

STAYED

**U.S. District Court
District of Oregon (Pendleton (2))
CIVIL DOCKET FOR CASE #: 2:21-cv-00942-SU**

Dunlap et al v. Secretary of Agriculture et al
Assigned to: Magistrate Judge Patricia Sullivan
Cause: 05:702 Administrative Procedure Act

Date Filed: 06/24/2021
Jury Demand: None
Nature of Suit: 440 Civil Rights:
Other
Jurisdiction: U.S. Government
Defendant

Plaintiff

Kathryn Dunlap

represented by **Christina M. Martin**
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Plaintiff

James Dunlap

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V.

Defendant

Secretary of Agriculture
*Thomas J. Vilsack in his official
capacity as U.S. Secretary of
Agriculture*

represented by **Gary Feldon**
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*LEAD ATTORNEY
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Defendant

**Administrator, Farm Service
Agency**
*Zach Ducheneaux in his official
capacity as Administrator, Farm
Service Agency*

represented by **Gary Feldon**
(See above for address)
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Amicus

**National Black Farmers
Association**

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**Association of American Indian
Farmers**

represented by **Randolph Chen**
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Nadia H. Dahab
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David F. Sugerman
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Date Filed	#	Docket Text
06/24/2021	<u>1</u>	Complaint. Filing fee in the amount of \$402 collected. Agency Tracking ID: AORDC-8134474 Jury Trial Requested: No. Filed by Kathryn Dunlap, James Dunlap against Zach Ducheneaux, Thomas J. Vilsack (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Proposed Summons to Thomas Vilsack, # <u>3</u> Proposed Summons to Zach Ducheneaux). (Martin, Christina) (Entered: 06/24/2021)
06/25/2021	<u>2</u>	Notice of Case Assignment to Magistrate Judge Patricia Sullivan and Discovery and Pretrial Scheduling Order. NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3-5. Discovery is to be completed by 10/25/2021. Joint Alternate Dispute Resolution Report is due by 11/22/2021. Pretrial Order is due by 11/22/2021. Ordered by Magistrate Judge Patricia Sullivan. (joha) (Entered: 06/25/2021)
06/25/2021	<u>3</u>	Summons Issued Electronically as to Administrator, Farm Service Agency, Secretary of Agriculture. NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3-5. (joha) (Entered: 06/25/2021)
06/25/2021	<u>4</u>	Motion for Leave to Appear <i>Pro Hac Vice</i> . <i>Pro Hac Vice</i> admission requested by attorney Wencong Fa. Filing fee in the amount of \$300 collected; Agency Tracking ID: AORDC-8136032. Filed by James Dunlap, Kathryn Dunlap. (Fa, Wencong) Modified on 6/25/2021 (sss). (Entered: 06/25/2021)
06/25/2021	<u>5</u>	Motion for Leave to Appear <i>Pro Hac Vice</i> . <i>Pro Hac Vice</i> admission requested by attorney Glenn Roper. Filing fee in the amount of \$300 collected; Agency Tracking ID: AORDC-8136048. Filed by

		James Dunlap, Kathryn Dunlap. (Roper, Glenn) Modified on 6/25/2021 (sss). (Entered: 06/25/2021)
06/25/2021		Clerk's Review of Motion for Leave to Appear <i>Pro Hac Vice</i> . <i>Pro Hac Vice</i> admission requested by attorney Wencong Fa. Filing fee in the amount of \$300 collected; Agency Tracking ID: AORDC-8136032 4 , Motion for Leave to Appear <i>Pro Hac Vice</i> . <i>Pro Hac Vice</i> admission requested by attorney Glenn Roper. Filing fee in the amount of \$300 collected; Agency Tracking ID: AORDC-8136048 5 : Both Reviewed and Ready for Ruling. (sss) (Entered: 06/25/2021)
06/28/2021	6	ORDER: Motion for Leave to Appear <i>Pro Hac Vice</i> 4 regarding Wencong Fa is GRANTED. Ordered by Magistrate Judge Patricia Sullivan. (dsg) (Entered: 06/28/2021)
06/28/2021	7	ORDER: Motion for Leave to Appear <i>Pro Hac Vice</i> 5 regarding Glenn Roper is GRANTED. Ordered by Magistrate Judge Patricia Sullivan. (dsg) (Entered: 06/28/2021)
06/28/2021	8	Motion for Leave to Appear <i>Pro Hac Vice</i> . <i>Pro Hac Vice</i> admission requested by attorney , Daniel M. Ortner. Filing fee in the amount of \$300 collected; Agency Tracking ID: AORDC-8137892. Filed by James Dunlap, Kathryn Dunlap. (Ortner, Daniel) Modified on 6/28/2021 (sss). (Entered: 06/28/2021)
06/28/2021		Clerk's Review of Motion for Leave to Appear <i>Pro Hac Vice</i> . <i>Pro Hac Vice</i> admission requested by attorney Daniel M. Ortner. Filing fee in the amount of \$300 collected; Agency Tracking ID: AORDC-8137892 8 : Reviewed and Ready for Ruling. (sss) (Entered: 06/28/2021)
06/28/2021	9	Return of Service (Attachments: # 1 Exhibit A - Certified Mail Receipts) (Martin, Christina) (Entered: 06/28/2021)
06/28/2021	10	ORDER: Motion for Leave to Appear <i>Pro Hac Vice</i> 8 regarding Daniel M. Ortner is GRANTED. Ordered by Magistrate Judge Patricia Sullivan. (dsg) (Entered: 06/28/2021)
06/29/2021	11	Motion for Preliminary Injunction <i>and Memorandum in Support of Motion</i> . Oral Argument requested. Filed by James Dunlap, Kathryn Dunlap. (Attachments: # 1 Exhibit 1 - Order, Wynn v. Vilsack, # 2 Exhibit 2 - Order, Faust v. Vilsack, # 3 Exhibit 3 - Decl. of Cobb, Faust v. Vilsack) (Martin, Christina) (Entered: 06/29/2021)
06/30/2021	12	Declaration of Kathryn Dunlap <i>in Support of Motion for Preliminary Injunction</i> . Filed by James Dunlap, Kathryn Dunlap.

		(Related document(s): Motion for Preliminary Injunction, 11 .) (Martin, Christina) (Entered: 06/30/2021)
06/30/2021	13	Declaration of James Dunlap <i>in Support of Motion for Preliminary Injunction</i> . Filed by James Dunlap, Kathryn Dunlap. (Related document(s): Motion for Preliminary Injunction, 11 .) (Martin, Christina) (Entered: 06/30/2021)
06/30/2021	14	Certificate of Service by James Dunlap, Kathryn Dunlap of Motion for Preliminary Injunction <i>and Memorandum in Support of Motion 11 and related documents and Declarations</i> . (Attachments: # 1 Exhibit A - Certified Mail Receipts) Filed by James Dunlap, Kathryn Dunlap. (Fa, Wencong) (Entered: 06/30/2021)
07/07/2021	15	Notice of Appearance of Gary Feldon appearing on behalf of All Defendants . Filed by Administrator, Farm Service Agency, Secretary of Agriculture. (Feldon, Gary) (Entered: 07/07/2021)
07/12/2021	16	Motion for Stay . Filed by All Defendants. (Feldon, Gary) (Entered: 07/12/2021)
07/12/2021	17	Motion for Stay <i>of Pending Deadlines</i> . Expedited Hearing requested. Filed by All Defendants. (Feldon, Gary) (Entered: 07/12/2021)
07/13/2021	18	Motion to Appear as Amicus Curiae . Filed by National Black Farmers Association, Association of American Indian Farmers. (Attachments: # 1 Proposed Document Amicus Curiae Brief) (Dahab, Nadia) (Entered: 07/13/2021)
07/13/2021	19	Unopposed Motion to Intervene <i>Conditionally and Request to Defer Consideration of Conditional Motion</i> . Filed by Association of American Indian Farmers, National Black Farmers Association. (Attachments: # 1 Proposed Document Answer) (Dahab, Nadia) (Entered: 07/13/2021)
07/13/2021	20	Declaration of John Boyd, Jr. <i>in Support of Motion to Appear as Amicus Curiae and Conditional Motion to Intervene as Defendants</i> . Filed by Association of American Indian Farmers, National Black Farmers Association. (Related document(s): Motion to intervene, 19 , Motion to appear as amicus curiae 18 .) (Dahab, Nadia) (Entered: 07/13/2021)
07/13/2021	21	Declaration of Kara Boyd <i>in Support of Motion to Appear as Amicus Curiae and Conditional Motion to Intervene as Defendants</i> . Filed by Association of American Indian Farmers, National Black Farmers Association. (Related document(s): Motion to

		intervene, 19 , Motion to appear as amicus curiae 18 .) (Dahab, Nadia) (Entered: 07/13/2021)
07/13/2021	22	Declaration of Shade Marshall Lewis <i>in Support of Motion to Appear as Amicus Curiae and Conditional Motion to Intervene as Defendants</i> . Filed by Association of American Indian Farmers, National Black Farmers Association. (Related document(s): Motion to intervene, 19 , Motion to appear as amicus curiae 18 .) (Dahab, Nadia) (Entered: 07/13/2021)
07/13/2021	23	Declaration of Ivan Isidore Williams <i>in Support of Motion to Appear as Amicus Curiae and Conditional Motion to Intervene as Defendants</i> . Filed by Association of American Indian Farmers, National Black Farmers Association. (Related document(s): Motion to intervene, 19 , Motion to appear as amicus curiae 18 .) (Dahab, Nadia) (Entered: 07/13/2021)
07/13/2021	24	Response in Opposition to Motion for Stay of Pending Deadlines 17 . Filed by James Dunlap, Kathryn Dunlap. (Martin, Christina) (Entered: 07/13/2021)
07/15/2021	25	Reply to Motion for Stay of Pending Deadlines 17 . Filed by All Defendants. (Feldon, Gary) (Entered: 07/15/2021)
07/15/2021	26	Motion for Leave to Appear <i>Pro Hac Vice</i> . <i>Pro Hac Vice</i> admission requested by attorney Randolph Chen. Filing fee in the amount of \$300 collected; Agency Tracking ID: AORDC-8157250. Filed by Association of American Indian Farmers, National Black Farmers Association. (Chen, Randolph) (Entered: 07/15/2021)
07/15/2021		Clerk's Review of Motion for Leave to Appear <i>Pro Hac Vice</i> . <i>Pro Hac Vice</i> admission requested by attorney Randolph Chen. Filing fee in the amount of \$300 collected; Agency Tracking ID: AORDC-8157250 26 : Reviewed and Ready for Ruling. (ecp) (Entered: 07/15/2021)
07/16/2021	27	ORDER: Motion for Leave to Appear <i>Pro Hac Vice</i> regarding Randolph Chen 26 is GRANTED. Ordered by Magistrate Judge Patricia Sullivan. (dsg) (Entered: 07/16/2021)
07/16/2021	28	ORDER: Granting Motion for Stay 17 .The Court GRANTS the Government's Motion to Stay further briefing on Plaintiffs' Motion for Preliminary Injunction pending completed briefing on the Government's Motion to Stay the case 16 . Ordered by Magistrate Judge Patricia Sullivan. (pk1) (Entered: 07/16/2021)

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