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United States District Court
Western District of Michigan (Southern Division (1))
CIVIL DOCKET FOR CASE #: 1:20-cv-00323-PLM-PJG

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Beemer et al v. Whitmer et al
Assigned to: District Judge Paul L. Maloney
Referred to: Magistrate Judge Phillip J. Green (events as ordered)
Cause: 42:1983 Other Civil Rights

Date Filed: 04/15/2020
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

plaintiff

Kimberly Beemer

represented by **Robert J. Muisse**
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ATTORNEY TO BE NOTICED

plaintiff

Paul Cavanaugh
TERMINATED: 04/28/2020

represented by **Robert J. Muisse**
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ATTORNEY TO BE NOTICED

plaintiff

Robert Muisse

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

V.

defendant

Gretchen Whitmer
*in her official capacity as Governor for the
State of Michigan*

represented by **Christopher M. Allen**
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defendant

Allen Telgenhof
in his official capacity as Charlevoix County
Prosecuting Attorney
TERMINATED: 04/28/2020

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defendant

Brian L. Mackie
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Prosecuting Attorney

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defendant

William J. Vaillencourt, Jr.
*in his official capacity as Livingston County
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TERMINATED: 04/28/2020

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defendant

Dana Nessel
*in her official capacity at the Attorney
 General for the State of Michigan*

represented by **Christopher M. Allen**
 (See above for address)
ATTORNEY TO BE NOTICED

John G. Fedynsky
 (See above for address)
ATTORNEY TO BE NOTICED

Joseph T. Froehlich
 (See above for address)
ATTORNEY TO BE NOTICED

Joshua O. Booth
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/15/2020	1 R	COMPLAINT against All Defendants filed by Kimberly Beemer, Robert Muise, Paul Cavanaugh (Attachments: # 1 Exhibit 1 - Executive Order 2020-42) (Muise, Robert) (Entered: 04/15/2020)
04/15/2020		FILING FEE PAID re 1 R by plaintiffs Kimberly Beemer, Paul Cavanaugh, Robert Muise in the amount of \$400, receipt number AMIWDC-5134918 (Muise, Robert) (Entered: 04/15/2020)
04/15/2020	2	PROPOSED SUMMONS to be issued re 1 R (Muise, Robert) (Entered: 04/15/2020)
04/15/2020	3	NOTICE that this case has been assigned Paul L. Maloney (pjw) (Entered: 04/15/2020)
04/15/2020	4	SUMMONS ISSUED as to defendants Brian L. Mackie, Allen Telgenhof, William J.

		Vaillencourt, Jr, Gretchen Whitmer (pjw) (Entered: 04/15/2020)
04/16/2020	5	SUMMONS returned executed; Gretchen Whitmer served on 4/16/2020, answer due 5/7/2020 (Muise, Robert) (Entered: 04/16/2020)
04/16/2020		(NON-DOCUMENT) ATTORNEY APPEARANCE of Joseph T. Froehlich on behalf of defendant Gretchen Whitmer (Froehlich, Joseph) (Entered: 04/16/2020)
04/16/2020		(NON-DOCUMENT) ATTORNEY APPEARANCE of Christopher M. Allen on behalf of defendant Gretchen Whitmer (Allen, Christopher) (Entered: 04/16/2020)
04/17/2020		(NON-DOCUMENT) ATTORNEY APPEARANCE of John G. Fedynsky on behalf of defendant Gretchen Whitmer (Fedynsky, John) (Entered: 04/17/2020)
04/17/2020		(NON-DOCUMENT) ATTORNEY APPEARANCE of Joshua O. Booth on behalf of defendant Gretchen Whitmer (Booth, Joshua) (Entered: 04/17/2020)
04/20/2020	6 R	ADMINISTRATIVE ORDER 20-CA-033 regarding the assignment of cognate cases to Paul L. Maloney pursuant to Local Civil Rule 3.3.2(c) ; signed by Chief Judge Robert J. Jonker (kvt) (Entered: 04/20/2020)
04/20/2020	7 R	MOTION for temporary restraining order <i>Expedited Consideration Requested</i> by plaintiffs Kimberly Beemer, Paul Cavanaugh, Robert Muise; (Muise, Robert) (Entered: 04/20/2020)
04/20/2020	8	BRIEF in support of MOTION for temporary restraining order <i>Expedited Consideration Requested</i> 7 R with certificate of compliance and certificate of service filed by Kimberly Beemer, Paul Cavanaugh, Robert Muise (Attachments: # 1 Exhibit 1 - Declaration of Plaintiff Beemer, # 2 Exhibit 2 - Declaration of Plaintiff Cavanaugh, # 3 Exhibit 3 - Declaration of Plaintiff Muise, # 4 Proposed Order) (Muise, Robert) Modified text on 4/21/2020. (kw) (Entered: 04/20/2020)
04/21/2020	9	SUMMONS returned executed; William J. Vaillencourt, Jr served on 4/21/2020, answer due 5/12/2020 (Muise, Robert) (Entered: 04/21/2020)
04/22/2020		(NON-DOCUMENT) ATTORNEY APPEARANCE of T. Joseph Seward on behalf of defendant William J. Vaillencourt, Jr (Seward, T.) (Entered: 04/22/2020)
04/23/2020	10	RESPONSE TO MOTION for temporary restraining order <i>Expedited Consideration Requested</i> 7 R filed by Gretchen Whitmer (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K) (Froehlich, Joseph) (Entered: 04/23/2020)
04/23/2020	11	CERTIFICATE of compliance re word count for Response to Motion, 10 filed by Gretchen Whitmer (Froehlich, Joseph) (Entered: 04/23/2020)
04/23/2020	12	SUMMONS returned executed; Allen Telgenhof served on 4/23/2020, answer due 5/14/2020 (Muise, Robert) (Entered: 04/23/2020)
04/23/2020	13	SUMMONS returned executed; Brian L. Mackie served on 4/23/2020, answer due 5/14/2020 (Muise, Robert) (Entered: 04/23/2020)
04/23/2020	14	ORDER regarding response to Motion for TRO 7 R ; responses due by 12:00 p.m. (noon) on 4/24/2020; reply due by 12:00 p.m. (noon) on 4/27/2020; hearing on motion for preliminary injunction set for 4/30/2020 at 10:00 a.m. in Grand Rapids, Michigan; signed by District Judge Paul L. Maloney (Judge Paul L. Maloney, acr) (Entered: 04/23/2020)
04/23/2020	15	ORDER SCHEDULING HEARING regarding MOTION for temporary restraining order 7 R : motion hearing is set for 4/30/2020 at 10:00 AM at 601 Federal Building,

		Grand Rapids, MI before District Judge Paul L. Maloney (Judge Paul L. Maloney, acr) (Entered: 04/23/2020)
04/23/2020		(NON-DOCUMENT) ATTORNEY APPEARANCE of Sonal H. Mithani on behalf of defendant Brian L. Mackie (Mithani, Sonal) (Entered: 04/23/2020)
04/23/2020		(NON-DOCUMENT) ATTORNEY APPEARANCE of Joel C. Bryant on behalf of defendant Brian L. Mackie (Bryant, Joel) (Entered: 04/23/2020)
04/23/2020		(NON-DOCUMENT) ATTORNEY APPEARANCE of Andrew James Brege on behalf of defendant Allen Telgenhof (Brege, Andrew) (Entered: 04/23/2020)
04/23/2020	16	NOTICE and Order regarding status conference set for 4/24/2020 at 04:00 PM at by video before Magistrate Judge Phillip J. Green (ald) (Entered: 04/23/2020)
04/24/2020	17	RESPONSE in opposition to MOTION for temporary restraining order <i>Expedited Consideration Requested</i> 7 R filed by Brian L. Mackie (Mithani, Sonal) (Entered: 04/24/2020)
04/24/2020	18	RESPONSE TO MOTION for temporary restraining order with Brief in Support <i>Expedited Consideration Requested</i> 7 R filed by William J. Vaillencourt, Jr (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1 - April 16, 2020 Statement re Whitmer Federal Lawsuit, # 3 Exhibit 2 - April 17, 2020 WHMI Article, # 4 Exhibit 3 - April 2, 2020 Tweet, # 5 Exhibit 4 - April 14, 2020 Cease and Desist Letter, # 6 Exhibit 5 - April 16, 2020 Cease and Desist Letter, # 7 Exhibit 6 - Hoover v Michigan Department of Licensing and Regulatory Affairs) (Seward, T.) Modified text on 4/24/2020 (pjw). (Entered: 04/24/2020)
04/24/2020	19	RESPONSE TO MOTION for temporary restraining order <i>Expedited Consideration Requested</i> 7 R filed by Allen Telgenhof (Attachments: # 1 Exhibit 1 - Lawsuit Statement) (Brege, Andrew) Modified text on 4/24/2020 (pjw). (Entered: 04/24/2020)
04/24/2020	20	EXHIBIT re 19 <i>Index of Unpublished Authority to Defendant Telgenhofs Response to Plaintiffs Motion for Temporary Restraining Order and Preliminary Injunction</i> by defendant Allen Telgenhof (Attachments: # 1 Exhibit 1 - McNeil v Community Probation Services, LLC, # 2 Exhibit 2 - Hoover v MI Department of Licensing & Regulatory Affairs) (Brege, Andrew) (Entered: 04/24/2020)
04/24/2020		(NON-DOCUMENT) ATTORNEY APPEARANCE of Thomas David Beindit on behalf of defendant Allen Telgenhof (Beindit, Thomas) (Entered: 04/24/2020)
04/24/2020	21	MINUTES held before Magistrate Judge Phillip J. Green of videostatus conference regarding ECF No. 7; parties to work on possible stipulation; if not possible status conference will be rescheduled; plaintiffs' reply to motion now due by noon on Tuesday, April 28, 2020; order to issue (Proceedings Digitally Recorded) (ald) (Entered: 04/24/2020)
04/24/2020	22	ORDER re 14 7 R Extending Reply Brief Deadline; signed by Magistrate Judge Phillip J. Green (ald) (Entered: 04/24/2020)
04/26/2020	23	PROPOSED STIPULATION and ORDER <i>Resolving Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction</i> by plaintiffs Kimberly Beemer, Paul Cavanaugh, Robert Muise (Muise, Robert) (Entered: 04/26/2020)
04/27/2020	24 R	STIPULATION AND ORDER; plaintiff's motion for preliminary injunction 7 R is dismissed; signed by District Judge Paul L. Maloney (Judge Paul L. Maloney, acr) (Entered: 04/27/2020)
04/28/2020	25 R	FIRST AMENDED COMPLAINT against Brian L. Mackie, Gretchen Whitmer filed by

		Kimberly Beemer, Robert Muise (Attachments: # 1 Exhibit 1 - Executive Order 2020-42, # 2 Exhibit 2 - Executive Order 2020-59, # 3 Summons for new party - Defendant Dana Nessel) (Muise, Robert) (Entered: 04/28/2020)
04/29/2020	26	NOTICE OF VOLUNTARY DISMISSAL re Paul Cavanaugh <i>pursuant to Rule 41(a)(1) (A) as to original Complaint (Doc. No. 1)</i> filed by plaintiff Paul Cavanaugh (Muise, Robert) (Entered: 04/29/2020)
04/29/2020		(DISREGARD) SUMMONS NOT ISSUED as to defendant Dana Nessel (<i>none provided</i>) (pjw) Modified text on 4/29/2020; incorrectly entered (pjw). (Entered: 04/29/2020)
04/29/2020	27	SUMMONS ISSUED as to defendant Dana Nessel (pjw) (Entered: 04/29/2020)
04/30/2020	28	SUMMONS returned executed; Dana Nessel served on 4/29/2020, answer due 5/20/2020 (Muise, Robert) (Entered: 04/30/2020)
04/30/2020		(NON-DOCUMENT) ATTORNEY APPEARANCE of Joseph T. Froehlich on behalf of defendant Dana Nessel (Froehlich, Joseph) (Entered: 04/30/2020)
04/30/2020		(NON-DOCUMENT) ATTORNEY APPEARANCE of Christopher M. Allen on behalf of defendant Dana Nessel (Allen, Christopher) (Entered: 04/30/2020)
04/30/2020		(NON-DOCUMENT) ATTORNEY APPEARANCE of Joshua O. Booth on behalf of defendant Dana Nessel (Booth, Joshua) (Entered: 04/30/2020)
04/30/2020		(NON-DOCUMENT) ATTORNEY APPEARANCE of John G. Fedynsky on behalf of defendant Dana Nessel (Fedynsky, John) (Entered: 04/30/2020)
04/30/2020	29	PROPOSED STIPULATION and ORDER <i>Setting Time for Defendants to Answer or Otherwise Respond to Plaintiffs' First Amended Complaint</i> by defendant Brian L. Mackie (Bryant, Joel) (Entered: 04/30/2020)
04/30/2020	30	STIPULATION AND ORDER; deadline for defendants to answer or otherwise respond to amended complaint is 5/20/2020; signed by District Judge Paul L. Maloney (Judge Paul L. Maloney, acr) (Entered: 04/30/2020)
05/20/2020	31	MOTION to dismiss <i>with Certificate of Service</i> by defendant Gretchen Whitmer; (Froehlich, Joseph) (Entered: 05/20/2020)
05/20/2020	32	BRIEF in support of MOTION to dismiss <i>with Certificate of Service</i> 31 filed by Gretchen Whitmer (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M, # 14 Exhibit N, # 15 Exhibit O, # 16 Exhibit P, # 17 Exhibit Q, # 18 Exhibit R) (Froehlich, Joseph) (Entered: 05/20/2020)
05/20/2020	33	CERTIFICATE of compliance re word count for Brief in Support of a Motion, 32 <i>with Certificate of Service</i> filed by Gretchen Whitmer (Froehlich, Joseph) (Entered: 05/20/2020)
05/20/2020	34	MOTION to dismiss for failure to state a claim , MOTION to dismiss for lack of jurisdiction with Brief in Support by defendant Brian L. Mackie; (Attachments: # 1 Index, # 2 Exhibit A. Executive Order 2020-4, # 3 Exhibit B. Executive Order 2020-5, # 4 Exhibit C. Executive Order 2020-9, # 5 Exhibit D. Executive Order 2020-11, # 6 Exhibit E. Executive Order 2020-21, # 7 Exhibit F. Martinko v. Whitmer, No. 20-00062-MM, Michigan Court of Claims) (Mithani, Sonal) Modified text on 5/21/2020 (pjw). (Entered: 05/20/2020)
05/21/2020	35	AMENDED MOTION to dismiss <i>with Certificate of Service</i> by defendants Dana

		Nessel, Gretchen Whitmer; (Froehlich, Joseph) (Entered: 05/21/2020)
05/21/2020	36	BRIEF in support of AMENDED MOTION to dismiss <i>with Certificate of Service</i> 35 filed by Dana Nessel, Gretchen Whitmer (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M, # 14 Exhibit N, # 15 Exhibit O, # 16 Exhibit P, # 17 Exhibit Q, # 18 Exhibit R) (Froehlich, Joseph) (Entered: 05/21/2020)
05/21/2020	37	CERTIFICATE of compliance re word count for Brief in Support of a Motion, 36 filed by Dana Nessel, Gretchen Whitmer (Froehlich, Joseph) (Entered: 05/21/2020)
05/26/2020	38	PROPOSED STIPULATION and ORDER <i>to Permit Plaintiffs to File Single Brief in Response to Defendants' Motions to Dismiss</i> by plaintiffs Kimberly Beemer, Robert Muise (Muise, Robert) (Entered: 05/26/2020)
05/27/2020	39	STIPULATION AND ORDER allowing plaintiffs to file a single response brief not to exceed 12,000 words due 6/17/2020; signed by District Judge Paul L. Maloney (Judge Paul L. Maloney, acr) (Entered: 05/27/2020)
06/15/2020	40 R	RESPONSE in opposition to MOTION to dismiss for failure to state a claim MOTION to dismiss for lack of jurisdiction 34 , AMENDED MOTION to dismiss <i>with Certificate of Service</i> 35 filed by Kimberly Beemer, Robert Muise (Attachments: # 1 Exhibit 1 - Declaration of Robert J. Muise, # 2 Exhibit 2 - Declaration of Gabriella Korkes) (Muise, Robert) (Entered: 06/15/2020)
06/29/2020	41	MOTION for leave to file <i>Defendants' Reply Brief in Excess of Word Count</i> by defendants Dana Nessel, Gretchen Whitmer; (Attachments: # 1 Attachment Reply Brief, # 2 Attachment Exhibit A to Defendants Whitmer and Nessel's Reply Brief, # 3 Attachment Exhibit B to Defendants Whitmer and Nessel's Reply Brief, # 4 Attachment Exhibit C to Defendants Whitmer and Nessel's Reply Brief, # 5 Attachment Exhibit D to Defendants Whitmer and Nessel's Reply Brief, # 6 Attachment Exhibit E to Defendants Whitmer and Nessel's Reply Brief, # 7 Attachment Exhibit F to Defendants Whitmer and Nessel's Reply Brief, # 8 Attachment Exhibit G to Defendants Whitmer and Nessel's Reply Brief, # 9 Attachment Exhibit H to Defendants Whitmer and Nessel's Reply Brief, # 10 Attachment Exhibit I to Defendants Whitmer and Nessel's Reply Brief, # 11 Attachment Exhibit J to Defendants Whitmer and Nessel's Reply Brief, # 12 Attachment Exhibit K to Defendants Whitmer and Nessel's Reply Brief, # 13 Attachment Exhibit L to Defendants Whitmer and Nessel's Reply Brief) (Froehlich, Joseph) (Entered: 06/29/2020)
06/29/2020	42	REPLY to response to motion 34 filed by Brian L. Mackie (Attachments: # 1 Exhibit A. Exec. Order 2020-127 (June 18, 2020)) (Mithani, Sonal) (Entered: 06/29/2020)
06/30/2020	43	ORDER granting 41 motion for leave to file excess pages/exceed word limit; the Clerk of Court shall accept the proposed document for filing; signed by District Judge Paul L. Maloney (Judge Paul L. Maloney, acr) (Entered: 06/30/2020)
06/30/2020	44	REPLY to response to motion 35 filed by Dana Nessel, Gretchen Whitmer (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L) (pjw) (Entered: 07/01/2020)
11/18/2020	45	ADMINISTRATIVE ORDER No. 20-CA-087 regarding the reassignment of cognate case 1:20-cv-1104; signed by Chief Judge Robert J. Jonker (ndj) Modified text on 11/19/2020 (ndj). (Entered: 11/19/2020)

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