

**U.S. District Court  
District of Oregon (Portland (3))  
CIVIL DOCKET FOR CASE #: 3:07-cv-01286-MO**

Service Employees International Union et al v. Chertoff et al  
Assigned to: Judge Michael W. Mosman  
Cause: 05:0701 Maritime Subsidy Board

Date Filed: 08/28/2007  
Date Terminated: 11/06/2008  
Jury Demand: None  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Service Employees International Union**  
*an organization*

represented by **Matt Adams**  
Northwest Immigrant Rights Project  
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**Plaintiff**

**Pineros Y Campesinos Unidos Del  
Noroeste**

represented by **Matt Adams**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Stephen W. Manning**  
(See above for address)  
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**Jennifer M. Rotman**

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*ATTORNEY TO BE NOTICED*

**Jessica M. Boell**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Michael Chertoff**  
*Secretary of Homeland Security of the  
United States*

represented by **Adrian L. Brown**  
U.S. Attorney's Office  
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*TERMINATED: 08/15/2008*  
*LEAD ATTORNEY*  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Emilio T. Gonzalez**  
*Director, United States Citizenship and  
Immigration Services*

represented by **Adrian L. Brown**  
(See above for address)  
*LEAD ATTORNEY*

**James E. Cox , Jr.**  
(See above for address)  
*TERMINATED: 08/15/2008*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kathryn Louise Moore**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Michael B. Mukasey**  
 Director, United States Citizenship and  
 Immigration Service  
 TERMINATED: 12/05/2007

represented by **Adrian L. Brown**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**James E. Cox , Jr.**  
 (See above for address)  
 TERMINATED: 12/05/2007  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Kathryn Louise Moore**  
 (See above for address)  
 TERMINATED: 12/05/2007  
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/28/2007	<u>1</u>	Complaint For Declaratory and Injunctive Relief. Request For Oral Argument. Filing Fee in amount of \$350 collected. Receipt No. 17153 issued. Summons issued as to Emilo T. Gonzalez ; United States Attorney; Michael Chertoff. Filed by Service Employees International Union, Pineros Y Campesinos Unidos Del Noroeste against Michael Chertoff, Emilio T. Gonzalez. (cib) (Entered: 08/28/2007)
08/28/2007	<u>2</u>	Discovery and Pretrial Scheduling Order and Notice of Case Assignment to the Honorable Michael W. Mosman. Discovery is to be completed by 12/26/2007. Joint Alternate Dispute Resolution Report is due by 1/25/2008. Pretrial Order is due by 1/25/2008. (cib) (Entered: 08/28/2007)
09/05/2007	<u>3</u>	Order Granting Application for Special Admission Pro Hac Vice of Matt Adams for Service Employees International Union and Pineros Y Campesinos Unidos Del Noroeste. Application Fee in amount of \$100 collected. Receipt No. 17154 issued. Signed on 09/04/07 by Judge Michael W. Mosman. (pvh) (Entered: 09/06/2007)
10/13/2007	<u>4</u>	Return of Service Executed. as to Michael Chertoff served on 9/4/2007; Emilio T. Gonzalez served on 9/4/2007 Service specifically made upon Local US Attorney, Agency Filed by all plaintiffs. (Manning, Stephen) (Entered: 10/13/2007)
10/15/2007	<u>5</u>	Return of Service Executed. Service specifically made upon Agency Filed by all plaintiffs. (Manning, Stephen) (Entered: 10/15/2007)
10/15/2007	<u>6</u>	Return of Service Executed. Service specifically made upon Agency Filed by all plaintiffs. (Manning, Stephen) (Entered: 10/15/2007)
10/29/2007	<u>7</u>	Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6). Oral Argument requested Filed by Michael Chertoff, Emilio T. Gonzalez. (Cox, James) (Entered: 10/29/2007)
10/29/2007	<u>8</u>	Memorandum in Support Defendants Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6). Filed by Michael Chertoff, Emilio T. Gonzalez. (Related document(s): Motion to Dismiss <u>7</u> .) (Attachments: # <u>1</u> Attachment A# <u>2</u> Attachment B# <u>3</u> Attachment C) (Cox, James) (Entered: 10/29/2007)
10/29/2007	<u>9</u>	Notice of Association of Attorney Kathryn Louise Moore and James E. Cox, Jr for Michael Chertoff and Emilio T. Gonzalez. Filed by Michael Chertoff, Emilio T. Gonzalez. (Cox, James) (Entered: 10/29/2007)
10/29/2007	<u>10</u>	Unopposed Motion for Extension of Time to File a Response/Reply to Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) <u>7</u> . Filed by all plaintiffs. (Manning, Stephen) (Entered: 10/29/2007)
10/30/2007	11	<b>ORDER:</b> GRANTING Motion for Extension of Time to File Response/Reply <u>10</u> . Response is due by 11/19/2007, for the motion to dismiss (#7). Ordered by Judge Michael W. Mosman. (dls) (Entered: 10/30/2007)

11/19/2007	<u>12</u>	Response in Opposition to Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) <u>7</u> . Filed by all plaintiffs. (Attachments: # <u>1</u> Attachment) (Manning, Stephen) (Entered: 11/19/2007)
11/19/2007	<u>13</u>	First Amended Complaint. Filed by Service Employees International Union, Pineros Y Campesinos Unidos Del Noroeste against all defendants. (Manning, Stephen) (Entered: 11/19/2007)
11/19/2007	<u>14</u>	Notice re Amended Complaint <u>13</u> pursuant to LR 15. Filed by all plaintiffs. (Related document(s): Amended Complaint <u>13</u> .) (Manning, Stephen) (Entered: 11/19/2007)
11/28/2007	<u>15</u>	Joint Motion to Set Briefing Schedule For Defendants Motion to Dismiss the First Amended Complaint. Filed by all parties. (Cox, James) (Entered: 11/28/2007)
11/29/2007	16	Record of Order by Michael W. Mosman. Order GRANTING FINDING AS MOOT Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) (#15). Dispositive Motions are due by 12/21/2007. Responses to Dispositive Motions are due by 1/18/2008. Replies to Dispositive Motions are due by 2/8/2008. FINDING AS MOOT Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) (#7). Ordered by Judge Michael W. Mosman. (dls) (Entered: 11/29/2007)
12/03/2007	17	Order for Administrative Correction of the Record. A Clerical error has been discovered in the case record. In accordance with Fed. R. Civ. P. 60(a), the Clerk is directed to make the following administrative corrections to the record and to notify all parties accordingly. On 11/9/07, the new U.S. Attorney General, Michael Mukasey, was sworn into office, officially replacing Alberto Gonzales. Therefore Michael Mukasey is the new first named defendant in this case, effective nunc pro tunc 11/9/07. (cib) (Entered: 12/03/2007)
12/05/2007	18	Order for Administrative Correction of the Record regarding Administrative Correction of the Record, 17 . Alberto Gonzales is not a listed party for this case. Disregard the Correction of of Record(#17) A Clerical error has been discovered in the case record. In accordance with Fed. R. Civ. P. 60(a), the Clerk is directed to make the following administrative corrections to the record and to notify all parties accordingly. (cib) (Entered: 12/05/2007)
12/21/2007	<u>19</u>	Motion to Dismiss Plaintiffs Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6). Oral Argument requested Filed by all defendants. (Cox, James) (Entered: 12/21/2007)
12/21/2007	<u>20</u>	Memorandum in Support of Defendants Motion to Dismiss Plaintiffs' Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6). Filed by all defendants. (Related document(s): Motion to Dismiss <u>19</u> .) (Attachments: # <u>1</u> Appendix A# <u>2</u> Appendix B# <u>3</u> Appendix C) (Cox, James) (Entered: 12/21/2007)
01/18/2008	<u>21</u>	Response in Opposition to Motion to Dismiss Amended Complaint. Filed by all plaintiffs. (Manning, Stephen) (Entered: 01/18/2008)
01/24/2008	<u>22</u>	Unopposed Motion to Supplement Plaintiffs' Response to Motion to Dismiss. Filed by all plaintiffs. (Manning, Stephen) (Entered: 01/24/2008)
01/24/2008	<u>23</u>	Memorandum in Support Plaintiffs' Motion to Supplement Response. Filed by all plaintiffs. (Related document(s): Motion to Supplement <u>22</u> .) (Manning, Stephen) (Entered: 01/24/2008)
01/24/2008	<u>24</u>	Supplemental Response in Opposition to Motion to Dismiss Plaintiffs Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) <u>19</u> . Filed by all plaintiffs. (Attachments: # <u>1</u> Attachment) (Manning, Stephen) (Entered: 01/24/2008)
01/24/2008	25	<b>ORDER:</b> GRANTING Unopposed Motion to Supplement Plaintiffs' Response to Motion to Dismiss <u>22</u> . Ordered by Judge Michael W. Mosman. (dls) (Entered: 01/24/2008)
02/08/2008	<u>26</u>	Defendants Reply to Plaintiffs Response to Defendants Motion to Dismiss. Filed by all defendants. (Related document(s): Response in Opposition to Motion <u>21</u> , Response in Opposition to Motion <u>24</u> .) (Cox, James) Modified on 2/11/2008 (Brost, Colleen). (Entered: 02/08/2008)

04/11/2008	27	Scheduling Order by Michael W. Mosman. Oral Argument is set for 4/17/2008 at 11:00AM in Portland before Judge Michael W. Mosman, regarding Motion to Dismiss Plaintiffs Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) (#19). Ordered by Judge Michael W. Mosman. (dls) (Entered: 04/11/2008)
04/11/2008	28	Record of Order by Michael W. Mosman. Please come prepared to discuss 5 U.S.C. § 701(a)(2) as it relates to USCIS setting fee levels. Also be prepared to discuss waiver as it relates to the N-400 fee for naturalization. Ordered by Judge Michael W. Mosman. (dls) (Entered: 04/11/2008)
04/17/2008	29	<b>MINUTES of Proceedings:</b> Motion Hearing. Order GRANTING IN PART/DENYING IN PART Motion to Dismiss Plaintiffs Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) (#19) as stated on the record. Order GRANTING Motion to Dismiss as to Claims 1 and 3. Order GRANTING Motion to Dismiss, as to Claim 2 as it relates to bundling dependant on claim 1; Order DENYING Motion to Dismiss, as to Claim 2 as it relates to pure bundling and double-charging, as stated on the record. Stephen W Manning, Jennifer M Rotman and Jessica M Boell present as counsel for plaintiff(s). Kathryn Louise Moore, and Phillip Elder present as counsel for defendant(s). Court Reporter: Dennis Grube. Michael W. Mosman presiding. (dls) (Entered: 04/18/2008)
05/01/2008	<u>30</u>	Answer to Amended Complaint. Filed by Michael Chertoff, Emilio T. Gonzalez, Michael B. Mukasey. (Cox, James) (Entered: 05/01/2008)
05/15/2008	<u>31</u>	Joint Motion for scheduling order. Filed by all plaintiffs. (Manning, Stephen) (Entered: 05/15/2008)
05/19/2008	32	<b>ORDER:</b> GRANTING JOINT MOTION FOR A SCHEDULING ORDER <u>31</u> . Ordered by Judge Michael W. Mosman. (dls) (Entered: 05/19/2008)
05/19/2008	33	Order. Discovery is to be completed by 9/30/2008. Dispositive Motions are due by 10/31/2008. Joint Alternate Dispute Resolution Report and Pretrial Order will be due 30 days after the resolution of dispositive motions. Ordered by Judge Michael W. Mosman. (dls) (Entered: 05/19/2008)
06/04/2008	<u>34</u>	Certified Administrative Record. Filed by all defendants. (cib) (Entered: 06/05/2008)
08/15/2008	<u>35</u>	Notice of Attorney Substitution:Attorney Adrian L. Brown is substituted as counsel of record in place of Attorney James E. Cox, Jr.Filed by Michael Chertoff, Emilio T. Gonzalez, Michael B. Mukasey. (Brown, Adrian) (Entered: 08/15/2008)
09/17/2008	<u>36</u>	Unopposed Motion to Dismiss <i>Surviving Parts of Second Claim</i> . Filed by all plaintiffs. (Manning, Stephen) (Entered: 09/17/2008)
09/17/2008	37	<b>ORDER:</b> GRANTING Unopposed Motion to Dismiss Surviving Parts of Second Claim <u>36</u> . Ordered by Judge Michael W. Mosman. (dls) (Entered: 09/17/2008)
11/06/2008	<u>38</u>	Judgment. Based on the Opinion and Order of the court entered April 17, 2008 (#29), granting in part and denying in part, defendants' Motion to Dismiss (#19), and Order of the court entered September 17, 2008 (#37) granting plaintiffs' Motion to Dismiss the remaining claim (#36). IT IS HEREBY ORDERED AND ADJUDGED that the above captioned matter is DISMISSED with prejudice. Pending motions, if any, are DENIED AS MOOT. Signed on 11/6/08 by Judge Michael W. Mosman. (dls) (Entered: 11/06/2008)
11/17/2008	<u>39</u>	Transcript of Motion Hearing Proceedings held on 4/17/08 before Judge Michael W. Mosman. Court Reporter: Dennis R. Grube.. (mkk) (Entered: 11/20/2008)