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**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:20-cv-01364-DLF**

ROBINSON et al v. DISTRICT OF COLUMBIA BOARD OF ELECTIONS

Assigned to: Judge Dabney L. Friedrich
Cause: 42:1973 Voting Rights Act

Date Filed: 05/21/2020
Date Terminated: 06/30/2020
Jury Demand: Plaintiff
Nature of Suit: 441 Voting
Jurisdiction: Federal Question

Plaintiff

CARNECIA ROBINSON

represented by **Aristotle Charles Theresa**
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Plaintiff

FLORENCE R. BARBER

represented by **Aristotle Charles Theresa**
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ATTORNEY TO BE NOTICED

V.

Defendant

DISTRICT OF COLUMBIA BOARD OF ELECTIONS

represented by **Rudolph Michael Delano McGann , Jr.**
D.C. BOARD OF ELECTIONS AND ETHICS
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Date Filed	#	Docket Text
05/21/2020	1 R	COMPLAINT AND EMERGENCY MOTION FOR INJUNCTIVE RELIEF against DISTRICT OF COLUMBIA BOARD OF ELECTIONS with Jury Demand (Filing fee \$ 400 receipt number ADCDC-7148035) filed by FLORENCE R. BARBER, CARNECIA ROBINSON. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4

		Exhibit, # 5 Exhibit, # 6 Exhibit, # 7 Exhibit, # 8 Exhibit, # 9 Exhibit, # 10 Exhibit)(Theresa, Aristotle) (Entered: 05/21/2020)
05/21/2020	2	Emergency MOTION for Preliminary Injunction by FLORENCE R. BARBER, CARNECIA ROBINSON (Attachments: # 1 Exhibit)(Theresa, Aristotle). Added MOTION for Temporary Restraining Order on 5/22/2020 (zmc). (Entered: 05/21/2020)
05/21/2020	3	ERRATA <i>correcting venue and certificate of service date and adding summons and cover sheet</i> by Florence Barber, CARNECIA ROBINSON 1 R Complaint, filed by Florence Barber, CARNECIA ROBINSON. (Attachments: # 1 Civil Cover Sheet, # 2 Summons)(Theresa, Aristotle) (Entered: 05/21/2020)
05/22/2020	4	SUPPLEMENTAL MEMORANDUM by Florence Barber, CARNECIA ROBINSON 2 Emergency MOTION for Preliminary Injunction filed by DISTRICT OF COLUMBIA BOARD OF ELECTIONS. (Theresa, Aristotle) Modified on 5/22/2020 (zmc). (Entered: 05/22/2020)
05/22/2020		Case assigned to Judge Dabney L. Friedrich. (zmc) (Entered: 05/22/2020)
05/22/2020	5	ERRATA <i>correcting the civil cover sheet</i> by FLORENCE R. BARBER, CARNECIA ROBINSON 1 R Complaint, filed by CARNECIA ROBINSON, FLORENCE R. BARBER. (Theresa, Aristotle) (Entered: 05/22/2020)
05/22/2020	6	SUMMONS (1) Issued Electronically as to DISTRICT OF COLUMBIA BOARD OF ELECTIONS. (Attachment: # 1 Notice and Consent)(zmc) (Entered: 05/22/2020)
05/22/2020		Minute Entry for Status Conference held on 5/22/2020 before Judge Dabney L. Friedrich. Status Conference set for 5/26/2020 at 4:00 PM in Telephonic/VTC before Judge Dabney L. Friedrich. Court Reporter Sara Wick (zjch) (Entered: 05/22/2020)
05/22/2020	7	Joint MOTION for Briefing Schedule by FLORENCE R. BARBER, CARNECIA ROBINSON (Attachments: # 1 Text of Proposed Order Proposed Order)(Theresa, Aristotle) (Entered: 05/22/2020)
05/22/2020		MINUTE ORDER. In accordance with Fed. Civ. R. P. 65(a)(2), and with the consent of both parties, a hearing on the plaintiffs' 2 Motion for Preliminary Injunction/Motion for Temporary Restraining Order is consolidated with a hearing on the merits. Based on the request of the plaintiffs, their 2 Motion for Preliminary Injunction/Motion for Temporary Restraining Order has been converted into a motion for summary judgment. Accordingly, the defendant shall file a cross-motion for summary judgment and opposition to the plaintiffs' motion on or before May 23, 2020 at 8:00 p.m.; and the plaintiffs shall file their opposition and reply on or before May 24, 2020 at 8:00 p.m. The defendant has waived its right to file a reply brief, but the Court will order the parties to submit additional briefing on May 25, 2020, if it determines that further briefing is necessary. Due to the Chief Judge's Standing Order No. 20-19, the Court will conduct a telephonic hearing on the parties' cross-motions for summary judgment on May 26, 2020 at 4:00 p.m. The Courtroom Deputy will contact the parties with information to join the May 26, 2020 telephonic hearing. So Ordered by Judge Dabney L. Friedrich on May 22, 2020. (lcldf3) (Entered: 05/22/2020)
05/23/2020	8	NOTICE of Appearance by Rudolph Michael Delano McGann, Jr on behalf of DISTRICT OF COLUMBIA BOARD OF ELECTIONS (McGann, Rudolph) (Entered: 05/23/2020)
05/23/2020	9	Cross MOTION for Summary Judgment by DISTRICT OF COLUMBIA BOARD OF ELECTIONS (Attachments: # 1 Exhibit Board Exhibit 1-4)(McGann, Rudolph) (Entered: 05/23/2020)
05/23/2020	21	Memorandum in opposition to re 2 Emergency MOTION for Preliminary Injunction

		MOTION for Temporary Restraining Order (Converted to a Motion for Summary Judgment) filed by DISTRICT OF COLUMBIA BOARD OF ELECTIONS. (See Docket Entry 9 to view document). (znmw) (Entered: 06/01/2020)
05/24/2020	10	RESPONSE re 9 Cross MOTION for Summary Judgment filed by FLORENCE R. BARBER, CARNECIA ROBINSON. (Attachments: # 1 Exhibit, # 2 Exhibit)(Theresa, Aristotle) (Entered: 05/24/2020)
05/25/2020	11	ORDER. Before the Court are the plaintiffs' 2 converted motion for summary judgment and the defendant's 9 Cross Motion for Summary Judgment. On the May 22, 2020 telephonic status conference, both parties represented that there were no material facts in dispute. Since then, the defendant has filed a statement of undisputed material facts, <i>see</i> Dkt. 9, but the plaintiffs have not filed such a statement and instead rely upon their complaint. Pls.' Reply at 3 n.1. Neither party has complied with the requirements of Local Rule 7(h) as set forth in the attached order. In particular, the parties have not: (1) included specific citations to the record; <i>see, e.g.</i> , Compl. Para. 4 ("Ward 8 residents do not regularly receive U.S. mail and have not for years"); <i>id.</i> Para. 23 ("Ward 8 residents have by and large not availed themselves of mail-in ballots"); <i>id.</i> Para. 33 ("Anacostia High School and Barry Farm Recreation Center are not within walking distance for voters from the most populous voting precincts"); <i>id.</i> Para. 37 ("Malcolm X Opportunity Center is not within walking distance of 4 of the 5 most populous voting precincts in Ward 8"); (2) put only one fact in each numbered paragraph; or (3) identified which, if any, facts are genuinely in dispute. Moreover, the defendant has made factual assertions in its brief that are not included in its statement of facts. <i>See, e.g.</i> , Def.'s Mot. at 4-5 (citing the Board's "selection criteria" for voting centers and noting the number of voting centers in each ward). Accordingly, it is ORDERED that the parties shall confer and file a joint statement of facts not in dispute that complies with Rule 7(h), see attached order, on or before 8:00 p.m. on May 25, 2020. If either party has additional facts to present that the parties cannot agree upon, that party shall submit a separate statement of disputed material facts that includes specific citations to the record and complies with Rule 7(h); in addition, the opposing party must, in turn, submit a response to that statement with enumerated paragraphs explaining why each of those facts is genuinely disputed, immaterial, or both, <i>see</i> attached order. Any additional statements of disputed material facts and any response thereto shall also be submitted no later than 8:00 p.m. on May 25, 2020. So Ordered by Judge Dabney L. Friedrich on May 25, 2020. (lcdlf3) (Entered: 05/25/2020)
05/25/2020		MINUTE ORDER. Upon review of the parties exhibits in support of their motions for summary judgment, it is ORDERED that the parties shall provide the following in their forthcoming joint statement of material facts not in dispute (<i>see</i> earlier May 25, 2020 minute order): (1) a written explanation of the data reflected in the various maps and tables the plaintiffs attached as exhibits C-F to their reply brief; and (2) the bases for the Board of Elections decision to select the three voting centers in Ward 8 and other wards (and the distance between the voting centers that surround Ward 8 and residents who live in the southwest part of Ward 8). <i>See</i> Rule 56(c)(1). If the parties disagree about some or all of this information, they shall separately provide the information in a sworn declaration submitted by a person(s) with knowledge of these issues. So Ordered by Judge Dabney L. Friedrich on May 25, 2020. (lcdlf3) (Entered: 05/25/2020)
05/25/2020	12	RESPONSE TO ORDER OF THE COURT re Order by FLORENCE R. BARBER, CARNECIA ROBINSON. (Attachments: # 1 Exhibit Precinct Map, # 2 Exhibit Early Voting Map, # 3 Statement of Facts aff, # 4 Exhibit map explanation)(Theresa, Aristotle) Modified docket event/text on 5/29/2020 (eg). (Entered: 05/25/2020)
05/25/2020	13	ERRATA <i>citing to record via minute order</i> by FLORENCE R. BARBER, CARNECIA ROBINSON 10 Response to motion filed by CARNECIA ROBINSON, FLORENCE

		R. BARBER. (Attachments: # 1 Errata Redlined version)(Theresa, Aristotle) (Entered: 05/25/2020)
05/25/2020		Minute Entry for proceedings held before Judge Dabney L. Friedrich: Telephone Conference held on 5/25/2020. Court vacates telephone status set for 5/26/2020. Court Reporter William Zaremba. (zjch) (Entered: 05/25/2020)
05/26/2020		MINUTE ORDER. As stated at the telephonic hearing held on May 25, 2020, the plaintiffs' 2 converted Motion for Summary Judgment and the defendant's 9 Cross Motion for Summary Judgment are DENIED without prejudice for failure to comply with Federal Rule of Civil Procedure 56(c), Local Rule 7(h) and the Court's May 25, 2020 Minute Orders. The parties are further ORDERED to file a joint status report with a proposed schedule for further proceedings by May 26, 2020. So Ordered by Judge Dabney L. Friedrich on May 26, 2020. (lcldf3) (Entered: 05/26/2020)
05/26/2020	14	Joint MOTION for Briefing Schedule by FLORENCE R. BARBER, CARNECIA ROBINSON (Attachments: # 1 Text of Proposed Order Proposed Order)(Theresa, Aristotle) (Entered: 05/26/2020)
05/26/2020		Minute Entry for Status Conference held on 5/26/2020 before Judge Dabney L. Friedrich. Parties discussed filing schedules. Minute Order to Follow. Court Reporter Sara Wick (zjch) (Entered: 05/26/2020)
05/26/2020		MINUTE ORDER. Consistent with the telephonic hearing held on May 26, 2020, the following schedule shall govern further proceedings: the plaintiffs shall file a renewed motion for a temporary restraining order on May 26, 2020; and the defendant shall file a response on or before May 27, 2020 at 5:00 p.m. It is further ORDERED that the parties' 14 Joint Motion for Briefing Schedule is DENIED as moot. So Ordered by Judge Dabney L. Friedrich on May 26, 2020. (lcldf3) (Entered: 05/26/2020)
05/26/2020	15	Emergency MOTION for Temporary Restraining Order by FLORENCE R. BARBER, CARNECIA ROBINSON (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit, # 6 Exhibit, # 7 Exhibit, # 8 Exhibit, # 9 Exhibit, # 10 Exhibit, # 11 Exhibit, # 12 Exhibit, # 13 Exhibit, # 14 Exhibit, # 15 Exhibit)(Theresa, Aristotle) (Entered: 05/26/2020)
05/27/2020		MINUTE ORDER. Before the Court is the plaintiffs' 15 Emergency Motion for Temporary Restraining Order. In their motion, the plaintiffs cite to a number of the exhibits that do not appear on the docket. Accordingly, the plaintiffs are ORDERED to file Exhibits J-N, Exhibit W, and any other exhibits not on the docket on or before May 27, 2020 at 4 p.m. So Ordered by Judge Dabney L. Friedrich on May 27, 2020. (lcldf3) (Entered: 05/27/2020)
05/27/2020	16	MOTION for Leave to File <i>Exhibits J-N and Exhibit W</i> by FLORENCE R. BARBER, CARNECIA ROBINSON (Attachments: # 1 Exhibit Exhibits J-N W)(Theresa, Aristotle) (Entered: 05/27/2020)
05/27/2020	17	AFFIDAVIT re 1 R Complaint, <i>Notarized Affidavit of Ramona and Florence Barber</i> by FLORENCE R. BARBER, CARNECIA ROBINSON. (Attachments: # 1 Affidavit Ramona and Florence Barber)(Theresa, Aristotle) (Entered: 05/27/2020)
05/27/2020	18	Emergency MOTION for Extension of Time to <i>file opposition to TRO Motion</i> by DISTRICT OF COLUMBIA BOARD OF ELECTIONS (McGann, Rudolph) (Entered: 05/27/2020)
05/27/2020		MINUTE ORDER granting in part the defendant's 18 Emergency Motion for Extension of Time. Accordingly, the defendant shall file its response to the plaintiffs' 15 Emergency Motion for Temporary Restraining Order on or before May 27, 2020 at 8:00

		p.m. So Ordered by Judge Dabney L. Friedrich on May 27, 2020. (lcldf3) (Entered: 05/27/2020)
05/27/2020	19	Memorandum in Opposition re 15 Emergency MOTION for Temporary Restraining Order filed by DISTRICT OF COLUMBIA BOARD OF ELECTIONS. (Attachments: # 1 Affidavit)(McGann, Rudolph) Modified docket event/text on 5/29/2020 (eg). (Entered: 05/27/2020)
05/28/2020		NOTICE of Hearing: Telephone Conference set for 5/28/2020 at 12:00 PM in Telephonic/VTC before Judge Dabney L. Friedrich. (zjch) (Entered: 05/28/2020)
05/28/2020		MINUTE ORDER granting the plaintiffs' 16 Motion for Leave to File Exhibits. So Ordered by Judge Dabney L. Friedrich on May 28, 2020. (lcldf3) (Entered: 05/28/2020)
05/28/2020		Minute Entry for Telephone Conference held on 5/28/2020. before Judge Dabney L. Friedrich. Court rules on TRO. Minute Order to follow. Court Reporter Sara Wick. (zjch) (Entered: 05/28/2020)
05/28/2020	20 R	ORDER denying the plaintiffs' 15 Motion for a Temporary Restraining Order. See text for details. Signed by Judge Dabney L. Friedrich on May 28, 2020. (lcldf3) (Entered: 05/28/2020)
05/28/2020		Set/Reset Deadlines: Status Report due by 6/2/2020 (zjch) (Entered: 05/28/2020)
06/02/2020	22	PROPOSED BRIEFING SCHEDULE by FLORENCE R. BARBER, CARNECIA ROBINSON (Attachments: # 1 Text of Proposed Order Proposed Order)(Theresa, Aristotle) Modified event title on 6/16/2020 (znmw). (Entered: 06/02/2020)
06/02/2020	23	RESPONSE re 22 Proposed Briefing Schedule filed by DISTRICT OF COLUMBIA BOARD OF ELECTIONS. (McGann, Rudolph) (Entered: 06/02/2020)
06/02/2020	24	REPLY re 22 Proposed Briefing Schedule filed by FLORENCE R. BARBER, CARNECIA ROBINSON. (Theresa, Aristotle) Modified text on 6/16/2020 (znmw). (Entered: 06/02/2020)
06/03/2020		MINUTE ORDER. Upon consideration of the plaintiffs' 22 Proposed Motion for Briefing Schedule, the Court directs the plaintiffs to file any amended complaint within 21 days of service, or 21 days after service of a responsive pleading or motion. See Fed. R. Civ. P. 15(a)(1). In accordance with Fed. R. Civ. P. 12(a)(1)(A), the defendants shall answer or otherwise respond to the 1 R Complaint on or before June 12, 2020, unless the plaintiffs file an amended complaint, in which case the defendant shall answer or otherwise respond to the amended complaint within 21 days of service. See Fed. R. Civ. P. 12(a)(1)(A). So Ordered by Judge Dabney L. Friedrich on June 3, 2020. (lcldf3) (Entered: 06/03/2020)
06/03/2020		Set/Reset Deadlines: Responsive Pleading due by 6/12/2020. (zjd) (Entered: 06/04/2020)
06/10/2020	25	ANSWER to Complaint by DISTRICT OF COLUMBIA BOARD OF ELECTIONS. (McGann, Rudolph) (Entered: 06/10/2020)
06/16/2020		MINUTE ORDER. It is ORDERED that the parties shall confer in accordance with Rule 26(f) of the Federal Rules of Civil Procedure and Local Civil Rule 16.3 and file, on or before June 30, 2020, a joint meet and confer report as set forth in Local Civil Rule 16.3(d). After receiving the joint meet and confer report, the Court will set a scheduling conference unless the Court determines, on the basis of the report, that a conference is unnecessary. See Local Civil Rule 16.4. So Ordered by Judge Dabney L. Friedrich on June 16, 2020. (lcldf3) (Entered: 06/16/2020)

06/30/2020	26 R	Joint MOTION to Dismiss by FLORENCE R. BARBER, CARNECIA ROBINSON (Attachments: # 1 Text of Proposed Order)(Theresa, Aristotle) (Entered: 06/30/2020)
06/30/2020		MINUTE ORDER granting the plaintiffs' 26 R Motion to Dismiss With Prejudice. Accordingly, this case is dismissed with prejudice. See Fed. R. Civ. P. 41(a). The Clerk of Court is directed to close this case. So Ordered by Judge Dabney L. Friedrich on June 30, 2020. (lcldf3) (Entered: 06/30/2020)