearing, and to propose a briefing schedule to address matters raised in the pending motion for preliminary injunction. Signed by Judge Kristine G. Baker on 5/1/2020. (jbh) (Entered: 05/01/2020)
05/11/2020	11	STIPULATION <i>Joint Stipulations of Fact</i> by John Thurston. (Wagner, Vincent) (Entered: 05/11/2020)
05/14/2020	12	RESPONSE in Opposition re 8 MOTION for Preliminary Injunction filed by John Thurston. (Attachments: # 1 Exhibit 1 - Declaration of Peyton Murphy, # 2 Exhibit 2 - Declaration of Meghan Cox)(Bronni, Nicholas) (Entered: 05/14/2020)
05/14/2020	13	ANSWER to 1 Complaint by John Thurston.(Bronni, Nicholas) (Entered: 05/14/2020)
05/15/2020	14	ORDER setting the following schedule for consideration of 8 plaintiffs' pending motion for preliminary injunction: joint stipulations of fact will be submitted to the Court on 5/8/2020, and filed of record thereafter; defendant will answer or otherwise respond to plaintiffs' complaint on or before 5/14/2020; defendant will respond to plaintiffs' pending motion for preliminary injunction on or before 5/14/2020; plaintiffs may file a reply brief in support of their motion for preliminary injunction on or before 5/18/2020; and setting a hearing on plaintiffs' pending motion for preliminary injunction, which will be consolidated with a trial on the merits, on Wednesday, 5/27/2020, beginning at 9:00 a.m. in Little Rock Courtroom 4C. If any party objects to the Court's consideration of exhibits already in the record in this matter, such objections must be made in writing and filed by 5:00 p.m. CT on Thursday, 5/21/2020, and any responses to such objections must be made in writing and filed by 5:00 p.m. CT on Friday, 5/22/2020. Signed by Judge Kristine G. Baker on 5/15/2020. (jbh) (Entered: 05/15/2020)
05/18/2020	15	REPLY to Response to Motion re 8 MOTION for Preliminary Injunction filed by All Plaintiffs. (Attachments: # 1 Exhibit Ex 3 Decl. of Richard Winger, # 2 Exhibit Ex 4 CV Richard Winger, # 3 Exhibit Ex 5 2020 Ballot Access Chart, # 4 Exhibit Ex 6

		Amended Order, 4/30/18, Moore v. Martin, Case No. 4:14-cv-00065, # 5 Exhibit Ex 7 Letter of 7/29/2019, Thurston to Pakko, # 6 Exhibit Ex 8 Letter Dec 10, 2019, Thurston to Pakko, # 7 Exhibit Ex 9 Supp Decl Dan Whitfield, # 8 Exhibit Ex 10 Supp Decl Gary Fults, # 9 Exhibit Ex 11 Ballotpedia for Meghan Cox, # 10 Exhibit Ex 12 Administrative Order Five 4/17/20 E.D. Ark.)(Linger, James) (Entered: 05/18/2020)
05/19/2020	16	NOTICE of Appearance by Michael Allen Mosley on behalf of John Thurston (Mosley, Michael) (Entered: 05/19/2020)
05/20/2020	17	Exhibit List <i>and Witness List</i> by Gary Fults, Dan Whitfield.(Linger, James) (Entered: 05/20/2020)
05/20/2020	18	Exhibit List <i>and Witness List</i> by John Thurston.(Bronni, Nicholas) (Entered: 05/20/2020)
05/21/2020	19	STIPULATION <i>Joint Stipulation regarding Witnesses & Exhibits</i> by John Thurston. (Bronni, Nicholas) (Entered: 05/21/2020)
05/27/2020	20	MINUTES for proceedings held before Judge Kristine G. Baker: MOTION HEARING held on 5/27/2020 re 8 MOTION for Preliminary Injunction filed by Dan Whitfield and Gary Fults. Court convened via telephone; After witness testimony and arguments from counsel, the Court took the matter under advisement. The Court will issue a written ruling. (Present for plaintiffs: James Linger and William Hyman; Present for defendant: Nicholas Bronni, Michael Mosley, Vincent Wagner and Dylan Jacobs) (Court Reporter Elaine Hinson) (tmw) (Entered: 05/27/2020)
05/27/2020	21	Exhibit and Witness List by Gary Fults and Dan Whitfield.(tmw) (Entered: 05/27/2020)
05/27/2020	22	Exhibit and Witness List by John Thurston.(tmw) (Entered: 05/27/2020)
06/02/2020	23	NOTICE by John Thurston re 12 Response in Opposition to Motion <i>Notice of Supplemental Authority</i> (Attachments: # 1 Document Attachment 1, # 2 Document Attachment 2)(Bronni, Nicholas) (Entered: 06/02/2020)
06/03/2020	24	REPLY re 23 Notice (Other) <i>Plaintiffs' Response Brief to Defendant's Notice of Supplemental Authority</i> by Gary Fults, Dan Whitfield. (Linger, James) (Entered: 06/03/2020)

06/04/2020	25	TRANSCRIPT of Hearing on Motion for Preliminary Injunction/Trial held on 5/27/2020, before Judge Kristine G. Baker. Court Reporter Elaine Hinson. Transcript may be viewed only at the public terminals in the Clerk's office. Copies of transcript are only available through the Official Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. DEADLINES: Notice of Intent to Request Redaction due 6/11/2020. Redaction Request due 6/25/2020. Redacted Transcript Deadline set for 7/6/2020. Release of Transcript Restriction set for 9/2/2020. (fcd) (Entered: 06/04/2020)
06/05/2020	26	NOTICE by John Thurston re 12 Response in Opposition to Motion <i>Notice of Supplemental Authority</i> (Jacobs, Dylan) (Entered: 06/05/2020)
06/08/2020	27	RESPONSE re 26 Notice (Other) by Gary Fults, Dan Whitfield (Linger, James) (Entered: 06/08/2020)
06/24/2020	28	FINDINGS OF FACT AND CONCLUSIONS OF LAW denying plaintiffs Mr. Whitfield and Mr. Fults's 8 motion for preliminary injunction and request for injunctive relief. The Court enters judgment in favor of defendant Secretary Thurston and denies the relief requested. Signed by Judge Kristine G. Baker on 6/24/2020. (jbh) (Entered: 06/24/2020)
06/24/2020	29	JUDGMENT: Pursuant to the 28 Order entered this date, judgment is entered in favor of defendant John Thurston, in his official capacity as Secretary of State for the State of Arkansas, on the claims of plaintiffs Dan Whitfield and Gary Fults. Plaintiffs' claims are dismissed with prejudice; the relief requested is denied. Signed by Judge Kristine G. Baker on 6/24/2020. (jbh) (Entered: 06/24/2020)
06/26/2020	30	NOTICE OF APPEAL as to 29 Judgment, 28 Order, by Dan Whitfield. (Linger, James) (Entered: 06/26/2020)
06/26/2020	31	USCA Appeal Fees received \$505 receipt number LIT077831 re 30 Notice of Appeal filed by Dan Whitfield. (ajt) (Entered: 06/26/2020)
06/26/2020	32	NOTIFICATION OF APPEAL and NOA SUPPLEMENT as to 30 Notice of Appeal re 28 Order and 29 Judgment. NOTIFICATION TO COUNSEL: REQUEST FOR

		TRANSCRIPTS SHOULD BE FILED WITH THE DISTRICT COURT CLERK. (ajt) (Entered: 06/26/2020)
06/29/2020	33	USCA Docketing Letter and Briefing Schedule as to 30 Notice of Appeal filed by Dan Whitfield. USCA Case Number 20-2309. (ajt) (Entered: 06/29/2020)
07/02/2020	34	TRANSCRIPT REQUEST by Dan Whitfield re 30 Notice of Appeal (Linger, James) (Entered: 07/02/2020)

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