

**U.S. District Court
District of Connecticut (New Haven)
CIVIL DOCKET FOR CASE #: 3:18-cv-00372-CSH**

Manker et al v. Spencer
Assigned to: Judge Charles S. Haight, Jr
Referred to: Judge Robert M. Spector (Settlement)
Cause: 05:702 Administrative Procedure Act

Date Filed: 03/02/2018
Jury Demand: None
Nature of Suit: 899 Other Statutes:
Administrative Procedures Act/Review or
Appeal of Agency Decision
Jurisdiction: U.S. Government Defendant

Plaintiff

Tyson Manker
*on behalf of himself and all others
similarly situated*

represented by **Jessica A. Martinez**
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Plaintiff

**National Veterans Council for Legal
Redress**

*on behalf of itself, its members, and all
others similarly situated*

represented by **Jessica A. Martinez**
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V.

Defendant

Richard V Spencer
Secretary of the Navy
TERMINATED: 12/11/2019

represented by **David Christopher Nelson**
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Defendant

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Acting Secretary of the Navy

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Date Filed	#	Docket Text
03/02/2018	<u>1</u>	COMPLAINT against Richard V Spencer (Filing fee \$400 receipt number ACTDC–4739751.), filed by Tyson Manker, National Veterans Council for Legal Redress. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Wishnie, Michael) (Entered: 03/02/2018)
03/02/2018		Request for Clerk to issue summons as to Richard V Spencer. (Wishnie, Michael) (Entered: 03/02/2018)
03/02/2018		Judge Charles S. Haight, Jr added. (Anastasio, F.) (Entered: 03/02/2018)
03/02/2018	<u>2</u>	Order on Pretrial Deadlines: Discovery due by 9/1/2018 Signed by Clerk on 03/02/2018. (Peterson, M) (Entered: 03/05/2018)
03/02/2018	<u>3</u>	ELECTRONIC FILING ORDER – PLEASE ENSURE COMPLIANCE WITH COURTESY COPY REQUIREMENTS IN THIS ORDER Signed by Judge Charles S. Haight, Jr on 03/02/2018. (Peterson, M) (Entered: 03/05/2018)
03/05/2018	<u>4</u>	NOTICE TO COUNSEL/SELF–REPRESENTED PARTIES : Counsel or self–representing parties initiating or removing this action are responsible for serving all parties with attached documents and copies of <u>1</u> Complaint, filed by Tyson Manker, National Veterans Council for Legal Redress, <u>2</u> Order on Pretrial Deadlines, <u>3</u> Electronic Filing Order Signed by Clerk on 03/05/2018. (Peterson, M) (Entered: 03/05/2018)
03/05/2018	<u>5</u>	ELECTRONIC SUMMONS ISSUED in accordance with Fed. R. Civ. P. 4 and LR 4 as to *Richard V Spencer* with answer to complaint due within *21* days. Attorney *Michael J. Wishnie* *Jerome N. Frank Legal Services – Wall St / Yale Law School* *127 Wall Street* *New Haven, CT 06511*. (Peterson, M) (Entered: 03/05/2018)
04/30/2018	<u>6</u>	NOTICE of Appearance by David Christopher Nelson on behalf of Richard V Spencer (Nelson, David) (Entered: 04/30/2018)

04/30/2018	<u>7</u>	MOTION for Extension of Time until June 21, 2018 to file a responsive pleading <u>1</u> Complaint, by Richard V Spencer. (Nelson, David) (Entered: 04/30/2018)
05/01/2018	<u>8</u>	ELECTRONIC ORDER granting, for good cause shown and pursuant to Local Rule 7(b), Defendant's unopposed <u>7</u> <i>First Motion for Extension of Time to File a Responsive Pleading</i> . Accordingly, Defendant must file a pleading responsive to the <u>1</u> <i>Complaint</i> not later than Thursday, June 21, 2018 . Signed by Judge Charles S. Haight, Jr. on May 1, 2018. (Pskowski, R.) (Entered: 05/01/2018)
05/01/2018	<u>9</u>	NOTICE of Appearance by Aaron Paul Wenzloff on behalf of Tyson Manker, National Veterans Council for Legal Redress (Wenzloff, Aaron) (Entered: 05/01/2018)
05/01/2018	<u>10</u>	Joint MOTION for Proposed Scheduling Order by Tyson Manker, National Veterans Council for Legal Redress. (Wishnie, Michael) (Entered: 05/01/2018)
05/01/2018	<u>11</u>	ELECTRONIC SCHEDULING ORDER granting and adopting the Parties' <u>10</u> <i>Joint Motion for Scheduling Order</i> . Accordingly, Plaintiffs motion for class certification is due no later than May 15, 2018 . Defendants opposition to that motion is due on or before June 26, 2018 . Plaintiffs may file a brief in reply on or before July 17, 2018 . Defendants responsive pleading will not be due until after class certification has been decided, and the present deadline for that filing is hereby STAYED. Signed by Judge Charles S. Haight, Jr. on May 1, 2018. (Pskowski, R.) (Entered: 05/01/2018)
05/01/2018		Answer deadline updated for Richard V Spencer to 6/21/2018. (Freberg, B) (Entered: 05/08/2018)
05/15/2018	<u>12</u>	MOTION to Certify Class by Tyson Manker, National Veterans Council for Legal Redress. Responses due by 6/5/2018 (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Michael J. Wishnie, # <u>3</u> Declaration of Susan J. Kohlmann)(Wishnie, Michael) (Entered: 05/15/2018)
06/05/2018	<u>13</u>	Joint STIPULATION <i>and Proposed Order Regarding Discovery Plan</i> by Tyson Manker, National Veterans Council for Legal Redress. (Wishnie, Michael) (Entered: 06/05/2018)
06/05/2018	<u>14</u>	ELECTRONIC SCHEDULING ORDER adopting the proposals of the Parties' <u>13</u> <i>Joint Stipulation and Proposed Order Regarding Discovery Plan</i> , filed pursuant to Fed. R. Civ. P. 26(f). Accordingly, Defendant will file a responsive pleading within 30 days of the Court's decision on Plaintiffs' pending <u>12</u> <i>Motion for Class Certification</i> . Within 45 days of the Court's decision on class certification, the Parties will exchange initial disclosures, as contemplated by Fed. R. Civ. P. 26(a)(1), and file with the Court a proposed schedule for remaining deadlines, in compliance with the provisions of Local Rule 26(f). If either Party appeals the class certification decision, the Parties shall confer and submit a new proposed interim schedule within 30 days of the class certification decision. While setting of a full schedule is deferred, pending a decision on class certification, the Parties represent that they do not anticipate fact discovery to take more than 9 months. Signed by Judge Charles S. Haight, Jr. on June 5, 2018. (Pskowski, R.) (Entered: 06/05/2018)
06/22/2018	<u>15</u>	MOTION for Attorney(s) Jeremy M. Creelan to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-4878030) by Tyson Manker, National Veterans Council for Legal Redress. (Attachments: # <u>1</u> Exhibit A)(Wishnie, Michael) (Entered: 06/22/2018)
06/22/2018	<u>16</u>	MOTION for Attorney(s) Susan J. Kohlmann to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-4878045) by Tyson Manker, National Veterans Council for Legal Redress. (Attachments: # <u>1</u> Exhibit A)(Wishnie, Michael) (Entered: 06/22/2018)
06/22/2018	<u>17</u>	MOTION for Attorney(s) Jessica A. Martinez to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-4878047) by Tyson Manker, National Veterans Council for Legal Redress. (Attachments: # <u>1</u> Exhibit A)(Wishnie, Michael) (Entered: 06/22/2018)
06/22/2018	<u>18</u>	MOTION for Attorney(s) Jeremy H. Ershow to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-4878054) by Tyson Manker, National Veterans Council for Legal Redress. (Attachments: # <u>1</u> Exhibit A)(Wishnie, Michael) (Entered: 06/22/2018)

06/25/2018	<u>19</u>	RESPONSE re <u>12</u> MOTION to Certify Class filed by Richard V Spencer. (Attachments: # <u>1</u> Exhibits 1 – 4)(Nelson, David) (Entered: 06/25/2018)
06/27/2018	20	ORDER granting <u>15</u> Motion to Appear Pro Hac Vice. Signed by Clerk on 06/27/2018. (Peterson, M) (Entered: 06/27/2018)
06/27/2018	21	ORDER granting <u>16</u> Motion to Appear Pro Hac Vice; granting <u>17</u> Motion to Appear Pro Hac Vice; granting <u>18</u> Motion to Appear Pro Hac Vice. Signed by Clerk on 06/27/2018. (Peterson, M) (Entered: 06/27/2018)
06/28/2018	<u>22</u>	NOTICE of Appearance by Jeremy H. Ershow on behalf of Tyson Manker, National Veterans Council for Legal Redress (Ershow, Jeremy) (Entered: 06/28/2018)
06/29/2018	<u>23</u>	NOTICE of Appearance by Susan J. Kohlmann on behalf of Tyson Manker, National Veterans Council for Legal Redress (Kohlmann, Susan) (Entered: 06/29/2018)
07/16/2018	<u>24</u>	NOTICE of Appearance by Jeremy M. Creelan on behalf of Tyson Manker, National Veterans Council for Legal Redress (Creelan, Jeremy) (Entered: 07/16/2018)
07/16/2018	<u>25</u>	REPLY to Response to <u>12</u> MOTION to Certify Class filed by Tyson Manker, National Veterans Council for Legal Redress. (Kohlmann, Susan) (Entered: 07/16/2018)
07/17/2018	<u>26</u>	MOTION for Aaron Wenzloff to Withdraw as Attorney by Tyson Manker, National Veterans Council for Legal Redress. (Wenzloff, Aaron) (Entered: 07/17/2018)
07/17/2018	27	ORDER granting Attorney Aaron P. Wentzloff's <u>26</u> Motion to Withdraw. Attorney Wentzloff is terminated from the case, and Plaintiffs will continue to be represented in this Court by the remaining attorneys of record. Signed by Judge Charles S. Haight, Jr. on July 17, 2018. (Pskowski, R.) (Entered: 07/17/2018)
09/17/2018	<u>28</u>	MOTION for Leave to Appear Law Student Intern Attorney Samantha Peltz. by Tyson Manker, National Veterans Council for Legal Redress. (Attachments: # <u>1</u> Exhibit)(Wishnie, Michael) (Entered: 09/17/2018)
09/17/2018	<u>29</u>	MOTION for Leave to Appear Law Student Intern Attorney Jonathan Petkun. by Tyson Manker, National Veterans Council for Legal Redress. (Attachments: # <u>1</u> Exhibit)(Wishnie, Michael) (Entered: 09/17/2018)
09/17/2018	<u>30</u>	MOTION for Leave to Appear Law Student Intern Attorney Westley Resendes. by Tyson Manker, National Veterans Council for Legal Redress. (Attachments: # <u>1</u> Exhibit)(Wishnie, Michael) (Entered: 09/17/2018)
09/18/2018	31	ELECTRONIC ORDER, granting Plaintiffs' <u>28</u> <u>29</u> <u>30</u> Motions for Leave for Law Student Intern to Appear. "Any eligible law student intern may, with the Court's approval, under supervision by a member of the bar, appear on behalf of any person who has consented in writing to the intern's appearance." D. Conn. L. Civ. R. 83.9(a). The interns have the consent of clients and a supervising attorney, and they also certify they are enrolled in good standing in law school, have completed at least two semesters of credit in legal studies, and are neither employed nor receiving compensation from clients in this case. Docs. <u>28</u> –1, <u>29</u> –1, <u>30</u> –1; see also D. Conn. L. Civ. R. 83.9(c). Accordingly, law student interns Samathan G. Peltz, Jonathan B. Petkun, and Wesley A. Resendes may appear in this matter on behalf of Plaintiffs, subject to the provisions of Rule 83.9 of the District of Connecticut Local Rules of Civil Procedure and under the supervision of attorney Michael J. Wishnie. Signed by Judge Charles S. Haight, Jr. on 09/18/2018. (Chen, C.) (Entered: 09/18/2018)
09/18/2018	<u>32</u>	NOTICE of Appearance by Jessica A. Martinez on behalf of Tyson Manker, National Veterans Council for Legal Redress (Martinez, Jessica) (Entered: 09/18/2018)
11/15/2018	<u>33</u>	RULING (see attached) granting <u>12</u> Plaintiffs' Motion for Class Certification. Accordingly, the Court certifies the following class of veterans who served during the Iraq and Afghanistan Era – defined as the period between October 7, 2001, and the present – who: (a) were discharged from the Navy, Navy Reserve, Marine Corps, or Marine Corps Reserve with less–than–Honorable statuses, including General and Other–than–Honorable discharges but excluding Bad Conduct or Dishonorable discharges; (b) have not received upgrades of their discharge statuses to Honorable from the NDRB; and (c) have diagnoses of PTSD, TBI, or other related mental health conditions, or records documenting one or more symptoms of PTSD, TBI, or other related mental health conditions at the time of discharge, attributable to their military

		service under the Hagel Memo standards of liberal or special consideration. The Court also reminds parties of its 14 previous order, directing Defendant to file a responsive pleading within thirty (30) days of this decision and parties to exchange initial disclosures and file a proposed schedule for remaining deadlines within forty-five (45) days of this decision. A proposed interim schedule is due within thirty (30) days if either party appeals this decision. Signed by Judge Charles S. Haight, Jr. on 11/15/2018. (Chen, C.) (Entered: 11/15/2018)
12/04/2018	<u>34</u>	MOTION for Extension of Time until January 15, 2019 to file a responsive pleading <u>33</u> Order on Motion to Certify Class,,,,, by Richard V Spencer. (Nelson, David) (Entered: 12/04/2018)
12/05/2018	35	ELECTRONIC ORDER granting <u>34</u> <i>Defendant's Motion for Extension of Time to File a Responsive Pleading Following Class Certification</i> , absent objection and for good cause shown. Accordingly, Defendant's responsive pleading following the Court's <u>33</u> Ruling on <i>Plaintiff's Motion for Class Certification</i> is due on or before January 15, 2019 . Signed by Judge Charles S. Haight, Jr. on 12/05/2018. (Chen, C.) (Entered: 12/05/2018)
12/21/2018	<u>36</u>	Joint REPORT of Rule 26(f) Planning Meeting. (Attachments: # <u>1</u> Exhibit Plaintiffs' proposed production specifications)(Wishnie, Michael) (Entered: 12/21/2018)
12/27/2018	37	ELECTRONIC ORDER. Having reviewed <u>36</u> <i>Report of the Parties' Planning Meeting</i> , a scheduling conference is warranted as parties disagree as to whether the federal and local rules of civil procedure exempt this case from the usual discovery procedures, the scope of discovery, and discovery deadlines. Because the Report outlines the parties' positions, parties are not required to exchange and submit briefs addressing these issues. The Court will hold a scheduling conference on January 22, 2019 , at 10:30am . A separate calendar notice will issue. All case deadlines, including the filing of Defendant's intended Motion to Dismiss and/or for Remand, are STAYED. In addition, the Court finds there is good cause to delay issue of the scheduling order until discovery issues are resolved. <i>See</i> Fed. R. Civ. P. 16(b)(2) ([U]nless the judge finds good cause for delay, the judge must issue [the scheduling order] within the earlier of 90 days....). Signed by Judge Charles S. Haight, Jr. on 12/27/2018. (Chen, C.) (Entered: 12/27/2018)
12/27/2018	38	NOTICE OF SCHEDULING CONFERENCE. A scheduling conference will be held on January 22, 2019 , at 10:30am in the Courtroom on the 17th Floor of the Connecticut Financial Building, 157 Church Street, New Haven, Connecticut, to resolve discovery issues raised in the <u>36</u> <i>Report of the Parties' Planning Meeting</i> . Out-of-state counsel need not appear in person and may participate by phone. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION . Signed by Judge Charles S. Haight, Jr. on 12/27/2018. (Chen, C.) (Entered: 12/27/2018)
01/14/2019	<u>39</u>	MOTION for Attorney(s) Nicole Taykhman to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-5120436) by Tyson Manker, National Veterans Council for Legal Redress. (Attachments: # <u>1</u> Affidavit of Nicole Taykhman)(Wishnie, Michael) (Entered: 01/14/2019)
01/15/2019	40	ORDER granting <u>39</u> MOTION for Attorney Nicole Taykhman to be Admitted Pro Hac Vice. Signed by Clerk on 1/15/2019. (Reis, Julia) (Entered: 01/15/2019)
01/15/2019	<u>41</u>	MOTION to Continue <i>January 22, 2019 hearing because of lapse in Government Appropriations</i> by Richard V Spencer. (Nelson, David) (Entered: 01/15/2019)
01/16/2019	<u>42</u>	NOTICE of Appearance by Nicole Taykhman on behalf of Tyson Manker, National Veterans Council for Legal Redress (Taykhman, Nicole) (Entered: 01/16/2019)
01/16/2019	<u>43</u>	Memorandum in Opposition re <u>41</u> MOTION to Continue <i>January 22, 2019 hearing because of lapse in Government Appropriations</i> filed by Tyson Manker, National Veterans Council for Legal Redress. (Wishnie, Michael) (Entered: 01/16/2019)
01/18/2019	<u>44</u>	ORDER (see attached) granting AS MODIFIED Defendant's <u>41</u> <i>Motion to Continue Hearing Based on the Lapse of Government Appropriations</i> , to which Plaintiffs object. Accordingly, the scheduling conference that was to be held on January 22, 2019 , <i>see</i> Doc. 38, is continued to February 5, 2019 at 10:30 a.m. in Courtroom 2 in the

		Richard C. Lee U.S. Courthouse, 141 Church Street, New Haven, CT, <i>if</i> the U.S. Attorney's office is funded and AUSA Nelson recalled from furlough. If this contingency does not come to pass and AUSA Nelson remains furloughed on February 5, 2019, the occupants of AUSA Nelson's chain of command are directed to file by February 5, 2019 , a brief responding to <u>43</u> <i>Plaintiffs' Opposition to Motion to Continue Hearing</i> . If so advised, Plaintiffs may file a reply brief by February 12, 2019 . The Court will then decide if any further stay or continue should be granted in this case. Signed by Judge Charles S. Haight, Jr. on 01/18/2019. (Chen, C.) (Entered: 01/18/2019)
01/18/2019	<u>45</u>	MOTION to allow use of ASL Interpreting Team by Tyson Manker, National Veterans Council for Legal Redress.Responses due by 2/8/2019 (Wishnie, Michael) (Entered: 01/18/2019)
01/22/2019	46	ELECTRONIC ORDER granting Plaintiffs' <u>45</u> <i>Motion to Allow Use of American Sign Language Interpreting Team</i> . One of the law student interns representing Plaintiffs, Mr. Resendes, is deaf and asks for a reasonable accommodation. Accordingly, Mr. Resendes may use his American Sign Language interpreting team from Yale Law School for the scheduling conference to be held on February 5, 2019 , <i>see</i> Doc. 44, and at any future proceedings. Signed by Judge Charles S. Haight, Jr. on 01/22/2019. (Chen, C.) (Entered: 01/22/2019)
01/24/2019	47	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE.ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. In-Person Scheduling Conference set for 2/5/2019 at 10:30 AM in Courtroom Two, 141 Church St., New Haven, CT before Judge Charles S. Haight Jr. (Freberg, B) (Entered: 01/24/2019)
02/05/2019	48	ELECTRONIC ORDER. Parties are directed to exchange and submit a brief on the discovery issues raised in the <u>36</u> <i>Report of the Parties' Planning Meeting</i> and discussed in today's scheduling conference no more than fifteen (15) days after the parties and this Court have been furnished a transcript of today's proceedings. If so advised, the parties may exchange and submit reply briefs seven (7) days after submission of the main briefs. Signed by Judge Charles S. Haight, Jr. on 02/05/2019. (Chen, C.) (Entered: 02/05/2019)
02/05/2019	<u>49</u>	Minute Entry for proceedings held before Judge Charles S. Haight, Jr: In-Person Scheduling Conference held on 2/5/2019. Total Time: 1 hours and 13 minutes(Court Reporter Tracy Gow.) (Freberg, B) (Entered: 02/05/2019)
02/15/2019	<u>50</u>	TRANSCRIPT of Proceedings: Type of Hearing: Scheduling Conference. Held on February 5, 2019 before Judge Charles S. Haight, Jr.. Court Reporter: Tracy Gow. IMPORTANT NOTICE – REDACTION OF TRANSCRIPTS: To remove personal identifier information from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within seven (7) calendar days of this date. If no such Notice is filed, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available through PACER without redaction 90 days from today's date. The 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. The policy governing the redaction of personal information is located on the court website at www.ctd.uscourts.gov . Redaction Request due 3/8/2019. Redacted Transcript Deadline set for 3/18/2019. Release of Transcript Restriction set for 5/16/2019. (Gow, T.) (Entered: 02/15/2019)
03/04/2019	<u>51</u>	RESPONSE re <u>36</u> Report of Rule 26(f) Planning Meeting <i>re Request for Discovery</i> filed by Tyson Manker, National Veterans Council for Legal Redress. (Wishnie, Michael) (Entered: 03/04/2019)
03/04/2019	<u>52</u>	RESPONSE re <u>36</u> Report of Rule 26(f) Planning Meeting filed by Richard V Spencer. (Nelson, David) (Entered: 03/04/2019)
03/11/2019	<u>53</u>	RESPONSE re <u>36</u> Report of Rule 26(f) Planning Meeting, <u>51</u> Response filed by Richard V Spencer. (Nelson, David) (Entered: 03/11/2019)

03/11/2019	<u>54</u>	RESPONSE re <u>36</u> Report of Rule 26(f) Planning Meeting, <u>52</u> Response filed by Tyson Manker, National Veterans Council for Legal Redress. (Creelan, Jeremy) (Entered: 03/11/2019)
04/05/2019	<u>55</u>	<p>MEMORANDUM AND ORDER (attached), concerning a dispute about pretrial discovery. The Court can only determine if extra-record discovery, and how much discovery, is permitted under the Administrative Procedure Act once Defendant has produced the administrative record. Accordingly:</p> <p>1. Defendant is directed to produce to counsel for Plaintiffs, on or before May 20, 2019, the full administrative records of the two lead Plaintiffs in this action relating to the application of those Plaintiffs for discharge upgrades.</p> <p>2. In addition to the records referred to in Paragraph 1 of this Order, Defendant is directed to produce to counsel for Plaintiffs, on or before May 20, 2019, the documents referred to in Defendant's brief, [Doc. <u>52</u>], at page 5 n.1.</p> <p>3. If any party wishes any document referred to in this Order to be filed under seal or otherwise held in confidence, the parties are directed to agree upon an appropriate order and submit it to the Court, or failing agreement, apply to the Court for resolution of the issue.</p> <p>Signed by Judge Charles S. Haight, Jr. on 04/05/2019. (Chen, C.) (Entered: 04/05/2019)</p>
05/20/2019	<u>56</u>	NOTICE by Richard V Spencer – <i>Filing of the Administrative Record</i> (Attachments: # <u>1</u> Certification of the Record, # <u>2</u> Table of Contents, # <u>3</u> Volume 3 – references)(Nelson, David) (Entered: 05/20/2019)
05/20/2019	<u>57</u>	MOTION to Seal – Portions of the Administrative Record by Richard V Spencer. (Nelson, David) (Entered: 05/20/2019)
05/20/2019	<u>58</u>	Sealed Document: Volume 1 – Part 1 by Richard V Spencer re <u>57</u> MOTION to Seal – Portions of the Administrative Record . (Attachments: # <u>1</u> Part 2, # <u>2</u> Part 3)(Nelson, David) (Entered: 05/20/2019)
05/20/2019	<u>59</u>	Sealed Document: Volume 2 – Part 1 by Richard V Spencer re <u>57</u> MOTION to Seal – Portions of the Administrative Record . (Attachments: # <u>1</u> Part 2, # <u>2</u> Part 3, # <u>3</u> Part 4, # <u>4</u> Part 5, # <u>5</u> Part 6, # <u>6</u> Part 7)(Nelson, David) (Entered: 05/20/2019)
05/24/2019	60	<p>ELECTRONIC ORDER granting <u>57</u> <i>Defendant's Motion to Seal</i>. Defendant Richard V. Spencer, Secretary of the Navy, moves the Court to seal the Administrative Record with respect to military veterans Manker and Doe. Defendant represents that these records contain protected information, such as medical information. He further states that the parties are conferring to determine mutually agreeable redactions to later file without seal. Under these circumstances, the Court GRANTS the <u>57</u> motion to seal the Administrative Record <i>temporarily</i> to allow the parties sufficient time to propose appropriate redactions. In light of the contents of medical records, Defendant's request for sealing is warranted — properly supported by "clear and compelling reasons" and "narrowly tailored to serve those reasons," D. Conn. L. Civ. R. 5(e)(3). <i>See, e.g., Lugosch v. Pyramid Co. of Onondaga</i>, 435 F.3d 110, 123 (2d Cir. 2006)); <i>New York Times Co. v. Biaggi</i>, 828 F.2d 110, 116 (2d Cir.1987); <i>Hartford Courant Co. v. Pellegrino</i>, 380 F.3d 83, 96 (2d Cir. 2004). Upon proper request, this District has sealed individuals' medical records, noting that "[f]ederal law generally treats such records as confidential." <i>Tavares v. Lawrence & Mem'l Hosp.</i>, No. 3:11–CV–770 (CSH), 2012 WL 5929949, at *5 (D. Conn. Nov. 27, 2012) (quoting <i>Barnwell v. FCI Danbury</i>, No. 3:10–CV–01301 (DJS), 2011 WL 5330215, at *5 (D. Conn. Nov. 3, 2011) and citing the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), Pub. L. No. 104191 (1996)). <i>See also Northrop v. Carucci</i>, No. 3:04–CV–103 (RNC), 2007 WL 685173, at *3 n.6 (D. Conn. Mar. 5, 2007) ("[P]laintiff's medical records will be sealed by the Clerk because federal law [HIPAA] treats medical records as confidential"). Because "blanket sealing" of entire documents or sets of document is generally disfavored, the parties must cooperate and use due diligence to propose the necessary redactions in a timely manner. <i>See, e.g., Travelers Indem. Co. v. Excalibur Reinsurance Corp.</i>, No. 3:11–CV–1209 (CSH), 2013 WL 4012772, at *3 (D. Conn. Aug. 5, 2013) ("[B]lanket sealing of an entire case is</p>

		disfavored both under rule and case precedent.") (collecting cases). In this case, the parties are proceeding in the proper fashion. This Order for sealing is accordingly temporary and subject to the Court's further Order. Signed by Judge Charles S. Haight, Jr. on May 24, 2019. (Dorais, L.) (Entered: 05/24/2019)
05/31/2019	<u>61</u>	RESPONSE re <u>56</u> Notice (Other) by Tyson Manker, National Veterans Council for Legal Redress/ <i>Letter Regarding Administrative Record and Discovery</i> . (Kohlmann, Susan) (Entered: 05/31/2019)
06/18/2019	<u>62</u>	RESPONSE re <u>61</u> Response filed by Richard V Spencer. (Nelson, David) (Entered: 06/18/2019)
06/24/2019	<u>63</u>	MOTION for Leave to Appear Law Student Interns <i>Jazmine Buckley and Jared Quigley</i> by Tyson Manker, National Veterans Council for Legal Redress. (Attachments: # <u>1</u> Law Student Intern Appearance, # <u>2</u> Law Student Intern Appearance)(Wishnie, Michael) (Entered: 06/24/2019)
06/25/2019	64	ELECTRONIC ORDER, granting Plaintiffs' <u>63</u> <i>Motion for Leave for Law Student Interns to Appear</i> . "Any eligible law student intern may, with the Court's approval, under supervision by a member of the bar, appear on behalf of any person who has consented in writing to the intern's appearance." D. Conn. L. Civ. R. 83.9(a). The interns have the consent of clients and a supervising attorney, and they also certify they are enrolled in good standing in law school, have completed at least two semesters of credit in legal studies, and are neither employed nor receiving compensation from clients in this case. Docs. <u>63</u> -1, <u>63</u> -2; <i>see also</i> D. Conn. L. Civ. R. 83.9(c). Accordingly, law student interns Jazmine G. Buckley and Jared M. Quigley may appear in this matter on behalf of Plaintiffs, subject to the provisions of Rule 83.9 of the District of Connecticut Local Rules of Civil Procedure and under the supervision of attorney Michael J. Wishnie. Signed by Judge Charles S. Haight, Jr. on 06/25/2019. (Chen, C.) (Entered: 06/25/2019)
07/12/2019	65	ELECTRONIC ORDER AND NOTICE. Plaintiffs suggest that the Court reinstate a timeline for Defendant's intended Motion to Dismiss. Doc. <u>61</u> at 5 n.1. Defendant also appears to imply that no further delay is warranted for such a motion. Doc. <u>62</u> at 1 ("Defendant respectfully requests the Court either deny Plaintiffs' request for extra-record discovery or to stay Plaintiffs' demand for extra-record discovery until after the Court rules on Defendant's anticipated Motion to Dismiss and/or for Remand for <i>de novo</i> adjudication as authorized by the Kurta Memo."). The parties continue to dispute, with vigor, whether pre-trial discovery should exceed the administrative records generated by the two named class representatives. But counsel for Defendant has also said he intends to make a motion to dismiss the Complaint, although he has not yet done so. The Court's governance of the case will be enhanced by considering the motion to dismiss before adjudicating the panoply of issues presented by the plaintiff class's challenged demands for extra-record discovery. Accordingly, Defendant must file a Motion to Dismiss and/or for Remand on or before July 26, 2019 . Plaintiffs must file a response by August 6, 2019 , and Defendant may file a reply by August 12, 2019 . Parties should be prepared to argue the motion on August 14, 2019, at 10:00 a.m. in the Courtroom on the 17th Floor of the Connecticut Financial Building, 157 Church Street, New Haven, Connecticut. All other case deadlines remain stayed. Signed by Judge Charles S. Haight, Jr. on 07/12/2019. (Chen, C.) (Entered: 07/12/2019)
07/12/2019		Set Deadlines/Hearings: Motion to Dismiss due by 7/26/2019. (Barry, Donna) (Entered: 07/18/2019)
07/12/2019	66	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE.ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. Oral Argument set for 8/14/2019 at 10:00 AM in Connecticut Financial Center, 17th Flr., 157 Church Street, New Haven, CT before Judge Charles S. Haight Jr. (Barry, Donna) (Entered: 07/18/2019)
07/26/2019	<u>67</u>	MOTION to Dismiss by Richard V Spencer.Responses due by 8/16/2019 (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A)(Nelson, David) (Entered: 07/26/2019)

08/06/2019	<u>68</u>	Memorandum in Opposition re <u>67</u> MOTION to Dismiss filed by Tyson Manker, National Veterans Council for Legal Redress. (Kohlmann, Susan) (Entered: 08/06/2019)
08/12/2019	<u>69</u>	REPLY to Response to <u>67</u> MOTION to Dismiss filed by Richard V Spencer. (Nelson, David) (Entered: 08/12/2019)
08/14/2019	<u>70</u>	Minute Entry. Proceedings held before Judge Charles S. Haight, Jr: Oral Argument held on 8/14/2019 taking under advisement <u>67</u> MOTION to Dismiss filed by Richard V Spencer. Total Time: 1 hours and 29 minutes. (Court Reporter Falzarano Court Reporters.) (Freberg, B) (Entered: 08/14/2019)
08/27/2019	<u>71</u>	TRANSCRIPT of Proceedings: Type of Hearing: Oral Argument. Held on 8-14-19 before Judge Charles S. Haight. Court Reporter: Falzarano. IMPORTANT NOTICE – REDACTION OF TRANSCRIPTS: To remove personal identifier information from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within seven (7) calendar days of this date. If no such Notice is filed, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available through PACER without redaction 90 days from today's date. The 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. The policy governing the redaction of personal information is located on the court website at www.ctd.uscourts.gov. Redaction Request due 9/17/2019. Redacted Transcript Deadline set for 9/27/2019. Release of Transcript Restriction set for 11/25/2019. (Falzarano, D.) (Entered: 08/27/2019)
08/28/2019	<u>72</u>	NOTICE by Richard V Spencer <i>of filing of the redacted administrative record</i> (Attachments: # <u>1</u> Volume 1, part 1, # <u>2</u> Volume 1, part 2, # <u>3</u> Volume 1, part 3, # <u>4</u> Volume 2, part 1, # <u>5</u> Volume 2, part 2, # <u>6</u> Volume 2, part 3, # <u>7</u> Volume 2, part 4, # <u>8</u> Volume 2, part 5, # <u>9</u> Volume 2, part 6, # <u>10</u> Volume 2, part 7, # <u>11</u> Volume 2, part 8, # <u>12</u> Volume 2, part 9)(Nelson, David) (Entered: 08/28/2019)
09/13/2019	<u>73</u>	NOTICE of Supplemental Authority by All Plaintiffs (Attachments: # <u>1</u> Exhibit Exhibit A)(Wishnie, Michael) Modified on 9/13/2019 to correct document title (Nuzzi, Tiffany). (Entered: 09/13/2019)
10/09/2019	<u>74</u>	MOTION for Leave to Appear Law Student Intern Appearance Attorney Michael J. Wishnie. by Tyson Manker, National Veterans Council for Legal Redress. (Attachments: # <u>1</u> Law Student Intern Appearance)(Wishnie, Michael) (Entered: 10/09/2019)
10/09/2019	<u>75</u>	MOTION for Leave to Appear Law Student Intern Appearance Attorney Michael J. Wishnie. by Tyson Manker, National Veterans Council for Legal Redress. (Attachments: # <u>1</u> Law Student Intern Appearance)(Wishnie, Michael) (Entered: 10/09/2019)
10/10/2019	<u>76</u>	ELECTRONIC ORDER granting Plaintiffs' <u>74</u> and <u>75</u> <i>Motions for Leave for Law Student Interns to Appear</i> . "Any eligible law student intern may, with the Court's approval, under supervision by a member of the bar, appear on behalf of any person who has consented in writing to the intern's appearance." D. Conn. L. Civ. R. 83.9(a). The interns have the consent of clients and a supervising attorney, and they also certify they are enrolled in good standing in law school, have completed at least two semesters of credit in legal studies, and are neither employed nor receiving compensation from clients in this case. <i>See</i> Docs. <u>74</u> -1, <u>75</u> -1; <i>see also</i> D. Conn. L. Civ. R. 83.9(c). Accordingly, law student interns Mollie L. Berkowitz and Kayla N. Morin may appear in this matter on behalf of Plaintiffs, subject to the provisions of Rule 83.9 of the District of Connecticut Local Rules of Civil Procedure and under the supervision of attorney Michael J. Wishnie. Signed by Judge Charles S. Haight, Jr. on October 10, 2019. (Gitlin, A.) (Entered: 10/10/2019)
10/21/2019	<u>77</u>	Supplemental NOTICE by Tyson Manker, National Veterans Council for Legal Redress re <u>68</u> Memorandum in Opposition to Motion, <u>69</u> Reply to Response to Motion, <u>67</u> MOTION to Dismiss (Wishnie, Michael) (Entered: 10/21/2019)
10/22/2019	<u>78</u>	RESPONSE re <u>77</u> Notice (Other) filed by Richard V Spencer. (Nelson, David) (Entered: 10/22/2019)

11/07/2019	<u>79</u>	RULING (see attached). Defendant's <u>67</u> <i>Motion to Dismiss</i> is DENIED. Defendant's alternative <u>67</u> <i>Motion for a Remand</i> is GRANTED IN PART, in that the applications of Plaintiffs Manker and Doe for discharge upgrades are remanded to the Naval Discharge Review Board ("NDRB") for further administrative consideration. The NDRB must issue its decisions following the consideration on remand not later than March 7, 2020 . Otherwise, Defendant's <i>Motion for a Remand</i> is DENIED. Additionally, proceedings with respect to the claims of Plaintiffs Manker and Doe are STAYED pending decisions on the remands directed in the attached Order. No other proceedings are stayed. Discovery in this case is not limited to the administrative records generated by the applications of Plaintiffs Manker and Doe; and, discovery will be supervised by Magistrate Judge Spector pursuant to a separate Order of Reference. Signed by Judge Charles S. Haight, Jr. on November 7, 2019. (Gitlin, A.) (Entered: 11/07/2019)
11/07/2019	<u>80</u>	ORDER OF REFERRAL TO MAGISTRATE JUDGE (see attached). In accordance with the Court's <u>79</u> <i>Ruling on Defendant's Motion to Dismiss or Remand and On Cross-Motions for Discovery</i> , this case is respectfully referred to United States Magistrate Judge Robert M. Spector to supervise discovery and resolve discovery disputes. Signed by Judge Charles S. Haight, Jr. on November 7, 2019. (Gitlin, A.) Modified text on 11/7/2019 (Barry, Donna). (Entered: 11/07/2019)
11/12/2019	81	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. A telephonic status conference is set for 11/19/2019 at 9:30 AM before Judge Robert M. Spector. Please use the following conference call in number: (877) 873-8017; access code: 7040261. (Mallon, Kathleen) (Entered: 11/12/2019)
11/15/2019	82	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. <i>RESET FROM 11/19/2019 at 9:30 a.m.</i> Upon the defendant's request, and with the consent of the plaintiffs, the telephonic status conference currently scheduled for 11/19/2019 at 9:30 a.m. is adjourned to 11/22/2019 at 3:30 p.m. before Judge Robert M. Spector. Please use the following conference call in number: (877) 873-8017; access code: 7040261. (Mallon, Kathleen) (Entered: 11/15/2019)
11/22/2019	83	Minute Entry for proceedings held before Judge Robert M. Spector: A telephonic status conference was held on 11/22/2019. 20 minutes (Mallon, Kathleen) (Entered: 11/22/2019)
11/22/2019	84	MEMORANDUM OF CONFERENCE AND ORDER: As discussed during today's telephonic conference, the parties are directed to meet and confer and file a Joint Status Report by December 6, 2019. The Joint Status Report shall 1) update the Court on the status of discovery, indicating the categories of discovery on which the parties agree and informing the Court as to the status of their production; 2) outline the categories of discovery on which the parties disagree, if any; and 3) provide a proposed schedule, including a deadline for close of discovery. The parties shall also indicate in the Joint Status Report whether they intend to proceed with the February 19, 2020 settlement conference jointly with the parties in <i>Kennedy v. Fanning</i> , 16-CV-2010 (CHS). Signed by Judge Robert M. Spector on 11/22/2019.(Mallon, Kathleen) (Entered: 11/22/2019)
11/22/2019	<u>85</u>	ORDER: A settlement conference is set on February 19, 2020. Please see the attached Settlement Conference Order for detailed instructions and deadlines. Signed by Judge Robert M. Spector on 11/22/2019. (Mallon, Kathleen) (Entered: 11/22/2019)
11/22/2019	86	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. A Settlement Conference is set for 2/19/2020 at 10:00 AM in Chambers Room 303, 141 Church St., New Haven, CT before Judge Robert M. Spector. (Mallon, Kathleen) (Entered: 11/22/2019)

12/06/2019	<u>87</u>	Joint STATUS REPORT by Tyson Manker, National Veterans Council for Legal Redress. (Wishnie, Michael) (Entered: 12/06/2019)
12/09/2019	88	ORDER: On December 6, 2019, the parties filed a joint status report with a list of the discovery issues on which there is agreement and a list of things that the parties are in the process of discussing or on which they disagree. The parties are not requesting Court intervention at this juncture and instead ask that the Court enter a proposed discovery order. Based on the representations contained in the Joint Status Report, the Court orders that discovery close on July 31, 2020 and that a settlement conference be scheduled in this case and in the related case of Kennedy v. McCarthy, 3:16-CV-2010 (CSH) on February 19, 2020. In addition, the Court directs the parties to submit, by December 13, 2019, a proposed, stipulated discovery order for the Courts review which tracks those areas set out in the Joint Status Report where there is agreement, as there is no such order attached to the Report, and there appear to be areas in Section 1 of the Report which remain unresolved. Signed by Judge Robert M. Spector on 12/9/2019. (Mallon, Kathleen) (Entered: 12/09/2019)
12/11/2019	<u>89</u>	NOTICE of Appearance by Natalie Nicole Elicker on behalf of Thomas B. Modley , <i>Acting Secretary of the Navy</i> (Elicker, Natalie) (Entered: 12/11/2019)
12/13/2019	<u>90</u>	Joint MOTION for Protective Order by Tyson Manker, National Veterans Council for Legal Redress.Responses due by 1/3/2020 (Attachments: # <u>1</u> Exhibit A – Proposed Protective Order)(Kohlmann, Susan) (Entered: 12/13/2019)
12/13/2019	<u>91</u>	PROPOSED ORDER re 88 Order,,,, – <i>Proposed Discovery Order</i> by Tyson Manker, National Veterans Council for Legal Redress. (Kohlmann, Susan) (Entered: 12/13/2019)
12/16/2019	<u>92</u>	PROTECTIVE ORDER: The parties' Joint Motion for Protective Order (Doc. No. 90) is GRANTED. Please see the attached Protective Order. Signed by Judge Robert M. Spector on 12/16/2019. (Mallon, Kathleen) (Entered: 12/16/2019)
12/18/2019	<u>93</u>	DISCOVERY ORDER: Please see attached. Signed by Judge Robert M. Spector on 12/18/2019. (Mallon, Kathleen) (Entered: 12/18/2019)
01/07/2020	<u>94</u>	ORDER OF REFERRAL (see attached) referring the case to Magistrate Judge Robert M. Spector for the purpose of considering settlement by the parties. Signed by Judge Charles S. Haight, Jr. on January 7, 2020. (Dorais, L.) (Entered: 01/07/2020)
01/14/2020	<u>95</u>	MOTION for Nicole Taykhman to Withdraw as Attorney by Tyson Manker, National Veterans Council for Legal Redress. (Taykhman, Nicole) (Entered: 01/14/2020)
01/15/2020	96	ELECTRONIC ORDER. Attorney Nicole Taykhman's <u>95 Motion to Withdraw Appearance</u> on behalf of Plaintiffs is GRANTED. "Withdrawals of appearances may be accomplished only upon motion, which normally will not be granted except upon a showing that other counsel has appeared." D. Conn. L. Civ. R. 7(e). Attorney Taykhman represents, and the docket reflects, that "[o]ther attorneys from Jenner & Block LLP, as well as from the Veterans Legal Services Clinic of the Jerome N. Frank Legal Services Organization at Yale Law School, will continue to represent Plaintiffs in this action." Doc. 95, at 1. The Court is satisfied that Plaintiffs will not be harmed by withdrawal. Accordingly, Attorney Taykhman's appearance in this matter is hereby TERMINATED. Signed by Judge Charles S. Haight, Jr. on January 15, 2020. (Gitlin, A.) (Entered: 01/15/2020)
01/15/2020	<u>97</u>	RESPONSE by Tyson Manker, National Veterans Council for Legal Redress/ <i>Letter to Magistrate Judge Robert M. Spector Regarding Discovery</i> . (Attachments: # <u>1</u> Exhibit A)(Kohlmann, Susan) (Entered: 01/15/2020)
01/16/2020	98	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. A telephonic discovery conference is set for 1/17/2020 at 4:00 PM before Judge Robert M. Spector. Please use the following conference call in number: (877) 873-8017; access code: 7040261. (Mallon, Kathleen) (Entered: 01/16/2020)

01/17/2020	99	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. <i>RESET FROM 1/17/2020 at 4:00 p.m.</i> Upon the request of counsel, the telephonic discovery conference set for January 17, 2020 at 4:00 p.m. is adjourned to January 21, 2020 at 4:00 PM before Judge Robert M. Spector. Please use the following conference call in number: (877) 873-8017; access code: 7040261. (Mallon, Kathleen) (Entered: 01/17/2020)
01/21/2020	100	Minute Entry for proceedings held before Judge Robert M. Spector: A telephonic discovery conference was held on 1/21/2020. 20 minutes (Mallon, Kathleen) (Entered: 01/21/2020)
01/21/2020	101	ORDER: Upon the consent of the parties, and as discussed during today's telephonic discovery conference, it is HEREBY ORDERED that the plaintiffs may serve the subpoena attached as Exhibit A to the plaintiffs' January 15, 2020 letter motion (Doc. No. 97-1) on the Department of Defense ("DOD") to allow for a deposition of a DOD representative on January 30, 2020 pursuant to Federal Rule of Civil Procedure 30(b)(6). Signed by Judge Robert M. Spector on 1/21/2020. (Mallon, Kathleen) (Entered: 01/21/2020)
01/22/2020	<u>102</u>	NOTICE of Appearance by Renee A. Burbank on behalf of Tyson Manker, National Veterans Council for Legal Redress (Burbank, Renee) (Entered: 01/22/2020)
01/24/2020	<u>103</u>	RESPONSE <i>Letter to Magistrate Judge Robert M. Spector Regarding Discovery</i> filed by Tyson Manker, National Veterans Council for Legal Redress. (Wishnie, Michael) (Entered: 01/24/2020)
01/27/2020	104	ORDER: The Court is in receipt of the plaintiffs' letter motion. (Doc. No. 103). The plaintiffs' applications are GRANTED. The plaintiffs may serve the subpoena attached as Exhibit A to the plaintiffs' January 15, 2020 letter motion (Doc. No. 97-1) on the Department of Defense ("DOD") to allow for a deposition of a DOD representative on February 5, 2020. The plaintiffs shall serve their settlement demand on defendant by February 7, 2020. Signed by Judge Robert M. Spector on 1/27/2020.(Mallon, Kathleen) (Entered: 01/27/2020)
02/03/2020	105	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. A telephonic status conference is set for 2/3/2020 at 3:30 PM before Judge Robert M. Spector. Please use the following conference call in number: (877) 873-8017; access code: 7040261. (Mallon, Kathleen) (Entered: 02/03/2020)
02/03/2020	106	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. A telephonic status conference is set for 2/4/2020 at 1:30 PM before Judge Robert M. Spector. Please use the following conference call in number: (877) 873-8017; access code: 7040261. (Mallon, Kathleen) (Entered: 02/03/2020)
02/04/2020	107	Minute Entry for proceedings held before Judge Robert M. Spector: A telephonic status conference was held on 2/3/2020. 20 minutes (Mallon, Kathleen) (Entered: 02/04/2020)
02/04/2020	108	Minute Entry for proceedings held before Judge Robert M. Spector: A telephonic status conference was held on 2/4/2020. 15 minutes (Mallon, Kathleen) (Entered: 02/04/2020)
02/04/2020	109	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. A telephonic status conference is set for 2/7/2020 at 10:30 AM before Judge Robert M. Spector. Please use the following conference call in number: (877) 873-8017; access code: 7040261. (Mallon, Kathleen) (Entered: 02/04/2020)

02/05/2020	110	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. <i>RESET FROM 2/19/2020.</i> Because of a discovery dispute that arose on February 3, 2020, the settlement conference currently set for 2/19/2020 is adjourned to 3/17/2020 at 10:00 AM. The settlement conference will be held in Chambers Room 303, 141 Church St., New Haven, CT before Judge Robert M. Spector. The settlement conference in <i>Kennedy v. Fanning</i> , 16CV2010 (CSH) will go forward on February 19, 2020. (Mallon, Kathleen) (Entered: 02/05/2020)
02/05/2020	111	ORDER: In light of the adjournment of the settlement conference to 3/17/20 (Doc. No. 110), the telephonic conference set for 2/7/20 at 10:30 a.m. is canceled. Signed by Judge Robert M. Spector on 2/5/2020. (Mallon, Kathleen) (Entered: 02/05/2020)
02/24/2020	<u>112</u>	RESPONSE <i>Letter to Magistrate Judge Robert M. Spector Regarding Discovery</i> filed by Tyson Manker, National Veterans Council for Legal Redress. (Wishnie, Michael) (Entered: 02/24/2020)
02/25/2020	113	ORDER re <u>112</u> Response filed by Tyson Manker, National Veterans Council for Legal Redress: Defendant shall file a response, of no more than five pages, to the plaintiff's brief by 9:00 a.m. on February 28, 2020 . A telephonic discovery conference call to address this discovery issue will be held on February 28, 2020 at 4:30 p.m. Signed by Judge Robert M. Spector on 2/25/2020.(Watson, M.) (Entered: 02/25/2020)
02/25/2020	114	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE.ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. A TELEPHONIC Discovery Conference is set for 2/28/2020 at 04:30 PM before Judge Robert M. Spector. <i>Please use the following dial in for this call: (877) 873-8017, access code: 7040261.</i> (Watson, M.) (Entered: 02/25/2020)
02/25/2020	<u>115</u>	RESPONSE re <u>112</u> Response filed by Thomas B Modly. (Elicker, Natalie) (Entered: 02/25/2020)
02/26/2020	<u>116</u>	MOTION for Leave to Appear Law Student Intern <i>Bardia Faghihvaseghi</i> Attorney Michael J. Wishnie. by Tyson Manker, National Veterans Council for Legal Redress. (Attachments: # <u>1</u> Affidavit Law Student Intern Appearance)(Wishnie, Michael) (Entered: 02/26/2020)
02/27/2020	117	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE.ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. <i>*PLEASE NOTE CHANGE IN TIME: RESET on Febraury 28, 2020 FROM 4:30 p.m. to 4:00 p.m.</i> The Telephonic Discovery Status Conference set for 2/28/2020 will be held at 04:00 PM before Judge Robert M. Spector. <i>Please use the following dial in for this call: (877) 873-8017, access code: 7040261.</i> (Watson, M.) (Entered: 02/27/2020)
02/28/2020	118	Minute Entry for proceedings held before Judge Robert M. Spector: A telephonic status conference was held on 2/28/2020. 25 minutes (Mallon, Kathleen) (Entered: 02/28/2020)
02/28/2020	119	ORDER: The plaintiff's Motion for Leave to Appear Law Student Intern (Doc. No. 116) is GRANTED. Signed by Judge Robert M. Spector on 2/28/2020. (Mallon, Kathleen) (Entered: 02/28/2020)
02/28/2020	120	MEMORANDUM OF CONFERENCE AND ORDER: As discussed at today's discovery conference, and as agreed upon by the parties, the defendant shall produce to the plaintiffs the requested sample of 100 underlying applications by March 9, 2020. The parties shall submit their settlement memorandum by email, copying opposing counsel, to RMS_Settlement@ctd.uscourts.gov, by March 13, 2020. Signed by Judge Robert M. Spector on 2/28/2020. (Mallon, Kathleen) (Entered: 02/28/2020)
03/06/2020	<u>121</u>	RESPONSE – <i>Letter to Magistrate Judge Robert M. Spector Regarding Discovery</i> filed by Thomas B Modly. (Attachments: # <u>1</u> Production agreement letter

		(unsigned))(Elicker, Natalie) (Entered: 03/06/2020)
03/09/2020	<u>122</u>	RESPONSE <i>Letter to Magistrate Judge Robert M. Spector Regarding Discovery</i> filed by Tyson Manker, National Veterans Council for Legal Redress. (Wishnie, Michael) (Entered: 03/09/2020)
03/09/2020	123	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. A telephonic discovery conference is set for 3/9/2020 at 3:00 PM before Judge Robert M. Spector. Please use the following conference call in number: (877) 873-8017; access code: 7040261. (Mallon, Kathleen) (Entered: 03/09/2020)
03/09/2020	124	Minute Entry for proceedings held before Judge Robert M. Spector: A telephonic discovery conference was held on 3/9/2020. 25 minutes (Mallon, Kathleen) (Entered: 03/09/2020)
03/12/2020	125	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. A TELEPHONIC Conference regarding the March 17, 2020 Settlement Conference is set for 3/13/2020 at 11:00 AM before Judge Robert M. Spector. Please use the following dial in for this call: (877) 873-8017, access code: 7040261. (Watson, M.) (Entered: 03/12/2020)
03/13/2020	126	Minute Entry for proceedings held before Judge Robert M. Spector: A telephonic settlement conference was held on 3/13/2020. 20 minutes (Mallon, Kathleen) (Entered: 03/13/2020)
03/13/2020	127	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. <i>RESET FROM 3/17/20</i> . As discussed during today's telephonic conference, with the parties' consent, in response to the risks posed by COVID-19 and the need to avoid travel, the settlement conference currently scheduled for 3/17/20 is adjourned to 4/14/2020 at 10:00 AM. The settlement conference will be held in Chambers Room 303, 141 Church St., New Haven, CT before Judge Robert M. Spector. (Mallon, Kathleen) (Entered: 03/13/2020)
03/13/2020	<u>128</u>	ORDER: A settlement conference is set for 4/14/2020. Please see the attached Settlement Conference Order for detailed instructions and deadlines. Signed by Judge Robert M. Spector on 3/13/2020. (Mallon, Kathleen) (Entered: 03/13/2020)
03/13/2020	129	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. A telephonic settlement conference is set for 4/1/2020 at 9:30 AM before Judge Robert M. Spector. Please use the following conference call in number: (877) 873-8017; access code: 7040261. (Mallon, Kathleen) (Entered: 03/13/2020)
03/19/2020	<u>130</u>	NOTICE by Thomas B Modly of <i>decisions on remand, and Defendant travel restriction</i> (Attachments: # <u>1</u> Exhibit A - Manker decision, # <u>2</u> Exhibit B - Doe decision)(Elicker, Natalie) (Entered: 03/19/2020)
03/23/2020	<u>131</u>	MOTION to Expedite <i>Motion for Expedited Supplementation of Administrative Record and to Set a Schedule for Summary Judgment</i> by Tyson Manker, National Veterans Council for Legal Redress. (Wishnie, Michael) (Entered: 03/23/2020)
04/01/2020	132	Minute Entry for proceedings held before Judge Robert M. Spector: A telephonic settlement conference was held on 4/1/2020. 15 minutes (Mallon, Kathleen) (Entered: 04/01/2020)
04/01/2020	133	ORDER: In light of the risks posed by COVID-19, and the actions taken by the District of Connecticut continuing all in-court civil proceedings scheduled to take place on or before May 15, 2020, the in-person settlement conference set for April 14, 2020 is canceled. As discussed during today's telephonic conference, and agreed to by the parties, the Court will instead conduct the settlement conference through a series of <i>ex parte</i> telephonic conferences. A telephonic conference with the plaintiffs only will

		be held on April 6, 2020 at 2:00 p.m. The plaintiffs shall submit their <i>ex parte</i> settlement memorandum to RMS_Settlement@ctd.uscourts.gov by April 5, 2020. This Order supersedes the previously-issued Settlement Conference Order (Doc. No. 128). Signed by Judge Robert M. Spector on 4/1/2020.(Mallon, Kathleen) (Entered: 04/01/2020)
04/01/2020	134	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. A telephonic settlement conference with the plaintiffs only is set for 4/6/2020 at 2:00 PM before Judge Robert M. Spector. Please use the following conference call in number: (877) 873-8017; access code: 7040261. (Mallon, Kathleen) (Entered: 04/01/2020)
04/06/2020	135	Minute Entry for proceedings held before Judge Robert M. Spector: A telephonic settlement conference with plaintiffs was held on 4/6/2020. 10 minutes (Mallon, Kathleen) (Entered: 04/06/2020)
04/06/2020	136	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. A telephonic settlement conference with defendant only is set for 4/7/2020 at 1:00 PM before Judge Robert M. Spector. Please use the following conference call in number: (877) 873-8017; access code: 7040261. (Mallon, Kathleen) (Entered: 04/06/2020)
04/07/2020	137	Minute Entry for proceedings held before Judge Robert M. Spector: A telephonic settlement conference with the defendant was held on 4/7/2020. 30 minutes (Mallon, Kathleen) (Entered: 04/07/2020)
04/14/2020	138	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. A telephonic settlement conference with defendant only is set for 4/15/2020 at 3:00 PM before Judge Robert M. Spector. Please use the following conference call in number: (877) 873-8017; access code: 7040261. (Mallon, Kathleen) (Entered: 04/14/2020)
04/15/2020	139	Minute Entry for proceedings held before Judge Robert M. Spector: A telephonic settlement conference with defendant was held on 4/15/2020. Total Time: 1 hours and 15 minutes (Mallon, Kathleen) (Entered: 04/15/2020)
05/05/2020	140	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. A telephonic settlement conference with plaintiffs only is set for 5/6/2020 at 4:00 PM before Judge Robert M. Spector. Please use the following conference call in number: (877) 873-8017; access code: 7040261. (Mallon, Kathleen) (Entered: 05/05/2020)
05/07/2020	141	Minute Entry for proceedings held before Judge Robert M. Spector: A telephonic settlement conference with plaintiffs was held on 5/6/2020. 25 minutes (Mallon, Kathleen) (Entered: 05/07/2020)