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U.S. District Court - District of Colorado
District of Colorado (Denver)
CIVIL DOCKET FOR CASE #: 1:20-cv-01480-RM-MEH

High Plains Harvest Church et al v. Polis et al
Assigned to: Judge Raymond P. Moore
Referred to: Magistrate Judge Michael E. Hegarty
Case in other court: USCA 10th Circuit, 20-01280
Cause: 42:1983 Civil Rights Act

Date Filed: 05/25/2020
Date Terminated: 02/12/2021
Jury Demand: None
Nature of Suit: 950 Constitutionality
of State Statutes
Jurisdiction: Federal Question

Plaintiff

High Plains Harvest Church

represented by **Barry Kevin Arrington**
Arrington Law Firm
3801 East Florida Avenue
Suite 830
Denver, CO 80210
303-205-7870
Fax: 303-463-0410
Email: barry@arringtonpc.com
ATTORNEY TO BE NOTICED

Plaintiff

Mark Hotaling

represented by **Barry Kevin Arrington**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Jared Polis
*in his official capacity as Governor of
the State of Colorado*

represented by **Emily B. Buckley**
Colorado Attorney General's Office
Ralph L. Carr Colorado Judicial
Center
1300 Broadway
Denver, CO 80203
720-508-6403
Email: emily.buckley@coag.gov
ATTORNEY TO BE NOTICED

Eric R. Olson
Colorado Attorney General's Office-

Dept.of Law
Ralph Carr Judicial Building
1300 Broadway
10th Floor
Denver, CO 80203
720-508-6548
Email: eric.olson@coag.gov
ATTORNEY TO BE NOTICED

Natalie Marie Hanlon-Leh
Colorado Attorney General's Office
Ralph L. Carr Colorado Judicial
Center
1300 Broadway
Denver, CO 80203
720-508-6546
Email: natalie.hanlonleh@coag.gov
ATTORNEY TO BE NOTICED

Ryan K. Lorch
Colorado Attorney General's Office
Ralph L. Carr Colorado Judicial
Center
1300 Broadway
Denver, CO 80203
720-508-6000
Email: ryan.lorch@coag.gov
ATTORNEY TO BE NOTICED

W. Eric Kuhn
Colorado Attorney General's Office
Ralph L. Carr Colorado Judicial
Center
1300 Broadway
Denver, CO 80203
720-508-6143
Fax: 720-508-6041
Email: eric.kuhn@coag.gov
ATTORNEY TO BE NOTICED

Defendant

Jill Hunsaker Ryan

*in her official capacity as Executive
Director of the Colorado Department
of Public Health and Environment*

represented by **Emily B. Buckley**
(See above for address)
ATTORNEY TO BE NOTICED

Eric R. Olson

(See above for address)
ATTORNEY TO BE NOTICED

Natalie Marie Hanlon-Leh
(See above for address)
ATTORNEY TO BE NOTICED

Ryan K. Lorch
(See above for address)
ATTORNEY TO BE NOTICED

W. Eric Kuhn
(See above for address)
ATTORNEY TO BE NOTICED

Interested Party

USA

represented by **Eric William Treene**
U.S. Department of Justice-DC-Civil
Rights Division
Office of the Assistant Attorney
General
950 Pennsylvania Avenue, NW
Washington, DC 20530
202-514-2228
Email: eric.treene@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/25/2020	1	COMPLAINT against High Plains Harvest Church, Mark Hotaling (Filing fee \$ 400,Receipt Number 1082-7308661)Attorney Barry Kevin Arrington added to party High Plains Harvest Church(pty:pla), Attorney Barry Kevin Arrington added to party Mark Hotaling(pty:pla), filed by High Plains Harvest Church, Mark Hotaling. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit)(Arrington, Barry) (Entered: 05/25/2020)
05/25/2020	2	CORPORATE DISCLOSURE STATEMENT. (Arrington, Barry) (Entered: 05/25/2020)
05/25/2020	3	MOTION for Temporary Restraining Order by Plaintiffs High Plains Harvest Church, Mark Hotaling. (Attachments: # 1 Certificate of Attorney, # 2 Proposed Order (PDF Only))(Arrington, Barry) (Entered: 05/25/2020)
05/25/2020	4	SUMMONS REQUEST as to Jared Polis by Plaintiffs High Plains Harvest Church, Mark Hotaling. (Arrington, Barry) (Entered: 05/25/2020)
05/25/2020	5	SUMMONS REQUEST as to Jill Hunsaker Ryan by Plaintiffs High Plains Harvest Church, Mark Hotaling. (Arrington, Barry) (Entered: 05/25/2020)

05/26/2020	6	CERTIFICATE of <i>Barry K. Arrington</i> by Plaintiffs High Plains Harvest Church, Mark Hotaling. (Arrington, Barry) (Entered: 05/26/2020)
05/26/2020	7	Case assigned to Judge Raymond P. Moore and drawn to Magistrate Judge Michael E. Hegarty. Text Only Entry. (alave,) (Entered: 05/26/2020)
05/26/2020	8	SUMMONS issued by Clerk. (Attachments: # 1 Summons, # 2 Magistrate Judge Consent Form) (alave,) (Entered: 05/26/2020)
05/26/2020	9	NOTICE of Entry of Appearance by W. Eric Kuhn on behalf of Jared Polis, Jill Hunsaker RyanAttorney W. Eric Kuhn added to party Jared Polis(pty:dft), Attorney W. Eric Kuhn added to party Jill Hunsaker Ryan(pty:dft) (Kuhn, W.) (Entered: 05/26/2020)
05/26/2020	10	NOTICE of Entry of Appearance by Emily B. Buckley on behalf of Jared Polis, Jill Hunsaker RyanAttorney Emily B. Buckley added to party Jared Polis(pty:dft), Attorney Emily B. Buckley added to party Jill Hunsaker Ryan(pty:dft) (Buckley, Emily) (Entered: 05/26/2020)
05/26/2020	11	NOTICE of Entry of Appearance by Eric R. Olson on behalf of Jared Polis, Jill Hunsaker RyanAttorney Eric R. Olson added to party Jared Polis(pty:dft), Attorney Eric R. Olson added to party Jill Hunsaker Ryan(pty:dft) (Olson, Eric) (Entered: 05/26/2020)
05/26/2020	12	ORDER REFERRING CASE to Magistrate Judge Michael E. Hegarty. Pursuant to 28 U.S.C. § 636(b)(1)(A) and (B) and Fed. R. Civ. P. 72(a) and (b), this case is referred to the assigned United States Magistrate Judge to (1) convene a scheduling conference under Fed. R. Civ. P. 16(b) and enter a scheduling order meeting the requirements of D.C.COLO.LCivR 16.2, (2) conduct such status conferences and issue such orders necessary for compliance with the scheduling order, including amendments or modifications of the scheduling order upon a showing of good cause, (3) hear and determine pretrial matters, including discovery and other non-dispositive motions, (4) conduct a pretrial conference and enter a pretrial order, and (5) conduct hearings, including evidentiary hearings, and submit proposed findings of fact and recommendations for rulings on dispositive motions. Court sponsored alternative dispute resolution is governed by D.C.COLO.LCivR 16.6. On the recommendation or informal request of the magistrate judge or on the request of the parties by motion, this court may direct the parties to engage in an early neutral evaluation, a settlement conference, or another alternative dispute resolution proceeding. By Judge Raymond P. Moore on 5/26/2020. (Text Only Entry) (rmsec) (Entered: 05/26/2020)
05/26/2020	13	MINUTE ORDER: With the assignment of this matter, the parties are advised that throughout this case they are expected to be familiar and comply with not only the Local Rules of this District, but also Judge Raymond P. Moore's Civil Practice Standards, which may be found at: http://www.cod.uscourts.gov/JudicialOfficers/ActiveArticleIIIJudges/HonR

		aymondPMoore.aspx. SO ORDERED by Judge Raymond P. Moore on 5/26/2020. (Text Only Entry) (rmsec) (Entered: 05/26/2020)
05/26/2020	14	NOTICE of Entry of Appearance by Natalie Marie Hanlon-Leh on behalf of Jared Polis, Jill Hunsaker RyanAttorney Natalie Marie Hanlon-Leh added to party Jared Polis(pty:dft), Attorney Natalie Marie Hanlon-Leh added to party Jill Hunsaker Ryan(pty:dft) (Hanlon-Leh, Natalie) (Entered: 05/26/2020)
05/26/2020	15	MINUTE ORDER, by Magistrate Judge Michael E. Hegarty on 5/26/2020. The above captioned case has been referred to Magistrate Judge Michael E. Hegarty pursuant to an Order of Reference entered by Judge Raymond P. Moore on May 26, 2020. Pursuant to the Order of Reference, it is hereby ORDERED that the Fed. R. Civ. P. 16(b) Scheduling Conference shall be held on July 28, 2020, at 1:45 p.m. in Courtroom A-501, on the fifth floor of the Alfred A. Arraj United States Courthouse located at 901 19th Street, Denver, Colorado. (apesa,) (Entered: 05/26/2020)
05/26/2020	16	Proposed Scheduling Order <i>Governing Plaintiffs' Motion for Temporary Restraining Order and Motion for Preliminary Injunction</i> by Defendants Jared Polis, Jill Hunsaker Ryan. (Olson, Eric) (Entered: 05/26/2020)
05/27/2020	17	NOTICE of Entry of Appearance by Ryan K. Lorch on behalf of Jared Polis, Jill Hunsaker RyanAttorney Ryan K. Lorch added to party Jared Polis(pty:dft), Attorney Ryan K. Lorch added to party Jill Hunsaker Ryan(pty:dft) (Lorch, Ryan) (Entered: 05/27/2020)
05/27/2020	18	Proposed Scheduling Order <i>Governing Plaintiffs' Motion for Temporary Restraining Order and Motion for Preliminary Injunction - Corrected</i> by Defendants Jared Polis, Jill Hunsaker Ryan. (Olson, Eric) (Entered: 05/27/2020)
05/27/2020	19	ADVISORY NOTICE OF NONCOMPLIANCE WITH COURT RULES/PROCEDURES re: 14 Notice of Entry of Appearance, filed by attorney Natalie Marie Hanlon-Leh. DO NOT REFILE THE DOCUMENT. Action to take - counsel must submit a change of contact request through the Attorney Services Portal Account pursuant to D.C.COLO.LAttyR 5(c) and 3.5 of the Electronic Case Filing Procedures (Civil cases). (Text Only Entry) (rvill,) (Entered: 05/27/2020)
05/27/2020	20	ORDER: Defendants have filed a proposed scheduling order 18 in this matter to address Plaintiffs' motion for a temporary restraining order 3 . The Court agrees that an expedited response to Plaintiffs' motion is appropriate and directs Defendants to respond by 5 p.m. on May 28, 2020. Although the parties have further agreed to an expedited hearing on Defendants' motion, the Court has not determined that a hearing is necessary at this time. The Court will advise the parties if a hearing or further briefing on Plaintiffs motion is necessary. SO ORDERED by Judge Raymond P. Moore on 5/27/2020. (Text Only Entry) (rmsec) (Entered: 05/27/2020)

05/27/2020	21	SUMMONS Returned Executed by High Plains Harvest Church, Mark Hotaling. Jared Polis served on 5/27/2020, answer due 6/17/2020. (Arrington, Barry) (Entered: 05/27/2020)
05/27/2020	22	SUMMONS Returned Executed by High Plains Harvest Church, Mark Hotaling. Jill Hunsaker Ryan served on 5/27/2020, answer due 6/17/2020. (Arrington, Barry) (Entered: 05/27/2020)
05/28/2020	23	Unopposed MOTION for Leave to File Excess Pages by Defendants Jared Polis, Jill Hunsaker Ryan. (Attachments: # 1 Proposed Order (PDF Only))(Buckley, Emily) (Entered: 05/28/2020)
05/28/2020	24	ORDER granting 23 Motion for Leave to File Excess Pages. SO ORDERED by Judge Raymond P. Moore on 5/28/2020. (Text Only Entry)(rmsec) (Entered: 05/28/2020)
05/28/2020	25	RESPONSE to 3 MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> filed by Defendants Jared Polis, Jill Hunsaker Ryan. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7)(Buckley, Emily) (Entered: 05/28/2020)
05/28/2020	26	REPLY to Response to 3 MOTION for Temporary Restraining Order filed by Plaintiffs High Plains Harvest Church, Mark Hotaling. (Arrington, Barry) (Entered: 05/28/2020)
05/29/2020	27	NOTICE of Entry of Appearance by Eric William Treene on behalf of United StatesAttorney Eric William Treene added to party United States(pty:misc) (Treene, Eric) (Entered: 05/29/2020)
05/29/2020	28	STATEMENT <i>of Interest of the United States</i> by miscellaneous United States. (Treene, Eric) (Entered: 05/29/2020)
05/30/2020	29	NOTICE of Supplemental Authorities re: 25 Response to Motion, by Defendants Jared Polis, Jill Hunsaker Ryan (Attachments: # 1 S. Bay United Pentecostal Church v. Newsom, No. 19A1044)(Kuhn, W.) (Entered: 05/30/2020)
05/30/2020	30	STATEMENT re 3 MOTION for Temporary Restraining Order by Plaintiffs High Plains Harvest Church, Mark Hotaling. (Arrington, Barry) (Entered: 05/30/2020)
06/01/2020	31	ORDER: In light of Plaintiffs' statement 30 and the lack of any objection by Defendants, Plaintiffs' motion for temporary restraining order 3 is deemed WITHDRAWN. SO ORDERED by Judge Raymond P. Moore on 6/1/2020. (Text Only Entry)(rmsec) (Entered: 06/01/2020)

06/01/2020	32	First STATUS REPORT by Defendants Jared Polis, Jill Hunsaker Ryan. (Attachments: # 1 Exhibit 1)(Buckley, Emily) (Entered: 06/01/2020)
06/08/2020	33	Second STATUS REPORT by Defendants Jared Polis, Jill Hunsaker Ryan. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3)(Buckley, Emily) (Entered: 06/08/2020)
06/10/2020	34	AMENDED COMPLAINT against Jared Polis, Jill Hunsaker Ryan, filed by High Plains Harvest Church, Mark Hotaling. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Arrington, Barry) (Entered: 06/10/2020)
06/10/2020	35	MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> by Plaintiffs High Plains Harvest Church, Mark Hotaling. (Attachments: # 1 Proposed Order (PDF Only))(Arrington, Barry) (Entered: 06/10/2020)
06/11/2020	36	MINUTE ORDER: Plaintiffs have filed a renewed motion for a temporary restraining order and a preliminary injunction 35 . The Court directs Defendants to respond by 5 p.m. tomorrow, June 12, 2020. No reply will be permitted.SO ORDERED by Judge Raymond P. Moore on 6/11/2020. (Text Only Entry) (rmsec) (Entered: 06/11/2020)
06/12/2020	37	Unopposed MOTION for Leave to File Excess Pages by Defendants Jared Polis, Jill Hunsaker Ryan. (Attachments: # 1 Proposed Order (PDF Only))(Buckley, Emily) (Entered: 06/12/2020)
06/12/2020	38	ORDER granting 37 Motion for Leave to File Excess Pages. SO ORDERED by Judge Raymond P. Moore on 6/12/2020. (Text Only Entry)(rmsec) (Entered: 06/12/2020)
06/12/2020	39	RESPONSE to 35 MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> filed by Defendants Jared Polis, Jill Hunsaker Ryan. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit 13)(Buckley, Emily) (Entered: 06/12/2020)
06/12/2020	40	MOTION for Hearing/Conference re 35 MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> by Plaintiffs High Plains Harvest Church, Mark Hotaling. (Arrington, Barry) (Entered: 06/12/2020)
06/16/2020	41	ORDER. The Court DENIES Plaintiffs' request for a temporary restraining order and sets forth the following briefing schedule on their request for a preliminary injunction: (1) Plaintiffs shall file any supplementary materials regarding the nature of the protests and Defendants' alleged encouragement of those protests on or before June 30, 2020; (2) Defendants shall file a response within 21 days of such filing, or by July 21, 2020, whichever occurs sooner; and (3) Plaintiffs shall file a reply within 7 days of Defendants' response. The Court DENIES Plaintiffs' motion for a hearing (ECF No. 40). By Judge Raymond P. Moore on 6/16/2020. (rvill,) (Entered: 06/16/2020)

06/24/2020	42	STIPULATION for Extension of Time to Answer or Respond to the Complaint by Defendants Jill Hunsaker Ryan, Jared Polis. Jill Hunsaker Ryan answer due 7/15/2020; Jared Polis answer due 7/15/2020. (Buckley, Emily) (Entered: 06/24/2020)
06/30/2020	43	MOTION for Preliminary Injunction by Plaintiffs High Plains Harvest Church, Mark Hotaling. (Attachments: # 1 Affidavit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit)(Arrington, Barry) (Entered: 06/30/2020)
07/01/2020	44	MINUTE ORDER by Magistrate Judge Michael E. Hegarty on 1 July 2020. Due to a conflict in the Court's calendar, the Scheduling Conference currently set in this case on July 28, 2020 will now commence at 10:15 a.m. that same day in Courtroom A-501, on the fifth floor of the Alfred A. Arraj United States Courthouse located at 901 19th Street, Denver, Colorado. Counsel for the parties may appear at the conference in person or by telephone. Anyone appearing in person shall comply with the Court's General Order 2020-10: Court Operations During the COVID-19 Pandemic, which may be accessed at www.cod.uscourts.gov. Anyone appearing by telephone shall call the following conference line at the appointed time: Number: 888-278-0296. Access code: 8212991#. (cmadr,) (Entered: 07/01/2020)
07/15/2020	45	ANSWER to 34 Amended Complaint by Jared Polis, Jill Hunsaker Ryan.(Buckley, Emily) (Entered: 07/15/2020)
07/21/2020	46	Unopposed MOTION for Leave to File Excess Pages by Defendants Jared Polis, Jill Hunsaker Ryan. (Attachments: # 1 Proposed Order (PDF Only))(Buckley, Emily) (Entered: 07/21/2020)
07/21/2020	47	ORDER granting 46 Motion for Leave to File Excess Pages. SO ORDERED by Judge Raymond P. Moore on 7/21/2020. (Text Only Entry)(rmsec) (Entered: 07/21/2020)
07/21/2020	48	RESPONSE to 43 MOTION for Preliminary Injunction filed by Defendants Jared Polis, Jill Hunsaker Ryan. (Attachments: # 1 Exhibit 14, # 2 Exhibit 15, # 3 Exhibit 16, # 4 Exhibit 17)(Buckley, Emily) (Entered: 07/21/2020)
07/28/2020	49	REPLY to Response to 43 MOTION for Preliminary Injunction filed by Plaintiffs High Plains Harvest Church, Mark Hotaling. (Arrington, Barry) (Entered: 07/28/2020)
07/28/2020	50	COURTROOM MINUTES for proceedings held before Magistrate Judge Michael E. Hegarty: Scheduling Conference held on 7/28/2020. Discovery Deadline: January 15, 2021. Dispositive Motion Deadline: June 30, 2021. Initial Rule 26(a)(2) Disclosures: March 31, 2021. Rebuttal Rule 26(a)(2) Disclosures: April 30, 2021. Status Conference set for 11/2/2020 01:15 PM in Courtroom A 501 before Magistrate Judge Michael E. Hegarty. FTR: A501. (cthomas,) (Entered: 07/28/2020)
07/28/2020	51	SCHEDULING ORDER by Magistrate Judge Michael E. Hegarty on 28 July 2020. (cmadr,) (Entered: 07/29/2020)

08/03/2020	52	NOTICE of Supplemental Authorities by Defendants Jared Polis, Jill Hunsaker Ryan (Attachments: # 1 Exhibit)(Buckley, Emily) (Entered: 08/03/2020)
08/10/2020	53	ORDER. The Court DENIES Plaintiffs' request for a preliminary injunction (ECF Nos. 35 , 43). By Judge Raymond P. Moore on August 10, 2020. (rvill,) (Entered: 08/10/2020)
08/11/2020	54	NOTICE OF APPEAL as to 53 Order on Motion for Preliminary Injunction by Plaintiffs High Plains Harvest Church, Mark Hotaling (Filing fee \$ 505, Receipt Number 1082-7430398) (Arrington, Barry) (Entered: 08/11/2020)
08/11/2020	55	LETTER Transmitting Notice of Appeal to all counsel advising of the transmittal of the 54 Notice of Appeal filed by High Plains Harvest Church and Mark Hotaling to the U.S. Court of Appeals. (Retained Counsel, Fee paid,) (Attachments: # 1 Preliminary Record, # 2 Docket Sheet)(rvill,) (Entered: 08/11/2020)
08/11/2020	56	USCA Case Number 20-1280 for 54 Notice of Appeal filed by High Plains Harvest Church and Mark Hotaling. (rvill,) (Entered: 08/11/2020)
08/11/2020	57	MOTION for Preliminary Injunction by Plaintiffs High Plains Harvest Church, Mark Hotaling. (Arrington, Barry) (Entered: 08/11/2020)
08/18/2020	58	ORDER: This matter is before the Court on Plaintiffs' Motion for Injunction Pending Appeal 57 , seeking an injunction pending Plaintiffs' appeal from this Court's August 10, 2020 Order denying their motion for a preliminary injunction. The standards for these injunctions are similar, and the Court DENIES Plaintiffs' current request for the reasons stated in its previous Order. SO ORDERED by Judge Raymond P. Moore on 8/18/2020. (Text Only Entry)(rmsec) (Entered: 08/18/2020)
08/18/2020	59	TRANSCRIPT ORDER FORM re 54 Notice of Appeal by Plaintiffs High Plains Harvest Church, Mark Hotaling (Arrington, Barry) (Entered: 08/18/2020)
08/18/2020	60	LETTER TO USCA and all counsel certifying the record is complete as to 54 Notice of Appeal filed by High Plains Harvest Church, Mark Hotaling. A transcript order form was filed stating that a transcript is not necessary. (Appeal No. 20-01280) Text Only Entry. (rvill,) (Entered: 08/18/2020)
09/22/2020	61	MINUTE ORDER by Magistrate Judge Michael E. Hegarty on 22 September 2020. Due to the current posture of this case, the Status Conference set before this Court on November 2, 2020 is vacated. (cmadr,) (Entered: 09/22/2020)

11/12/2020	62	ORDER of USCA as to 54 Notice of Appeal filed by High Plains Harvest Church, Mark Hotaling. Order filed by Judges Lucero, Moritz and Carson denying motion for injunction filed by Appellants High Plains Harvest Church and Mark Hotaling. (USCA Case No. 20-1280) (rvill,) (Entered: 11/12/2020)
12/15/2020	63	Letter from U.S. Supreme Court regarding Petition for Writ of Certiorari re 54 Notice of Appeal ; Supreme Court of the United States order granting petition for a writ of certiorari before judgment filed. (USCA Case No. 20-1280) (rvill,) (Entered: 12/15/2020)
12/17/2020	64	ORDER of USCA as to 54 Notice of Appeal filed by High Plains Harvest Church, Mark Hotaling. Remanded; Procedural termination after other judicial action; Written, unsigned, unpublished; Judges Lucero, Moritz and Carson. Mandate to issue. (USCA Case No. 20-1280) (rvill,) (Entered: 12/17/2020)
12/17/2020	65	MANDATE of USCA as to 54 Notice of Appeal filed by High Plains Harvest Church, Mark Hotaling : (USCA Case No. 20-1280) (rvill,) (Entered: 12/17/2020)
12/18/2020	66	MINUTE ORDER: This matter has been remanded to this Court for further consideration in light of <i>Roman Catholic Diocese of Brooklyn v. Cuomo</i> , 592 U.S. ____ (2020). Accordingly, the Court ORDERS the parties only to file briefs, not to exceed twenty pages, on or before January 19, 2021. SO ORDERED by Judge Raymond P. Moore on 12/18/2020. (Text Only Entry) (rmsec) (Entered: 12/18/2020)
01/15/2021	67	NOTICE of Settlement <i>and Request for Stay</i> by Plaintiffs High Plains Harvest Church, Mark Hotaling (Attachments: # 1 Proposed Order (PDF Only))(Arrington, Barry) (Entered: 01/15/2021)
01/15/2021	68	ORDER. In light of the settlement, this case is temporarily STAYED until February 15, 2021. On or before that date, the parties shall jointly file either a stipulation for dismissal to terminate the case by a date certain or a notice if the parties are unable to finalize the definitive settlement agreement. In the latter event, briefs that were due January 19, 2021 shall be filed within 14 days after the date of the notice. By Judge Raymond P. Moore on January 15, 2021. (rvill,) (Entered: 01/15/2021)
02/12/2021	69	STIPULATION of Dismissal of Case <i>Without Prejudice</i> by Plaintiffs High Plains Harvest Church, Mark Hotaling. (Attachments: # 1 Proposed Order (PDF Only))(Arrington, Barry) (Entered: 02/12/2021)
02/12/2021	70	ORDER of Dismissal without Prejudice, by Judge Raymond P. Moore on February 12, 2021. (rvill,) (Entered: 02/12/2021)

Transaction Receipt

10/26/2021 17:30:29

PACER Login:	CRClearinghouse	Client Code:	Gillan
Description:	Docket Report	Search Criteria:	1:20-cv-01480-RM-MEH
Billable Pages:	8	Cost:	0.80