

**U.S. District Court
District of Connecticut (New Haven)
CIVIL DOCKET FOR CASE #: 3:18-cv-01094-JBA-PWH-JMW**

National Association for the Advancement of Colored People et al v. Merrill et al
Panel: Judge Janet Bond Arterton
Circuit Judge Peter W. Hall
Senior Circuit Judge John M Walker, Jr
Referred to: Judge Robert M. Spector (Settlement)
Cause: 42:1983 Civil Rights Act

Date Filed: 06/28/2018
Jury Demand: None
Nature of Suit: 441 Civil Rights: Voting
Jurisdiction: Federal Question

Plaintiff

**National Association for the
Advancement of Colored People**

represented by **Michael J. Wishnie**
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ATTORNEY TO BE NOTICED

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TERMINATED: 08/29/2019
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Plaintiff

NAACP Connecticut State Conference

represented by

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Benjamin Dylan Alter
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Plaintiff

Justin Farmer

represented by **Michael J. Wishnie**
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Plaintiff

Germano Kimbro

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Alexander T. Taubes
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Plaintiff

Conley Monk
TERMINATED: 10/15/2019

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Plaintiff

Garry Monk

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Hope R. Metcalf
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Plaintiff

Dione Zackery

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Alexander T. Taubes
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Plaintiff

Conley Monk, Jr.

represented by **Michael J. Wishnie**
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LEAD ATTORNEY
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V.

Defendant

Denise Merrill
Secretary of State

represented by **Maura Murphy–Osborne**
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Defendant

Dannel P. Malloy
Governor
TERMINATED: 10/15/2019

represented by **Maura Murphy-Osborne**
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ATTORNEY TO BE NOTICED

Michael Skold
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Edward Lamont, Jr.
Governor

Date Filed	#	Docket Text
06/28/2018	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$400 receipt number ACTDC-4883484.), filed by Garry Monk, Justin Farmer, Dione Zackery, NAACP Connecticut State Conference, Germano Kimbro, National Association for the Advancement of Colored People, Conley Monk.(Wishnie, Michael) (Entered: 06/28/2018)
06/28/2018		Request for Clerk to issue summons as to All Defendants. (Wishnie, Michael) (Entered: 06/28/2018)
06/28/2018		Judge Warren W. Eginton added. (Oliver, T.) (Entered: 06/28/2018)
06/28/2018	<u>2</u>	Order on Pretrial Deadlines: Amended Pleadings due by 8/27/2018. Discovery due by 12/28/2018. Dispositive Motions due by 2/1/2019. Signed by Clerk on 6/28/2018.(Fazekas, J.) (Entered: 06/28/2018)
06/28/2018	<u>3</u>	ELECTRONIC FILING ORDER FOR COUNSEL – PLEASE ENSURE COMPLIANCE WITH COURTESY COPY REQUIREMENTS IN THIS ORDER Signed by Judge Warren W. Eginton on 6/28/2018.(Fazekas, J.) (Entered: 06/28/2018)
06/28/2018	<u>4</u>	STANDING PROTECTIVE ORDER Signed by Judge Warren W. Eginton on 6/28/2018.(Fazekas, J.) (Entered: 06/28/2018)
06/28/2018	<u>5</u>	NOTICE TO COUNSEL/SELF-REPRESENTED PARTIES : Counsel or self-represented parties initiating or removing this action are responsible for serving all parties with attached documents and copies of <u>4</u> Standing Protective Order, <u>2</u> Order on Pretrial Deadlines, <u>3</u> Electronic Filing Order, <u>1</u> Complaint, filed by Dione Zackery, National Association for the Advancement of Colored People, NAACP Connecticut State Conference, Justin Farmer, Germano Kimbro, Conley Monk, Garry Monk Signed by Clerk on 6/28/2018.(Fazekas, J.) (Entered: 06/28/2018)
06/28/2018	<u>6</u>	ELECTRONIC SUMMONS ISSUED in accordance with Fed. R. Civ. P. 4 and LR 4 as to *Dannel P. Malloy, Denise Merrill* with answer to complaint due within *21* days. Attorney *Michael J. Wishnie* *Jerome N. Frank Legal Services – Wall St* *Yale Law School, 127 Wall Street* *New Haven, CT 06511*. (Fazekas, J.) (Entered: 06/28/2018)
07/16/2018	<u>7</u>	NOTICE of Appearance by Michael Skold on behalf of Dannel P. Malloy, Denise Merrill (Skold, Michael) (Entered: 07/16/2018)

07/16/2018	<u>8</u>	Consent MOTION for Extension of Time until 09/06/2018 To Respond to Complaint <u>1</u> Complaint, by Dannel P. Malloy, Denise Merrill. (Skold, Michael) (Entered: 07/16/2018)
07/16/2018	<u>9</u>	NOTICE of Appearance by Maura Murphy–Osborne on behalf of Dannel P. Malloy, Denise Merrill (Murphy–Osborne, Maura) (Entered: 07/16/2018)
07/17/2018	<u>10</u>	ORDER granting <u>8</u> Motion for Extension of Time. Signed by Judge Warren W. Eginton on 7/17/2018. (Gould, K.) (Entered: 07/17/2018)
07/17/2018		Answer deadline updated for Dannel P. Malloy to 9/6/2018; Denise Merrill to 9/6/2018. (Gould, K.) (Entered: 07/17/2018)
07/20/2018	<u>11</u>	AFFIDAVIT of Service for Complaint, Summons and pretrial orders served on Denise Merrill and Dannel Malloy on July 2, 2018, filed by Justin Farmer, Germano Kimbro, Conley Monk, Garry Monk, NAACP Connecticut State Conference, National Association for the Advancement of Colored People, Dione Zackery. (Attachments: # <u>1</u> Exhibit A)(Wishnie, Michael) (Entered: 07/20/2018)
08/15/2018	<u>12</u>	NOTICE of Appearance by Hope R. Metcalf on behalf of Justin Farmer, Germano Kimbro, Conley Monk, Garry Monk, NAACP Connecticut State Conference, National Association for the Advancement of Colored People (Metcalf, Hope) (Entered: 08/15/2018)
08/25/2018	<u>13</u>	Joint REPORT of Rule 26(f) Planning Meeting. (Wishnie, Michael) (Entered: 08/25/2018)
09/06/2018	<u>14</u>	MOTION to Dismiss by Dannel P. Malloy, Denise Merrill.Responses due by 9/27/2018 (Attachments: # <u>1</u> Memorandum in Support of Motion to Dismiss)(Skold, Michael) (Entered: 09/06/2018)
09/06/2018	<u>15</u>	MOTION to Stay re <u>14</u> MOTION to Dismiss by Dannel P. Malloy, Denise Merrill.Responses due by 9/27/2018 (Skold, Michael) (Entered: 09/06/2018)
09/14/2018	<u>16</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>14</u> MOTION to Dismiss , <u>15</u> MOTION to Stay re <u>14</u> MOTION to Dismiss until October 4, 2018 by Justin Farmer, Germano Kimbro, Conley Monk, Garry Monk, NAACP Connecticut State Conference, National Association for the Advancement of Colored People, Dione Zackery. (Wishnie, Michael) (Entered: 09/14/2018)
09/17/2018	<u>17</u>	ORDER granting <u>16</u> Motion for Extension of Time to File Response/Reply re <u>14</u> MOTION to Dismiss , <u>15</u> MOTION to Stay re <u>14</u> MOTION to Dismiss Responses due by 10/4/2018. Signed by Judge Warren W. Eginton on 9/17/2018. (Gould, K.) (Entered: 09/17/2018)
10/04/2018	<u>18</u>	NOTICE of Appearance by David N. Rosen on behalf of Justin Farmer, Germano Kimbro, Conley Monk, Garry Monk, NAACP Connecticut State Conference, National Association for the Advancement of Colored People, Dione Zackery (Rosen, David) (Entered: 10/04/2018)
10/04/2018	<u>19</u>	NOTICE of Appearance by Alexander T. Taubes on behalf of Justin Farmer, Germano Kimbro, Conley Monk, Garry Monk, NAACP Connecticut State Conference, National Association for the Advancement of Colored People, Dione Zackery (Taubes, Alexander) (Entered: 10/04/2018)
10/04/2018	<u>20</u>	Final Memorandum in Opposition to <i>Defendants' Motion to Stay Discovery</i> re <u>15</u> MOTION to Stay re <u>14</u> MOTION to Dismiss filed by Justin Farmer, Germano Kimbro, Conley Monk, Garry Monk, NAACP Connecticut State Conference, National Association for the Advancement of Colored People, Dione Zackery. (Attachments: # <u>1</u> Exhibit Exhibit A)(Wishnie, Michael) (Entered: 10/04/2018)
10/04/2018	<u>21</u>	Final Memorandum in Opposition to <i>Defendants' Motion to Dismiss</i> re <u>14</u> MOTION to Dismiss filed by Justin Farmer, Germano Kimbro, Conley Monk, Garry Monk, NAACP Connecticut State Conference, National Association for the Advancement of Colored People, Dione Zackery. (Wishnie, Michael) (Entered: 10/04/2018)
10/05/2018	<u>22</u>	Final MOTION for Leave to Appear Law Student Interns <i>under the supervision of</i> Attorney Michael J. Wishnie. by Justin Farmer, Germano Kimbro, Conley Monk, Garry Monk, NAACP Connecticut State Conference, National Association for the

		Advancement of Colored People, Dione Zackery. (Attachments: # <u>1</u> Supplement)(Wishnie, Michael) (Entered: 10/05/2018)
10/17/2018	<u>23</u>	ORDER granting <u>22</u> Motion to Appear. Signed by Judge Warren W. Eginton on 10/17/2018. (LaMura, K.) (Entered: 10/17/2018)
10/18/2018	<u>24</u>	REPLY to Response to <u>14</u> MOTION to Dismiss filed by Dannel P. Malloy, Denise Merrill. (Skold, Michael) (Entered: 10/18/2018)
10/18/2018	<u>25</u>	REPLY to Response to <u>15</u> MOTION to Stay re <u>14</u> MOTION to Dismiss filed by Dannel P. Malloy, Denise Merrill. (Skold, Michael) (Entered: 10/18/2018)
11/05/2018	<u>26</u>	ORDER granting <u>15</u> Motion to Stay. Signed by Judge Warren W. Eginton on 11/5/2018. (LaMura, K.) (Entered: 11/05/2018)
02/15/2019	<u>27</u>	ORDER denying <u>14</u> Motion to Dismiss. Within 21 days of this ruling, the parties should submit a schedule relevant to discovery and dispositive motion deadlines. Signed by Judge Warren W. Eginton on 2/15/19. (Imbriani, Susan) (Entered: 02/19/2019)
02/25/2019		Set Deadlines: Status report as to a schedule relevant to discovery and dispositive motion deadlines due by 3/8/2019 (LaMura, K.) (Entered: 02/25/2019)
03/07/2019	<u>28</u>	NOTICE OF APPEAL as to <u>27</u> Order on Motion to Dismiss by Dannel P. Malloy, Denise Merrill. Filing fee \$ 505, receipt number ACTDC-5184004. (Skold, Michael) (Entered: 03/07/2019)
03/07/2019	<u>29</u>	MOTION to Stay by Dannel P. Malloy, Denise Merrill.Responses due by 3/28/2019 (Skold, Michael) (Entered: 03/07/2019)
03/08/2019	<u>30</u>	CLERK'S CERTIFICATE RE: INDEX AND RECORD ON APPEAL re: <u>28</u> Notice of Appeal. The attached docket sheet is hereby certified as the entire Index/Record on Appeal in this matter and electronically sent to the Court of Appeals, with the exception of any manually filed documents as noted below. Robin D. Tabora, Clerk. Documents manually filed not included in this transmission: none (Corriette, M.) (Entered: 03/08/2019)
03/08/2019	<u>31</u>	Supplemental REPORT of Rule 26(f) Planning Meeting. (Wishnie, Michael) (Entered: 03/08/2019)
03/15/2019	<u>32</u>	Memorandum in Opposition re <u>29</u> MOTION to Stay filed by Justin Farmer, Germano Kimbro, Conley Monk, Garry Monk, NAACP Connecticut State Conference, National Association for the Advancement of Colored People, Dione Zackery. (Rosen, David) (Entered: 03/15/2019)
03/19/2019	<u>33</u>	REPLY to Response to <u>29</u> MOTION to Stay <i>Reply Brief in Further Support of Their Motion for Stay</i> filed by Dannel P. Malloy, Denise Merrill. (Skold, Michael) (Entered: 03/19/2019)
03/19/2019	<u>34</u>	MOTION for Attorney(s) Benjamin Alter to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-5200333) by Justin Farmer, Germano Kimbro, Conley Monk, Garry Monk, NAACP Connecticut State Conference, National Association for the Advancement of Colored People, Dione Zackery. (Attachments: # <u>1</u> Affidavit of Benjamin Alter)(Wishnie, Michael) (Entered: 03/19/2019)
03/20/2019	<u>35</u>	ORDER granting <u>34</u> Motion to Appear Pro Hac Vice for Benjamin Alter. Certificate of Good Standing due by 5/19/2019. Signed by Clerk on 3/20/19. (Imbriani, Susan) (Entered: 03/20/2019)
03/25/2019	<u>36</u>	NOTICE of Appearance by Benjamin Dylan Alter on behalf of NAACP Connecticut State Conference, National Association for the Advancement of Colored People (Alter, Benjamin) (Entered: 03/25/2019)
03/25/2019	<u>37</u>	CERTIFICATE OF GOOD STANDING re <u>34</u> MOTION for Attorney(s) Benjamin Alter to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-5200333) by NAACP Connecticut State Conference, National Association for the Advancement of Colored People. (Alter, Benjamin) (Entered: 03/25/2019)

04/25/2019	<u>38</u>	MOTION for Status Conference by Justin Farmer, Germano Kimbro, Conley Monk, Garry Monk, NAACP Connecticut State Conference, National Association for the Advancement of Colored People, Dione Zackery. (Taubes, Alexander) (Entered: 04/25/2019)
05/07/2019	<u>39</u>	NOTICE by Justin Farmer, Germano Kimbro, Conley Monk, Garry Monk, NAACP Connecticut State Conference, National Association for the Advancement of Colored People, Dione Zackery re <u>38</u> MOTION for Status Conference of <i>Letter to Court</i> (Rosen, David) (Entered: 05/07/2019)
05/07/2019	<u>40</u>	RESPONSE re <u>39</u> Notice (Other), <u>38</u> MOTION for Status Conference filed by Dannel P. Malloy, Denise Merrill. (Skold, Michael) (Entered: 05/07/2019)
05/08/2019	<u>41</u>	ORDER denying <u>29</u> Motion to Stay. Signed by Judge Warren W. Eginton on 5/8/19. (Imbriani, Susan) (Entered: 05/08/2019)
05/08/2019	<u>43</u>	VACATED – ORDER referring case to Magistrate Judge Spector for a discovery and scheduling conference. Signed by Judge Warren W. Eginton on 5/8/19.(Imbriani, Susan) Modified text on 10/9/2019 (Barry, Donna). (Entered: 05/08/2019)
05/08/2019	<u>44</u>	ORDER finding as moot <u>38</u> Motion for Conference. Signed by Judge Warren W. Eginton on 5/8/19. (Imbriani, Susan) (Entered: 05/08/2019)
05/15/2019	<u>45</u>	ORDER of USCA as to <u>28</u> Notice of Appeal filed by Dannel P. Malloy, Denise Merrill. USCA Case Number 19–576. (Imbriani, Susan) (Entered: 05/15/2019)
05/16/2019	<u>46</u>	ORDER: In light of the Order of the Second Circuit, entered on May 15, 2019 (Doc. No. 45), the telephonic discovery and scheduling call scheduled before Judge Spector for Friday, May 17, 2019 at 9:30am is cancelled, and will be rescheduled promptly after the Second Circuit issues a decision and the temporary stay of the district court proceedings is lifted. Signed by Judge Robert M. Spector on 5/16/2019.(Watson, M.) (Entered: 05/16/2019)
07/15/2019	<u>47</u>	ORDER of USCA as to <u>28</u> Notice of Appeal filed by Dannel P. Malloy, Denise Merrill. USCA Case Number 19–576. (Imbriani, Susan) (Entered: 07/16/2019)
08/22/2019	<u>48</u>	MOTION for Benjamin D. Alter to Withdraw as Attorney by NAACP Connecticut State Conference, National Association for the Advancement of Colored People. Motions referred to Robert M. Spector(Alter, Benjamin) (Entered: 08/22/2019)
08/29/2019	<u>49</u>	ORDER granting <u>48</u> Motion to Withdraw as Attorney. Attorney Benjamin Dylan Alter terminated. Signed by Judge Warren W. Eginton on 8/29/2019. (Welles, T.) (Entered: 08/29/2019)
09/25/2019	<u>50</u>	ORDER of USCA as to <u>28</u> Notice of Appeal filed by Dannel P. Malloy, Denise Merrill. USCA Case Number 19–576. (Imbriani, Susan) (Entered: 09/25/2019)
09/26/2019	<u>51</u>	ORDER OF TRANSFER. Case reassigned to Judge Janet Bond Arterton for all further proceedings. Signed by Judge Warren W. Eginton on 9/26/2019.(Hushin, Z.) (Entered: 09/26/2019)
09/27/2019		A telephonic status conference will be held 10/8/2019 at 2:30 p.m. Defense counsel shall initiate the conference call to chambers: 203–773–2737. (Tooker, A.) (Entered: 09/27/2019)
10/03/2019	<u>52</u>	Final MOTION for Leave to Appear as Law Student Intern <i>under the supervision of</i> Attorney Michael J. Wishnie. by Justin Farmer, Germano Kimbro, Conley Monk, Garry Monk, NAACP Connecticut State Conference, National Association for the Advancement of Colored People, Dione Zackery. (Attachments: # <u>1</u> Supplement Law Student Intern Appearance)Motions referred to Robert M. Spector(Wishnie, Michael) (Entered: 10/03/2019)
10/08/2019	<u>53</u>	ORDER granting <u>52</u> Motion to Appear Law Student Intern. Signed by Judge Janet Bond Arterton on 10/8/2019. (Tooker, A.) (Entered: 10/08/2019)
10/08/2019	<u>54</u>	SCHEDULING ORDER: Amended Pleadings due by 10/15/2019 Rule 26 Meeting Report due by 10/29/2019 Signed by Judge Janet Bond Arterton on 10/8/19.(Tooker, A.) (Entered: 10/08/2019)

10/08/2019	55	Minute Entry for proceedings held before Judge Janet Bond Arterton: Telephonic Status Conference held on 10/8/2019. Total Time: 1 hours(Court Reporter Melissa Cianciullo) (Barry, Donna) Modified text on 10/9/2019 (Barry, Donna). (Entered: 10/09/2019)
10/08/2019	56	ORDER vacating 43 Order referring case to Magistrate Judge Spector for a discovery and scheduling conference in accordance with the scheduling order (Doc. 54) entered 10/08/19. Signed by Judge Janet Bond Arterton on 10/08/19. (Barry, Donna) (Entered: 10/09/2019)
10/10/2019	<u>57</u>	Correspondence from Judge Janet Bond Arterton to Chief Judge Robert A. Katzmann regarding three-judge court. Signed by Judge Janet Bond Arterton on 10/8/2019.(Tooker, A.) (Entered: 10/10/2019)
10/15/2019	<u>58</u>	AMENDED COMPLAINT against Dannel P. Malloy, Denise Merrill, filed by Garry Monk, Justin Farmer, Dione Zackery, NAACP Connecticut State Conference, Germano Kimbro, National Association for the Advancement of Colored People, Conley Monk.(Wishnie, Michael) (Entered: 10/15/2019)
10/15/2019	<u>59</u>	MANDATE of USCA dated 10/15/2019 re <u>28</u> Notice of Appeal filed by Dannel P. Malloy, Denise Merrill. (Freberg, B) (Entered: 10/16/2019)
10/17/2019	<u>60</u>	MOTION for Leave to Appear as Law Student Interns <i>under the supervision of</i> Attorney Michael J. Wishnie. by Justin Farmer, Germano Kimbro, Conley Monk, Garry Monk, NAACP Connecticut State Conference, National Association for the Advancement of Colored People, Dione Zackery. (Attachments: # <u>1</u> Supplement Law Student Intern Appearances)(Wishnie, Michael) (Entered: 10/17/2019)
10/17/2019	<u>61</u>	MANDATE Designation of Three Judge Panel Pursuant to 28 USC 2284(b) Signed by Chief Circuit Judge Robert A. Katzmann on 10/17/19.(Bauer, J.) (Entered: 10/17/2019)
10/21/2019	62	ORDER granting <u>60</u> Motion for Law Student Intern to appear. Signed by Judge Janet Bond Arterton on 10/18/19. (Tooker, A.) (Entered: 10/21/2019)
10/29/2019	<u>63</u>	Joint MOTION for Extension of Time to Submit Rule 26(f) Report by Justin Farmer, Germano Kimbro, Conley Monk, Jr, Conley Monk, Garry Monk, NAACP Connecticut State Conference, National Association for the Advancement of Colored People, Dione Zackery. (Wishnie, Michael) (Entered: 10/29/2019)
10/30/2019	64	ORDER granting <u>63</u> Parties' Joint Motion for a Ten-Day Extension of Time to submit the Supplemental Rule 26(f) Planning Report. The Parties shall submit the Supplemental Rule 26(f) report by November 8, 2019. Signed by Judge Janet Bond Arterton on 10/30/19. (Gutierrez, A.) (Entered: 10/30/2019)
10/30/2019		Set Deadlines/Hearings: Rule 26 Meeting Report due by 11/8/2019 (Tooker, A.) (Entered: 10/30/2019)
11/08/2019	<u>65</u>	Supplemental REPORT of Rule 26(f) Planning Meeting. (Wishnie, Michael) (Entered: 11/08/2019)