



US DISTRICT COURT
Eastern District of California
Docket for Case # 2:17-cv-00973-KJM-CMK
Citizens for Fair Representation, et. al. v. Padilla

Plaintiff:
Citizens for Fair Representation, et al

represented by:
Gary L. Zerman
Valencia, CA
Lead Attorney

Scott E. Stafne, PHV
Arlington, WA
Lead Attorney
Pro Hac Vice

Defendant:
Alex Padilla
Secretary of State, State of California

represented by:
George Michael Waters
Department of Justice, Office of the
Attorney General
1300 I Street
Sacramento, CA 95814

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Date Filed	#	Docket Text
05/08/2017	1	COMPLAINT against Alex Padilla by all plaintiffs. (Attachments: # 1 Civil Cover Sheet, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C) (Zerman, Gary)
05/09/2017	2	[DISREGARD – see 4 Summons Re-issued]
05/09/2017	3	CIVIL NEW CASE DOCUMENTS ISSUED; Initial Scheduling conference SET for 9/14/2017 at 02:30 PM in Courtroom 3 (KJM) before District Judge Kimberly J. Mueller. (Attachments: # 1 Standing Order, # 2 Consent Form, # 3 VDRP)
05/09/2017	4	SUMMONS RE-ISSUED as to *Alex Padilla* with answer to complaint due within *21* days.
05/09/2017	5	SUMMONS RETURNED EXECUTED: Alex Padilla served on 5/9/2017
05/11/2017	6	PRO HAC VICE APPLICATION and PROPOSED ORDER submitted by Citizens for Fair Representation for attorney Scott E. Stafne to appear Pro Hac Vice. (Attachments: # 1 Affidavit Certificate of Good Standing) (Zerman, Gary)
05/16/2017	7	PRO HAC VICE ORDER signed by District Judge Kimberly J. Mueller on 5/16/2017. ADDING attorney Scott E. Stafne, PHV for Citizens for Fair Representation
05/23/2017	8	DECLINE TO PROCEED BEFORE US MAGISTRATE JUDGE by Alex Padilla. Attorney Waters, George Michael ADDED.
05/30/2017	9	MOTION to DISMISS by Alex Padilla. Motion Hearing set for 8/25/2017 at 10:00 AM in Courtroom 3 (KJM) before District Judge Kimberly J. Mueller (waters, George)
06/28/2017	10	MINUTE ORDER issued by Courtroom Deputy C. Schultz for District Judge Kimberly J. Mueller; On the court's own motion, the Status (Pretrial Scheduling) Conference set for 9/14/2017 is VACATED and ADVANCED to 8/25/2017 at 10:00 AM in Courtroom 3 before District Judge Kimberly J. Mueller, with the filing of a joint status report due seven days prior. (Text Only Entry)(Schultz, C)
07/28/2017	11	MOTION TO AMEND the 1 Complaint by all plaintiffs. Motion Hearing SET for 8/25/2017 at 10:00 AM in Courtroom 3 (KJM) before District Judge Kimberly J. Mueller. (Attachments # 1 Exhibit A, # 2 Exhibit B) (Zerman, Gary)
07/28/2017	12	NOTICE OF REQUIREMENT OF THREE JUDGE COURT pursuant to Local Rule 203 by all plaintiffs. (Zerman, Gary)
08/01/2017	13	OPPOSITION by Alex Padilla to 11 Motion to Amend the Complaint. (Waters, George)
08/02/2017	14	MINUTE ORDER issued by Courtroom Deputy A. Waldrop for District Judge Kimberly J. Mueller on 8/2/2017: In light of plaintiffs complaint and notice of requirement of three judge court, (ECF Nos. 1 , 12), the court has determined this case implicates 28 U.S. C. §

		2284(a), providing for the convening of a three judge court. The court thereby DIRECTS the Clerk of Court to formally notify the Chief Judge of the Ninth Circuit of the pendency of this action, as 20 U.S.C. § 2284(b)(1) requires, so that he may appoint a three judge court. SO ORDERED. (Text Only Entry)
08/03/2017	15	EX PARTE APPLICATION for Order Reconsidering (#14) Minute Order, by Alex Padilla (Waters, George)
08/08/2017	16	OPPOSITION by Citizens for Fair Representation to 9 Motion to Dismiss. (Zerman, Gary)
08/10/2017	17	MINUTE ORDER issued by Courtroom Deputy C. Schultz for District Judge Kimberly J. Mueller. In light of defendant's ex parte request (ECF No. 15) for reconsideration of this court's Minute Order (EXF No. 14), the court hereby SETS the motion for reconsideration for hearing on August 25, 2017 at 10:00 a.m. and ORDERS the following shortened briefing schedule on the request: Plaintiffs' opposition is due Monday, August 14, 2017 at 9:00 a.m.; defendants' reply, if any, is due Friday, August 18, 2017 at 9:00 a.m. Hearing on the motion to dismiss and motion to amend (ECF Nos. 9 , 11) currently calendared for August 25 is CONTINUED to September 8, 2017 at 10:00 a.m., with any replies to oppositions to those motions now due by September 1, 2017 at noon. All hearings will be held in Courtroom 3 before District Judge Kimberly J. Mueller. (Text Only Entry)
08/10/2017	18	MINUTE ORDER issued by Courtroom Deputy C. Schultz for District Judge Kimberly J. Mueller; On the court's own motion, the Status (Pretrial Scheduling) Conference set for 8/25/2017 is VACATED and RESET for 9/8/2017 at 10:00 AM in Courtroom 3 before District Judge Kimberly J. Mueller, with the filing of a joint status report due seven days prior. (Text Only Entry).
08/13/2017	19	RESPONSE by Mark Baird, Steven Baird, California American Independent Party, California Libertarian Party, Kyle Carpenter, Win Carpenter, Citizens for Fair Representation, City of Fort Jones, John D'Agostini, David Garcia, Roy Hall, Jr., Leslie Lim, Marin County Green Party, Manuel Martinez, Kevin McGary, Katherine Radinovich, Terry Rapoza, Shasta National Indian Tribe, Patty Smith, Howard Thomas, Michael Thomas, Larry Wahl to 15 Ex Parte Application for Reconsideration. Attorney Stafne, Scott E. Added. (Stafne, Scott)
08/18/2017	20	REPLY by Alex Padilla re 15 Ex Parte Application for Reconsideration. (Waters, George)
08/22/2017	21	REPLY by RESPONSE by Mark Baird, Steven Baird, California American Independent Party, California Libertarian Party, Kyle Carpenter, Win Carpenter, Citizens for Fair Representation, City of Fort Jones, John D'Agostini, David Garcia, Roy Hall, Jr., Leslie Lim, Marin County Green Party, Manuel Martinez, Kevin McGary, Katherine Radinovich, Terry Rapoza, Shasta National Indian Tribe,

		Patty Smith, Howard Thomas, Michael Thomas, Larry Wahl to RESPONSE to [11] Motion to Amend the Complaint. (Zerman, Gary)
08/24/2017	22	MINUTE ORDER issued by Courtroom Deputy C. Schultz for District Judge Kimberly J. Mueller: Upon consideration of the parties' filings relating to the question of whether a three judge court need be convened to resolve defendant's pending motion to dismiss and plaintiffs' pending motion to amend, the court has determined that it is premature to request the convening of such a court prior to this court's threshold determination of jurisdiction and justiciability. See <i>Shapiro V. McManus</i> , 136 S. Ct. 450, 455 (2015). Defendant's ex parte application for reconsideration (ECF [15]) is granted to the extent the direction to the clerk of the Court at ECF 14 is WITHDRAWN until the court has resolved the pending motions. The August 25, 2017 hearing on the application for reconsideration is VACATED. (Schultz, C)
08/25/2017	23	MOTION for SANCTIONS by CFR et al. Motion Hearing set for 9/8/2017 at 10:00 AM (KJM) before District Judge Kimberly J. Mueller (Attachments: #1 Exhibit A, #2 Declaration, #3 Exhibit A to Zerman Declaration, #4 Declaration)(Stafne, Scott)
09/01/2017	24	REPLY BY Alex Padilla to RESPONSE to 9 Motion to Dismiss. (Waters, George)
09/01/2017	25	JOINT STATUS REPORT by Alex Padilla (Waters, George)
09/01/2017	26	DECLARATION of Scott Stafne in SUPPORT OF 11 Motion to Amend the Complaint. (Zerman, Gary)
09/08/2017	27	MINUTES for MOTION HEARING and STATUS (PRETRIAL SCHEDULING) CONFERENCE held before District Judge Kimberly J. Mueller on 9/8/2017. Plaintiff' Counsel, Scott Stafne and Gary Zerman, present. Some of the named plaintiffs also present, but were not introduced by counsel. Defendant's Counsel, George Waters, present. The court advised the parties it is not prepared to issue a complete scheduling order until preliminary matters are resolved. The court clarified why this case it not currently before a three judge panel. After discussion with the parties, the court advised the parties that it is not inclined to address the merits of the pending Motion to Dismiss (ECF No. [9]), but rather inclined to allow for further amendment in light of the earl stage of the proceedings in this case. After discussion with the parties, the court took the matter under submission with a written order to issue granting leave to amend. The forthcoming order will clarify the limits of any amendment. Court Reporter: Cathie Bodene. (Text Only Entry) (Schultz, C).