

**U.S. District Court
Eastern District of California – Live System (Sacramento)
CIVIL DOCKET FOR CASE #: 2:09-cv-02894-WBS-DAD**

Freedom from Religion Foundation et al v. Geithner et al
Assigned to: Senior Judge William B. Shubb
Referred to: Magistrate Judge Dale A. Drozd
Case in other court: USCA, 09-17753
Cause: 28:1983 Civil Rights

Date Filed: 10/16/2009
Date Terminated: 06/20/2011
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

**Freedom from Religion Foundation,
Inc.**

represented by **Michael Arthur Newdow**
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Plaintiff

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V.

Defendant

Timothy Geithner
Secretary, U.S. Dept. of the Treasury

Defendant

Douglas Shulman
Commissioner, IRS

Defendant

Selvi Stanislaus
Executive Officer of the California
Franchise Tax Board

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Defendant**United States of America**

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V.

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Date Filed	#	Docket Text
10/16/2009	<u>1</u>	COMPLAINT against all defendants by all plfs.(Newdow, Michael) Modified on 10/16/2009 (Benson, A.). (Entered: 10/16/2009)
10/16/2009		RECEIPT number #CAE200020815 \$350.00 fbo Freedom from Religion Foundati by Michael Newdow on 10/16/2009. (Benson, A.) (Entered: 10/16/2009)
10/16/2009	<u>3</u>	SUMMONS ISSUED as to *Timothy Geithner, Douglas Shulman* with answer to complaint due within *60* days. Attorney *Michael Arthur Newdow* *Michael Newdow, Esq.* *P.O. Box 233345* *Sacramento, CA 95823*. (Benson, A.) (Entered: 10/16/2009)
10/16/2009	<u>4</u>	SUMMONS ISSUED as to *Selvi Stanislaus* with answer to complaint due within *20* days. Attorney *Michael Arthur Newdow* *Michael Newdow, Esq.* *P.O.

		Box 233345* *Sacramento, CA 95823*. (Benson, A.) (Entered: 10/16/2009)
10/16/2009	<u>5</u>	CIVIL NEW CASE DOCUMENTS ISSUED; Initial Scheduling Conference set for 03/22/10 at 02:00 PM in Courtroom 5 (WBS) before Judge William B. Shubb. (Attachments: # <u>1</u> Consent Forms, # <u>2</u> VDRP Forms) (Benson, A.) (Entered: 10/16/2009)
10/22/2009	<u>6</u>	MOTION to INTERVENE by Michael Rodgers. Motion Hearing set for 11/23/09 at 02:00 PM in Courtroom 5 (WBS) before Judge William B. Shubb. (McReynolds, Matthew) (Entered: 10/22/2009)
10/22/2009	<u>7</u>	MEMORANDUM by Michael Rodgers in support of <u>6</u> Motion to Intervene. (McReynolds, Matthew) Modified on 10/23/2009 (Benson, A.). (Entered: 10/22/2009)
10/22/2009	<u>8</u>	DECLARATION of Pastor Michael Rodgers in support of <u>6</u> Motion to Intervene. (McReynolds, Matthew) Modified on 10/23/2009 (Benson, A.). (Entered: 10/22/2009)
10/22/2009	<u>9</u>	DECLARATION of Matthew McReynolds in support of <u>6</u> Motion to Intervene. (McReynolds, Matthew) Modified on 10/23/2009 (Benson, A.). (Entered: 10/22/2009)
10/22/2009	<u>10</u>	PROPOSED ORDER re <u>6</u> Motion to Intervene by Michael Rodgers. (McReynolds, Matthew) Modified on 10/23/2009 (Benson, A.). (Entered: 10/22/2009)
10/22/2009	<u>11</u>	CERTIFICATE of SERVICE by Michael Rodgers <u>6</u> Motion to Intervene, <u>7</u> Memorandum in Support, <u>8</u> Declaration, <u>9</u> Declaration and <u>10</u> Proposed Order. (McReynolds, Matthew) Modified on 10/23/2009 (Benson, A.). (Entered: 10/22/2009)
10/22/2009	<u>12</u>	CORRECTED <u>10</u> PROPOSED ORDER re <u>6</u> Motion to Intervene by Michael Rodgers. (McReynolds, Matthew) Modified on 10/23/2009 (Benson, A.). (Entered: 10/22/2009)
10/23/2009	<u>13</u>	DECLARATION of MATTHEW MCREYNOLDS—SUPPLEMENTAL WITH EXHIBIT in SUPPORT OF <u>6</u> Motion to Intervene. (McReynolds, Matthew) (Entered: 10/23/2009)
10/29/2009	<u>14</u>	CERTIFICATE of SERVICE by Michael Rodgers re <u>8</u> Declaration, <u>9</u> Declaration, <u>12</u> Proposed Order, <u>11</u> Certificate of Service, <u>7</u> Memorandum in Support of Motion, <u>6</u> Motion to Intervene, <u>13</u> Declaration. (McReynolds, Matthew) (Entered: 10/29/2009)
11/05/2009	<u>15</u>	PROPOSED ORDER re <u>8</u> Declaration, <u>9</u> Declaration, <u>12</u> Proposed Order, <u>11</u> Certificate of Service, <u>7</u> Memorandum in Support of Motion, <u>6</u> Motion to Intervene, <u>13</u> Declaration by Anthony Arlen, Elisabeth Steadman, William M. Shockley, Charles Crannell, Collette Crannell, Freedom from Religion Foundation, Inc., Mike Osborne, Kristi Craven, Paul Ellcessor, Joseph Rittell, Wendy Corby, Pat Kelley, Carey Goldstein, Debora Smith, Kathy Fields, Richard Moore, Paul Storey, Susan Robinson, Ken Nahigian, Billy Ferguson, Karen Buchanan, Joseph Morrow. (Newdow, Michael) (Entered: 11/05/2009)
11/06/2009	<u>16</u>	OPPOSITION by United States of America to <u>6</u> Motion to Intervene. Attorney Hendon, Jeremy Nolan added. (Hendon, Jeremy) (Entered: 11/06/2009)
11/13/2009	<u>17</u>	ORDER signed by Judge William B. Shubb on 11/13/09 ORDERING that plffs' counsel may appear telephonically for the Motion Hearing set for 11/23/09 at 02:00 PM in Courtroom 5 (WBS) before Judge William B. Shubb; the CRD shall initiate the teleconference. (Manzer, C) (Entered: 11/13/2009)
11/16/2009	<u>18</u>	REPLY by Michael Rodgers in SUPPORT of MOTION TO INTERVINE, <u>6</u> . (McReynolds, Matthew) Modified on 11/19/2009 (Mena-Sanchez, L). (Entered: 11/16/2009)
11/23/2009	<u>19</u>	MINUTES (Text Only) for proceedings held before Judge William B. Shubb: MOTION HEARING held on 11/23/2009 re <u>6</u> Intervenor Pastor Michael Rodgers' Motion to Intervene. Counsel argue. MOTION SUBMITTED. Court to issue separate order. Plaintiffs Counsel Michael Newdow, via phone present. Defendants

		Counsel Jeremy Hendon, Matthew McReynolds (intervenor) present. Court Reporter: Kathy Swinhart. (Kirksey Smith, K) (Entered: 11/23/2009)
11/25/2009	<u>20</u>	EXHIBIT <i>Supplemental Authority in Support of re 6</i> Motion to Intervene filed by Michael Rodgers. (McReynolds, Matthew) (Entered: 11/25/2009)
12/02/2009	<u>21</u>	MEMORANDUM AND ORDER denying <u>6</u> Applicant's Motion to Intervene, signed by Judge William B. Shubb on 12/1/09. It is further ordered that the applicant's motion for leave to file a brief as amicus curiae be, is GRANTED. (Kastilahn, A) (Entered: 12/02/2009)
12/07/2009	<u>22</u>	PRO HAC VICE APPLICATION and PROPOSED ORDER submitted for attorney Richard Bolton to appear Pro Hac Vice. (Attachments: # <u>1</u> Exhibit)(Newdow, Michael) Modified on 12/9/2009 (Benson, A.). (Entered: 12/07/2009)
12/07/2009		RECEIPT number #CAE200022057 \$180.00 fbo Richard L Bolton by Michael A Newdow on 12/7/2009. (Kastilahn, A) (Entered: 12/07/2009)
12/09/2009	<u>24</u>	NOTICE of APPEAL by Michael Rodgers as to <u>21</u> Order on Motion to Intervene. (Attachments: # <u>1</u> Statement Issues)(Snider, Kevin) (Entered: 12/09/2009)
12/09/2009		RECEIPT number #CAE200022136 \$455.00 fbo Michael Rodgers by Kevin Trent Snider on 12/9/2009. (Mena-Sanchez, L) (Entered: 12/09/2009)
12/09/2009	<u>26</u>	APPEAL PROCESSED to Ninth Circuit re <u>24</u> Notice of Appeal filed by Michael Rodgers. Filed dates for Notice of Appeal *12/09/09*, Complaint *10/16/09* and Appealed Order / Judgment *12/02/09*. Court Reporter: *Kathy Swinhart*. *Fee Status: Paid on 12/09/09 in the amount of \$455.00* ** (Attachments: # <u>1</u> Appeal Notice) (Benson, A.) (Entered: 12/09/2009)
12/10/2009	<u>27</u>	PRO HAC VICE ORDER signed by Judge William B. Shubb on 12/09/09. Added attorney Richard L. Bolton, PHV for Freedom from Religion Foundation, Inc. (Becknal, R) (Entered: 12/10/2009)
12/11/2009	28	USCA CASE NUMBER 09-17753 for <u>24</u> Notice of Appeal filed by Michael Rodgers. (Engbretson, K.) (Entered: 12/11/2009)
12/17/2009	<u>29</u>	STIPULATION for <i>Order Extending Time for United States to File its Response to the Complaint</i> by United States of America. (Hendon, Jeremy) (Entered: 12/17/2009)
12/17/2009	<u>30</u>	PROPOSED ORDER re <u>29</u> Stipulation by United States of America. (Hendon, Jeremy) (Entered: 12/17/2009)
12/18/2009	<u>31</u>	ORDER signed by Judge William B. Shubb on 12/17/09: The United States shall have up to, and including, February 26, 2010, within which to file a response to the Complaint. (Kaminski, H) (Entered: 12/18/2009)
02/01/2010	<u>32</u>	STIPULATION and PROPOSED ORDER for Extension of time for defendant Selvi Stanislaus to Respond to Complaint for Declaratory and Injunctive Relief by Selvi Stanislaus. Attorney Bowers, Jill added. (Bowers, Jill) (Entered: 02/01/2010)
02/02/2010	<u>33</u>	ORDER re <u>32</u> Stipulation signed by Judge William B. Shubb on 02/02/10 ORDERING that dft Selvi Stanislaus' time to respond to the complaint is EXTENDED to 02/26/10. (Benson, A.) (Entered: 02/02/2010)
02/16/2010	<u>34</u>	DECLINE to PROCEED BEFORE US MAGISTRATE JUDGE by Selvi Stanislaus. (Bowers, Jill) (Entered: 02/16/2010)
02/22/2010	<u>35</u>	DECLINE to PROCEED BEFORE US MAGISTRATE JUDGE by Anthony Arlen, Elisabeth Steadman, William M. Shockley, Charles Crannell, Collette Crannell, Freedom from Religion Foundation, Inc., Mike Osborne, Kristi Craven, Paul Ellcessor, Joseph Rittell, Wendy Corby, Pat Kelley, Carey Goldstein, Debora Smith, Kathy Fields, Richard Moore, Paul Storey, Susan Robinson, Ken Nahigian, Billy Ferguson, Karen Buchanan, Joseph Morrow. Attorney Bolton, Richard L. added. (Bolton, Richard) (Entered: 02/22/2010)

02/25/2010	<u>36</u>	NOTICE of APPEARANCE by Richard Adam Schwartz, GOVT on behalf of United States of America. Attorney Schwartz, Richard Adam added. (Schwartz, Richard) (Entered: 02/25/2010)
02/25/2010	<u>37</u>	NOTICE of APPEARANCE by Richard Adam Schwartz, GOVT on behalf of United States of America. (Schwartz, Richard) (Entered: 02/25/2010)
02/26/2010	<u>38</u>	MOTION to DISMISS, MOTION to DISMISS for LACK of JURISDICTION (Motion Hearing set for 3/29/2010 at 02:00 PM in Courtroom 5 (WBS) before Judge William B. Shubb.) by United States of America. (Attachments: # <u>1</u> Memorandum Memorandum in Support of United States' Motion to Dismiss)(Schwartz, Richard) (Entered: 02/26/2010)
02/26/2010	<u>39</u>	MOTION to DISMISS by Selvi Stanislaus. Motion Hearing set for 3/29/2010 at 02:00 PM in Courtroom 5 (WBS) before Judge William B. Shubb. (Bowers, Jill) (Entered: 02/26/2010)
02/26/2010	<u>40</u>	MEMORANDUM by Selvi Stanislaus in SUPPORT of <u>39</u> MOTION to DISMISS. (Bowers, Jill) (Entered: 02/26/2010)
02/26/2010	<u>41</u>	MINUTE ORDER (TEXT ONLY): The parties are hereby notified that the Scheduling Conference is continued from 3/22/2010 to 5/3/2010 at 02:00 PM in Courtroom 5 (WBS) before Judge William B. Shubb, pending hearing on Defendant United States' Motion to Dismiss and Defendant Selvi Stanislaus' Motion to Dismiss, now set for hearing 3/29/2010. A Joint Status Report shall be filed no later than 4/19/2010. (Kirksey Smith, K) (Entered: 02/26/2010)
03/12/2010	<u>42</u>	STIPULATION for 42-DAY EXTENSION OF TIME for Change of Hearing Date re <u>39</u> MOTION to DISMISS by Anthony Arlen, Elisabeth Steadman, William M. Shockley, Charles Crannell, Collette Crannell, Freedom from Religion Foundation, Inc., Mike Osborne, Kristi Craven, Paul Ellcessor, Joseph Rittell, Wendy Corby, Pat Kelley, Carey Goldstein, Debora Smith, Kathy Fields, Richard Moore, Paul Storey, Susan Robinson, Ken Nahigian, Billy Ferguson, Karen Buchanan, Joseph Morrow. (Bolton, Richard) Modified on 3/12/2010 (Kirksey Smith, K). (Entered: 03/12/2010)
03/16/2010	<u>43</u>	STIPULATION and ORDER <u>42</u> , signed by Judge William B. Shubb on 3/15/2010: The hearing date on dfts' Motion to Dismiss <u>38</u> , <u>39</u> is hereby RESET from 3/29/2010 to 5/10/2010 at 02:00 PM in Courtroom 5 (WBS) before Judge William B. Shubb. (Kastilahn, A) (Entered: 03/16/2010)
03/16/2010	<u>44</u>	NOTICE of HEARING on MOTION to DISMISS <u>38</u> , <u>39</u> : Motion Hearing RESET from 3/29/2010 to 5/10/2010 at 02:00 PM in Courtroom 5 (WBS) before Judge William B. Shubb. (Kastilahn, A) (Entered: 03/16/2010)
04/06/2010	<u>45</u>	STIPULATION and PROPOSED ORDER for Continuance of Joint Status Report and Pretrial Scheduling Conference by United States of America. (Attachments: # <u>1</u> Proposed Order)(Schwartz, Richard) (Entered: 04/06/2010)
04/08/2010	<u>46</u>	STIPULATION and ORDER <u>45</u> , signed by Judge William B. Shubb on 4/6/10: The Scheduling Conference is CONT'D to 6/28/2010 at 02:00 PM in Courtroom 5 (WBS) before Judge William B. Shubb. The joint status report is DUE no later than 6/14/2010. (Kastilahn, A) (Entered: 04/08/2010)
04/20/2010	<u>47</u>	OPPOSITION by plts to <u>38</u> US' MOTION to DISMISS . (Bolton, Richard) Modified on 4/21/2010 (Duong, D). (Entered: 04/20/2010)
04/20/2010	<u>48</u>	AFFIDAVIT of Richard L. Bolton <u>47</u> Opposition to Motion to Dismiss . (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibits 4-8 # <u>5</u> Exhibits 9-15)(Bolton, Richard) Modified on 4/21/2010 (Duong, D). (Entered: 04/20/2010)
04/23/2010	<u>49</u>	OPPOSITION by Anthony Arlen, Elisabeth Steadman, William M. Shockley, Charles Crannell, Collette Crannell, Freedom from Religion Foundation, Inc., Mike Osborne, Kristi Craven, Paul Ellcessor, Joseph Rittell, Wendy Corby, Pat Kelley, Carey Goldstein, Debora Smith, Kathy Fields, Richard Moore, Paul Storey, Susan Robinson, Ken Nahigian, Billy Ferguson, Karen Buchanan, Joseph Morrow to <u>39</u> MOTION to DISMISS. (Attachments: # <u>1</u> Certificate of Service)(Bolton, Richard)

		(Entered: 04/23/2010)
05/03/2010	<u>50</u>	REPLY by United States of America re <u>38</u> MOTION to DISMISS MOTION to DISMISS for LACK of JURISDICTION, <u>47</u> Memorandum, <u>1</u> Complaint. (Schwartz, Richard) (Entered: 05/03/2010)
05/03/2010	<u>51</u>	[DISREGARD] REPLY by Selvi Stanislaus to RESPONSE to <u>39</u> MOTION to DISMISS. (Attachments: # <u>1</u> Exhibit A, B and C)(Bowers, Jill) Modified on 5/4/2010 (Becknal, R). (Entered: 05/03/2010)
05/03/2010	<u>52</u>	OBJECTIONS by Defendant Selvi Stanislaus to <u>48</u> Affidavit. (Bowers, Jill) (Entered: 05/03/2010)
05/04/2010	<u>53</u>	RESPONSE by plfs to <u>51</u> Reply to Response to Motion. (Attachments: # <u>1</u> Exhibit)(Bolton, Richard) Modified on 5/5/2010 (Benson, A.). (Entered: 05/04/2010)
05/04/2010	<u>54</u>	CERTIFICATE of SERVICE of <u>53</u> Response,. (Bolton, Richard) Modified on 5/5/2010 (Benson, A.). (Entered: 05/04/2010)
05/04/2010	<u>55</u>	REPLY by Selvi Stanislaus to Response to <u>39</u> Motion to Dismiss. (Bowers, Jill) (Entered: 05/04/2010)
05/04/2010	<u>56</u>	[DISREGARD – COUNSEL TO REFILE WITH CAPTION PAGE] EXHIBIT A, B and C to Reply by Selvi Stanislaus re <u>55</u> Reply to Response to Motion. (Bowers, Jill) Modified on 5/5/2010 (Benson, A.). (Entered: 05/04/2010)
05/05/2010	<u>57</u>	EXHIBITS A, B and C by Selvi Stanislaus re <u>55</u> Reply to Response to Motion. (Bowers, Jill) Modified on 5/5/2010 (Benson, A.). (Entered: 05/05/2010)
05/05/2010	<u>58</u>	TRANSCRIPT of motion to intervene held on November 23, 2009, before Judge William B. Shubb, filed by Court Reporter Kathy Swinhart, Phone number 916-446-1347 E-mail kswinhart_csr@yahoo.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may also be obtained through PACER. Any Notice of Intent to Request Redaction must be filed within 5 court days. Redaction Request due 5/26/2010. Redacted Transcript Deadline set for 6/7/2010. Release of Transcript Restriction set for 8/3/2010. (Swinhart, K) (Entered: 05/05/2010)
05/10/2010	<u>59</u>	MINUTES (Text Only) for proceedings held before Judge William B. Shubb: MOTION HEARING held on 5/10/2010 re <u>38</u> United States' MOTION to DISMISS and <u>39</u> Defendant Selvi Stanislaus' MOTION to DISMISS. Counsel argue. MOTIONS SUBMITTED. Court shall prepare and issue a separate order. Plaintiffs Counsel Richard Bolton present. Defendants Counsel Jeremy Hendon, DOJ, Richard Schwartz, DOJ, Jill Bowers present. Court Reporter: Kathy Swinhart. (Kirksey Smith, K) (Entered: 05/10/2010)
05/13/2010	<u>60</u>	REPLY by Anthony Arlen, Elisabeth Steadman, William M. Shockley, Charles Crannell, Collette Crannell, Freedom from Religion Foundation, Inc., Mike Osborne, Kristi Craven, Paul Ellcessor, Joseph Rittell, Wendy Corby, Pat Kelley, Carey Goldstein, Debora Smith, Kathy Fields, Richard Moore, Paul Storey, Susan Robinson, Ken Nahigian, Billy Ferguson, Karen Buchanan, Joseph Morrow re <u>53</u> Response. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Bolton, Richard) (Entered: 05/13/2010)
05/17/2010	<u>61</u>	MOTION to STRIKE by United States of America. Motion Hearing set for 6/21/2010 at 02:00 PM in Courtroom 5 (WBS) before Judge William B. Shubb. (Attachments: # <u>1</u> Proposed Order)(Schwartz, Richard) Modified on 5/17/2010 (Kaminski, H). (Entered: 05/17/2010)
05/21/2010	<u>62</u>	MEMORANDUM and ORDER signed by Judge William B. Shubb on 5/21/2010 ORDERING that defendant Stanislaus's <u>39</u> motion to dismiss be, and the same hereby is, GRANTED with respect to plaintiffs' claims under the California constitution and with respect to plaintiffs' claim challenging California Revenue and Taxation Code section 17280 (d) (2) and DENIED in all other respects. IT IS FURTHER ORDERED that the federal defendants' <u>38</u> motion to dismiss be DENIED with respect to plaintiffs' claim challenging IRC 107 and GRANTED

		with respect to plaintiffs claim challenging IRC 265(a)(6). (Duong, D) (Entered: 05/21/2010)
06/04/2010	<u>63</u>	JOINT MOTION for Order Extending Defendants' Time to Answer Complaint for Declaratory and Injunctive Relief by Selvi Stanislaus. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Proposed Order)(Bowers, Jill) Modified on 6/7/2010 (Kaminski, H). (Entered: 06/04/2010)
06/14/2010	<u>64</u>	JOINT STATUS REPORT by plfs . Attorney Bolton, Richard L. added. (Bolton, Richard) Modified on 6/15/2010 (Benson, A.). (Entered: 06/14/2010)
06/15/2010	<u>65</u>	ORDER signed by Judge William B. Shubb on 6/15/10: The Defendants shall have up to, and including, June 18, 2010, within which to file a response to the Complaint. (Kaminski, H) (Entered: 06/15/2010)
06/18/2010	<u>66</u>	FIRST AMENDED COMPLAINT against all defendants by Anthony Arlen, Elisabeth Steadman, William M. Shockley, Charles Crannell, Collette Crannell, Freedom from Religion Foundation, Inc., Mike Osborne, Kristi Craven, Paul Ellcessor, Joseph Rittell, Wendy Corby, Pat Kelley, Carey Goldstein, Debora Smith, Kathy Fields, Richard Moore, Paul Storey, Susan Robinson, Ken Nahigian, Billy Ferguson, Karen Buchanan, Joseph Morrow.(Bolton, Richard) (Entered: 06/18/2010)
06/21/2010	<u>67</u>	REQUEST for <i>Permission to Appear Telephonically</i> by United States of America re <u>64</u> Status Report filed by Pat Kelley, Carey Goldstein, Paul Storey, Freedom from Religion Foundation, Inc., Timothy Geithner, Ken Nahigian, Anthony Arlen, Wendy Corby, Karen Buchanan, Billy Ferguson, Richard Moore, Charles Crannell, Elisabeth Steadman, Selvi Stanislaus, Kathy Fields, Joseph Rittell, Mike Osborne, Susan Robinson, United States of America, William M. Shockley, Douglas Shulman, Kristi Craven, Paul Ellcessor, Collette Crannell, Joseph Morrow, Debora Smith. (Attachments: # <u>1</u> Proposed Order)(Schwartz, Richard) (Entered: 06/21/2010)
06/21/2010	<u>68</u>	REQUEST for <i>Leave to Appear by Telephone</i> by Anthony Arlen, Elisabeth Steadman, William M. Shockley, Charles Crannell, Collette Crannell, Freedom from Religion Foundation, Inc., Mike Osborne, Kristi Craven, Paul Ellcessor, Joseph Rittell, Wendy Corby, Pat Kelley, Carey Goldstein, Debora Smith, Kathy Fields, Richard Moore, Paul Storey, Susan Robinson, Ken Nahigian, Billy Ferguson, Karen Buchanan, Joseph Morrow. (Attachments: # <u>1</u> Proposed Order Proposed Order to Allow Appearance by Telephone)(Bolton, Richard) (Entered: 06/21/2010)
06/21/2010	<u>69</u>	SECOND AMENDED COMPLAINT against all defendants by Anthony Arlen, Elisabeth Steadman, William M. Shockley, Charles Crannell, Collette Crannell, Freedom from Religion Foundation, Inc., Mike Osborne, Kristi Craven, Paul Ellcessor, Joseph Rittell, Wendy Corby, Pat Kelley, Carey Goldstein, Debora Smith, Kathy Fields, Richard Moore, Paul Storey, Susan Robinson, Ken Nahigian, Billy Ferguson, Karen Buchanan, Joseph Morrow.(Bolton, Richard) (Entered: 06/21/2010)
06/21/2010	<u>70</u>	REQUEST for <i>non-appearance or, in the alternative, telephonic appearance</i> by Anthony Arlen, Elisabeth Steadman, William M. Shockley, Charles Crannell, Collette Crannell, Freedom from Religion Foundation, Inc., Mike Osborne, Kristi Craven, Paul Ellcessor, Joseph Rittell, Wendy Corby, Pat Kelley, Carey Goldstein, Debora Smith, Kathy Fields, Richard Moore, Paul Storey, Susan Robinson, Ken Nahigian, Billy Ferguson, Karen Buchanan, Joseph Morrow. (Attachments: # <u>1</u> Proposed Order Proposed Order re-Newdow Appearance)(Newdow, Michael) (Entered: 06/21/2010)
06/24/2010	<u>71</u>	SCHEDULING ORDER signed by Judge William B. Shubb on 06/22/10: Discovery due by 7/30/2010. Designation of Expert Witnesses due by 2/17/2011. Non-Dispositive Motions filed by 6/3/2011. Counsel shall file separate pretrial statements. Final Pretrial Conference set for 8/22/2011 at 02:00 PM in Courtroom 5 (WBS) before Judge William B. Shubb. Bench Trial set for 10/25/2011 at 09:00 AM in Courtroom 5 (WBS) before Judge William B. Shubb. (Williams, D) (Entered: 06/24/2010)

06/30/2010	<u>72</u>	[DISREGARD– SEE DOCUMENT <u>73</u> for Correct Image] ANSWER to AMENDED COMPLAINT for <i>Declaratory and Injunctive Relief</i> by Selvi Stanislaus.(Bowers, Jill) Modified on 7/2/2010 (Donati, J). (Entered: 06/30/2010)
07/01/2010	<u>73</u>	ANSWER to CORRECTED AMENDED COMPLAINT by Selvi Stanislaus.(Bowers, Jill) Modified on 7/8/2010 (Zignago, K.). (Entered: 07/01/2010)
07/14/2010	<u>74</u>	ANSWER to AMENDED COMPLAINT by United States of America.(Schwartz, Richard) (Entered: 07/14/2010)
01/19/2011	<u>75</u>	JOINT MOTION to STAY by United States of America. Motion Hearing set for 2/14/2011 at 02:00 PM in Courtroom 5 (WBS) before Judge William B. Shubb. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit A)(Schwartz, Richard) Modified on 1/20/2011 (Kaminski, H). (Entered: 01/19/2011)
01/19/2011	<u>76</u>	MINUTE ORDER (TEXT ONLY): The parties are hereby notified that the <u>75</u> Joint Motion for Stay of Proceedings has been improperly noticed pursuant to Local Rule 230(b). The motion shall be heard on 2/28/2011 at 02:00 PM in Courtroom 5 (WBS) before Judge William B. Shubb. Counsel are instructed to immediately file and serve an amended notice of motion setting forth the above-referenced date and time, or the motion will be stricken. (Kirksey Smith, K) (Entered: 01/19/2011)
01/20/2011	<u>77</u>	AMENDED NOTICE to RESCHEDULE HEARING on <u>75</u> MOTION to STAY : Motion Hearing set for 2/28/2011 at 02:00 PM in Courtroom 5 (WBS) before Judge William B. Shubb. (Schwartz, Richard) Modified on 1/21/2011 (Kaminski, H). (Entered: 01/20/2011)
02/02/2011	<u>78</u>	REQUEST for <i>Permission to Appear Telephonically</i> by United States of America re <u>75</u> MOTION to STAY filed by United States of America, <u>77</u> Notice to Reschedule Hearing on Motion. (Attachments: # <u>1</u> Proposed Order)(Schwartz, Richard) (Entered: 02/02/2011)
02/08/2011	<u>79</u>	ORDER signed by Judge William B. Shubb on 2/7/11 re <u>78</u> ORDERING that the request for telephonic appearance of counsel for the US at the hearing on the joint motion for stay of proceedings is GRANTED. Attorney Jeremy N. Hendon and Richard A. Schwartz may appear by telephone, upon the condition that an attorney from the United States Attorney's Office also appear in person at the hearing. (Duong, D) Modified on 2/9/2011 (Duong, D). (Entered: 02/08/2011)
02/11/2011	<u>80</u>	MINUTE ORDER (TEXT ONLY): On the Court's own motion, the parties are hereby notified that the <u>75</u> Joint Motion for Stay of Proceedings now set for 2/28/2011 is taken off calendar and under submission, no appearance is necessary. The Court shall issue a separate order. (Kirksey Smith, K) (Entered: 02/11/2011)
02/14/2011	<u>81</u>	ORDER signed by Judge William B. Shubb on 2/11/11 GRANTING <u>75</u> Joint Motion to Stay; No later than 10 days following the issuance of the Supreme Court's decision in Arizona Christian School Tuition Organization v Winn, the parties shall file a joint status report with the court. Case stayed. (Matson, R) (Entered: 02/14/2011)
04/08/2011	<u>82</u>	JOINT STATUS REPORT by United States of America. (Attachments: # <u>1</u> Exhibit A)(Schwartz, Richard) (Entered: 04/08/2011)
04/21/2011	<u>83</u>	ORDER signed by Judge William B. Shubb on 4/21/11 ORDERING that Discovery is due by 4/22/2011; Pretrial Motions filed by 6/3/2011; Motions challenging pltfs' standing in light of Winn filed by 5/27/2011; Oppositions filed by 6/17/11 and replies filed by 7/1/11; the Court grants the parties' request to continue the stay of all other proceedings until the forthcoming motions are resolved. (Manzer, C) (Entered: 04/21/2011)
05/09/2011	<u>84</u>	USCA OPINION #09–17753, the judgment of the district court is AFFIRMED in PART, VACATED in PART and REMANDED; each side shall bear its own costs. re <u>24</u> Notice of Appeal filed by Michael Rodgers (Reader, L) (Entered: 05/09/2011)
05/26/2011	<u>85</u>	MOTION to DISMISS for LACK of JURISDICTION by United States of America. Motion Hearing set for 7/18/2011 at 02:00 PM in Courtroom 5 (WBS)

		before Judge William B. Shubb. (Attachments: # <u>1</u> Points and Authorities in Support of United States' Renewed Motion to Dismiss)(Hendon, Jeremy) (Entered: 05/26/2011)
05/27/2011	<u>86</u>	MOTION for JUDGMENT <i>on the Pleadings</i> by Selvi Stanislaus. Motion Hearing set for 7/18/2011 at 02:00 PM in Courtroom 5 (WBS) before Judge William B. Shubb. (Attachments: # <u>1</u> Points and Authorities, # <u>2</u> Exhibit 1)(Bowers, Jill) (Entered: 05/27/2011)
06/17/2011	<u>87</u>	STIPULATION and PROPOSED ORDER for Dismissal by United States of America. (Attachments: # <u>1</u> Proposed Order)(Schwartz, Richard) (Entered: 06/17/2011)
06/20/2011	<u>88</u>	ORDER DISMISSING CASE without prejudice per <u>87</u> Stipulation of Dismissal, signed by Judge William B. Shubb on 6/17/11. The parties are to bear their own respective costs, including attorney fees and other litigation expenses. CASE CLOSED (Kastilahn, A) (Entered: 06/20/2011)
07/05/2011	<u>89</u>	MANDATE of USCA as to <u>24</u> Notice of Appeal; the 5/9/11 judgment of this court takes effect this date. (Manzer, C) (Entered: 07/05/2011)