

**U.S. District Court
District of Maryland (Baltimore)
CIVIL DOCKET FOR CASE #: 1:18-cv-01568-TDC**

The National Federation of the Blind et al v. U.S. Department of
Education et al
Assigned to: Judge Theodore D. Chuang
Cause: 05:551 Administrative Procedures Act

Date Filed: 05/31/2018
Date Terminated: 02/07/2020
Jury Demand: None
Nature of Suit: 899 Other Statutes:
Administrative Procedures Act/Review or
Appeal of Agency Decision
Jurisdiction: U.S. Government Defendant

Plaintiff

The National Federation of the Blind

represented by **Anisha S. Queen**
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Plaintiff

**The Counsel of Parent Attorneys and
Advocates, Inc.**

represented by **Anisha S. Queen**
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ATTORNEY TO BE NOTICED

Brooke E Lierman
(See above for address)
ATTORNEY TO BE NOTICED

Eve Lynne Hill
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ATTORNEY TO BE NOTICED

Plaintiff

**National Association for the
Advancement of Colored People, Inc.**

represented by **Anisha S. Queen**
(See above for address)
ATTORNEY TO BE NOTICED

Brooke E Lierman

(See above for address)
ATTORNEY TO BE NOTICED

Eve Lynne Hill
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. Department of Education
*Lyndon Baines Johnson Dept. of
Education Bldg.*

represented by **U.S. Department of Education**
Lyndon Baines Johnson Department of
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TERMINATED: 09/10/2019

Defendant

Betsy Devos
*Secretary of Education in her Official
Capacity Lyndon Baines Johnson Dept. of
Education Bldg. U.S. Department of
Education*

represented by **Betsy Devos**
PRO SE

Marsha Stelson Edney
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TERMINATED: 05/15/2020
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Tamra Tyree Moore
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TERMINATED: 09/10/2019
LEAD ATTORNEY

Michael F Knapp
(See above for address)

TERMINATED: 09/10/2019

Defendant**Candice Jackson**

Acting Assistant Secretary for Civil Rights
In her Official Capacity U.S. Dept. of
Education, Office for Civil Rights Lyndon
Baines Johnson Dep t. of Education Bldg

represented by **Candice Jackson**
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Marsha Stelson Edney

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Tamra Tyree Moore

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Michael F Knapp

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TERMINATED: 09/10/2019

Date Filed	#	Docket Text
05/31/2018	<u>1</u>	COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF against All Defendants (Filing fee \$ 400 receipt number 0416-7359032.), filed by The National Federation of the Blind, National Association for the Advancement of Colored People, Inc., THE COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC.. (Attachments: # <u>1</u> Civil Cover Sheet)(Hill, Eve) (Entered: 05/31/2018)
05/31/2018	<u>2</u>	NOTICE by National Association for the Advancement of Colored People, Inc., THE COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC., The National Federation of the Blind for the Clerk to issue summons (Hill, Eve) (Entered: 05/31/2018)
05/31/2018	<u>3</u>	NOTICE by National Association for the Advancement of Colored People, Inc., THE COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC., The National Federation of the Blind for the Clerk to issue summons (Hill, Eve) (Entered: 05/31/2018)
05/31/2018	<u>4</u>	NOTICE by National Association for the Advancement of Colored People, Inc., THE COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC., The National Federation of the Blind for the Clerk to issue summons (Hill, Eve) (Entered: 05/31/2018)
05/31/2018	<u>5</u>	Local Rule 103.3 Disclosure Statement by National Association for the Advancement of Colored People, Inc., THE COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC., The National Federation of the Blind (Hill, Eve) (Entered: 05/31/2018)
05/31/2018	<u>6</u>	Local Rule 103.3 Disclosure Statement by National Association for the Advancement of Colored People, Inc., THE COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC., The National Federation of the Blind (Hill, Eve) (Entered: 05/31/2018)
05/31/2018	<u>7</u>	Local Rule 103.3 Disclosure Statement by National Association for the Advancement of Colored People, Inc., THE COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC., The National Federation of the Blind (Hill, Eve) (Entered: 05/31/2018)
05/31/2018	<u>8</u>	CASE MANAGEMENT ORDER. Signed by Judge Theodore D. Chuang on 5/31/2018. (aos, Deputy Clerk) (Entered: 05/31/2018)
06/01/2018	<u>9</u>	NOTICE of Appearance by Brooke E Lierman on behalf of All Plaintiffs (Lierman, Brooke) (Entered: 06/01/2018)

06/06/2018	<u>10</u>	QC NOTICE: <u>1</u> Complaint, filed by National Association for the Advancement of Colored People, Inc., The Counsel of Parent Attorneys and Advocates, Inc., The National Federation of the Blind was filed incorrectly. The following attachments or exhibits are missing – Proposed Summons were provided for only the named Defendants. If the defendant is either an agency of the United States or an officer or employee of the United States, you must serve both the U.S. Attorney General and the U.S. Attorney for the District of Maryland, as well as each defendant. Please electronically submit a summons for each required party, using the Civil event "Supplemental" located under "Other Filings", and then "Other Documents".(heps, Deputy Clerk) (Entered: 06/06/2018)
06/06/2018	<u>11</u>	Supplemental to <i>Summons – Attorney General of the United States, Jefferson B. Session, III</i> (Hill, Eve) (Entered: 06/06/2018)
06/06/2018	<u>12</u>	Supplemental to <i>Summons – U.S. Attorney for the District of Maryland, Robert K. Hur</i> (Hill, Eve) (Entered: 06/06/2018)
06/06/2018	<u>13</u>	Summons Issued 60 days as to Betsy Devos, Candice Jackson, U.S. Department of Education, U.S. Attorney and U.S. Attorney General(heps, Deputy Clerk) (Entered: 06/06/2018)
06/18/2018	<u>14</u>	SUMMONS Returned Executed by The National Federation of the Blind, National Association for the Advancement of Colored People, Inc., The Counsel of Parent Attorneys and Advocates, Inc.. Betsy Devos served on 6/11/2018, answer due 8/10/2018. (Attachments: # <u>1</u> Receipt Certified Mail Receipt)(Hill, Eve) (Entered: 06/18/2018)
06/18/2018	<u>15</u>	SUMMONS Returned Executed by The National Federation of the Blind, National Association for the Advancement of Colored People, Inc., The Counsel of Parent Attorneys and Advocates, Inc.. U.S. Department of Education served on 6/11/2018, answer due 8/10/2018. (Attachments: # <u>1</u> Receipt Certified Mail Receipt)(Hill, Eve) (Entered: 06/18/2018)
07/10/2018	<u>16</u>	Summons Returned Executed, Complaint w/attachments, and Civil Cover Sheet served on Jefferson B. Session, III on June 11, 2018, filed by National Association for the Advancement of Colored People, Inc., The Counsel of Parent Attorneys and Advocates, Inc., The National Federation of the Blind. (Attachments: # <u>1</u> Receipt Certified Mail Receipt)(Hill, Eve) Modified on 7/25/2018 (heps, Deputy Clerk). (Entered: 07/10/2018)
07/10/2018	<u>17</u>	Summons Returned Executed , Complaint w/attachments, and Civil Cover Sheet served on Robert K. Hur on June 7, 2018, filed by National Association for the Advancement of Colored People, Inc., The Counsel of Parent Attorneys and Advocates, Inc., The National Federation of the Blind. (Attachments: # <u>1</u> Receipt Certified Mail Receipt)(Hill, Eve) Modified on 7/25/2018 (heps, Deputy Clerk). (Entered: 07/10/2018)
08/03/2018	<u>18</u>	Consent MOTION for Extension of Time <i>To Respond to Complaint</i> by Betsy Devos, Candice Jackson, U.S. Department of Education (Attachments: # <u>1</u> Text of Proposed Order)(Moore, Tamra) (Entered: 08/03/2018)
08/08/2018	<u>19</u>	ORDER Granting <u>18</u> Consent Motion to Extend Time to Respond to Plaintiff's Complaint. Signed by Judge Theodore D. Chuang on 8/7/2018. (heps, Deputy Clerk) (Entered: 08/08/2018)
08/14/2018	<u>20</u>	Request for Conference (Hill, Eve) (Entered: 08/14/2018)
08/15/2018	21	PAPERLESS NOTICE that a telephone CASE MANAGEMENT CONFERENCE to discuss <u>20</u> Notice of Intent to File Motion for a Preliminary Injunction is scheduled for August 29, 2018 at 4:00 p.m. Instructions for the call will be emailed to the parties at a later date. In addition to the proposed motion, the parties should be prepared to address whether they consent to have all further proceedings before a Magistrate Judge and whether they wish to participate in a mediation session with a Magistrate Judge, whether before, during, or after discovery. Parties are expected to consult with their clients and confer with each other on these issues in advance of the Case Management Conference and, if possible, present joint views to the Court. (gk2s, Chambers) (Entered: 08/15/2018)

08/24/2018	<u>22</u>	Consent MOTION for Extension of Time <i>To Respond to Complaint</i> by Betsy Devos, Candice Jackson, U.S. Department of Education (Attachments: # <u>1</u> Text of Proposed Order)(Moore, Tamra) (Entered: 08/24/2018)
08/29/2018	<u>23</u>	Case Management Conference held on 8/29/2018 before Judge Theodore D. Chuang.(FTR-2B.) (klss, Deputy Clerk) (Entered: 08/29/2018)
08/30/2018	<u>24</u>	ORDER Granting <u>22</u> Consent MOTION for Extension of Time To Respond to Complaint. Signed by Judge Theodore D. Chuang on 8/29/2018. (heps, Deputy Clerk) (Entered: 08/30/2018)
09/28/2018	<u>25</u>	STATUS REPORT by Betsy Devos, Candice Jackson, U.S. Department of Education (Attachments: # <u>1</u> Text of Proposed Order)(Moore, Tamra) (Entered: 09/28/2018)
10/01/2018	<u>26</u>	ORDER re <u>25</u> Joint Status Report directing that the parties shall submit a Joint Status Report on or before November 5, 2018. Signed by Judge Theodore D. Chuang on 10/1/2018. (kns, Deputy Clerk) (Entered: 10/01/2018)
11/05/2018	<u>27</u>	STATUS REPORT by Betsy Devos, Candice Jackson, U.S. Department of Education (Attachments: # <u>1</u> Text of Proposed Order)(Moore, Tamra) (Entered: 11/05/2018)
11/06/2018	<u>28</u>	ORDER that the parties shall submit a Joint Status Report informing the Court about the status of this case on or before November 19, 2018. Signed by Judge Theodore D. Chuang on 11/6/2018. (heps, Deputy Clerk) (Entered: 11/06/2018)
11/19/2018	<u>29</u>	STATUS REPORT <i>Joint Status Report</i> by National Association for the Advancement of Colored People, Inc., The Counsel of Parent Attorneys and Advocates, Inc., The National Federation of the Blind (Attachments: # <u>1</u> Attachment Proposed Order)(Hill, Eve) (Entered: 11/19/2018)
11/20/2018	<u>30</u>	MOTION for Leave to File <i>Supplemental Complaint</i> by National Association for the Advancement of Colored People, Inc., The Counsel of Parent Attorneys and Advocates, Inc., The National Federation of the Blind (Attachments: # <u>1</u> Exhibit Supplemental Complaint, # <u>2</u> Exhibit Redline Supplemental Complaint)(Hill, Eve) (Entered: 11/20/2018)
11/20/2018	<u>31</u>	Request for Conference (Hill, Eve) (Entered: 11/20/2018)
11/20/2018	<u>32</u>	NOTICE by Betsy Devos, Candice Jackson, U.S. Department of Education re <u>29</u> Status Report, (Attachments: # <u>1</u> Exhibit)(Moore, Tamra) (Entered: 11/20/2018)
11/20/2018	<u>33</u>	NOTICE by National Association for the Advancement of Colored People, Inc., The Counsel of Parent Attorneys and Advocates, Inc., The National Federation of the Blind re <u>30</u> MOTION for Leave to File <i>Supplemental Complaint NOTICE OF ERRATA</i> (Hill, Eve) (Entered: 11/20/2018)
11/20/2018	<u>34</u>	ORDER Denying Without Prejudice <u>30</u> Motion for Leave to File a Supplemental Complaint; directing plaintiff to file a Notice of Intent regarding the Motion for Leave to File a Supplemental Complaint by November 28, 2018. Signed by Judge Theodore D. Chuang on 11/20/2018. (heps, Deputy Clerk) (Entered: 11/21/2018)
11/21/2018	<u>35</u>	Request for Conference (Hill, Eve) (Entered: 11/21/2018)
11/29/2018	<u>36</u>	Case Management Conference held on 11/29/2018 before Judge Theodore D. Chuang.(FTR-2B.) (klss, Deputy Clerk) (Entered: 11/30/2018)
11/30/2018	<u>37</u>	ORDER Granting Plaintiff leave to file an Amended Complaint by December 4, 2018; Defendants shall submit either the Answer or a Notice of Intent to File a Motion to Dismiss by December 18, 2018. Signed by Judge Theodore D. Chuang on 11/30/2018. (heps, Deputy Clerk) (Entered: 11/30/2018)
12/03/2018	<u>38</u>	AMENDED COMPLAINT against All Defendants, filed by The National Federation of the Blind, National Association for the Advancement of Colored People, Inc., The Counsel of Parent Attorneys and Advocates, Inc.. (Attachments: # <u>1</u> Amended Complaint-Redlined)(Hill, Eve) (Entered: 12/03/2018)
12/11/2018	<u>39</u>	NOTICE by National Association for the Advancement of Colored People, Inc., The Counsel of Parent Attorneys and Advocates, Inc., The National Federation of the Blind <i>Notice regarding filing of Motion for Preliminary Injunction</i> (Hill, Eve) (Entered: 12/11/2018)

12/18/2018	<u>40</u>	NOTICE by Betsy Devos, Candice Jackson, U.S. Department of Education re <u>38</u> Amended Complaint, <i>of Intent to File Motion to Dismiss Based on Lack of Subject Matter Jurisdiction</i> (Moore, Tamra) (Entered: 12/18/2018)
12/19/2018	41	PAPERLESS ORDER granting Defendants leave to file the proposed Motion <u>40</u> pursuant to the briefing schedule stated in this Court's Order <u>37</u> . Signed by Judge Theodore D. Chuang on 12/19/2018. (sl5, Chambers) (Entered: 12/19/2018)
12/26/2018	<u>42</u>	MOTION to Stay re <u>40</u> Notice (Other), 41 Order <i>Defendants' Motion to Dismiss Due to Lapse in Appropriations</i> by Betsy Devos, Candice Jackson, U.S. Department of Education(Moore, Tamra) (Entered: 12/26/2018)
01/02/2019	<u>43</u>	ORDER granting in part <u>42</u> Motion to Stay is DENIED; Defendant's Motion to Dismiss is now due by January 17, 2019; defendants must file a motion to obtain any further extensions. Signed by Judge Theodore D. Chuang on 1/2/2019. (heps, Deputy Clerk) (Entered: 01/02/2019)
01/15/2019	<u>44</u>	Consent MOTION for Extension of Time <i>to File Defendants' Motion to Dismiss In Light of Lapse in Appropriations</i> by Betsy Devos, Candice Jackson, U.S. Department of Education (Attachments: # <u>1</u> Text of Proposed Order)(Moore, Tamra) (Entered: 01/15/2019)
01/16/2019	<u>45</u>	ORDER Granting <u>44</u> Motion for Extension of Time to File Defendant's Motion to Dismiss in Light of Lapse in Appropriations. Signed by Judge Theodore D. Chuang on 1/16/2019. (heps, Deputy Clerk) (Entered: 01/16/2019)
02/06/2019	<u>46</u>	Consent MOTION for Extension of Time <i>to File Motion to Dismiss</i> by Betsy Devos, Candice Jackson, U.S. Department of Education (Attachments: # <u>1</u> Text of Proposed Order)(Moore, Tamra) (Entered: 02/06/2019)
02/07/2019	<u>47</u>	ORDER granting <u>46</u> Unopposed Motion for Extension of Time. Signed by Judge Theodore D. Chuang on 2/7/2019. (kns, Deputy Clerk) (Entered: 02/07/2019)
02/11/2019	<u>48</u>	NOTICE of Appearance by Anisha S. Queen on behalf of National Association for the Advancement of Colored People, Inc., The Counsel of Parent Attorneys and Advocates, Inc., The National Federation of the Blind (Queen, Anisha) (Entered: 02/11/2019)
02/11/2019	<u>49</u>	MOTION to Dismiss for Lack of Jurisdiction , MOTION to Dismiss for Failure to State a Claim by Betsy Devos, Candice Jackson, U.S. Department of Education (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Marcus Declaration, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Wills Declaration, # <u>10</u> Exhibit A, # <u>11</u> Text of Proposed Order)(Moore, Tamra) (Entered: 02/11/2019)
03/11/2019	<u>50</u>	RESPONSE in Opposition re <u>49</u> MOTION to Dismiss for Lack of Jurisdiction MOTION to Dismiss for Failure to State a Claim filed by National Association for the Advancement of Colored People, Inc., The Counsel of Parent Attorneys and Advocates, Inc., The National Federation of the Blind. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Hill, Eve) (Entered: 03/11/2019)
03/22/2019	<u>51</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>49</u> MOTION to Dismiss for Lack of Jurisdiction MOTION to Dismiss for Failure to State a Claim, <u>50</u> Response in Opposition to Motion, by Betsy Devos, Candice Jackson, U.S. Department of Education (Attachments: # <u>1</u> Text of Proposed Order)(Moore, Tamra) (Entered: 03/22/2019)
03/22/2019	52	PAPERLESS ORDER granting <u>51</u> Motion for Extension of Time to File Response/Reply. Defendants' Reply in support of <u>49</u> Defendants' Motion to Dismiss is now due April 19, 2019. Signed by Judge Theodore D. Chuang on 3/22/2019. (sl5s, Chambers) (Entered: 03/22/2019)
04/17/2019	<u>53</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>49</u> MOTION to Dismiss for Lack of Jurisdiction MOTION to Dismiss for Failure to State a Claim by Betsy Devos, Candice Jackson, U.S. Department of Education. (Attachments: # <u>1</u> Text of Proposed Order)(Moore, Tamra) (Entered: 04/17/2019)

04/22/2019	<u>54</u>	NOTICE of Appearance by Michael F Knapp on behalf of All Defendants (Knapp, Michael) (Entered: 04/22/2019)
04/23/2019	<u>55</u>	ORDER granting <u>53</u> Motion for Extension of Time to File Their Reply in Support of 49 MOTION to Dismiss on or before April 26, 2019. Signed by Judge Theodore D. Chuang on 4/23/2019. (cags, Deputy Clerk) (Entered: 04/23/2019)
04/26/2019	<u>56</u>	REPLY to Response to Motion re <u>49</u> MOTION to Dismiss for Lack of Jurisdiction MOTION to Dismiss for Failure to State a Claim filed by Betsy Devos, Candice Jackson, U.S. Department of Education. (Attachments: # <u>1</u> Affidavit of Randolph Wills)(Knapp, Michael) (Entered: 04/26/2019)
05/29/2019	<u>57</u>	NOTICE by National Association for the Advancement of Colored People, Inc., The Counsel of Parent Attorneys and Advocates, Inc., The National Federation of the Blind <i>Notice of Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit 1)(Hill, Eve) (Entered: 05/29/2019)
08/21/2019	<u>58</u>	MEMORANDUM OPINION. Signed by Judge Theodore D. Chuang on 8/19/2019. (heps, Deputy Clerk) (Entered: 08/21/2019)
08/21/2019	<u>59</u>	ORDER Granting <u>49</u> Motion to Dismiss; the Amended Complaint is Dismissed Without Prejudice; any Motion for Leave to Amend the Complaint must be filed within Fourteen (14) days of the date of this Order. Signed by Judge Theodore D. Chuang on 8/19/2019. (heps, Deputy Clerk) (Entered: 08/21/2019)
09/03/2019	<u>60</u>	MOTION for Leave to File A <i>Second Amended Complaint</i> by National Association for the Advancement of Colored People, Inc., The Counsel of Parent Attorneys and Advocates, Inc., The National Federation of the Blind (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Text of Proposed Order)(Hill, Eve) (Entered: 09/03/2019)
09/09/2019	<u>61</u>	NOTICE to Substitute Attorney <i>Tamra Moore and Michael Knapp</i> (Edney, Marsha) (Entered: 09/09/2019)
10/03/2019	<u>62</u>	ORDER Granting <u>60</u> Motion for Leave to File A Second Amended Complaint. Signed by Judge Theodore D. Chuang on 10/3/2019. (heps, Deputy Clerk) (Entered: 10/03/2019)
10/03/2019	<u>63</u>	SECOND AMENDED COMPLAINT against Betsy Devos, Candice Jackson, U.S. Department of Education, filed by The National Federation of the Blind, National Association for the Advancement of Colored People, Inc., The Counsel of Parent Attorneys and Advocates, Inc.. (Attachments: # <u>1</u> Redline version of Amended Complaint)(heps, Deputy Clerk) (Entered: 10/03/2019)
10/17/2019	<u>64</u>	ANSWER to <u>63</u> Amended Complaint, by Betsy Devos, Candice Jackson, U.S. Department of Education.(Edney, Marsha) (Entered: 10/17/2019)
11/06/2019	<u>65</u>	SCHEDULING ORDER: Status Report due by 3/18/2020.. Signed by Judge Theodore D. Chuang on 11/5/2019. (dg3s, Deputy Clerk) (Entered: 11/06/2019)
11/13/2019	<u>66</u>	Correspondence re: Request for Modification of Scheduling Order (Edney, Marsha) (Entered: 11/13/2019)
11/25/2019	<u>67</u>	Joint MOTION to Stay re <u>65</u> Scheduling Order <i>All Pretrial Deadlines</i> by National Association for the Advancement of Colored People, Inc., The Counsel of Parent Attorneys and Advocates, Inc., The National Federation of the Blind (Attachments: # <u>1</u> Text of Proposed Order)(Hill, Eve) (Entered: 11/25/2019)
11/27/2019	<u>68</u>	ORDER granting <u>67</u> Joint Motion to Stay re <u>65</u> Scheduling Order All Pretrial Deadlines; Status Report due on or before 1/3/2020. Signed by Judge Theodore D. Chuang on 11/27/2019. (dg3s, Deputy Clerk) (Entered: 11/27/2019)
11/27/2019	69	PAPERLESS NOTICE. In light of ECF No. <u>68</u> , the Case Management Conference scheduled for Monday, December 2, 2019 is CANCELLED. (sb3s, Chambers) (Entered: 11/27/2019)
01/02/2020	<u>70</u>	STATUS REPORT (<i>Joint</i>) by National Association for the Advancement of Colored People, Inc., The Counsel of Parent Attorneys and Advocates, Inc., The National Federation of the Blind (Attachments: # <u>1</u> Text of Proposed Order)(Hill, Eve) (Entered: 01/02/2020)

01/08/2020	<u>71</u>	ORDER granting <u>70</u> STATUS REPORT (Joint); Status Report due on or before 2/7/2020. Signed by Judge Theodore D. Chuang on 1/7/2020. (dg3s, Deputy Clerk) (Entered: 01/08/2020)
02/06/2020	<u>72</u>	STIPULATION of Dismissal by National Association for the Advancement of Colored People, Inc., The Counsel of Parent Attorneys and Advocates, Inc., The National Federation of the Blind(Hill, Eve) (Entered: 02/06/2020)
02/07/2020	<u>73</u>	ORDER DISMISSING case with each party to bear its own costs unless otherwise agreed without prejudice to the right of a party to move for good cause to reopen this action if settlement is not consummated. Signed by Judge Theodore D. Chuang on 2/7/2020. (dg3s, Deputy Clerk) (Entered: 02/07/2020)