

**U.S. District Court  
Southern District of California (San Diego)  
CIVIL DOCKET FOR CASE #: 3:20-cv-02146-TWR-BGS**

E.A.R.R et al v. U.S. Department Of Homeland Security (DHS) et al  
Assigned to: Judge Todd W. Robinson  
Referred to: Magistrate Judge Bernard G. Skomal  
Cause: 05:0706 Judicial Review of Agency Action

Date Filed: 11/02/2020  
Jury Demand: None  
Nature of Suit: 899 Other Statutes:  
Administrative Procedures  
Act/Review or Appeal of Agency  
Decision  
Jurisdiction: U.S. Government  
Defendant

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**Defendant**

**Chad Wolf**

*Acting Secretary of The Department  
of Homeland Security, in his official  
capacity*

represented by **U S Attorney CV**  
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**Defendant**

**U.S. Customs and Border  
Protection (CBP)**

represented by **U S Attorney CV**  
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**Paul L Starita**  
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**Defendant**

**Mark A. Morgan**

*Acting Commissioner of U.S.  
Customs and Border Protection, in  
his official capacity*

represented by **U S Attorney CV**  
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| <b>Date Filed</b> | <b>#</b>                 | <b>Docket Text</b>  |
|-------------------|--------------------------|---|
| 11/02/2020        | <a href="#"><u>1</u></a> | COMPLAINT Against U.S. Department of Homeland Security, Chad Wolf, U.S. Customs and Border Protection, Mark A. Morgan, (Filing fee \$400.00 receipt number ACASDC-14797491.), filed by E.A.R.R., G.S.E.R., B.A.E.R., L.Y.G., H.A.H.G., Y.J.C.E., J.A.E.M., S.F.L., C.J.M.L., Y.M.M., J.C.M.M., G.F.F., M.Y.J.L., M.M.G., D.Y.S., S.M.A., D.G.M., N.R.R., H.H.M., E.H.M., C.J.V.C., La.V.S.O., Al Otro Lado, (Attachments: # <a href="#"><u>1</u></a> Civil Cover Sheet) |

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|            |                   | The new case number is 3:20-cv-2146-BGS. Judge Todd W. Robinson and Magistrate Judge Bernard G. Skomal are assigned to the case. (Shwartz, Robert)(zda)(jrd) (Entered: 11/03/2020)   |
| 11/03/2020 | <a href="#">2</a> | Summons Issued.<br><b>Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1.</b> (zda)(jrd) (Entered: 11/03/2020)  |
| 11/03/2020 | <a href="#">3</a> | NOTICE OF RELATED CASE(S) by Al Otro Lado, B.A.E.R, C.J.M.L., C.J.V.C., D.G.M., D.Y.S., E.A.R.R, E.H.M., G.F.F., G.S.E.R, H.A.H.G., H.H.M., J.A.E.M, J.C.M.M., L.Y.G., La.V.S.O., M.M.G., M.Y.J.L., N.R.R., S.F.L., S.M.A., Y.J.C.E, Y.M.M. of case(s) 3:19-cv-2119 . (Shwartz, Robert) (mme). (Entered: 11/03/2020)   |
| 11/05/2020 | <a href="#">4</a> | MOTION to File Documents Under Seal (With attachments)(Mao, Lillian) (Entered: 11/05/2020)   |
| 11/05/2020 | <a href="#">5</a> | **Docketed under seal at doc. no. 31 per Order <a href="#">30</a> ** SEALED LODGED Proposed Document re: <a href="#">4</a> MOTION to File Documents Under Seal. Document to be filed by Clerk if Motion to Seal is granted. (Mao, Lillian) Modified on 1/7/2021 (anh). (Entered: 11/05/2020)   |
| 11/05/2020 | <a href="#">6</a> | MOTION to Proceed Anonymously by Al Otro Lado, B.A.E.R, C.J.M.L., C.J.V.C., D.G.M., D.Y.S., E.A.R.R, E.H.M., G.F.F., G.S.E.R, H.A.H.G., H.H.M., J.A.E.M, J.C.M.M., L.Y.G., La.V.S.O., M.M.G., M.Y.J.L., N.R.R., S.F.L., Y.J.C.E, Y.M.M.. (Attachments: # <a href="#">1</a> [Proposed] Order Granting Plaintiffs' Motion to Proceed Anonymously)(Shwartz, Robert) **QC Mailer sent re: not filing proposed orders and no hearing date/time. Instructed to withdraw and refile if filed in error. (jmo). (Entered: 11/05/2020) |
| 11/06/2020 | <a href="#">7</a> | Request to Appear Pro Hac Vice, No payment Submitted. (Application to be reviewed by Clerk.) (Jordan, Elizabeth)(QC mailer sent; filing fee not paid; name of party represented.)(Refer ECF No. <a href="#">9</a> )(jrd) (Entered: 11/06/2020)   |
| 11/06/2020 | <a href="#">8</a> | Corrected Motion re <a href="#">6</a> MOTION to Proceed Anonymously by Al Otro Lado, B.A.E.R, C.J.M.L., C.J.V.C., D.G.M., D.Y.S., E.A.R.R, E.H.M., G.F.F., G.S.E.R, H.A.H.G., H.H.M., J.A.E.M, J.C.M.M., L.Y.G., La.V.S.O., M.M.G., M.Y.J.L., N.R.R., S.F.L., S.M.A., Y.J.C.E, Y.M.M.. (Attachments: # <a href="#">1</a> Memo of Points and Authorities in support of Plaintiffs' Corrected Motion to Proceed Anonymously)(Shwartz, Robert) (jmr). Modified to correct text on 11/20/2020 (jao). (Entered: 11/06/2020)       |
| 11/09/2020 | <a href="#">9</a> | Request to Appear Pro Hac Vice (Filing fee received: \$206.00 receipt number ACASDC-14832091.)(Application to be reviewed by Clerk.) (Jordan, Elizabeth)(jrd) (Entered: 11/09/2020)  |

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| 11/16/2020 | <a href="#">10</a> | ORDER Approving the Pro Hac Vice Application of Elizabeth Jordan, re <a href="#">9</a> Request to Appear Pro Hac Vice. Signed by Judge Todd W. Robinson on 11/16/2020.(Designated Local Counsel not admitted to practice, will be notified by mail to submit petition for admission)(All non-registered users served via U.S. Mail Service)(rmc) (Entered: 11/16/2020)  |
| 11/20/2020 | <a href="#">11</a> | NOTICE of Appearance by Paul L Starita on behalf of Mark A. Morgan, U.S. Customs and Border Protection (CBP), U.S. Department Of Homeland Security (DHS), Chad Wolf (Starita, Paul)Attorney Paul L Starita added to party Mark A. Morgan(pty:dft), Attorney Paul L Starita added to party U.S. Customs and Border Protection (CBP)(pty:dft), Attorney Paul L Starita added to party U.S. Department Of Homeland Security (DHS)(pty:dft), Attorney Paul L Starita added to party Chad Wolf(pty:dft) (jmr). (Entered: 11/20/2020) |
| 11/25/2020 | <a href="#">12</a> | Request to Appear Pro Hac Vice ( Filing fee received: \$ 206 receipt number ACASDC-14935681.) (Application to be reviewed by Clerk.) (Thorn Vela, Erin) (rmc). (Entered: 11/25/2020)  |
| 11/30/2020 | <a href="#">13</a> | Mail Returned as Undeliverable re <a href="#">10</a> Order re Pro Hac Vice Application. Mail sent to Pilar Gonzalez Morales. (bta) (Entered: 11/30/2020)  |
| 11/30/2020 | <a href="#">14</a> | ORDER Vacating Hearing and Taking Matters Under Submission Without Oral Argument and Denying as Moot Plaintiffs' Original Motion to Proceed Anonymously (ECF no <a href="#">6</a> , <a href="#">8</a> ). The Court vacates the hearing set for December 9, 2020. Defendants may file a response on or before December 11, 2020. Signed by Judge Todd W. Robinson on 11/30/2020. (jmr) (jms). (Entered: 11/30/2020)  |
| 12/01/2020 | <a href="#">15</a> | SUMMONS Returned Executed by N.R.R., J.A.E.M, D.G.M., J.C.M.M., L.Y.G., C.J.M.L., E.A.R.R, Y.J.C.E, G.F.F., D.Y.S., M.Y.J.L., M.M.G., C.J.V.C., G.S.E.R, H.A.H.G., La.V.S.O., S.F.L., H.H.M., E.H.M., Y.M.M., Al Otro Lado, S.M.A., B.A.E.R. Chad Wolf served. (Mao, Lillian) (jmr). (Entered: 12/01/2020)  |
| 12/01/2020 | <a href="#">16</a> | SUMMONS Returned Executed by N.R.R., J.A.E.M, D.G.M., J.C.M.M., L.Y.G., C.J.M.L., E.A.R.R, Y.J.C.E, G.F.F., D.Y.S., M.Y.J.L., M.M.G., C.J.V.C., G.S.E.R, H.A.H.G., La.V.S.O., S.F.L., H.H.M., E.H.M., Y.M.M., Al Otro Lado, S.M.A., B.A.E.R. U.S. Customs and Border Protection (CBP) served. (Mao, Lillian) (jmr). (Entered: 12/01/2020)   |
| 12/01/2020 | <a href="#">17</a> | SUMMONS Returned Executed by N.R.R., J.A.E.M, D.G.M., J.C.M.M., L.Y.G., C.J.M.L., E.A.R.R, Y.J.C.E, G.F.F., D.Y.S., M.Y.J.L., M.M.G., C.J.V.C., G.S.E.R, H.A.H.G., La.V.S.O., S.F.L., H.H.M., E.H.M., Y.M.M., Al Otro Lado, S.M.A., B.A.E.R. U.S. Department Of Homeland Security (DHS) served. (Mao, Lillian) (jmr). (Entered: 12/01/2020)   |
| 12/01/2020 | <a href="#">18</a> | SUMMONS Returned Executed by N.R.R., J.A.E.M, D.G.M., J.C.M.M., L.Y.G., C.J.M.L., E.A.R.R, Y.J.C.E, G.F.F., D.Y.S., M.Y.J.L., M.M.G., C.J.V.C., G.S.E.R, H.A.H.G., La.V.S.O., S.F.L., H.H.M., E.H.M.,   |



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|            |                    | Y.M.M., Al Otro Lado, S.M.A., B.A.E.R. Mark A. Morgan served. (Mao, Lillian) (jmr). (Entered: 12/01/2020)  |
| 12/07/2020 | <a href="#">19</a> | ORDER Denying the Pro Hac Vice Application of Erin Thorn Vela, re <a href="#">12</a> Request to Appear Pro Hac Vice. Signed by Judge Todd W. Robinson on 12/7/2020.(rmc) (Entered: 12/07/2020)   |
| 12/09/2020 | <a href="#">20</a> | Request to Appear Pro Hac Vice, No payment Submitted. (Application to be reviewed by Clerk.) (Thorn Vela, Erin) (rmc). (Entered: 12/09/2020)   |
| 12/09/2020 | <a href="#">21</a> | ORDER Approving the Pro Hac Vice Application of Erin Thorn Vela, re <a href="#">20</a> Request to Appear Pro Hac Vice. Signed by Judge Todd W. Robinson on 12/9/2020.(rmc) (Entered: 12/09/2020)   |
| 12/11/2020 | <a href="#">22</a> | Request to Appear Pro Hac Vice ( Filing fee received: \$ 206 receipt number ACASDC-15036695.) (Application to be reviewed by Clerk.) (Marziani, Mimi) (rmc). (Entered: 12/11/2020)   |
| 12/22/2020 | <a href="#">23</a> | MOTION to Stay <i>Entire Civil Action Pending Appeal of Innovation Law Lab</i> by U.S. Customs and Border Protection (CBP), U.S. Department Of Homeland Security (DHS), Chad Wolf. (Starita, Paul) (jmr). (Entered: 12/22/2020)  |
| 12/23/2020 | <a href="#">24</a> | MOTION for Preliminary Injunction by Al Otro Lado, B.A.E.R, C.J.M.L., C.J.V.C., D.G.M., D.Y.S., E.A.R.R, E.H.M., G.F.F., G.S.E.R, H.A.H.G., H.H.M., J.A.E.M, J.C.M.M., L.Y.G., La.V.S.O., M.M.G., M.Y.J.L., N.R.R., S.F.L., S.M.A., Y.J.C.E, Y.M.M.. (Attachments: # <a href="#">1</a> Memo of Points and Authorities in Support)(Shwartz, Robert) (jmr). (Entered: 12/23/2020)  |
| 12/23/2020 | <a href="#">25</a> | MOTION to Certify Class by Al Otro Lado, B.A.E.R, C.J.M.L., C.J.V.C., D.G.M., D.Y.S., E.A.R.R, E.H.M., G.F.F., G.S.E.R, H.A.H.G., H.H.M., J.A.E.M, J.C.M.M., L.Y.G., La.V.S.O., M.M.G., M.Y.J.L., N.R.R., S.F.L., S.M.A., Y.J.C.E, Y.M.M.. (Attachments: # <a href="#">1</a> Memo of Points and Authorities in Support)(Shwartz, Robert) (jmr). (Entered: 12/23/2020)  |
| 12/23/2020 | <a href="#">26</a> | SUPPLEMENTAL DOCUMENT by Al Otro Lado, B.A.E.R, C.J.M.L., C.J.V.C., D.G.M., D.Y.S., E.A.R.R, E.H.M., G.F.F., G.S.E.R, H.A.H.G., H.H.M., J.A.E.M, J.C.M.M., L.Y.G., La.V.S.O., M.M.G., M.Y.J.L., N.R.R., S.F.L., S.M.A., Y.J.C.E, Y.M.M. re <a href="#">25</a> MOTION to Certify Class , <a href="#">24</a> MOTION for Preliminary Injunction <i>Plaintiffs Omnibus Volume of Declarations and Exhibits in Support of Motions for Preliminary Injunction and Class Certification</i> . (Attachments: # <a href="#">1</a> Declaration Charlene D'Cruz, # <a href="#">2</a> Declaration Timothy P. Fox, # <a href="#">3</a> Declaration Elizabeth B. Jordan, # <a href="#">4</a> Declaration Nicolas Palazzo, # <a href="#">5</a> Declaration Helen Rae Perry, # <a href="#">6</a> Declaration Nicole Ramos, # <a href="#">7</a> Declaration Robert S. Shwartz, # <a href="#">8</a> Declaration Erin D. Thorn)(Mao, Lillian) (jmr). (Entered: 12/23/2020) |
| 12/23/2020 | <a href="#">27</a> | MOTION to File Documents Under Seal (With attachments)(Mao, Lillian) (anh). (Entered: 12/23/2020)  |

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| 12/23/2020 | <a href="#">28</a> | **Docketed under seal at doc. no. 32 per Order <a href="#">30</a> ** SEALED LODGED Proposed Document re: <a href="#">27</a> MOTION to File Documents Under Seal. Document to be filed by Clerk if Motion to Seal is granted. (With attachments)(Mao, Lillian) (anh). Modified on 1/7/2021 (anh). (Entered: 12/24/2020)   |
| 01/05/2021 | <a href="#">29</a> | ORDER Approving the Pro Hac Vice Application of Mimi Marziani, re <a href="#">22</a> Request to Appear Pro Hac Vice. Signed by Judge Todd W. Robinson on 1/5/2021.(rmc) (Entered: 01/05/2021)  |
| 01/07/2021 | <a href="#">30</a> | ORDER Granting Plaintiff's E.A.R.R. ET AL.'S (1) Motion to Proceed Anonymously; (2) Motion to File Under Seal; and (3) Motion to File Declarations Under Seal [ <a href="#">4</a> , <a href="#">8</a> , <a href="#">27</a> ]. Signed by Judge Todd W. Robinson on 1/7/2021. (anh) (Entered: 01/07/2021)  |
| 01/13/2021 | <a href="#">33</a> | RESPONSE in Opposition re <a href="#">23</a> MOTION to Stay <i>Entire Civil Action Pending Appeal of Innovation Law Lab</i> filed by Al Otro Lado, B.A.E.R, C.J.M.L., C.J.V.C., D.G.M., D.Y.S., E.A.R.R, E.H.M., G.F.F., G.S.E.R, H.A.H.G., H.H.M., J.A.E.M, J.C.M.M., L.Y.G., La.V.S.O., M.M.G., M.Y.J.L., N.R.R., S.F.L., S.M.A., Y.J.C.E, Y.M.M.. (Attachments: # <a href="#">1</a> Declaration of Nicole Ramos in Support, # <a href="#">2</a> Declaration of Patricia E. Gonzalez-Zuniga in Support)(Shwartz, Robert) (sxa). (Entered: 01/13/2021)  |
| 01/14/2021 | 34                 | Minute Entry for proceedings held with chambers of Magistrate Judge Bernard G. Skomal: Plaintiff's counsel contacted Judge Skomal's chambers regarding the filing of a motion for expedited discovery on January 14, 2021. Before any briefing may be filed, the parties must meet and confer. If the parties can agree on a proposal, they may file a joint motion with their proposal. If they do not agree after meeting and conferring, they may file a joint statement setting forth each parties' position on the issue. The parties must meet and confer by January 27, 2021 and file either a joint motion or a joint statement by February 8, 2021. It must include the parties' proposed date to file their Rule 26(f) report and proposed deadlines for completion of fact and expert discovery. Additionally, if either party seeks discovery related to any particular topics on an expedited basis the scope of that discovery should be specifically identified. If a joint statement is filed, it is limited to five pages each with any exhibits summarized or quoted within the briefing. Because joint statements must include not only each parties' position, but a parties' response to the opposing party, the parties must exchange their briefing in advance of the deadline to submit a joint statement to allow each party to respond to the other's arguments.(no document attached) (rxa) (Entered: 01/15/2021) |
| 01/22/2021 | <a href="#">35</a> | Request to Appear Pro Hac Vice ( Filing fee received: \$ 206 receipt number ACASDC-15264158.) (Application to be reviewed by Clerk.) (Peterson, Nicholas)QC email sent re missing signature. (dsn) (Entered: 01/22/2021)   |

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| 01/22/2021 | <a href="#">36</a> | Request to Appear Pro Hac Vice, No payment Submitted. (Application to be reviewed by Clerk.) (Peterson, Nicholas) (dsn) (Entered: 01/22/2021)  |
| 01/27/2021 | <a href="#">37</a> | REPLY - Other re <a href="#">33</a> Response in Opposition to Motion, filed by Mark A. Morgan, U.S. Customs and Border Protection (CBP), U.S. Department Of Homeland Security (DHS), Chad Wolf. (Starita, Paul) (sxa). (Entered: 01/27/2021)   |
| 02/04/2021 | <a href="#">38</a> | NOTICE of Teleconference Information Sheet. Teleconference set for 02/10/2021 at 01:30 PM. (sxa) (Entered: 02/04/2021)   |
| 02/05/2021 | <a href="#">39</a> | ORDER Approving the Pro Hac Vice Application of Nicholas Peterson, re <a href="#">36</a> Request to Appear Pro Hac Vice. Signed by Judge Todd W. Robinson on 2/5/2021.(rmc) (Entered: 02/05/2021)  |
| 02/08/2021 | <a href="#">40</a> | MOTION for Discovery by Al Otro Lado, B.A.E.R, C.J.M.L., C.J.V.C., D.G.M., D.Y.S., E.A.R.R, E.H.M., G.F.F., G.S.E.R, H.A.H.G., H.H.M., J.A.E.M, J.C.M.M., L.Y.G., La.V.S.O., M.M.G., M.Y.J.L., N.R.R., S.F.L., S.M.A., Y.J.C.E, Y.M.M.. (Attachments: # <a href="#">1</a> Exhibit A to Joint Statement Regarding Plaintiffs' Request for Expedited Discovery)(Shwartz, Robert) (sxa). (Entered: 02/08/2021)  |
| 02/10/2021 | 41                 | Minute Entry for proceedings held before Judge Todd W. Robinson: Telephonic Motion Hearing held on 2/10/2021 re <a href="#">23</a> MOTION to Stay Entire Civil Action Pending Appeal of Innovation Law Lab. The motion is taken under submission; written order to follow. The Motion Hearing set for 4/14/2021 is advanced to 4/7/2021 01:30 PM in Courtroom 3A before Judge Todd W. Robinson; amended briefing schedule to be issued.(Court Reporter/ECR Cami Kircher). (Plaintiff Attorney Nicholas Peterson (t)). (Defendant Attorney AUSA Paul Starita). (no document attached) (jao) (Entered: 02/11/2021) |
| 02/11/2021 | <a href="#">42</a> | TRANSCRIPT ORDER - For hearing(s) on 2/10/2021 by Al Otro Lado, B.A.E.R, C.J.M.L., C.J.V.C., D.G.M., D.Y.S., E.A.R.R, E.H.M., G.F.F., G.S.E.R, H.A.H.G., H.H.M., J.A.E.M, J.C.M.M., L.Y.G., La.V.S.O., M.M.G., M.Y.J.L., N.R.R., S.F.L., S.M.A., Y.J.C.E, Y.M.M.. (Peterson, Nicholas) (Entered: 02/11/2021)   |
| 02/12/2021 | <a href="#">43</a> | NOTICE of <i>Supplemental Fact on Motion to Stay</i> by Mark A. Morgan, U.S. Customs and Border Protection (CBP), U.S. Department Of Homeland Security (DHS), Chad Wolf re <a href="#">23</a> MOTION to Stay <i>Entire Civil Action Pending Appeal of Innovation Law Lab</i> (Attachments: # <a href="#">1</a> Exhibit)(Starita, Paul) (sxa). (Entered: 02/12/2021)  |
| 02/16/2021 | <a href="#">44</a> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT (Motion Hearing) held on 2/10/2021 before Judge Todd W. Robinson. Court Reporter/Transcriber: Cameron P. Kircher. 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 be obtained through PACER or the   |

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|  | <p>Court Reporter/Transcriber. If redaction is necessary, parties have seven calendar days from the file date of the Transcript to E-File the Notice of Intent to Request Redaction. The following deadlines would also apply if requesting redaction: Redaction Request Statement due to Court Reporter/Transcriber 3/9/2021. Redacted Transcript Deadline set for 3/19/2021. Release of Transcript Restriction set for 5/17/2021. (akr) (Entered: 02/16/2021)</p> |
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| <b>PACER Service Center</b> |                 |                         |                       |
| <b>Transaction Receipt</b>  |                 |                         |                       |
| 02/19/2021 10:10:07         |                 |                         |                       |
| <b>PACER Login:</b>         | CRClearinghouse | <b>Client Code:</b>     | wales                 |
| <b>Description:</b>         | Docket Report   | <b>Search Criteria:</b> | 3:20-cv-02146-TWR-BGS |
| <b>Billable Pages:</b>      | 23              | <b>Cost:</b>            | 2.30                  |
| <b>Exempt flag:</b>         | Not Exempt      | <b>Exempt reason:</b>   | Not Exempt            |