

STAYED

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:19-cv-11880-IT**

Rian Immigrant Center v. Cuccinelli et al
Assigned to: Judge Indira Talwani
Cause: 05:702 Administrative Procedure Act

Date Filed: 09/04/2019
Jury Demand: None
Nature of Suit: 899 Other Statutes:
Administrative Procedures
Act/Review or Appeal of Agency
Decision
Jurisdiction: U.S. Government
Defendant

Plaintiff

Rian Immigrant Center
formerly known as
Irish International Immigrant Center,
Inc.

represented by **Adriana Lafaille**
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V.

Defendant

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Defendant

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Defendant

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Defendant

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Defendant

Kevin K. McAleenan
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Defendant

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Defendant

Donald J Trump

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Date Filed	#	Docket Text
09/05/2019	<u>1</u>	COMPLAINT against All Defendants Filing fee: \$ 400, receipt number 0101-7861525 (Fee Status: Filing Fee paid), filed by Irish International Immigrant Center, Inc.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Category Form, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2)(Carroll, Robert) (Entered: 09/05/2019)
09/05/2019	<u>2</u>	CORPORATE DISCLOSURE STATEMENT by Irish International Immigrant Center, Inc.. (Carroll, Robert) (Entered: 09/05/2019)
09/05/2019	3	ELECTRONIC NOTICE of Case Assignment. Judge Indira Talwani assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Jennifer C. Boal. (Finn, Mary) (Entered: 09/05/2019)
09/05/2019	<u>4</u>	Summons Issued as to All Defendants. Counsel receiving this notice electronically should download this summons, complete one for

		each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (Currie, Haley) (Entered: 09/05/2019)
09/06/2019	5	NOTICE of Appearance by Adriana Lafaille on behalf of Irish International Immigrant Center, Inc. (Lafaille, Adriana) (Entered: 09/06/2019)
09/07/2019	6	NOTICE of Appearance by Matthew Segal on behalf of Irish International Immigrant Center, Inc. (Segal, Matthew) (Entered: 09/07/2019)
09/11/2019	7	MOTION for Leave to Appear Pro Hac Vice for admission of Rachel M. Walsh Filing fee: \$ 100, receipt number 0101-7872586 by Irish International Immigrant Center, Inc.. (Attachments: # 1 Exhibit A-Certificate of Rachel M. Walsh)(Carroll, Robert) (Entered: 09/11/2019)
09/11/2019	8	MOTION for Leave to Appear Pro Hac Vice for admission of Ira J. Levy Filing fee: \$ 100, receipt number 0101-7872608 by Irish International Immigrant Center, Inc.. (Attachments: # 1 Exhibit A-Certificate of Ira J. Levy)(Carroll, Robert) (Entered: 09/11/2019)
09/12/2019	9	Judge Indira Talwani: ELECTRONIC ORDER entered ALLOWING 7 Motion for Leave to Appear Pro Hac Vice Added Rachel M. Walsh; ALLOWING 8 Motion for Leave to Appear Pro Hac Vice Added Ira J. Levy. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Vieira, Leonardo). (Entered: 09/12/2019)
09/23/2019	10	NOTICE of Appearance by Rayford A. Farquhar on behalf of Kenneth Cuccinelli, Kevin McAleenan, Secretary of the Department of Homeland Security, Transportation Security Administration, Michael J McCleary, Lori Pietropaoli, The Department of Homeland Security, Donald J Trump, U.S. Citizenship and Immigration Services (Farquhar, Rayford) (Entered: 09/23/2019)
10/08/2019	11	NOTICE of Scheduling Conference. Scheduling Conference set for 11/5/2019 03:00 PM in Courtroom 9 before Judge Indira Talwani. (MacDonald, Gail) (Entered: 10/08/2019)

10/29/2019	12	Joint MOTION to Stay by Irish International Immigrant Center, Inc.. (Attachments: # 1 Exhibit A, # 2 Text of Proposed Order)(Carroll, Robert) (Entered: 10/29/2019)
10/31/2019	13	Judge Indira Talwani: ORDER entered granting 12 Motion to Stay. (MacDonald, Gail) (Entered: 10/31/2019)
10/31/2019	14	ELECTRONIC NOTICE Canceling Hearing. Scheduling Conference set for 11/05/2019, is canceled. (MacDonald, Gail) (Entered: 10/31/2019)
01/27/2020	15	STATUS REPORT <i>Jointly Filed by Plaintiff and</i> by Kenneth Cuccinelli, Kevin McAleenan, Secretary of the Department of Homeland Security, Transportation Security Administration, Michael J McCleary, Lori Pietropaoli, The Department of Homeland Security, Donald J Trump, U.S. Citizenship and Immigration Services. (Attachments: # 1 Text of Proposed Order (Plaintiff's Proposal), # 2 Text of Proposed Order (Defendants' Proposal))(Thorp, Galen) (Entered: 01/27/2020)
01/28/2020	16	Judge Indira Talwani: ELECTRONIC ORDER entered: Electronic order administratively staying case for 30 days. The parties shall submit a jointly proposed briefing schedule for Defendants' anticipated motion to dismiss.(Kelly, Danielle) (Entered: 01/28/2020)
02/04/2020	17	NOTICE of Appearance by Galen N. Thorp on behalf of Kenneth Cuccinelli, Kevin McAleenan, Secretary of the Department of Homeland Security, Transportation Security Administration, Michael J McCleary, Lori Pietropaoli, The Department of Homeland Security, Donald J Trump, U.S. Citizenship and Immigration Services (Thorp, Galen) (Entered: 02/04/2020)
02/05/2020	18	Joint MOTION for Scheduling Order by Kenneth Cuccinelli, Kevin McAleenan, Secretary of the Department of Homeland Security, Transportation Security Administration, Michael J McCleary, Lori Pietropaoli, The Department of Homeland Security, Donald J Trump, U.S. Citizenship and Immigration Services. (Attachments: # 1 Text of Proposed Order)(Thorp, Galen) (Entered: 02/05/2020)
02/07/2020	19	Judge Indira Talwani: ORDER entered: ALLOWING 18 Joint MOTION for Scheduling Order. Please see attached Order. (Kelly, Danielle) (Entered: 02/07/2020)
02/28/2020	20	MOTION to Dismiss by Kenneth Cuccinelli, Kevin K. McAleenan, Michael J McCleary, Lori Pietropaoli, The Department of Homeland Security, Donald J Trump, U.S. Citizenship and Immigration Services. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Text of

		Proposed Order)(Thorp, Galen). Modified on 3/4/2020: Main document replaced to extract Memorandum in Support to properly file in separate entry. (Kelly, Danielle). (Entered: 02/28/2020)
02/28/2020	21	NOTICE by Irish International Immigrant Center, Inc. <i>Change of Party Name</i> (Carroll, Robert) (Entered: 02/28/2020)
02/28/2020	22	MEMORANDUM in Support re 20 MOTION to Dismiss filed by Kenneth Cuccinelli, Kevin K. McAleenan, Michael J McCleary, Lori Pietropaoli, The Department of Homeland Security, Donald J Trump, U.S. Citizenship and Immigration Services.(Kelly, Danielle) (Entered: 03/04/2020)
03/09/2020	23	Judge Indira Talwani: ELECTRONIC ORDER entered. ORDER LIFTING STAY. (Kelly, Danielle) (Entered: 03/09/2020)
03/19/2020	24	Consent MOTION for Extension of Time to April 3, 2020 to File Response/Reply by Rian Immigrant Center.(Carroll, Robert) (Entered: 03/19/2020)
03/20/2020	25	Judge Indira Talwani: ELECTRONIC ORDER entered ALLOWING 24 Motion for Extension of Time to File Response/Reply. Plaintiff opposition extended to April 3, 2020. Defendants reply extended to April 17, 2020. (Kelly, Danielle) (Entered: 03/20/2020)
04/02/2020	26	Joint MOTION for Extension of Time to April 17, 2020 & May 8, 2020 to File Response/Reply by Rian Immigrant Center.(Levy, Ira) (Entered: 04/02/2020)
04/03/2020	27	Judge Indira Talwani: ELECTRONIC ORDER entered ALLOWING 26 Joint Motion for Extension of Time to File Response/Reply. Plaintiff opposition extended to April 17, 2020. Defendants reply extended to May 8, 2020. (Kelly, Danielle) (Entered: 04/03/2020)
04/17/2020	28	Consent MOTION for Extension of Time to April 23, 2020 & May 14, 2020 to File Response/Reply by Rian Immigrant Center.(Levy, Ira) (Entered: 04/17/2020)
04/20/2020	29	Judge Indira Talwani: ELECTRONIC ORDER entered granting 28 Motion for Extension of Time to File Response/Reply Responses due by 4/23/2020 Replies due by 5/14/2020. (Talwani, Indira) (Entered: 04/20/2020)
04/23/2020	30	Opposition re 20 MOTION to Dismiss filed by Rian Immigrant Center. (Attachments: # 1 Exhibit A)(Levy, Ira) (Entered: 04/23/2020)

05/14/2020	31	REPLY to Response to 20 MOTION to Dismiss filed by Kenneth Cuccinelli, Michael J McCleary, Lori Pietropaoli, The Department of Homeland Security, Donald J Trump, U.S. Citizenship and Immigration Services. (Attachments: # 1 Exhibit C, # 2 Exhibit D, # 3 Exhibit E)(Thorp, Galen) (Entered: 05/14/2020)
06/22/2020	32	Notice of Supplemental Authorities re 20 MOTION to Dismiss (Attachments: # 1 Exhibit A)(Thorp, Galen) (Entered: 06/22/2020)
06/22/2020	33	MOTION for Leave to File <i>Supplemental Record</i> by Rian Immigrant Center. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Levy, Ira) (Entered: 06/22/2020)
06/23/2020	34	Judge Indira Talwani: ELECTRONIC ORDER: On June 22, 2020, the government filed a document entitled "Notice of Subsequent Legal Development" 32 in which the government requests that the court address the argument in the pending Motion to Dismiss 20 that Plaintiff's Complaint 1 be dismissed as moot before determining whether to request supplemental briefing as to the government's alternative arguments. Counsel for the government shall confer with Plaintiff's counsel as required under Local Rule 7.1 and advise the court as to whether Plaintiff assents to or opposes this request. Also on June 22, 2020, Plaintiff filed a Motion for Leave to Supplement the Record 33 . In the body of the motion, Plaintiff states that Defendants oppose the motion, but in the Local Rule 7.1 certificate, counsel certifies that opposing counsel consents to the motion. Plaintiff shall file a corrected Motion clarifying whether the motion is assented to or opposed. (Kelly, Danielle) (Entered: 06/23/2020)
06/23/2020	35	MOTION for Leave to File <i>Supplemental Record (Corrected)</i> by Rian Immigrant Center. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Levy, Ira) (Entered: 06/23/2020)
06/26/2020	36	Consent MOTION to Bifurcate <i>Disposition of Defendants' Motion to Dismiss</i> by Kenneth Cuccinelli, Kevin K. McAleenan, Michael J McCleary, Lori Pietropaoli, The Department of Homeland Security, Donald J Trump, U.S. Citizenship and Immigration Services. (Attachments: # 1 Text of Proposed Order)(Thorp, Galen) (Entered: 06/26/2020)
06/29/2020	37	Judge Indira Talwani: ELECTRONIC ORDER GRANTING Defendants' Consent Motion to Bifurcate Disposition of Defendants Motion to Dismiss 36 . If the court does not dismiss this action as moot, Parties shall meet and confer and submit a joint status report within seven days of such order as to

		whether the parties request supplemental briefing to address <u>Department of Homeland Security v. Regents of the University of California</u> , No. 18-587, ___ S.Ct. ___, 2020 WL 3271746 (June 18, 2020), and if so, to propose a briefing schedule. (Kelly, Danielle) (Entered: 06/29/2020)
07/01/2020	38	Consent MOTION for Leave to File <i>Declaration Correcting Error in Prior Filing</i> by Kenneth Cuccinelli, Kevin K. McAleenan, Michael J McCleary, Lori Pietropaoli, The Department of Homeland Security, Donald J Trump, U.S. Citizenship and Immigration Services. (Attachments: # 1 Exhibit, # 2 Text of Proposed Order)(Thorp, Galen) (Entered: 07/01/2020)
07/02/2020	39	Judge Indira Talwani: ELECTRONIC ORDER: ALLOWING 38 Defendants' Consent Motion. Defendants are granted leave to file the Supplemental Declaration to correct error in prior filing; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Kelly, Danielle) (Entered: 07/02/2020)
07/02/2020	40	DECLARATION re 31 Reply to Response to Motion, (<i>leave to file granted July 1, 2020</i>) by Kenneth Cuccinelli, Kevin K. McAleenan, Michael J McCleary, Lori Pietropaoli, The Department of Homeland Security, Donald J Trump, U.S. Citizenship and Immigration Services. (Attachments: # 1 Exhibit - 3d Renaud Declaration)(Thorp, Galen) (Entered: 07/02/2020)
07/06/2020	41	MEMORANDUM in Opposition re 35 MOTION for Leave to File <i>Supplemental Record (Corrected)</i> filed by Kenneth Cuccinelli, Kevin K. McAleenan, Michael J McCleary, Lori Pietropaoli, The Department of Homeland Security, Donald J Trump, U.S. Citizenship and Immigration Services. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D)(Thorp, Galen) (Entered: 07/06/2020)
11/02/2020	42	Judge Indira Talwani: ORDER entered. MEMORANDUM AND ORDER. Defendants' <u>Motion to Dismiss</u> 20 is DENIED insofar as it contends that this action should be dismissed for mootness and Plaintiff's <u>Motion for Leave to File Supplemental Record</u> 35 is DENIED without prejudice. Counsel shall meet and confer and submit a joint status report within seven days as to whether they request supplemental briefing to address <u>Department of Homeland Security v. Regents of the University of California</u> , 140 S.Ct. 1891 (2020), and if so, shall include a proposed briefing schedule. (Kelly, Danielle) (Entered: 11/02/2020)

11/06/2020	43	MOTION for Extension of Time to November 16, 2020 to meet and confer, and file a Joint Status Report by Rian Immigrant Center.(Levy, Ira) (Entered: 11/06/2020)
11/09/2020	44	Judge Indira Talwani: ELECTRONIC ORDER entered ALLOWING 43 Motion for Extension of Time to November 16, 2020 to meet and confer, and file a Joint Status Report. (Kelly, Danielle) (Entered: 11/09/2020)
11/16/2020	45	Joint MOTION to Stay by Rian Immigrant Center. (Attachments: # 1 Text of Proposed Order)(Levy, Ira) (Entered: 11/16/2020)
11/17/2020	46	Judge Indira Talwani: ORDER entered. Order Staying Case. Parties shall file a Joint Status Report on or before February 16, 2021. (Kelly, Danielle) (Entered: 11/17/2020)
02/16/2021	47	STATUS REPORT <i>Jointly Filed by Plaintiff and Defendants</i> by Michael J McCleary, Lori Pietropaoli, The Department of Homeland Security, U.S. Citizenship and Immigration Services. (Attachments: # 1 Text of Proposed Order)(Thorp, Galen) (Entered: 02/16/2021)
02/17/2021	48	Judge Indira Talwani: ORDER entered. Order Extending Stay. Parties shall file a Joint Status Report on or before April 16, 2021. (Kelly, Danielle) (Entered: 02/17/2021)
03/11/2021	49	MOTION to Withdraw Appearance by Oren N. Nimni (Nimni, Oren) Modified on 3/12/2021: Corrected event type & docket text to properly reflect document (Kelly, Danielle). (Entered: 03/11/2021)
03/15/2021	50	Judge Indira Talwani: ELECTRONIC ORDER ALLOWING 49 Motion to Withdraw as Attorney. Attorney Oren N. Nimni terminated. (Kelly, Danielle) (Entered: 03/15/2021)
03/26/2021	51	NOTICE of Appearance by Srish Khakurel on behalf of Rian Immigrant Center (Khakurel, Srish) (Entered: 03/26/2021)
04/16/2021	52	STATUS REPORT <i>Jointly Filed by Plaintiff and</i> by The Department of Homeland Security, U.S. Citizenship and Immigration Services. (Attachments: # 1 Text of Proposed Order)(Thorp, Galen) (Entered: 04/16/2021)
04/20/2021	53	Judge Indira Talwani: ORDER entered. Order Extending Stay. Parties shall file a Joint Status Report on or before June 15, 2021. (Kelly, Danielle) (Entered: 04/20/2021)
06/15/2021	54	NOTICE of Voluntary Dismissal by Rian Immigrant Center (Walsh, Rachel) (Entered: 06/15/2021)

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