

**U.S. District Court  
District of New Hampshire (Concord)  
CIVIL DOCKET FOR CASE #: 1:20-cv-00852-LM**

Drewniak v. US Customs and Border Protection et al  
Assigned to: Chief Judge Landya B. McCafferty  
Cause: 28:2201 Declaratory Judgment

Date Filed: 08/11/2020  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights:  
Other  
Jurisdiction: Federal Question

**Plaintiff**

**Jesse Drewniak**

represented by **Scott H. Harris**  
McLane Middleton  
900 Elm St  
PO Box 326  
Manchester, NH 03105-0326  
603 625-6464  
Email: scott.harris@mclane.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Steven J. Dutton**  
McLane Middleton  
900 Elm St  
PO Box 326  
Manchester, NH 03105-0326  
603 628-1379  
Email: steven.dutton@mclane.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Albert E Scherr , IV**  
Self  
2 White Street  
Concord, NH 03301  
603-513-5144  
Email: albert.scherr@law.unh.edu  
*ATTORNEY TO BE NOTICED*

**Emma Bond**  
American Civil Liberties Union

Foundation  
PO Box 7860  
Portland, ME 04112  
207-619-8687  
Email: ebond@aclumaine.org  
*ATTORNEY TO BE NOTICED*

**Henry Klementowicz**  
American Civil Liberties Union of  
New Hampshire  
18 Low Ave  
Concord, NH 03301  
603 333-2201  
Email: henry@aclu-nh.org  
*ATTORNEY TO BE NOTICED*

**Jeremy T. Walker**  
McLane Middleton  
900 Elm St  
PO Box 326  
Manchester, NH 03105-0326  
603 625-6464  
Email: jeremy.walker@mclane.com  
*ATTORNEY TO BE NOTICED*

**Lia Ernst**  
American Civil Liberties Union  
PO Box 277  
Montpelier, VT 05601  
802-223-6304  
Fax: 802-223-6304  
Email: lernst@acluvt.org  
*ATTORNEY TO BE NOTICED*

**Mark L. Sisti**  
Sisti Law Offices  
387 Dover Rd  
Chichester, NH 03258  
603 224-4220  
Email: info@sistilawoffices.com  
*ATTORNEY TO BE NOTICED*

**SangYeob Kim**  
American Civil Liberties Union of  
New Hampshire  
18 Low Ave

Concord, NH 03301  
603 224-5591  
Fax: 603 617 7264  
Email: SangYeob@aclu-nh.org  
*ATTORNEY TO BE NOTICED*

**Gilles R. Bissonette**  
American Civil Liberties Union of  
New Hampshire  
18 Low Ave  
Concord, NH 03301  
603 224-5591  
Email: Gilles@aclu-nh.org  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**US Customs and Border  
Protection**

represented by **Michael T. McCormack**  
US Attorney's Office (NH)  
James C Cleveland Federal Bldg  
53 Pleasant St, 4th Flr  
Concord, NH 03301  
603 225-1552  
Email:  
michael.mccormack2@usdoj.gov  
*ATTORNEY TO BE NOTICED*

**Robert J. Rabuck**  
US Attorney's Office (NH)  
James C Cleveland Federal Bldg  
53 Pleasant St, 4th Flr  
Concord, NH 03301  
603 225-1552  
Email: Rob.Rabuck@usdoj.gov  
*ATTORNEY TO BE NOTICED*

**Defendant**

**US Border Patrol**

represented by **Michael T. McCormack**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Robert J. Rabuck**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Mark A. Qualter**  
*TERMINATED: 04/08/2021*

represented by **Michael T. McCormack**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Robert J. Rabuck**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Jeremy Forkey**  
*TERMINATED: 11/24/2020*

represented by **Robert J. Rabuck**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Robert N. Garcia**

represented by **Michael T. McCormack**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Robert J. Rabuck**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
08/11/2020	<a href="#"><u>1</u></a>	NEW CASE/ COMPLAINT with Jury Demand Filing fee \$ 400, receipt number ANHDC-2012664 filed by Jesse Drewniak.  (Attachments: # <a href="#"><u>1</u></a> Exhibit A - Circuit Court 5.1.18 Order, # <a href="#"><u>2</u></a> Exhibit B -- Circuit Court 8.22.18 Motion for Reconsideration Order, # <a href="#"><u>3</u></a> Civil Cover Sheet, # <a href="#"><u>4</u></a> Summons - Waiver CBP, # <a href="#"><u>5</u></a> Summons - Waiver Border Patrol, # <a href="#"><u>6</u></a> Summons - Waiver Qualter, # <a href="#"><u>7</u></a> Summons - Waiver Forkey, # <a href="#"><u>8</u></a> Summons - Waiver Garcia)(Bissonnette, Gilles) (Entered: 08/11/2020)
08/11/2020	<a href="#"><u>2</u></a>	NOTICE of Attorney Appearance by Henry Klementowicz on behalf of Jesse Drewniak Attorney Henry Klementowicz added to party Jesse Drewniak(pty:pla).(Klementowicz, Henry) (Entered: 08/11/2020)
08/11/2020	<a href="#"><u>3</u></a>	NOTICE of Attorney Appearance by SangYeob Kim on behalf of Jesse Drewniak Attorney SangYeob Kim added to party Jesse Drewniak(pty:pla).(Kim, SangYeob) (Entered: 08/11/2020)

08/11/2020	<a href="#">4</a>	MOTION for ZACHARY HEIDEN to Appear Pro Hac Vice (Filing fee \$ 100, Receipt # ANHDC-2012747.) filed by Jesse Drewniak.Follow up on Objection on 8/25/2020. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c).(Bissonnette, Gilles) (Entered: 08/11/2020)
08/11/2020	<a href="#">5</a>	MOTION for EMMA BOND to Appear Pro Hac Vice (Filing fee \$ 100, Receipt # BNHDC-2012752.) filed by Jesse Drewniak.Follow up on Objection on 8/25/2020. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c).(Bissonnette, Gilles) (Entered: 08/11/2020)
08/11/2020	<a href="#">6</a>	MOTION for LIA ERNST to Appear Pro Hac Vice (Filing fee \$ 100, Receipt # ANHDC-2012753.) filed by Jesse Drewniak.Follow up on Objection on 8/25/2020. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c).(Bissonnette, Gilles) (Entered: 08/11/2020)
08/11/2020	<a href="#">7</a>	MOTION for JAMES DIAZ to Appear Pro Hac Vice (Filing fee \$ 100, Receipt # ANHDC-2012759.) filed by Jesse Drewniak.Follow up on Objection on 8/25/2020. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c).(Bissonnette, Gilles) (Entered: 08/11/2020)
08/11/2020		Case assigned to Judge Joseph A. DiClerico, Jr. The case designation is: 1:20-cv-852-JD. Please show this number with the judge designation on all future pleadings. (ed) (Entered: 08/11/2020)
08/11/2020		NOTICE. This case has been designated for Electronic Case Filing. All further submissions shall be filed in compliance with the Administrative Procedures for Electronic Case Filing. Pro se litigants are not required to file electronically and may continue to file documents in paper format. <a href="#">Persons filing electronically are strongly encouraged to complete the interactive training modules available on the courts website. To access these modules, click <u>HERE</u>.</a> (ed) (Entered: 08/11/2020)
08/11/2020	<a href="#">8</a>	NOTICE of Attorney Appearance by Mark L. Sisti on behalf of Jesse Drewniak Attorney Mark L. Sisti added to party Jesse Drewniak(pty:pla).(Sisti, Mark) (Entered: 08/11/2020)
08/11/2020		<b>ENDORSED ORDER granting: <a href="#">4</a> Motion to Appear Pro Hac Vice. Text of Order: Granted. Local counsel shall comply with all obligations required by L.R. 83.2(b) absent order of the court. So Ordered by Magistrate Judge Andrea K. Johnstone.</b>

		<p>The clerks office will provide the admitted attorney with instructions on how to obtain access to electronic filing by separate email. The admitted attorney must have an individual upgraded PACER account, not a shared firm account, to electronically file in the District of New Hampshire. After obtaining e-filing access, the admitted attorney must file an appearance to begin receiving electronic notices. (ed) (Entered: 08/12/2020)</p>
08/11/2020		<p><b>ENDORSED ORDER granting: <u>5</u> Motion to Appear Pro Hac Vice. Text of Order: Granted. Local counsel shall comply with all obligations required by L.R. 83.2(b) absent order of the court. So Ordered by Magistrate Judge Andrea K. Johnstone.</b></p> <p>The clerks office will provide the admitted attorney with instructions on how to obtain access to electronic filing by separate email. The admitted attorney must have an individual upgraded PACER account, not a shared firm account, to electronically file in the District of New Hampshire. After obtaining e-filing access, the admitted attorney must file an appearance to begin receiving electronic notices. (ed) (Entered: 08/12/2020)</p>
08/11/2020		<p><b>ENDORSED ORDER granting: <u>6</u> Motion to Appear Pro Hac Vice. Text of Order: Granted. Local counsel shall comply with all obligations required by L.R. 83.2(b) absent order of the court. So Ordered by Magistrate Judge Andrea K. Johnstone.</b></p> <p>The clerks office will provide the admitted attorney with instructions on how to obtain access to electronic filing by separate email. The admitted attorney must have an individual upgraded PACER account, not a shared firm account, to electronically file in the District of New Hampshire. After obtaining e-filing access, the admitted attorney must file an appearance to begin receiving electronic notices. (ed) (Entered: 08/12/2020)</p>
08/11/2020		<p><b>ENDORSED ORDER granting: <u>7</u> Motion to Appear Pro Hac Vice. Text of Order: Granted. Local counsel shall comply with all obligations required by L.R. 83.2(b) absent order of the court. So Ordered by Magistrate Judge Andrea K. Johnstone.</b></p> <p>The clerks office will provide the admitted attorney with instructions on how to obtain access to electronic filing by separate email. The admitted attorney must have an individual</p>

		<b>upgraded PACER account, not a shared firm account, to electronically file in the District of New Hampshire. After obtaining e-filing access, the admitted attorney must file an appearance to begin receiving electronic notices. (ed)</b> (Entered: 08/12/2020)
08/12/2020	<a href="#">9</a>	Summonses issued electronically as to Jeremy Forkey, Robert N. Garcia, Mark A. Qualter, US Border Patrol, US Customs and Border Protection. <b>NOTICE: Counsel shall print and serve the summonses and all attachments in accordance with Fed. R. Civ. P. 4.</b> (Attachments: # <a href="#">1</a> Notice ECF) (ed) (Entered: 08/12/2020)
08/17/2020	<a href="#">10</a>	NOTICE of Attorney Appearance by Emma Bond on behalf of Jesse Drewniak Attorney Emma Bond added to party Jesse Drewniak(pty:pla).(Bond, Emma) (Entered: 08/17/2020)
08/18/2020	<a href="#">11</a>	NOTICE of Attorney Appearance by Jeremy T. Walker on behalf of Jesse Drewniak Attorney Jeremy T. Walker added to party Jesse Drewniak(pty:pla).(Walker, Jeremy) (Entered: 08/18/2020)
08/18/2020	<a href="#">12</a>	NOTICE of Attorney Appearance by Steven J. Dutton on behalf of Jesse Drewniak Attorney Steven J. Dutton added to party Jesse Drewniak(pty:pla).(Dutton, Steven) (Entered: 08/18/2020)
08/19/2020	<a href="#">13</a>	NOTICE of Attorney Appearance by Scott H. Harris on behalf of Jesse Drewniak Attorney Scott H. Harris added to party Jesse Drewniak(pty:pla).(Harris, Scott) (Entered: 08/19/2020)
08/27/2020	<a href="#">14</a>	NOTICE of Attorney Appearance by Lia Ernst on behalf of Jesse Drewniak Attorney Lia Ernst added to party Jesse Drewniak(pty:pla).(Ernst, Lia) (Entered: 08/27/2020)
09/10/2020	<a href="#">15</a>	<b>ORDER OF RECUSAL. Judge Joseph A. DiClerico, Jr recused. So Ordered by Judge Joseph A. DiClerico, Jr.(ko)</b> (Entered: 09/11/2020)
09/10/2020		Case reassigned to Chief Judge Landya B. McCafferty. The new case designation is: 20-cv-852-LM. Please show this number with the correct judge designation on all further pleadings.(ko) (Entered: 09/14/2020)
09/11/2020	<a href="#">16</a>	AFFIDAVIT of Service of Complaint as to Jeremy Forkey, Robert N. Garcia, Mark A. Qualter, US Border Patrol, US Customs and Border Protection filed by Jesse Drewniak. Served/Mailed on 9/11/2020. Answer Follow Up on 10/2/2020. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c). (Attachments: # <a href="#">1</a> Exhibit A --

		Service as to US Defendants, # <a href="#">2</a> Exhibit B -- Service as to Individual Defendants)(Bissonnette, Gilles) (Entered: 09/11/2020)
10/23/2020	<a href="#">17</a>	Assented to MOTION to Extend Time to Answer to November 9, 2020 filed by Jeremy Forkey, Robert N. Garcia, Mark A. Qualter, US Border Patrol, US Customs and Border Protection. Attorney Robert J. Rabuck added to party Jeremy Forkey(pty:dft), Attorney Robert J. Rabuck added to party Robert N. Garcia(pty:dft), Attorney Robert J. Rabuck added to party Mark A. Qualter(pty:dft), Attorney Robert J. Rabuck added to party US Border Patrol(pty:dft), Attorney Robert J. Rabuck added to party US Customs and Border Protection(pty:dft).(Rabuck, Robert) (Entered: 10/23/2020)
10/23/2020		<b>ENDORSED ORDER granting <a href="#">17</a> Assented to Motion to Extend Time to Answer. Text of Order: Motion to Extend Time to Answer is granted. For the reasons stated in the motion, the court finds good cause to extend the deadline for issuing the scheduling order pursuant to Fed. R. Civ. P. 16(b). So Ordered by Chief Judge Landya B. McCafferty. Answer Follow Up on 11/9/2020. (de)</b> (Entered: 10/24/2020)
11/09/2020	<a href="#">18</a>	Assented to MOTION to Extend Time to Answer to November 13, 2020 filed by Jeremy Forkey, Robert N. Garcia, Mark A. Qualter, US Border Patrol, US Customs and Border Protection.(Rabuck, Robert) (Entered: 11/09/2020)
11/09/2020		<b>ENDORSED ORDER granting <a href="#">18</a> Assented to Motion to Extend Time to Answer. Text of Order: Motion to Extend Time to Answer is granted. For the reasons stated in the motion, the court finds good cause to extend the deadline for issuing the scheduling order pursuant to Fed. R. Civ. P. 16(b). So Ordered by Chief Judge Landya B. McCafferty. Answer Follow Up on 11/13/2020. (de)</b> (Entered: 11/10/2020)
11/13/2020	<a href="#">19</a>	MOTION to Dismiss for Failure to State a Claim <i>or alternatively for summary judgment</i> filed by Jeremy Forkey, Mark A. Qualter.Follow up on Objection on 11/30/2020. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c). (Attachments: # <a href="#">1</a> Memorandum of Law, # <a href="#">2</a> Exhibit (Affidavit) A-Declaration of Robert Garcia, # <a href="#">3</a> Exhibit (Affidavit) B-Declaration of Mark Qualter, # <a href="#">4</a> Exhibit (Affidavit) C-Declaration of Jeremy Forkey, # <a href="#">5</a> Attachment to Exhibit C1-redacted I44)(Rabuck, Robert) (Entered: 11/13/2020)
11/13/2020	<a href="#">20</a>	MOTION to Dismiss for Lack of Subject Matter Jurisdiction filed by Robert N. Garcia, US Border Patrol, US Customs and Border



		Protection.Follow up on Objection on 11/30/2020. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c). (Attachments: # <a href="#">1</a> Memorandum of Law, # <a href="#">2</a> Exhibit (Affidavit) A-Declaration of Robert Garcia)(Rabuck, Robert) Modified on 11/16/2020 to amend/correct to: "for Lack of Subject Matter Jurisdiction" (de). (Entered: 11/13/2020)
11/13/2020	<a href="#">21</a>	Assented to MOTION to exceed page limits <i>on dispositive motion</i> filed by Jeremy Forkey, Mark A. Qualter.(Rabuck, Robert) (Entered: 11/13/2020)
11/16/2020		<b>ENDORSED ORDER granting <a href="#">21</a> Motion to exceed page limits on dispositive motion. Text of Order: Granted. So Ordered by Chief Judge Landya B. McCafferty. (gla)</b> (Entered: 11/16/2020)
11/19/2020		NOTICE OF PRETRIAL CONFERENCE. Pretrial Conference via Video Conference set for 1/12/2021 03:00 PM before Magistrate Judge Andrea K. Johnstone. Follow up on Discovery Plan 1/5/2021. Please note pursuant to Title 28 USC 636(c) and Local Rule 73.1, the parties may consent to have the case reassigned to the Magistrate Judge, but are free to withhold consent without adverse consequences.(kad) (Entered: 11/19/2020)
11/23/2020	<a href="#">22</a>	Assented to MOTION For Briefing Schedule filed by Jeremy Forkey, Robert N. Garcia, Mark A. Qualter, US Border Patrol, US Customs and Border Protection.(Rabuck, Robert) (Entered: 11/23/2020)
11/23/2020	<a href="#">23</a>	///STIPULATION of Dismissal as to DEFENDANT JEREMY FORKEY WITHOUT PREJUDICE PURSUANT TO F.R.C.P. 41(a)(1)(A)(ii) by Jesse Drewniak(Bissonnette, Gilles) (Entered: 11/23/2020)
11/24/2020		<b>ENDORSED ORDER granting <a href="#">22</a> Motion for Briefing Schedule. Text of Order: Granted. So Ordered by Chief Judge Landya B. McCafferty. (gla)</b> (Entered: 11/24/2020)
11/24/2020		<b>ENDORSED ORDER re: <a href="#">23</a> Stipulation of Dismissal as to Jeremy Forkey. Text of Order: Reviewed. So Ordered by Chief Judge Landya B. McCafferty.(de)</b> (Entered: 12/01/2020)
12/21/2020	<a href="#">24</a>	MOTION to Stay <i>Pretrial Proceedings</i> filed by Robert N. Garcia, Mark A. Qualter, US Border Patrol, US Customs and Border Protection.Follow up on Objection on 1/4/2021. The court only follow up date DOES NOT include 3 additional days that may

		apply per FRCP 6(d) and FRCrP 45(c). (Attachments: # <a href="#">1</a> Memorandum of Law)(Rabuck, Robert) (Entered: 12/21/2020)
12/21/2020	<a href="#">25</a>	OBJECTION to <a href="#">19</a> MOTION to Dismiss for Failure to State a Claim <i>or alternatively for summary judgment</i> filed by Jesse Drewniak. Follow up on Reply on 12/28/2020. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c). (Attachments: # <a href="#">1</a> Exhibit (Affidavit) Rule 56(d) Declaration of Attorney Emma Bond)(Bissonnette, Gilles) (Entered: 12/21/2020)
12/21/2020	<a href="#">26</a>	OBJECTION to <a href="#">20</a> MOTION to Dismiss for Failure to State a Claim filed by Jesse Drewniak. Follow up on Reply on 12/28/2020. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c). (Bissonnette, Gilles) (Entered: 12/21/2020)
12/21/2020	<a href="#">27</a>	Assented to MOTION to Exceed PAGE LIMITATION FOR OPPOSITION TO DEFENDANT QUALTERS MOTION TO DISMISS AND MOTION FOR SUMMARY JUDGMENT filed by Jesse Drewniak.(Bissonnette, Gilles) (Entered: 12/21/2020)
12/22/2020	<a href="#">28</a>	NOTICE of Attorney Appearance by Albert E Scherr, IV on behalf of Jesse Drewniak Attorney Albert E Scherr, IV added to party Jesse Drewniak(pty:pla).(Scherr, Albert E) (Entered: 12/22/2020)
12/22/2020		<b>ENDORSED ORDER granting <a href="#">27</a> Assented to Motion to Exceed PAGE LIMITATION FOR OPPOSITION TO DEFENDANT QUALTERS MOTION TO DISMISS AND MOTION FOR SUMMARY JUDGMENT. Text of Order: Granted. So Ordered by Chief Judge Landya B. McCafferty.(de)</b> (Entered: 12/22/2020)
12/23/2020	<a href="#">29</a>	Assented to MOTION to Continue Preliminary Pretrial Conference to February 2, 2021 filed by Robert N. Garcia, Mark A. Qualter, US Border Patrol, US Customs and Border Protection.Follow up on Objection on 1/6/2021. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c).(Rabuck, Robert) (Entered: 12/23/2020)
12/28/2020		<b>ENDORSED ORDER granting <a href="#">29</a> Assented to MOTION to Continue Preliminary Pretrial Conference to February 2, 2021. Text of Order: Granted. So Ordered by Magistrate Judge Andrea K. Johnstone.(kad)</b> (Entered: 12/28/2020)
12/28/2020		NOTICE OF PRETRIAL CONFERENCE. Pretrial Conference reset for 2/2/2021 03:00 PM before Magistrate Judge Andrea K.

		Johnstone. Follow up on Discovery Plan 1/26/2021. Please note pursuant to Title 28 USC 636(c) and Local Rule 73.1, the parties may consent to have the case reassigned to the Magistrate Judge, but are free to withhold consent without adverse consequences.(kad) (Entered: 12/28/2020)
01/04/2021	<a href="#">30</a>	OBJECTION to <a href="#">24</a> MOTION to Stay <i>Pretrial Proceedings</i> filed by Jesse Drewniak. Follow up on Reply on 1/11/2021. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c). (Bissonnette, Gilles) (Entered: 01/04/2021)
01/11/2021	<a href="#">31</a>	Assented to MOTION to Extend Time to Object/Respond to <a href="#">30</a> Objection to Motion, to January 13, 2021 filed by Robert N. Garcia, Mark A. Qualter, US Border Patrol, US Customs and Border Protection.(Rabuck, Robert) (Entered: 01/11/2021)
01/12/2021		<b>ENDORSED ORDER granting <a href="#">31</a> Motion to Extend Time to Object/Respond to <a href="#">30</a> Objection to Motion, to January 13, 2021. Text of Order: Granted. So Ordered by Chief Judge Landya B. McCafferty. Follow up on Reply on 1/13/2021. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c). (gla)</b> (Entered: 01/12/2021)
01/13/2021	<a href="#">32</a>	Assented to MOTION for Leave to File Reply Memorandum in Support of Their Motion to Stay Pretrial Proceedings filed by Robert N. Garcia, Mark A. Qualter, US Border Patrol, US Customs and Border Protection. (Attachments: # <a href="#">1</a> Exhibit Reply Memorandum, # <a href="#">2</a> Exhibit A to Reply Memorandum - Qualter State Court Testimony)(Rabuck, Robert) (Entered: 01/13/2021)
01/14/2021		<b>ENDORSED ORDER granting <a href="#">32</a> Motion for Leave to File Reply Memorandum in Support of Their Motion to Stay Pretrial Proceedings. Text of Order: Granted. Within 48 hours counsel shall electronically refile the pleading attached to the Motion for Leave to File using the appropriate event in CMECF. So Ordered by Chief Judge Landya B. McCafferty. Miscellaneous Deadline set for 1/19/2021. (gla)</b> (Entered: 01/14/2021)
01/15/2021	<a href="#">33</a>	MEMORANDUM in Support re <a href="#">24</a> MOTION to Stay <i>Pretrial Proceedings</i> filed by Robert N. Garcia, Mark A. Qualter, US Border Patrol, US Customs and Border Protection. (Attachments:

		# <a href="#">1</a> Exhibit A - Qualter State Court Testimony)(Rabuck, Robert) (Entered: 01/15/2021)
01/15/2021		NOTICE of ECF Filing Error re: <a href="#">33</a> Memorandum in Support of Motion, filed by US Border Patrol, US Customs and Border Protection, Robert N. Garcia, Mark A. Qualter.  Filer used wrong event. Filer shall refile using the <i>Reply to Objection to Motion</i> event and enter in docket text: <i>Replaces document no. 33. Compliance Deadline set for 1/22/2021.</i> (js) (Entered: 01/15/2021)
01/15/2021	<a href="#">34</a>	REPLY to Objection to Motion re <a href="#">24</a> MOTION to Stay <i>Pretrial Proceedings</i> ( <i>Replaces DN 33</i> ) filed by Robert N. Garcia, Mark A. Qualter, US Border Patrol, US Customs and Border Protection. Surreply due by 1/20/2021. (Attachments: # <a href="#">1</a> Exhibit A - Qualter State Court Testimony)(Rabuck, Robert) (Entered: 01/15/2021)
01/19/2021	<a href="#">35</a>	SURREPLY to Reply to <a href="#">24</a> MOTION to Stay <i>Pretrial Proceedings</i> filed by Jesse Drewniak. (Bissonnette, Gilles) (Entered: 01/19/2021)
01/20/2021	<a href="#">36</a>	Assented to MOTION to Continue and Extend Deadlines contained in the assented-to briefing schedule (DN 22) filed by Robert N. Garcia, Mark A. Qualter, US Border Patrol, US Customs and Border Protection. Attorney Michael T. McCormack added to party Robert N. Garcia(pty:dft), Attorney Michael T. McCormack added to party Mark A. Qualter(pty:dft), Attorney Michael T. McCormack added to party US Border Patrol(pty:dft), Attorney Michael T. McCormack added to party US Customs and Border Protection(pty:dft).(McCormack, Michael) (Entered: 01/20/2021)
01/21/2021		<b>ENDORSED ORDER granting <a href="#">36</a> Motion to Continue and Extend Deadlines contained in the assented-to briefing schedule. Text of Order: Granted. So Ordered by Chief Judge Landya B. McCafferty. (gla)</b> (Entered: 01/22/2021)
01/25/2021	<a href="#">37</a>	Addendum/ to <a href="#">35</a> Surreply to Reply by Jesse Drewniak. (Bissonnette, Gilles) (Entered: 01/25/2021)
01/26/2021	<a href="#">38</a>	<b>ORDER denying <a href="#">24</a> Motion to Stay. So Ordered by Chief Judge Landya B. McCafferty. (gla)</b> (Entered: 01/26/2021)

01/28/2021	<a href="#">39</a>	Proposed Discovery Plan ( <i>Joint</i> ) filed by Jesse Drewniak. (Bissonnette, Gilles) (Entered: 01/28/2021)
02/01/2021		Deadline terminated: Pretrial Conference 02/02/2021 cancelled. Order to issue. (de) (Entered: 02/01/2021)
02/01/2021	<a href="#">40</a>	Assented to MOTION to Exceed Exceed Page Limitation for Defendant Mark Qualter's Reply to Plaintiff's Opposition to Motion to Dismiss and For Summary Judgment filed by Mark A. Qualter.(McCormack, Michael) (Entered: 02/01/2021)
02/01/2021	<a href="#">41</a>	REPLY to Objection to Motion re <a href="#">19</a> MOTION to Dismiss for Failure to State a Claim <i>or alternatively for summary judgment</i> filed by Mark A. Qualter. Surreply due by 2/8/2021. (Attachments: # <a href="#">1</a> Exhibit (Affidavit) D - Supplemental Qualter Declaration, # <a href="#">2</a> Attachment to Exhibit D1 - Canine Certification)(McCormack, Michael) (Entered: 02/01/2021)
02/01/2021		<b>ENDORSED ORDER granting <a href="#">40</a> Motion to Exceed Page Limit. Text of Order: Granted. So Ordered by Chief Judge Landya B. McCafferty. (gla)</b> (Entered: 02/01/2021)
02/01/2021	<a href="#">42</a>	REFILED, SEE DOC. <a href="#">43</a> . REPLY to Objection to Motion re <a href="#">20</a> MOTION to Dismiss for Failure to State a Claim filed by Robert N. Garcia, US Border Patrol, US Customs and Border Protection. Surreply due by 2/8/2021. (Rabuck, Robert) Modified on 2/2/2021 to add: REFILED, SEE DOC. 43 (de). (Entered: 02/01/2021)
02/02/2021	<a href="#">43</a>	REPLY to Objection to Motion re <a href="#">20</a> MOTION to Dismiss for Failure to State a Claim ( <i>replaces DN 42</i> ) filed by Robert N. Garcia, US Border Patrol, US Customs and Border Protection. Surreply due by 2/8/2021. (Rabuck, Robert) (Entered: 02/02/2021)
02/12/2021	<a href="#">44</a>	<b>ORDER approving with changes <a href="#">39</a> Discovery Plan. Length of Trial 2 - 3 days. Case Track: Standard. So Ordered by Magistrate Judge Andrea K. Johnstone. Joint Statement regarding the status of discovery due by 12/17/2021. Mediation Follow Up on 2/17/2022. Summary Judgment Motions due by 3/18/2022. (de)</b> (Entered: 02/18/2021)
02/18/2021		<b>TRIAL NOTICE:</b> Pretrial Statements due 6/15/2022. LR 16.2(d) Objections due 6/29/2022. Jury Selection/Trial set for two week period beginning 7/19/2022 at 09:30 AM before Chief Judge Landya B. McCafferty. Final Pretrial Conference set for 7/6/2022 at 03:00 PM before Chief Judge Landya B. McCafferty. JERS Statement due 7/6/2022.(de) (Entered: 02/18/2021)

03/01/2021	<a href="#">45</a>	Assented to MOTION to Exceed Page Limit for Sur-replies Responding to Motions to Dismiss filed by Jesse Drewniak.(Bissonnette, Gilles) (Entered: 03/01/2021)
03/01/2021	<a href="#">46</a>	SURREPLY to Reply to <a href="#">20</a> MOTION to Dismiss for Failure to State a Claim <i>for Lack of Subject Matter Jurisdiction</i> filed by Jesse Drewniak. (Bissonnette, Gilles) (Entered: 03/01/2021)
03/01/2021	<a href="#">47</a>	SURREPLY to Reply to <a href="#">19</a> MOTION to Dismiss for Failure to State a Claim <i>or alternatively for summary judgment</i> filed by Jesse Drewniak. (Attachments: # <a href="#">1</a> Exhibit (Affidavit) Supplemental Declaration of Attorney Emma Bond, # <a href="#">2</a> Exhibit A -- Document Requests to Defendant Qualter, # <a href="#">3</a> Exhibit B -- Document Requests to Official Capacity Defendants)(Bissonnette, Gilles) (Entered: 03/01/2021)
03/02/2021		<b>ENDORSED ORDER granting <a href="#">45</a> Assented to Motion to Exceed Page Limits. Text of Order: Granted. So Ordered by Chief Judge Landya B. McCafferty.(de)</b> (Entered: 03/02/2021)
04/02/2021	<a href="#">48</a>	Assented to MOTION to Extend Time to file the parties' Federal Rule of Civil Procedure 26(a) disclosures <i>to April 26, 2021</i> filed by Robert N. Garcia, Mark A. Qualter, US Border Patrol, US Customs and Border Protection. (Attachments: # <a href="#">1</a> Civil Form 3)(Rabuck, Robert) (Entered: 04/02/2021)
04/05/2021		<b>ENDORSED ORDER granting <a href="#">48</a> Assented to Motion to Extend Time to file parties' Federal Rule of Civil Procedure 26(a) disclosures to April 26, 2021. Text of Order: Granted. So Ordered by Chief Judge Landya B. McCafferty.(de)</b> (Entered: 04/05/2021)
04/08/2021	<a href="#">49</a>	<b>///ORDER granting <a href="#">19</a> Motion to Dismiss Count I; denying <a href="#">20</a> Motion to Dismiss Count II. So Ordered by Chief Judge Landya B. McCafferty. (gla)</b> (Entered: 04/08/2021)
04/13/2021	<a href="#">50</a>	Assented to MOTION to Extend Time to Answer to May 8, 2021 filed by Robert N. Garcia, US Border Patrol, US Customs and Border Protection.(Rabuck, Robert) (Entered: 04/13/2021)
04/15/2021		<b>ENDORSED ORDER granting <a href="#">50</a> Motion to Extend Time to Answer. Text of Order: Granted. So Ordered by Chief Judge Landya B. McCafferty. Answer Follow Up on 5/10/2021. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c). (gla)</b> (Entered: 04/15/2021)

04/19/2021	<a href="#">51</a>	Assented to MOTION to Extend Time to File Rule 26(a) Disclosures to May 10, 2021 filed by Robert N. Garcia, US Border Patrol, US Customs and Border Protection. (Attachments: # <a href="#">1</a> Civil Form 3)(McCormack, Michael) (Entered: 04/19/2021)
04/19/2021		<b>ENDORSED ORDER granting <a href="#">51</a> Motion to Extend Time to File Rule 26(a) Disclosures to May 10, 2021. Text of Order: Granted. So Ordered by Chief Judge Landya B. McCafferty. (gla)</b> (Entered: 04/19/2021)
04/30/2021	<a href="#">52</a>	Assented to MOTION to Extend Time to File Supplemental ESI Statement to May 24, 2021 filed by Robert N. Garcia, US Border Patrol, US Customs and Border Protection.(Rabuck, Robert) (Entered: 04/30/2021)
05/03/2021		<b>ENDORSED ORDER granting <a href="#">52</a> Assented to Motion to Extend Time to File Supplemental ESI Statement to May 24, 2021. Text of Order: Granted. So Ordered by Magistrate Judge Andrea K. Johnstone.(de)</b> (Entered: 05/03/2021)
05/06/2021	<a href="#">53</a>	Assented to MOTION to Extend Time to Answer to May 24, 2021 filed by Robert N. Garcia, US Border Patrol, US Customs and Border Protection.(Rabuck, Robert) (Entered: 05/06/2021)
05/07/2021		<b>ENDORSED ORDER granting <a href="#">53</a> Assented to Motion to Extend Time to Answer. Text of Order: Granted. So Ordered by Magistrate Judge Andrea K. Johnstone. Answer Follow Up on 5/24/2021. (de)</b> (Entered: 05/07/2021)
05/24/2021	<a href="#">54</a>	Assented to MOTION to Extend Time to Answer to May 26, 2021 filed by Robert N. Garcia, US Border Patrol, US Customs and Border Protection.(Rabuck, Robert) (Entered: 05/24/2021)
05/24/2021	<a href="#">55</a>	Assented to MOTION to Extend Time to File ESI Statement filed by Jesse Drewniak.(Bissonnette, Gilles) (Entered: 05/24/2021)
05/24/2021		<b>ENDORSED ORDER granting <a href="#">54</a> Motion to Extend Time to Answer <a href="#">1</a> Complaint. Text of Order: Granted. So Ordered by Chief Judge Landya B. McCafferty. Answer Follow Up on 5/26/2021. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c). (gla)</b> (Entered: 05/24/2021)
05/25/2021		<b>ENDORSED ORDER granting <a href="#">55</a> Assented to Motion to Extend Time to File ESI Statement. Text of Order: Granted. So Ordered by Magistrate Judge Andrea K. Johnstone. ESI Statement Deadline set for 6/25/2021.(js)</b> (Entered: 05/25/2021)

05/26/2021	<a href="#">56</a>	Assented to MOTION to Extend Time to Answer to June 1, 2021 filed by Robert N. Garcia, US Border Patrol, US Customs and Border Protection.(Rabuck, Robert) (Entered: 05/26/2021)
05/26/2021		<b>ENDORSED ORDER granting <a href="#">56</a> Assented to Motion to Extend Time to Answer to June 1, 2021. Text of Order: Granted. So Ordered by Magistrate Judge Andrea K. Johnstone. (js)</b> (Entered: 05/26/2021)
06/01/2021	<a href="#">57</a>	ANSWER to <a href="#">1</a> Complaint - New Case, filed by Robert N. Garcia, US Border Patrol, US Customs and Border Protection.(Rabuck, Robert) (Entered: 06/01/2021)
06/21/2021	<a href="#">58</a>	Assented to MOTION to Extend Time to File ESI Statement to July 26, 2021 filed by Jesse Drewniak.(Bissonnette, Gilles) (Entered: 06/21/2021)
06/28/2021		<b>ENDORSED ORDER granting <a href="#">58</a> Assented to Motion to Extend Time to File ESI Statement to July 26, 2021. Text of Order: Granted. So Ordered by Magistrate Judge Andrea K. Johnstone.(de)</b> (Entered: 06/29/2021)
07/27/2021	<a href="#">59</a>	JOINT STATEMENT REGARDING ELECTRONICALLY STORED INFORMATION by Jesse Drewniak(Bissonnette, Gilles) (Entered: 07/27/2021)
08/30/2021		<b>ENDORSED ORDER re: <a href="#">59</a> Joint Statement re: ESI. Text of Order: Reviewed. ESI statement is approved and incorporated into the court's scheduling order. So Ordered by Magistrate Judge Andrea K. Johnstone.(de)</b> (Entered: 08/30/2021)
09/14/2021	<a href="#">60</a>	Assented to MOTION to Continue and Extend Deadlines (Case Deadlines) filed by Jesse Drewniak. (Attachments: # <a href="#">1</a> Exhibit Civil Form 3)(Bissonnette, Gilles) (Entered: 09/14/2021)
09/20/2021		<b>ENDORSED ORDER granting <a href="#">60</a> Motion to Continue and Extend Deadlines. Text of Order: Granted. So Ordered by Chief Judge Landya B. McCafferty. (gla)</b> (Entered: 09/20/2021)
10/29/2021	<a href="#">61</a>	Assented to MOTION for ANAHITA D. SOTOOHI to Appear Pro Hac Vice (Filing fee \$ 100, Receipt # ANHDC-2177347.) filed by Jesse Drewniak.(Bissonnette, Gilles) (Entered: 10/29/2021)
11/03/2021		<b>TRIAL NOTICE:</b> Summary Judgment Motions due by 6/17/2022. Pretrial Statements due 10/6/2022. LR 16.2(d) Objections due



		10/20/2022. Jury Selection/Trial reset for two week period beginning 11/8/2022 at 09:30 AM before Chief Judge Landya B. McCafferty. Final Pretrial Conference reset for 10/27/2022 at 11:00 AM before Chief Judge Landya B. McCafferty. JERS Statement due 10/27/2022. (de) (Entered: 11/03/2021)
11/03/2021		Set Deadline: Joint Statement regarding the status of discovery due 3/18/2022. (de) (Entered: 11/03/2021)
11/03/2021		<p><b>ENDORSED ORDER granting <u>61</u> Assented to Motion for Anahita D. Sotoohi to Appear Pro Hac Vice. Text of Order: Granted. Local counsel shall comply with all obligations required by L.R. 83.2(b) absent order of the court. So Ordered by Magistrate Judge Andrea K. Johnstone.</b></p> <p><b>The clerks office will provide the admitted attorney with instructions on how to obtain access to electronic filing by separate email. The admitted attorney must have an individual upgraded PACER account, not a shared firm account, to electronically file in the District of New Hampshire. After obtaining e-filing access, the admitted attorney must file an appearance to begin receiving electronic notices.(de) (Entered: 11/04/2021)</b></p>

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