

U.S. District Court

Southern District of New York (Foley Square)

CIVIL DOCKET FOR CASE #: 1:18-cv-06474-ER

The City of New York v. Whitaker et al

Assigned to: Judge Edgardo Ramos

Related Case: [1:18-cv-06471-ER](#)

Cause: 05:702 Administrative Procedure Act

Date Filed: 07/18/2018

Date Terminated: 05/03/2021

Jury Demand: None

Nature of Suit: 899 Other Statutes:

Administrative Procedures

Act/Review or Appeal of Agency

Decision

Jurisdiction: U.S. Government

Defendant

Plaintiff
The City of New York

represented by

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Defendant

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ACLU Foundation, et al.

Date Filed	#	Docket Text
07/18/2018	<u>1</u>	COMPLAINT against Department Of Justice, Jefferson B. Sessions. (Filing Fee \$ 400.00, Receipt Number 0208-15336838)Document filed by CITY OF NEW YORK.(Jenerette, Tonya) (Entered: 07/18/2018)
07/18/2018	<u>2</u>	CIVIL COVER SHEET filed. (Jenerette, Tonya) (Entered: 07/18/2018)

07/18/2018	<u>3</u>	FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU - RELATED CASE AFFIRMATION of Tonya Jenerette re: that this action be filed as related to 18-06471. Document filed by CITY OF NEW YORK.(Jenerette, Tonya) Modified on 7/19/2018 (sj). (Entered: 07/18/2018)
07/18/2018	<u>4</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Jefferson B. Sessions, re: <u>1</u> Complaint. Document filed by CITY OF NEW YORK. (Jenerette, Tonya) (Entered: 07/18/2018)
07/18/2018	<u>5</u>	REQUEST FOR ISSUANCE OF SUMMONS as to United States Department of Justice, re: <u>1</u> Complaint. Document filed by CITY OF NEW YORK. (Jenerette, Tonya) (Entered: 07/18/2018)
07/19/2018		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Tonya Jenerette. The party information for the following party/parties has been modified: The City of New York; Jefferson B. Sessions III; United States Department of Justice. The information for the party/parties has been modified for the following reason/reasons: party name contained a typographical error; party name was entered in all caps; party role was entered incorrectly. (sj) (Entered: 07/19/2018)
07/19/2018		***NOTICE TO ATTORNEY REGARDING CIVIL. CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney Tonya Jenerette. The following case opening statistical information was erroneously selected/entered: Fee Status code due (due). The following correction(s) have been made to your case entry: the Fee Status code has been modified to pd (paid). (sj) (Entered: 07/19/2018)
07/19/2018		***NOTICE TO ATTORNEY REGARDING DEFICIENT RELATED CASE STATEMENT. Notice to attorney Tonya Jenerette to RE-FILE Document No. <u>3</u> Statement of Relatedness. The filing is deficient for the following reason(s): the wrong event type was used to file the related case statement. Re-file the document using the event type Statement of Relatedness found under the event list Other Documents - select the correct filer - enter the related case number when prompted - and attach the correct PDF. (sj) (Entered: 07/19/2018)

07/19/2018		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Unassigned. (sj) (Entered: 07/19/2018)
07/19/2018		Case Designated ECF. (sj) (Entered: 07/19/2018)
07/19/2018		CASE REFERRED TO Judge Edgardo Ramos as possibly related to 1:18cv6471. (sj) (Entered: 07/19/2018)
07/19/2018	<u>6</u>	ELECTRONIC SUMMONS ISSUED as to Jefferson B. Sessions, III. (sj) (Entered: 07/19/2018)
07/19/2018	<u>7</u>	ELECTRONIC SUMMONS ISSUED as to United States Department of Justice. (sj) (Entered: 07/19/2018)
07/19/2018	<u>8</u>	FILING ERROR - DEFICIENT DOCKET ENTRY -STATEMENT OF RELATEDNESS re: that this action be filed as related to 18 cv 06474. Document filed by The City of New York.(Jenerette, Tonya) Modified on 7/19/2018 (pne). (Entered: 07/19/2018)
07/19/2018	<u>9</u>	STATEMENT OF RELATEDNESS re: that this action be filed as related to 18-06471. Document filed by The City of New York.(Jenerette, Tonya) (Entered: 07/19/2018)
07/26/2018		CASE ACCEPTED AS RELATED. Create association to 1:18-cv-06471-ER. Notice of Assignment to follow. (ma) (Entered: 07/26/2018)
07/26/2018		NOTICE OF CASE REASSIGNMENT to Judge Edgardo Ramos. Judge Unassigned is no longer assigned to the case. (ma) (Entered: 07/26/2018)
07/26/2018		Magistrate Judge Stewart D. Aaron is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (ma) (Entered: 07/26/2018)

07/26/2018	<u>10</u>	NOTICE OF APPEARANCE by Matthew E. Fishbein on behalf of The City of New York. (Fishbein, Matthew) (Entered: 07/26/2018)
07/26/2018	<u>11</u>	NOTICE OF APPEARANCE by Meryl Holt on behalf of The City of New York. (Holt, Meryl) (Entered: 07/26/2018)
07/27/2018	<u>12</u>	ORDER granting [15 in 18-CV-6471] Letter Motion for Conference: A pre-motion conference will be held in this case and the related case, No. 18 Civ. 6474, on August 2, 2018, at 11:30 a.m. Defendants are directed to respond to Plaintiffs' letter by July 31, 2018. (Responses due by 7/31/2018. Pre-Motion Conference set for 8/2/2018 at 11:30 AM before Judge Edgardo Ramos.) (Signed by Judge Edgardo Ramos on 7/27/2018) (jwh) (Entered: 07/27/2018)
07/31/2018	<u>13</u>	NOTICE OF APPEARANCE by Doris F. Bernhardt on behalf of The City of New York. (Bernhardt, Doris) (Entered: 07/31/2018)
08/01/2018	<u>14</u>	NOTICE OF APPEARANCE by Daniel Mauler on behalf of Jefferson B. Sessions, III, United States Department of Justice. (Mauler, Daniel) (Entered: 08/01/2018)
08/03/2018		Minute Entry for proceedings held before Judge Edgardo Ramos: Pre-Motion Conference held on 8/3/2018. Plaintiffs' counsel present. Defendants' counsel present. Amended pleading due August 6, 2018. (jar) (Entered: 10/26/2018)
08/06/2018	<u>15</u>	FIRST AMENDED COMPLAINT amending <u>1</u> Complaint against Jefferson B. Sessions, III, United States Department of Justice. Document filed by The City of New York. Related document: <u>1</u> Complaint. (Fishbein, Matthew) (Entered: 08/06/2018)
08/08/2018	<u>16</u>	AFFIDAVIT OF SERVICE of Summons and Complaint served. Jefferson B. Sessions, III served on 7/30/2018, answer due 9/28/2018. Service was made by certified mail. Document filed by The City of New York. (Fishbein, Matthew) (Entered: 08/08/2018)

08/08/2018	<u>17</u>	AFFIDAVIT OF SERVICE of Summons and Complaint served. United States Department of Justice served on 7/31/2018, answer due 10/1/2018. Service was made by certified mail. Document filed by The City of New York. (Fishbein, Matthew) (Entered: 08/08/2018)
08/14/2018	<u>18</u>	MEMO ENDORSEMENT on re: (44 in 1:18-cv-06471-ER) Letter filed by State of New York. ENDORSEMENT: The application is granted. (Motions due by 9/14/2018. Responses due by 9/26/2018. Replies due by 10/8/2018.) (Signed by Judge Edgardo Ramos on 8/14/2018) (jwh) (Entered: 08/14/2018)
08/15/2018	<u>19</u>	PROPOSED STIPULATION AND ORDER. Document filed by The City of New York. (Fishbein, Matthew) (Entered: 08/15/2018)
08/16/2018	<u>20</u>	STIPULATION: Plaintiff the City of New York ("Plaintiff"), and Defendants Jefferson B. Sessions III and United States Department of Justice ("Defendants"), do HEREBY STIPULATE AND AGREE as follows: 1. This stipulation shall remain in effect for a period of 60 days from the date hereof, i.e., until October 13, 2018. On October 13, 2018, and every 30 days thereafter, this stipulation shall automatically be extended for a 30-day period (the "extension term"), except in the case that Defendants give notice to Plaintiff 14 days in advance of the end of an extension term that Defendants do not agree to renew the stipulation for the next extension term, thus ending the stipulation at the end of the then-operational extension term; 2. For the duration of this stipulation, Defendants shall not disburse, expend, or revert to the Treasury the Fiscal Year ("FY") 2017 Edward Byrne Memorial Justice Assistance Grant ("Byrne JAG") funds allocated to Plaintiff; and 3. This stipulation applies only to the parties that are currently before the Court in this litigation. No party that is not currently named as a party to this litigation shall be entitled to any rights or benefits whatsoever under this stipulation. (Signed by Judge Edgardo Ramos on 8/16/2018) (jwh) (Entered: 08/17/2018)
08/17/2018	<u>21</u>	MOTION for Summary Judgment / <i>Notice of Motion for Partial Summary Judgment</i> . Document filed by The City of New York.(Fishbein, Matthew) (Entered: 08/17/2018)

08/17/2018	<u>22</u>	MEMORANDUM OF LAW in Support re: <u>21</u> MOTION for Summary Judgment / <i>Notice of Motion for Partial Summary Judgment.</i> / <i>Memorandum of Law in Support of Plaintiffs' Motion for Partial Summary Judgment.</i> Document filed by The City of New York. (Fishbein, Matthew) (Entered: 08/17/2018)
08/17/2018	<u>23</u>	RULE 56.1 STATEMENT. Document filed by The City of New York. (Fishbein, Matthew) (Entered: 08/17/2018)
08/17/2018	<u>24</u>	PROPOSED ORDER. Document filed by The City of New York. Related Document Number: <u>21</u> . (Fishbein, Matthew) Proposed Order to be reviewed by Clerk's Office staff. (Entered: 08/17/2018)
08/17/2018	<u>25</u>	DECLARATION of Michael Lawlor in Support re: <u>21</u> MOTION for Summary Judgment / <i>Notice of Motion for Partial Summary Judgment.</i> Document filed by The City of New York. (Fishbein, Matthew) (Entered: 08/17/2018)

08/17/2018

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DECLARATION of Meryl Holt in Support re: 21 MOTION for Summary Judgment / *Notice of Motion for Partial Summary Judgment*.. Document filed by The City of New York.
(Attachments: # 1 Exhibit 1 - SNY DOJ-BJA FY 17 Byrne JAG Award Approval Letter, # 2 Exhibit 2 - SCT DOJ-BJA FY 17 Byrne JAG Award Approval Letter, # 3 Exhibit 3 - SNJ DOJ-BJA FY 17 Byrne JAG Award Approval Letter, # 4 Exhibit 4 - SRI DOJ-BJA FY 17 Byrne JAG Award Approval Letter, # 5 Exhibit 5 - SWA DOJ-BJA FY 17 Byrne JAG Award Approval Letter, # 6 Exhibit 6 - CMA DOJ-BJA FY 17 Byrne JAG Award Approval Letter, # 7 Exhibit 7 - CVA DOJ-BJA FY 17 Byrne JAG Award Approval Letter, # 8 Exhibit 8 - Index to DOJ-BJA Byrne JAG FY 2017 Admin. Record, # 9 Exhibit 9 - AR-00001 to AR-00375 of DOJ-BJA Byrne JAG FY 2017 Admin. Record, # 10 Exhibit 10 - AR-00376 to AR-00452 of DOJ-BJA Byrne JAG FY 2017 Admin. Record, # 11 Exhibit 11 - AR-00453 to AR-00484 of DOJ-BJA Byrne JAG FY 2017 Admin. Record, # 12 Exhibit 12 - AR-00485 to AR-00549 of DOJ-BJA Byrne JAG FY 2017 Admin. Record, # 13 Exhibit 13 - AR-00550 to AR-00593 of DOJ-BJA Byrne JAG FY 2017 Admin. Record, # 14 Exhibit 14 - AR-00594 to AR-00655 of DOJ-BJA Byrne JAG FY 2017 Admin. Record, # 15 Exhibit 15 - AR-00656 to AR-00726 of DOJ-BJA Byrne JAG FY 2017 Admin. Record, # 16 Exhibit 16 - AR-00727 to AR-00964 of DOJ-BJA Byrne JAG FY 2017 Admin. Record, # 17 Exhibit 17 - AR-00965 to AR-01037 of DOJ-BJA Byrne JAG FY 2017 Admin. Record, # 18 Exhibit 18 - Controlling Crime Through More Effective Law Enforcement, # 19 Exhibit 19 - Senate Report No. 90-1097 (1968), # 20 Exhibit 20 - Amendments to Title I (LEAA) of the Omnibus Crime Control and Safe Streets Act, # 21 Exhibit 21 (Part 1 of 4) - LEAA, General Briefing (Feb. 1977), # 22 Exhibit 21 (Part 2 of 4) - LEAA, General Briefing (Feb. 1977), # 23 Exhibit 21 (Part 3 of 4) - LEAA, General Briefing (Feb. 1977), # 24 Exhibit 21 (Part 4 of 4) - LEAA, General Briefing (Feb. 1977), # 25 Exhibit 22 - DOJ, Restructuring the Justice Department's Program of Assistance to State and Local Govts., # 26 Exhibit 23 - Restructuring the Law Enforcement Assistance Admin., # 27 Exhibit 24 - 42 Fed. Reg. 45625 (Sept. 1977) (Excerpt), # 28 Exhibit 25 - Federal Assistance to State and Local Criminal Justice Agencies, # 29 Exhibit 26 (Part 1 of 3) - Law Enforcement Assistance Admin.: Guideline Manual, # 30 Exhibit 26 (Part 2 of 3) - Law Enforcement Assistance Admin.: Guideline Manual, # 31 Exhibit 26 (Part 3 of 3) - Law Enforcement Assistance Admin.: Guideline Manual, # 32 Exhibit 27 - Law Enforcement Assistance

		<p>Reform, Hearings, # <u>33</u> Exhibit 28 - Office of Representative Peter W. Rodino, Press Release, # <u>34</u> Exhibit 29 - Justice System Improvement Act of 1979, # <u>35</u> Exhibit 30 - John K. Hudzik et al., Federal Aid to Criminal Justice, # <u>36</u> Exhibit 31 - Paul G. Dembling & Malcolm S. Mason, Essentials of Grant Law Practice, # <u>37</u> Exhibit 32 - DOC, Justice, and State, the Judiciary, and Related Agencies Appropriations for 2004, # <u>38</u> Exhibit 32.1 - 28 CFR 66.12 (2006), # <u>39</u> Exhibit 33 - DOJ-BJA Byrne JAG FY 2017 Local Solicitation, # <u>40</u> Exhibit 34 - FY 17 Byrne JAG Award Letter Recipients, attaching revised certifications files, # <u>41</u> Exhibit 35 - City of Chicago v. Sessions, 17-2991 ECF No. 128, # <u>42</u> Exhibit 36 - City of Chicago v. Sessions, 17-2991, ECF No. 134, # <u>43</u> Exhibit 37 - City of Chicago, No. 1:17-cv-5770, ECF No. 208, # <u>44</u> Exhibit 37.1 - City of Philadelphia v. Sessions, No. 17-cv-3894, ECF No. 121-2, # <u>45</u> Exhibit 38 - City of Philadelphia v. Sessions, No. 17-cv-3894, ECF No. 200, # <u>46</u> Exhibit 39 - City of Philadelphia v. Sessions, 17-cv-3894, ECF No. 228, # <u>47</u> Exhibit 40 - California ex rel. Becerra v. Sessions, No. 17-cv-4701, ECF No. 88, # <u>48</u> Exhibit 41 - City of San Francisco v. Sessions, No. 17-cv-4642, ECF No. 78, # <u>49</u> Exhibit 42 - United States v. California, No. 18-cv-00490, ECF No. 2-1, # <u>50</u> Exhibit 43 - United States v. California, 18-cv-490), ECF No. 193, # <u>51</u> Exhibit 44 - City of Evanston, 18-cv-4853 (N.D. Ill. Aug. 9 2018), ECF No. 23)(Holt, Meryl) (Entered: 08/18/2018)</p>
08/18/2018	<u>26</u>	<p>AFFIRMATION of Michael J. Hogan in Support re: <u>21</u> MOTION for Summary Judgment / <i>Notice of Motion for Partial Summary Judgment</i>.. Document filed by The City of New York. (Fishbein, Matthew) (Entered: 08/18/2018)</p>
08/18/2018	<u>27</u>	<p>DECLARATION of Shannon Dion in Support re: <u>21</u> MOTION for Summary Judgment / <i>Notice of Motion for Partial Summary Judgment</i>.. Document filed by The City of New York. (Fishbein, Matthew) (Entered: 08/18/2018)</p>
08/18/2018	<u>28</u>	<p>DECLARATION of Richard Torrance in Support re: <u>21</u> MOTION for Summary Judgment / <i>Notice of Motion for Partial Summary Judgment</i>.. Document filed by The City of New York. (Attachments: # <u>1</u> Exhibit A- Theodore Article)(Fishbein, Matthew) (Entered: 08/18/2018)</p>

08/18/2018	<u>29</u>	DECLARATION of William G. Kelly, Jr. in Support re: <u>21</u> MOTION for Summary Judgment / <i>Notice of Motion for Partial Summary Judgment</i> .. Document filed by The City of New York. (Attachments: # <u>1</u> Exhibit Albany Executive Order, # <u>2</u> Exhibit Hanson Letter, # <u>3</u> Exhibit 12/7/17 Sheehan Response, # <u>4</u> Exhibit Adler Letter, # <u>5</u> Exhibit 5 (A-C) Sheehan Response, # <u>6</u> Exhibit 5D- Sheehan Response, # <u>7</u> Exhibit 5E- Sheehan Response)(Fishbein, Matthew) (Entered: 08/18/2018)
08/18/2018	<u>30</u>	DECLARATION of Jennifer E. Fradel in Support re: <u>21</u> MOTION for Summary Judgment / <i>Notice of Motion for Partial Summary Judgment</i> .. Document filed by The City of New York. (Attachments: # <u>1</u> Exhibit Middlesex)(Fishbein, Matthew) (Entered: 08/18/2018)
08/18/2018	<u>31</u>	DECLARATION of Chia-Chia Wang in Support re: <u>21</u> MOTION for Summary Judgment / <i>Notice of Motion for Partial Summary Judgment</i> .. Document filed by The City of New York. (Fishbein, Matthew) (Entered: 08/18/2018)
08/18/2018	<u>32</u>	DECLARATION of Mayor Lovely A. Warren in Support re: <u>21</u> MOTION for Summary Judgment / <i>Notice of Motion for Partial Summary Judgment</i> .. Document filed by The City of New York. (Attachments: # <u>1</u> Exhibit Rochester Resolution)(Fishbein, Matthew) (Entered: 08/18/2018)
08/18/2018	<u>34</u>	DECLARATION of Diane Klontz in Support re: <u>21</u> MOTION for Summary Judgment / <i>Notice of Motion for Partial Summary Judgment</i> .. Document filed by The City of New York. (Attachments: # <u>1</u> Exhibit Washington JAG App, # <u>2</u> Exhibit Washington JAG Award)(Fishbein, Matthew) (Entered: 08/18/2018)
08/18/2018	<u>35</u>	DECLARATION of Candice Cho in Support re: <u>21</u> MOTION for Summary Judgment / <i>Notice of Motion for Partial Summary Judgment</i> .. Document filed by The City of New York. (Attachments: # <u>1</u> Exhibit Order No. 34, # <u>2</u> Exhibit Order No. 41, # <u>3</u> Exhibit Section 10-178)(Fishbein, Matthew) (Entered: 08/18/2018)

08/18/2018	<u>36</u>	DECLARATION of Michael Charles Green in Support re: <u>21</u> MOTION for Summary Judgment / <i>Notice of Motion for Partial Summary Judgment</i> .. Document filed by The City of New York. (Attachments: # <u>1</u> Exhibit 1 - State NY 2017 Award Letter, # <u>2</u> Exhibit 2 - NYS DCJS App.)(Holt, Meryl) (Entered: 08/18/2018)
08/18/2018	<u>37</u>	DECLARATION of Kim Y. Royster in Support re: <u>21</u> MOTION for Summary Judgment / <i>Notice of Motion for Partial Summary Judgment</i> .. Document filed by The City of New York. (Fishbein, Matthew) (Entered: 08/18/2018)
08/18/2018	<u>38</u>	DECLARATION of Mary Travis Bassett in Support re: <u>21</u> MOTION for Summary Judgment / <i>Notice of Motion for Partial Summary Judgment</i> .. Document filed by The City of New York. (Attachments: # <u>1</u> Exhibit : Bassett CV)(Fishbein, Matthew) (Entered: 08/18/2018)
08/18/2018	<u>39</u>	DECLARATION of Adrian Diaz in Support re: <u>21</u> MOTION for Summary Judgment / <i>Notice of Motion for Partial Summary Judgment</i> .. Document filed by The City of New York. (Attachments: # <u>1</u> Exhibit A - Complaint)(Holt, Meryl) (Entered: 08/18/2018)
08/18/2018	<u>40</u>	DECLARATION of Daniel J. Bennett in Support re: <u>21</u> MOTION for Summary Judgment / <i>Notice of Motion for Partial Summary Judgment</i> .. Document filed by The City of New York. (Fishbein, Matthew) (Entered: 08/18/2018)
08/18/2018	<u>41</u>	DECLARATION of Marcos Soler in Support re: <u>21</u> MOTION for Summary Judgment / <i>Notice of Motion for Partial Summary Judgment</i> .. Document filed by The City of New York. (Attachments: # <u>1</u> Exhibit A - 2016 Compliance Validation, # <u>2</u> Exhibit B - 10/11/17 Hanson Letter, # <u>3</u> Exhibit C - 10/27/17 Carter Response, # <u>4</u> Exhibit D - 1/24/18 Adler Letter, # <u>5</u> Exhibit E - 2/23/18 Carter Response)(Holt, Meryl) (Entered: 08/18/2018)
08/18/2018	<u>42</u>	DECLARATION of Laura Negrón in Support re: <u>21</u> MOTION for Summary Judgment / <i>Notice of Motion for Partial Summary Judgment</i> .. Document filed by The City of New York. (Attachments: # <u>1</u> Exhibit A - Sections 9-131, 14-154, # <u>2</u> Exhibit B - Section 4-210, # <u>3</u> Exhibit C - Ex. Order No. 124, # <u>4</u> Exhibit D - Section 8, # <u>5</u> Exhibit E - Section 23-1201-1205, # <u>6</u> Exhibit F - Ex. Order No. 34)(Holt, Meryl) (Entered: 08/18/2018)

08/20/2018		***NOTICE TO COURT REGARDING PROPOSED ORDER. Document No. <u>24</u> Proposed Order was reviewed and approved as to form. (km) (Entered: 08/20/2018)
08/22/2018	<u>43</u>	AFFIDAVIT OF SERVICE of Summons and Amended Complaint, Complaint served. Service was accepted by Haojun Li. Document filed by The City of New York. (Fishbein, Matthew) (Entered: 08/22/2018)
08/22/2018	<u>44</u>	AFFIDAVIT OF SERVICE of Summons and Amended Complaint, Complaint served. Service was accepted by Haojun Li. Document filed by The City of New York. (Fishbein, Matthew) (Entered: 08/22/2018)
08/24/2018	<u>45</u>	MOTION for Leave to File Amici Curiae Brief <i>of Members of Congress</i> . Document filed by Jerrold Nadler, Yvette D. Clarke, Joseph Crowley, Eliot L. Engel, Adriano Espaillat, Brian Higgins, Hakeem Jeffries, Nita Lowey, Carolyn Maloney, Sean Patrick Maloney, Gregory W. Meeks, Grace Meng, Kathleen M. Rice, Jose Serrano, Paul D. Tonko, Nydia M. Velazquez. (Attachments: # <u>1</u> Motion for Leave To File, # <u>2</u> Exhibit Proposed Amici Curiae Brief, # <u>3</u> Text of Proposed Order)(Gans, David) (Entered: 08/24/2018)
08/27/2018	<u>46</u>	MEMO ENDORSEMENT on re: (78 in 1:18-cv-06471-ER) MOTION for Leave to File Amici Curiae Brief; (45 in 1:18-cv-06474-ER) MOTION for Leave to File Amici Curiae Brief. ENDORSEMENT: Defendants are directed to respond by August 30, 2018. (Set Deadlines/Hearing as to (78 in 1:18-cv-06471-ER) MOTION for Leave to File Amici Curiae Brief; (45 in 1:18-cv-06474-ER) MOTION for Leave to File Amici Curiae Brief: Responses due by 8/30/2018) (Signed by Judge Edgardo Ramos on 8/27/2018) (jwh) (Entered: 08/27/2018)
08/28/2018	<u>47</u>	LETTER addressed to Judge Edgardo Ramos from Daniel Mauler dated August 28, 2018 re: Response to ECF No. 45. Document filed by Jefferson B. Sessions, III, United States Department of Justice.(Mauler, Daniel) (Entered: 08/28/2018)

08/28/2018	<u>48</u>	ORDER granting <u>45</u> Letter Motion for Leave to File Document. Upon consideration of the motion of members of Congress for leave to file their proposed amici curiae brief in support of plaintiffs, it is hereby ORDERED that the motion is GRANTED. (Signed by Judge Edgardo Ramos on 8/28/2018) (mro) (Entered: 08/29/2018)
08/28/2018	<u>49</u>	MEMO ENDORSEMENT on re: (81 in 1:18-cv-06471-ER) Letter, filed by State of New Jersey, Commonwealth of Massachusetts, Commonwealth of Virginia, State of Rhode Island, State of New York, State Of Connecticut, State of Washington. ENDORSEMENT: The application is granted. (Brief due by 9/24/2018.) (Signed by Judge Edgardo Ramos on 8/28/2018) (mro) (Entered: 08/29/2018)
09/14/2018	<u>50</u>	MOTION to Dismiss <i>or alternatively, motion for partial summary judgment</i> . Document filed by Jefferson B. Sessions, III, United States Department of Justice.(Mauler, Daniel) (Entered: 09/14/2018)
09/14/2018	<u>51</u>	MEMORANDUM OF LAW in Support re: <u>50</u> MOTION to Dismiss <i>or alternatively, motion for partial summary judgment. Memorandum in Opposition to Plaintiff's Motion for Partial Summary Judgment (ECF No. 21)</i> . Document filed by Jefferson B. Sessions, III, United States Department of Justice. (Attachments: # <u>1</u> Supplement Defendants' Response to Plaintiff LR 56.1 Statement, # <u>2</u> Supplement Defendants' LR 56.1 Statement of Undisputed Material Facts, # <u>3</u> Text of Proposed Order)(Mauler, Daniel) (Entered: 09/14/2018)
09/14/2018	<u>52</u>	DECLARATION of Francisco Madrigal in Support re: <u>50</u> MOTION to Dismiss <i>or alternatively, motion for partial summary judgment..</i> Document filed by Jefferson B. Sessions, III, United States Department of Justice. (Mauler, Daniel) (Entered: 09/14/2018)
09/14/2018	<u>53</u>	DECLARATION of Tracey Trautman in Support re: <u>50</u> MOTION to Dismiss <i>or alternatively, motion for partial summary judgment..</i> Document filed by Jefferson B. Sessions, III, United States Department of Justice. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Mauler, Daniel) (Entered: 09/14/2018)
09/25/2018	<u>54</u>	NOTICE OF APPEARANCE by Dana Rehnquist on behalf of The City of New York. (Rehnquist, Dana) (Entered: 09/25/2018)

09/26/2018	<u>55</u>	PROPOSED STIPULATION AND ORDER. Document filed by The City of New York. (Fishbein, Matthew) (Entered: 09/26/2018)
09/26/2018	<u>56</u>	REPLY MEMORANDUM OF LAW in Support re: <u>21</u> MOTION for Summary Judgment / <i>Notice of Motion for Partial Summary Judgment. / Plaintiffs' Reply Memorandum in Support of Plaintiffs' Motion for Partial Summary Judgment and in Opposition to Defendants' Motion to Dismiss, or Alternatively, Motion for Summary Judgment.</i> Document filed by The City of New York. (Fishbein, Matthew) (Entered: 09/26/2018)
09/26/2018	<u>57</u>	RESPONSE re: <u>51</u> Memorandum of Law in Support of Motion,, //Plaintiffs' Responses to Defendants' Local Rule 56.1 Statement of Undisputed Material Facts. Document filed by The City of New York. (Fishbein, Matthew) (Entered: 09/26/2018)
09/26/2018	<u>58</u>	DECLARATION of Meryl Holt in Support re: <u>21</u> MOTION for Summary Judgment / <i>Notice of Motion for Partial Summary Judgment..</i> Document filed by The City of New York. (Attachments: # <u>1</u> Exhibit 45 - Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2018 State Solicitation, # <u>2</u> Exhibit 46 - OJJDP FY 2018 Title II Formula Grants Program Solicitation, # <u>3</u> Exhibit 47 - Evanston v. Sessions, No. 1:18-cv-04853, ECF 23, Order, # <u>4</u> Exhibit 48 - U.S. Conference of Mayors v. Sessions, 18-2734, ECF 13, Order, # <u>5</u> Exhibit 49 - City of Los Angeles v. Sessions, No. 2:17-cv-07215-R-JC, ECF 94, Order, # <u>6</u> Exhibit 50 - Memorandum from Dep't of Justice to General Counsel (May 18, 1999), # <u>7</u> Exhibit 51 - DOJ OJP Part 200 Uniform Requirements, # <u>8</u> Exhibit 52 - Spreadsheet drafted by counsel summarizing special conditions)(Holt, Meryl) (Entered: 09/26/2018)
10/03/2018	<u>59</u>	CONSENT LETTER MOTION for Leave to File Excess Pages addressed to Judge Edgardo Ramos from Daniel Mauler dated October 3, 2018. Document filed by Jefferson B. Sessions, III, United States Department of Justice.(Mauler, Daniel) (Entered: 10/03/2018)
10/04/2018	60	ORDER granting <u>59</u> Letter Motion for Leave to File Excess Pages. The application is granted. (HEREBY ORDERED by Judge Edgardo Ramos)(Text Only Order) (Ramos, Edgardo) (Entered: 10/04/2018)

10/05/2018	<u>61</u>	NOTICE OF APPEARANCE by Sabita Lakshmi Krishnan on behalf of The City of New York. (Krishnan, Sabita) (Entered: 10/05/2018)
10/08/2018	<u>62</u>	REPLY to Response to Motion re: <u>50</u> MOTION to Dismiss <i>or alternatively, motion for partial summary judgment</i> . . Document filed by Jefferson B. Sessions, III, United States Department of Justice. (Mauler, Daniel) (Entered: 10/08/2018)
10/10/2018	<u>63</u>	NOTICE of supplemental authority. Document filed by The City of New York. (Attachments: # <u>1</u> Exhibit A - 10-5-18 San Francisco - California - Byrne - Opinion)(Holt, Meryl) (Entered: 10/10/2018)
10/15/2018	<u>64</u>	ORDER: The Clerk of the Court is unable to copy all of these documents as requested. However, the Court will re-file its own entries and documents so that they appear on the docket of both actions. As to the remaining documents, the parties and amici in No. 18 Civ. 6471 are directed to re-file their respective documents in No. 18 Civ. 6474. (Signed by Judge Edgardo Ramos on 10/15/2018) (jwh) (Entered: 10/15/2018)
10/23/2018	<u>65</u>	LETTER addressed to Judge Edgardo Ramos from Matthew E. Fishbein dated October 23, 2018 re: notice of change in facts. Document filed by The City of New York.(Fishbein, Matthew) (Entered: 10/23/2018)
10/23/2018	<u>66</u>	MEMO ENDORSEMENT on re: <u>65</u> Letter filed by The City of New York. ENDORSEMENT: Defendants are directed to respond by the close of business on October 26, 2018. (Signed by Judge Edgardo Ramos on 10/23/2018) (jwh) (Entered: 10/23/2018)
10/25/2018	<u>67</u>	LETTER MOTION for Conference addressed to Judge Edgardo Ramos from Jessica Attie dated 07/26/2018. Document filed by State of New York.(Attie, Jessica) (Entered: 10/25/2018)
10/25/2018	<u>68</u>	LETTER addressed to Judge Edgardo Ramos from Jessica Attie dated 8/10/2018 re: Proposed briefing schedule for motion for summary judgment/motion to dismiss. Document filed by State of New York.(Attie, Jessica) (Entered: 10/25/2018)

10/25/2018	<u>69</u>	LETTER addressed to Judge Edgardo Ramos from Jessica Attie dated 8/28/2018 re: Filing of amicus briefs. Document filed by State of New York.(Attie, Jessica) (Entered: 10/25/2018)
10/25/2018	<u>70</u>	LETTER addressed to Judge Edgardo Ramos from Lourdes Rosado dated 10/24/2018 re: Oral argument. Document filed by State of New York.(Attie, Jessica) (Entered: 10/25/2018)
10/25/2018	<u>71</u>	BRIEF of <i>Amici Curiae</i> . Document filed by ACLU Foundation, et al..(Jadwat, Omar) (Entered: 10/25/2018)
10/26/2018	<u>72</u>	LETTER addressed to Judge Edgardo Ramos from Daniel Mauler dated October 26, 2018 re: Response to ECF No. 65. Document filed by Jefferson B. Sessions, III, United States Department of Justice.(Mauler, Daniel) (Entered: 10/26/2018)
10/26/2018	<u>73</u>	LETTER addressed to Judge Edgardo Ramos from Daniel Mauler dated July 31, 2018 re: Copy of letter filed in related case (1:18-cv-6471), per Court's Order. Document filed by Jefferson B. Sessions, III, United States Department of Justice.(Mauler, Daniel) (Entered: 10/26/2018)
10/31/2018	<u>74</u>	LETTER addressed to Judge Edgardo Ramos from Daniel Mauler dated October 31, 2018 re: Update on Available Dates for Oral Argument. Document filed by Jefferson B. Sessions, III, United States Department of Justice.(Mauler, Daniel) (Entered: 10/31/2018)
11/01/2018	<u>75</u>	NOTICE OF APPEARANCE by Nancy Milagros Trasande on behalf of State of New York. (Trasande, Nancy) (Entered: 11/01/2018)
11/01/2018	<u>76</u>	MEMO ENDORSEMENT on re: (107 in 1:18-cv-06471-ER) Letter filed by Jefferson B. Sessions III, United States Department of Justice, (74 in 1:18-cv-06474-ER) Letter filed by United States Department of Justice, Jefferson B. Sessions, III. ENDORSEMENT: Oral Argument will be held on November 16, 2018, at 2:30 p.m. SO ORDERED. (Oral Argument set for 11/16/2018 at 02:30 PM before Judge Edgardo Ramos.) (Signed by Judge Edgardo Ramos on 11/1/2018) (jca) (Entered: 11/01/2018)

11/08/2018	<u>77</u>	TRANSCRIPT of Proceedings re: conference held on 8/2/2018 before Judge Edgardo Ramos. Court Reporter/Transcriber: Jennifer Thun, (212) 805-0300. 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. Redaction Request due 11/29/2018. Redacted Transcript Deadline set for 12/10/2018. Release of Transcript Restriction set for 2/6/2019.(McGuirk, Kelly) (Entered: 11/08/2018)
11/08/2018	<u>78</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 8/2/18 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 11/08/2018)
11/13/2018	<u>79</u>	NOTICE of Withdrawal of Attorney Jessica Attie. Document filed by State of New York. (Trasande, Nancy) (Entered: 11/13/2018)
11/14/2018	<u>80</u>	MEMO ENDORSEMENT on re: (111 in 1:18-cv-06471-ER) Letter. ENDORSEMENT: The application is granted. (Signed by Judge Edgardo Ramos on 11/14/2018) (jwh) (Entered: 11/15/2018)

11/30/2018	<u>81</u>	<p>OPINION AND ORDER re: <u>21</u> MOTION for Summary Judgment / <i>Notice of Motion for Partial Summary Judgment</i>; <u>50</u> MOTION to Dismiss or alternatively, <i>motion for partial summary judgment</i>: Plaintiffs' motion for partial summary judgment is GRANTED, and Defendants' motion for partial summary judgment or in the alternative to dismiss is DENIED. Specifically, the Court hereby ORDERS as follows: 1. The Notice, Access, and Compliance Conditions are ultra vires and not in accordance with law under the APA. Summary judgment is GRANTED to the States on their Counts II and III and to the City on its Count II. 2. 8 U.S.C. § 1373(a)(b), insofar as it applies to states and localities, is facially unconstitutional under the anticommandeering doctrine of the Tenth Amendment. Summary judgment is GRANTED to the States on their Count V and to the City on its Counts V and XI. 3. The Notice, Access, and Compliance Conditions violate the constitutional separation of powers. Summary judgment is GRANTED to the States on their Count I and to the City on its Count I. The motions for summary judgment with respect to the City's Count IV (violation of the Spending Clause) are DENIED as moot. 4. The Notice, Access, and Compliance Conditions are arbitrary and capricious under the APA. Summary judgment is GRANTED to the States on their Count IV and to the City on its Count III. 5. Defendants are MANDATED to reissue the States' FY 2017 Byrne JAG award documents without the Notice, Access, or Compliance Conditions, and upon acceptance, to disburse those awards as they would in the ordinary course without regard to those conditions. 6. Defendants are ENJOINED from imposing or enforcing the Notice, Access, or Compliance Conditions for FY 2017 Byrne JAG funding for the States, the City, or any of their agencies or political subdivisions. The Clerk of the Court is respectfully directed to terminate the motions, Docs. 56 and 88 in No. 18 Civ. 6471, and Docs. 21 and 50 in No. 18 Civ. 6474, and to update the docket as noted in the caption. (Matthew G. Whitaker added. Jefferson B. Sessions, III (in his official capacity as Attorney General of the United States of America) terminated.) (Signed by Judge Edgardo Ramos on 11/30/2018) (jwh) (Entered: 11/30/2018)</p>
12/19/2018	<u>82</u>	<p>LETTER MOTION for Conference <i>regarding motion for modification of November 30, 2018 Order</i> addressed to Judge Edgardo Ramos from Daniel Mauler dated December 19, 2018. Document filed by United States Department of Justice, Matthew G. Whitaker.(Mauler, Daniel) (Entered: 12/19/2018)</p>

12/20/2018	<u>83</u>	ORDER entered <u>82</u> Motion for Conference. Plaintiff is directed to respond by Friday, December 28, 2018. (HEREBY ORDERED by Judge Edgardo Ramos)(Text Only Order) (jar) (Entered: 12/20/2018)
12/28/2018	<u>84</u>	MEMO ENDORSEMENT on re: (119 in 1:18-cv-06471-ER) Response to Motion, filed by State of New Jersey, Commonwealth of Massachusetts, Commonwealth of Virginia, State of Rhode Island, State of New York, State Of Connecticut, State of Washington. ENDORSEMENT: Defendants are directed to respond by Wednesday, January 2, 2019. SO ORDERED. (Responses due by 1/2/2019) (Signed by Judge Edgardo Ramos on 12/28/2018) (jca) (Entered: 12/28/2018)
12/28/2018	<u>85</u>	LETTER addressed to Judge Edgardo Ramos from Dana Rehnquist dated December 28, 2018 re: Enclosed Letter from Lourdes M. Rosado to Judge Ramos on behalf of Plaintiffs and in Response to Defendants' Request for a Pre-Motion Conference Regarding a Motion for Modification of the Court's Order of November 30, 2018. Document filed by The City of New York. (Attachments: # <u>1</u> Letter from Lourdes M. Rosado to Judge Ramos in Response to Defendants' Request for a Pre-Motion Conference Regarding a Motion for Modification of the Court's Order of November 30, 2018)(Rehnquist, Dana) (Entered: 12/28/2018)
01/02/2019	<u>86</u>	LETTER addressed to Judge Edgardo Ramos from Daniel Mauler dated January 2, 2019 re: Government's Response to ECF No. 85. Document filed by United States Department of Justice, Matthew G. Whitaker.(Mauler, Daniel) (Entered: 01/02/2019)

01/04/2019	<u>87</u>	<p>ORDER terminating <u>82</u> Letter Motion for Conference. Accordingly, Paragraph 5 of the "Conclusion" section of the Court's Opinion and Order is hereby modified to read as follows: "Defendants are MANDATED to issue the States' FY 2017 Byrne JAG award documents, and upon acceptance by those jurisdictions, to disburse those awards as they would in the ordinary course but without regard to the Notice, Access, or Compliance Conditions. Acceptance of the FY 2017 awards shall not be construed as acceptance of the enjoined conditions." Upon restoration of appropriations to the Department of Justice and Plaintiffs' acceptance of the award documents, Defendants are directed to inform Plaintiffs of the expected timing of the disbursement of their FY 2017 Byrne JAG funds. The Court expects that, upon the occurrence of these events, Defendants will disburse the funds without further delay. The Clerk of Court is respectfully directed to terminate the motions, Doc. 117 in No. 18civ.6471, and Doc. 82 in No. 18Civ6474. SO ORDERED. (Signed by Judge Edgardo Ramos on 1/4/2019) (kv) (Entered: 01/04/2019)</p>
01/09/2019	<u>88</u>	<p>NOTICE OF APPEARANCE OF PRO BONO COUNSEL by Jyotin Hamid on behalf of The City of New York (Hamid, Jyotin) (Entered: 01/09/2019)</p>
01/09/2019	<u>89</u>	<p>LETTER addressed to Judge Edgardo Ramos from Matthew Fishbein dated January 9, 2019 re: Request for Withdrawal. Document filed by The City of New York.(Fishbein, Matthew) (Entered: 01/09/2019)</p>
01/10/2019	<u>90</u>	<p>MEMO ENDORSEMENT on re: <u>89</u> Letter filed by The City of New York. ENDORSEMENT: SO ORDERED. Attorney Matthew E. Fishbein terminated. (Signed by Judge Edgardo Ramos on 1/10/2019) (mro) (Entered: 01/11/2019)</p>
01/18/2019	<u>91</u>	<p>LETTER addressed to Judge Edgardo Ramos from Meryl Holt dated January 18th 2019 re: Enclosed Letter Motion for Conference from Lilia I. Toson to Judge Edgardo Ramos on behalf of Plaintiffs. Document filed by The City of New York. (Attachments: # <u>1</u> Exhibit Letter to Court re briefing schedule)(Holt, Meryl) (Entered: 01/18/2019)</p>
01/24/2019	<u>92</u>	<p>PROPOSED STIPULATION AND ORDER. Document filed by The City of New York. (Holt, Meryl) (Entered: 01/24/2019)</p>

01/24/2019	<u>93</u>	LETTER addressed to Judge Edgardo Ramos from Daniel Mauler dated January 24, 2019 re: Response to Plaintiffs' Letter (ECF No. 91). Document filed by United States Department of Justice, Matthew G. Whitaker. (Attachments: # <u>1</u> Exhibit A)(Mauler, Daniel) (Entered: 01/24/2019)
01/28/2019	<u>94</u>	FILING ERROR - NO ORDER SELECTED FOR APPEAL - NOTICE OF INTERLOCUTORY APPEAL. Document filed by United States Department of Justice, Matthew G. Whitaker. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Mauler, Daniel) Modified on 1/28/2019 (tp). (Entered: 01/28/2019)
01/28/2019		***NOTICE TO ATTORNEY REGARDING DEFICIENT APPEAL. Notice to attorney Mauler, Daniel to RE-FILE Document No. <u>94</u> Notice of Interlocutory Appeal. The filing is deficient for the following reason(s): the order/judgment being appealed was not selected. Re-file the appeal using the event type <i>Corrected Notice of Appeal</i> found under the event list Appeal Documents - attach the correct signed PDF - select the correct named filer/filers - select the correct order/judgment being appealed. (tp) (Entered: 01/28/2019)
01/28/2019	<u>95</u>	NOTICE OF INTERLOCUTORY APPEAL from <u>81</u> Memorandum & Opinion,,,,,,,,, Add and Terminate Parties,,,,,,,,, <u>87</u> Order on Motion for Conference,,,,,. Document filed by United States Department of Justice, Matthew G. Whitaker. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Mauler, Daniel) (Entered: 01/28/2019)
01/28/2019		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>95</u> Notice of Interlocutory Appeal. (tp) (Entered: 01/28/2019)
01/28/2019		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>95</u> Notice of Interlocutory Appeal, filed by Matthew G. Whitaker, United States Department of Justice were transmitted to the U.S. Court of Appeals. (tp) (Entered: 01/28/2019)

01/28/2019	<u>96</u>	<p>STIPULATION: Plaintiff the City of New York("Plaintiff"), and Defendants Matthew G. Whitaker and the United States Department of Justice ("Defendants"), do HEREBY STIPULATE AND AGREE as follows: This stipulation shall remain in effect for a period of 60 days from the date hereof, i.e., until March 24, 2019. On March 24, 2019, and every 30 days thereafter, this stipulation shall automatically be extended for a 30-day period (the "extension term"), except in the case that Defendants give notice to Plaintiff 14 days in advance of the end of an extension term that Defendants do not agree to renew the stipulation for the next extension term, thus ending the stipulation at the end of the then- operational extension term; For the duration of this stipulation, Defendants shall not disburse, expend, or revert to the Treasury the Fiscal Year ("FY") 2018 Edward Byrne Memorial Justice Assistance Grant ("Byrne JAG") funds allocated to Plaintiff; and This stipulation applies only to the parties that are currently before the Court in this litigation. No party that is not currently named as a party to this litigation shall be entitled to any rights or benefits whatsoever under this stipulation. IT IS STIPULATED AND AGREED. SO ORDERED. (Signed by Judge Edgardo Ramos on 1/28/2019) (anc) Modified on 1/28/2019 (anc). (Entered: 01/28/2019)</p>
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01/28/2019	<u>97</u>	<p>MEMO ENDORSEMENT on re: <u>93</u> Letter terminating [123 in case 18-cv-6471] Letter Motion for Conference.</p> <p>ENDORSEMENT: Defendants' motion for a stay is denied as moot. See Further Additional Continuing Appropriations Act, 2019, H.J. Res. 28, 116th Cong. (enacted Jan. 25, 2019). Defendants are directed to confirm that the administrative record filed in other cases regarding the FY 2018 Byrne JAG funds is the appropriate administrative record for purposes of this case or file the appropriate administrative record for this case. The parties are granted leave to file motions regarding the FY 2018 conditions with the following briefing schedule: Plaintiffs (the States and New York City) will file a joint motion and brief for summary judgment (including, if necessary, a supplemental brief addressing issues specific to the City of New York) by February 15, 2019 (the joint brief and any supplemental brief shall not exceed 60 pages in total); Defendants will file a combination motion to dismiss and opposition, or, alternatively, a motion for summary judgment and opposition to Plaintiffs' motion by March 29, 2019; Plaintiffs will file their opposition to the motion to dismiss/motion for summary judgment and reply in support of their motion by April 19, 2019; and Defendants will file their reply by May 3, 2019. The page limit for opening briefs and opposition briefs is extended to 60 pages. The Clerk of the Court is respectfully directed to terminate the motion, Doc. 123 in No. 18 Civ. 6471. SO ORDERED. (Signed by Judge Edgardo Ramos on 1/28/2019)(anc) (Entered: 01/28/2019)</p>
01/28/2019		<p>Set/Reset Deadlines: Motions due by 4/19/2019. Responses due by 4/19/2019. Replies due by 5/3/2019. (anc) (Entered: 01/28/2019)</p>
01/29/2019	<u>98</u>	<p>LETTER addressed to Judge Edgardo Ramos from Meryl Holt dated January 29th, 2019 re: Enclosed Letter Motion for Extension of Time to File from Lilia I. Toson to Judge Edgardo Ramos on behalf of Plaintiffs. Document filed by The City of New York. (Attachments: # <u>1</u> Exhibit Letter to Court re briefing schedule)(Holt, Meryl) (Entered: 01/29/2019)</p>
01/29/2019	<u>99</u>	<p>MEMO ENDORSEMENT on re: (98 in 1:18-cv-06474-ER) Letter, filed by The City of New York. ENDORSEMENT: The application is granted. SO ORDERED. (Motions due by 3/1/2019., Responses due by 4/12/2019, Replies due by 5/3/2019., Surreplies due by 5/17/2019.) (Signed by Judge Edgardo Ramos on 1/29/2019) (kv) (Entered: 01/30/2019)</p>

02/19/2019	<u>100</u>	LETTER addressed to Judge Edgardo Ramos from Meryl Holt dated February 19, 2019 re: notice of change in facts. Document filed by The City of New York.(Holt, Meryl) (Entered: 02/19/2019)
03/01/2019	<u>101</u>	MOTION for Partial Summary Judgment . Document filed by The City of New York. Responses due by 4/12/2019(Hamid, Jyotin) (Entered: 03/01/2019)
03/01/2019	<u>102</u>	DECLARATION of Meryl Holt in Support re: <u>101</u> MOTION for Partial Summary Judgment .. Document filed by The City of New York. (Attachments: # <u>1</u> Exhibit Ex. 53 NY FY18 BJA Award Letter, # <u>2</u> Exhibit Ex. 54 CT FY18 BJA Award Letter, # <u>3</u> Exhibit Ex. 55 NJ FY18 BJA Award letter, # <u>4</u> Exhibit Ex. 56 RI FY18 BJA Award Letter, # <u>5</u> Exhibit Ex. 57 WA FY18 BJA Award Letter, # <u>6</u> Exhibit Ex. 58 MA FY18 BJA Award Letter, # <u>7</u> Exhibit Ex. 59 VA FY18 BJA Award Letter, # <u>8</u> Exhibit Exhibit 60 Notice of Filing Admin. Record and Index to BJA FY18 Admin. Record, # <u>9</u> Exhibit Exhibit 61 AR-00001 to AR-00095, # <u>10</u> Exhibit Exhibit 62 AR-00096 to AR-00368, # <u>11</u> Exhibit Exhibit 63 AR-00369 to AR-00445, # <u>12</u> Exhibit Exhibit 64 AR-00446 to AR-00466, # <u>13</u> Exhibit Exhibit 65 AR-00467 to AR-00526, # <u>14</u> Exhibit Exhibit 66 AR-00527, # <u>15</u> Exhibit Exhibit 67 AR-00528 to AR-00568, # <u>16</u> Exhibit Exhibit 68 AR-00569 to AR-00640, # <u>17</u> Exhibit Exhibit 69 AR-00641 to AR-00677, # <u>18</u> Exhibit Exhibit 70 AR-00678 to AR-00733, # <u>19</u> Exhibit Exhibit 71 AR-00734 to AR-00775, # <u>20</u> Exhibit Exhibit 72 AR-00776 to AR-00805, # <u>21</u> Exhibit Exhibit 73 AR-00806 to AR-00835, # <u>22</u> Exhibit Exhibit 74 AR-00836 to AR-00892, # <u>23</u> Exhibit Exhibit 75 AR-00893 to AR-00978, # <u>24</u> Exhibit Exhibit 76 AR-00979 to AR-01267, # <u>25</u> Exhibit Exhibit 77 AR-01268 to AR-01701, # <u>26</u> Exhibit Exhibit 78 AR-01702 to AR-01749, # <u>27</u> Exhibit Exhibit 79 AR-01750 to AR-01867, # <u>28</u> Exhibit Exhibit 80 City of San Francisco v. Whitaker, 18-cv-5146, ECF No. 27, # <u>29</u> Exhibit Exhibit 81 City of San Francisco v. Whitaker, 18-cv-5146, ECF No. 51, # <u>30</u> Exhibit Exhibit 82 City of Los Angeles v. Sessions, 18-cv-7347, ECF No. 49, # <u>31</u> Exhibit Exhibit 83 City of Los Angeles v. Sessions, 18-cv-7347, ECF No. 62, # <u>32</u> Exhibit Exhibit 84 Jan. 31, 2019 email)(Holt, Meryl) (Entered: 03/01/2019)

03/01/2019	<u>103</u>	DECLARATION of Jennifer E. Fradel in Support re: <u>101</u> MOTION for Partial Summary Judgment .. Document filed by The City of New York. (Attachments: # <u>1</u> Exhibit Exhibit 1 NJ FY18 BJA Award, # <u>2</u> Exhibit Exhibit 2 NJ AG Directive 2018-6)(Holt, Meryl) (Entered: 03/01/2019)
03/01/2019	<u>104</u>	DECLARATION of Diane Klontz in Support re: <u>101</u> MOTION for Partial Summary Judgment .. Document filed by The City of New York. (Attachments: # <u>1</u> Exhibit Exhibit A WA FY18 BJA Award)(Holt, Meryl) (Entered: 03/01/2019)
03/01/2019	<u>105</u>	DECLARATION of Darren C. Ullman in Support re: <u>101</u> MOTION for Partial Summary Judgment .. Document filed by The City of New York. (Holt, Meryl) (Entered: 03/01/2019)
03/01/2019	<u>106</u>	DECLARATION of Shannon Dion in Support re: <u>101</u> MOTION for Partial Summary Judgment .. Document filed by The City of New York. (Attachments: # <u>1</u> Exhibit Exhibit 1 VA FY18 BJA Award)(Holt, Meryl) (Entered: 03/01/2019)
03/01/2019	<u>107</u>	DECLARATION of Michael J. Hogan in Support re: <u>101</u> MOTION for Partial Summary Judgment .. Document filed by The City of New York. (Attachments: # <u>1</u> Exhibit Exhibit 1 RI FY18 BJA Award, # <u>2</u> Exhibit Exhibit 2 2018 BJA Program Sheet)(Holt, Meryl) (Entered: 03/01/2019)
03/01/2019	<u>108</u>	DECLARATION of Marc Pelka in Support re: <u>101</u> MOTION for Partial Summary Judgment .. Document filed by The City of New York. (Attachments: # <u>1</u> Exhibit Exhibit 1 CT FY18 BJA Award)(Holt, Meryl) (Entered: 03/01/2019)
03/01/2019	<u>109</u>	DECLARATION of Michael C. Green in Support re: <u>101</u> MOTION for Partial Summary Judgment .. Document filed by The City of New York. (Attachments: # <u>1</u> Exhibit Exhibit 1 NY FY18 BJA Award, # <u>2</u> Exhibit Exhibit 2 NY FY18 BJA Program Narrative)(Holt, Meryl) (Entered: 03/01/2019)
03/01/2019	<u>110</u>	DECLARATION of Thomas A. Turco, III in Support re: <u>101</u> MOTION for Partial Summary Judgment .. Document filed by The City of New York. (Attachments: # <u>1</u> Exhibit Exhibit A MA FY18 BJA Award)(Holt, Meryl) (Entered: 03/01/2019)

03/01/2019	<u>111</u>	DECLARATION of Marcos Soler in Support re: <u>101</u> MOTION for Partial Summary Judgment .. Document filed by The City of New York. (Holt, Meryl) (Entered: 03/01/2019)
03/01/2019	<u>112</u>	RULE 56.1 STATEMENT. Document filed by The City of New York. (Holt, Meryl) (Entered: 03/01/2019)
03/01/2019	<u>113</u>	PROPOSED ORDER. Document filed by The City of New York. Related Document Number: <u>101</u> . (Holt, Meryl) Proposed Order to be reviewed by Clerk's Office staff. (Entered: 03/01/2019)
03/01/2019	<u>114</u>	MEMORANDUM OF LAW in Support re: <u>101</u> MOTION for Partial Summary Judgment . . Document filed by The City of New York. (Hamid, Jyotin) (Entered: 03/01/2019)
03/04/2019		***NOTICE TO COURT REGARDING PROPOSED ORDER. Document No. <u>113</u> Proposed Order was reviewed and approved as to form. (km) (Entered: 03/04/2019)
04/12/2019	<u>115</u>	MOTION to Dismiss <i>or alternatively, motion for partial summary judgment.</i> Document filed by United States Department of Justice, Matthew G. Whitaker.(Mauler, Daniel) (Entered: 04/12/2019)
04/12/2019	<u>116</u>	MEMORANDUM OF LAW in Support re: <u>115</u> MOTION to Dismiss <i>or alternatively, motion for partial summary judgment. Opposition to Plaintiffs' Motion for Partial Summary Judgment (ECF No. 101).</i> Document filed by United States Department of Justice, Matthew G. Whitaker. (Attachments: # <u>1</u> Supplement Response to Plaintiffs' LR 56.1 Statement, # <u>2</u> Supplement Defendants' LR 56.1 Statement, # <u>3</u> Text of Proposed Order)(Mauler, Daniel) (Entered: 04/12/2019)
04/19/2019	<u>117</u>	LETTER addressed to Judge Edgardo Ramos from T. Komatsu, dated 4/19/19 re: Non-party T. Komatsu submits this letter purs. to the remarks which the Hon. Judge William H. Pauley expressed about permissive intervention between pages 2 and 3 in docket entry 49 in the case of U.S. v. New York City Housing Authority, 18-cv-5213(WHP) to request an authorization to intervene as an interested party in the case of City of New York v. Whitaker, No. 18-cv6474(ER) to which Judge Ramos is the assigned judge etc. (sc) Modified on 4/22/2019 (sc). (Entered: 04/22/2019)

04/29/2019	<u>118</u>	MEMO ENDORSEMENT on re: <u>117</u> Letter. ENDORSEMENT: The application is denied. SO ORDERED. (Signed by Judge Edgardo Ramos on 4/29/2019) (kv) (Entered: 04/29/2019)
05/03/2019	<u>119</u>	MEMORANDUM OF LAW in Opposition re: <u>115</u> MOTION to Dismiss <i>or alternatively, motion for partial summary judgment. / Memorandum of Law in Opposition to Defendants' Motion to Dismiss, or Alternatively, Motion for Partial Summary Judgment and in Further Support of Plaintiffs' Motion for Partial Summary Judgment.</i> Document filed by The City of New York. (Hamid, Jyotin) (Entered: 05/03/2019)
05/03/2019	<u>120</u>	RESPONSE re: <u>116</u> Memorandum of Law in Support of Motion, / <i>Plaintiffs' Responses to Defendants' Local Rule 56.1 Statement of Undisputed Material Facts.</i> Document filed by The City of New York. (Hamid, Jyotin) (Entered: 05/03/2019)
05/03/2019	<u>121</u>	DECLARATION of Meryl Holt in Opposition re: <u>115</u> MOTION to Dismiss <i>or alternatively, motion for partial summary judgment..</i> Document filed by The City of New York. (Attachments: # <u>1</u> Exhibit 85 - JAG Award Special Notices, # <u>2</u> Exhibit 86 - Special Conditions Spreadsheet)(Holt, Meryl) (Entered: 05/03/2019)
05/16/2019	<u>122</u>	LETTER MOTION for Leave to File Excess Pages addressed to Judge Edgardo Ramos from Daniel D. Mauler dated May 16, 2019. Document filed by Jefferson B. Sessions, III, United States Department of Justice, Matthew G. Whitaker.(Mauler, Daniel) (Entered: 05/16/2019)
05/17/2019	<u>123</u>	REPLY to Response to Motion re: <u>115</u> MOTION to Dismiss <i>or alternatively, motion for partial summary judgment. .</i> Document filed by Jefferson B. Sessions, III, United States Department of Justice, Matthew G. Whitaker. (Mauler, Daniel) (Entered: 05/17/2019)
05/17/2019	<u>126</u>	ORDER granting <u>122</u> Letter Motion for Leave to File Excess Pages. The application is granted. (Signed by Judge Edgardo Ramos on 5/17/2019) (kv) (Entered: 08/27/2019)
08/16/2019	<u>124</u>	PROPOSED STIPULATION AND ORDER. Document filed by The City of New York. (Holt, Meryl) (Entered: 08/16/2019)

08/19/2019	<u>125</u>	<p>STIPULATION: HEREBY STIPULATE AND AGREE as follows:</p> <p>1. This stipulation shall remain in effect for a period of 60 days from the date hereof, i.e., October 12, 2019. On October 12, 2019, and every 30 days thereafter, this stipulation shall automatically be extended for a 30-day period (the "extension term"), except in the case that Defendants give notice to Plaintiff 14 days in advance of the end of an extension term that Defendants do not agree to renew the stipulation for the next extension term, thus ending the stipulation at the end of the then operational extension term;</p> <p>2. For the duration of this stipulation, Defendants shall not disburse, expend, or revert to the Treasury the Fiscal Year (FY) 2018 Edward Byrne Memorial Justice Assistance Grant ("Byrne JAG") funds allocated to Plaintiff; and</p> <p>3. For the duration of this stipulation, Defendants shall not deny Plaintiff its FY 2018 Byrne JAG award (in keeping with its FY 2018 Byrne JAG formula allocation) on the basis of failure to accept the FY 2018 Byrne JAG award within 45 days of receiving the award documents;</p> <p>4. If this stipulation is in effect at the time a resolution of this matter on the merits is reached, Defendants shall not deny Plaintiff its FY 2018 Byrne JAG award for failure to accept the award within the deadline to accept without first advising Plaintiff in writing of a new period (of not less than 45 days) within which to accept and allowing that period to expire. If after a determination on the merits, Plaintiff remains eligible for an FY 2018 Byrne JAG award and the Courts order does not require alteration of the award documents, Defendants will issue a new deadline within 7 days;</p> <p>5. This stipulation replaces the Stipulation and Order previously entered and agreed between the Defendants and Plaintiff (ECF No. 96), which is no longer in effect; and</p> <p>6. This stipulation applies only to the parties that are currently before the Court in this litigation. No party that is not currently named as a party to this litigation shall be entitled to any rights or benefits whatsoever under this stipulation. IT IS STIPULATED AND AGREED. SO ORDERED. (Signed by Judge Edgardo Ramos on 8/19/2019) (kv) (Entered: 08/19/2019)</p>
12/17/2019	<u>127</u>	<p>NOTICE of Withdrawal as Counsel as to the City of New York.. Document filed by The City of New York. (Holt, Meryl) (Entered: 12/17/2019)</p>

02/26/2020	<u>128</u>	<p>USCA OPINION (Certified) as to <u>95</u> Notice of Interlocutory Appeal, filed by Matthew G. Whitaker, United States Department of Justice. USCA Case Number 19-275(con). On appeal from a judgment entered in the United States District Court for the Southern District of New York (Edgardo Ramos, Judge), which (1) mandates that defendants release withheld 2017 Byrne Program Criminal Justice Assistance funds to plaintiffs, and (2) enjoins defendants from imposing certain immigration-related conditions on such grants, defendants argue that the district court erred in holding that the challenged conditions violate the Administrative Procedure Act and the United States Constitution. To summarize, we conclude as follows: (1) The Attorney General was statutorily authorized to impose all three challenged conditions on Byrne grant applications. a. The Certification Condition (1) is statutorily authorized by 34 U.S.C. § 10153(a)(5)(D)s requirement that applicants comply with all other applicable Federal laws, and (2) does not violate the Tenth Amendments anticommandeering principle; b. The Notice Condition is statutorily authorized by 34 U.S.C. § 10153(a)(4)s reporting requirement, § 10153(a)(5)(C)s coordination requirement, and § 10155s rulemaking authority; c. The Access Condition is statutorily authorized by 34 U.S.C. § 10153(a)(5)(C)s coordination requirement, and § 10155s rule-making authority. (2) The Attorney General did not overlook important detrimental effects of the challenged conditions so as to make their imposition arbitrary and capricious. Accordingly, (1) We REVERSE the district courts award of partial summary judgment to plaintiffs; (2) We VACATE the district courts mandate ordering defendants to release withheld 2017 Byrne funds to plaintiffs, as well as its injunction barring defendants from imposing the three challenged immigration-related conditions on such grants; and (3) We REMAND the case to the district court, a. with directions that it enter partial summary judgment in favor of defendants on plaintiffs challenge to the three immigration-related conditions imposed on 2017 Byrne Program grants; and b. insofar as there remains pending in the district court plaintiffs challenge to conditions imposed by defendants on 2018 Byrne Program grants, for further proceedings consistent with this opinion.. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 02/26/2020. <i>[This document also entered in the related case: 18-cv-6471].</i>(nd) (Entered: 02/26/2020)</p>
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02/26/2020		Transmission of USCA Opinion to the District Judge re: <u>128</u> USCA Opinion..(nd) (Entered: 02/26/2020)
02/27/2020	<u>129</u>	NOTICE OF APPEARANCE by Charles E.T. Roberts on behalf of Jefferson B. Sessions, III, United States Department of Justice, Matthew G. Whitaker..(Roberts, Charles) (Entered: 02/27/2020)
02/27/2020	<u>130</u>	PROPOSED ORDER FOR SUBSTITUTION OF ATTORNEY. Document filed by Jefferson B. Sessions, III, United States Department of Justice, Matthew G. Whitaker..(Roberts, Charles) (Entered: 02/27/2020)
02/28/2020	<u>131</u>	CONSENT ORDER GRANTING SUBSTITUTION OF ATTORNEY, The substitution of attorney is hereby approved and so ORDERED. Attorney Charles E.T. Roberts for United States Department of Justice, Charles E.T. Roberts for Matthew G. Whitaker added. Attorney Daniel Mauler terminated. (Signed by Judge Edgardo Ramos on 2/28/2020) (kv) (Entered: 02/28/2020)
07/30/2020	<u>132</u>	LETTER addressed to Judge Edgardo Ramos from Dana Rehnquist dated July 30, 2020 re: withdrawal as attorney for Plaintiff The City of New York. Document filed by The City of New York..(Rehnquist, Dana) (Entered: 07/30/2020)
07/31/2020	<u>133</u>	MEMO ENDORSEMENT on re: <u>132</u> Letter filed by The City of New York. ENDORSEMENT: The application is granted. Attorney Dana Rehnquist terminated. (Signed by Judge Edgardo Ramos on 7/31/2020) (mro) (Entered: 08/03/2020)
03/19/2021	<u>134</u>	JOINT LETTER MOTION to Stay / <i>Hold Proceedings in Abeyance</i> addressed to Judge Edgardo Ramos from Sabita Krishnan dated March 19, 2021. Document filed by The City of New York..(Krishnan, Sabita) (Entered: 03/19/2021)
03/19/2021	<u>135</u>	ORDER granting <u>134</u> Letter Motion to Stay re: <u>134</u> JOINT LETTER MOTION to Stay / <i>Hold Proceedings in Abeyance</i> addressed to Judge Edgardo Ramos from Sabita Krishnan dated March 19, 2021. The parties' request to stay the case for thirty days is granted. (Signed by Judge Edgardo Ramos on 3/19/2021) (cf) (Entered: 03/19/2021)
03/19/2021		Case Stayed (jar) (Entered: 04/01/2021)

03/31/2021	<u>136</u>	<p>MANDATE of USCA (Certified Copy) as to <u>95</u> Notice of Interlocutory Appeal, filed by Matthew G. Whitaker, United States Department of Justice. USCA Case Number 19-275.. IT IS HEREBY ORDERED, ADJUDGED and DECREED that the award of partial summary judgment to plaintiffs is REVERSED; the district court's mandate ordering defendants to release withheld 2017 Byrne funds to plaintiffs, as well as its injunction barring defendants from imposing the three challenged immigration-related conditions of such grants is VACATED; and the case is REMANDED to the district court for further proceedings consistent with this Court's opinion... Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 03/31/2021. <i>[This document also entered in related civil case no. 18-cv-6471].</i> .(nd) (Entered: 03/31/2021)</p>
03/31/2021		<p>Transmission of USCA Mandate to the District Judge re: <u>136</u> USCA Mandate,,,...(nd) (Entered: 03/31/2021)</p>
04/29/2021	<u>137</u>	<p>FILING ERROR - DEFICIENT DOCKET ENTRY - SIGNATURE ERROR - STIPULATION OF VOLUNTARY DISMISSAL It is hereby stipulated and agreed by and between the parties and/or their respective counsel(s) that the above-captioned action is voluntarily dismissed, without prejudice against the defendant(s) United States Department of Justice and without costs pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. Document filed by The City of New York. Proposed document to be reviewed and processed by Clerk's Office staff (No action required by chambers)...(Bernhardt, Doris) Modified on 4/30/2021 (km). (Entered: 04/29/2021)</p>
04/30/2021		<p>***NOTICE TO ATTORNEY REGARDING DEFICIENT VOLUNTARY DISMISSAL. Notice to Attorney Doris Bernhardt. RE-FILE Document No. <u>137</u> Stipulation of Voluntary Dismissal. The filing is deficient for the following reason(s): the stipulation of voluntary dismissal was not signed by all parties who have appeared (handwritten signatures). Re-file the document using the event type Stipulation of Voluntary Dismissal found under the event list Other Documents - select the correct filer/filers - select the correct party/parties the voluntary dismissal is against - and attach the correct signed PDF. (km) (Entered: 04/30/2021)</p>

04/30/2021	<u>138</u>	STIPULATION OF VOLUNTARY DISMISSAL It is hereby stipulated and agreed by and between the parties and/or their respective counsel(s) that the above-captioned action is voluntarily dismissed, without prejudice against the defendant(s) United States Department of Justice and without costs pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. Document filed by The City of New York. Proposed document to be reviewed and processed by Clerk's Office staff (No action required by chambers)... (Krishnan, Sabita) (Entered: 04/30/2021)
04/30/2021		***NOTICE TO COURT REGARDING STIPULATION OF VOLUNTARY DISMISSAL Document No. <u>138</u> Stipulation of Voluntary Dismissal, was reviewed and referred to Judge Edgardo Ramos for approval for the following reason(s): The action is Stayed. (dt) (Entered: 04/30/2021)
04/30/2021	<u>139</u>	ORDER: Accordingly, the Clerk is respectfully directed to lift the stay in both actions so that the stipulations of voluntary dismissal may be entered. It is SO ORDERED. (Signed by Judge Edgardo Ramos on 4/30/2021) (rro) (Entered: 04/30/2021)
05/03/2021	<u>140</u>	STIPULATION OF DISMISSAL: NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED UPON, by and among the undersigned, on behalf of all parties who have appeared in this action, as follows: 1. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), all claims in above-captioned action against Defendants are dismissed without prejudice, with each party bearing its own costs, expenses, and attorney's fees. 2. This stipulation may be executed in any number of counterparts, all of which taken together shall constitute one stipulation, and may be executed by facsimile or electronically-transmitted signature. 3. This stipulation may be filed with the Court by any party without further notice. SO ORDERED. (Signed by Judge Edgardo Ramos on 5/3/2021) (nb) Modified on 5/3/2021 (nb). (Entered: 05/03/2021)
05/03/2021		Terminate Transcript Deadlines (nb) (Entered: 05/03/2021)

Transaction Receipt

06/21/2021 16:52:06			
PACER Login:	CRClearinghouse	Client Code:	Sean Drohan
Description:	Docket Report	Search Criteria:	1:18-cv-06474-ER
Billable Pages:	20	Cost:	2.00