

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:14-cv-01870-JDB

ASSOCIATION OF PRIVATE SECTOR COLLEGES AND
UNIVERSITIES v. DUNCAN et al
Assigned to: Judge John D. Bates
Demand: \$0
Cause: 05:0706 Judicial Review of Agency Actions

Date Filed: 11/06/2014
Date Terminated: 06/24/2015
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: U.S. Government Defendant

Plaintiff

**ASSOCIATION OF PRIVATE
SECTOR COLLEGES AND
UNIVERSITIES**

represented by **Douglas R. Cox**
GIBSON, DUNN & CRUTCHER, L.L.P.
1050 Connecticut Avenue, NW
Washington, DC 20036-5306
(202) 887-3531
Fax: (202) 467-0539
Email: dcox@gibsondunn.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jonathan C. Bond
GIBSON, DUNN & CRUTCHER, LLP
1050 Connecticut Avenue, NW
Washington, DC 20036
(202) 887-3577
Fax: (202) 530-4219
Email: jbond@gibsondunn.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert Gonzalez
GIBSON, DUNN & CRUTCHER, LLP
1050 Connecticut Avenue, NW
Washington, DC 20036
(202) 887-3740
Fax: (202) 530-4243
Email: rgonzalez2@gibsondunn.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Timothy John Hatch
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
46th Floor
Los Angeles, CA 90071
(213) 229-7368
Fax: (213) 229-6368

Email: thatch@gibsondunn.com

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

ARNE DUNCAN
*in his official capacity as Secretary of the
Department of Education, Office of the
Secretary*

represented by **Gregory Peter Dworkowitz**
U.S. DEPARTMENT OF JUSTICE
Civil Division
20 Massachusetts Avenue, NW
Washington, DC 20530
(202) 305-8576
Fax: (202) 616-8470
Email: gregory.p.dworkowitz@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marcia Berman
UNITED STATES DEPARTMENT OF
JUSTICE
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, NW
Room 7132
Washington, DC 20530
(202) 514-2205
Fax: (202) 616-8470
Email: marcia.berman@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle Renee Bennett
U.S. DEPARTMENT OF JUSTICE
Civil Division
20 Massachusetts Avenue, NW
Washington, DC 20530
(202) 305-8902
Email: michelle.bennett@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**UNITED STATES DEPARTMENT
OF EDUCATION**

represented by **Gregory Peter Dworkowitz**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marcia Berman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle Renee Bennett
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

UNITED STATES OF AMERICA

represented by **Gregory Peter Dworkowitz**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marcia Berman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle Renee Bennett
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus

**CHAMBER OF COMMERCE OF
THE UNITED STATES OF
AMERICA**

represented by **Francesco Valentini**
WILMER CUTLER PICKERING HALE
& DORR LLP
1875 Pennsylvania Avenue, NW
Washington, DC 20006
(202) 663-6559
Email: francesco.valentini@wilmerhale.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus

**AIR FORCE SERGEANTS
ASSOCIATION**

represented by **Julie A. Murray**
PUBLIC CITIZEN LITIGATION GROUP
1600 20th Street, NW
Washington, DC 20009-1001
(202) 588-1600
Fax: (202) 588-7795
Email: jmurray@citizen.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus

**AMERICAN FEDERATION OF
TEACHERS, AFL-CIO**

represented by **Julie A. Murray**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus

**CENTER FOR PUBLIC INTEREST
LAW**

represented by **Julie A. Murray**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus

**CENTER FOR RESPONSIBLE
LENDING**

represented by **Julie A. Murray**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus

**CHILDREN'S ADVOCACY
INSTITUTE**

represented by **Julie A. Murray**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus

CONSUMER ACTION

represented by **Julie A. Murray**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus

**CONSUMER FEDERATION OF
CALIFORNIA**

represented by **Julie A. Murray**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus

DEMOS

represented by **Julie A. Murray**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus

**INSTITUTE FOR COLLEGE
ACCESS & SUCCESS**

represented by **Julie A. Murray**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus

**LEAGUE OF UNITED LATIN
AMERICAN CITIZENS**

represented by **Julie A. Murray**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus

**MILITARY OFFICERS
ASSOCIATION OF AMERICA**

represented by **Julie A. Murray**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus

**MISSISSIPPI CENTER FOR
JUSTICE**

represented by **Julie A. Murray**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus

NATIONAL COUNCIL OF LA RAZA

represented by **Julie A. Murray**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus

NEW ECONOMY PROJECT

represented by **Julie A. Murray**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus

PUBLIC ADVOCATES INC.

represented by **Julie A. Murray**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus

PUBLIC CITIZEN, INC.

represented by **Julie A. Murray**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus

PUBLIC COUNSEL

represented by **Julie A. Murray**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus

PUBLIC GOOD LAW CENTER

represented by **Julie A. Murray**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus

PUBLIC LAW CENTER

represented by **Julie A. Murray**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

AmicusSERVICE EMPLOYEES
INTERNATIONAL UNION

represented by **Julie A. Murray**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

AmicusUNITED STATES STUDENT
ASSOCIATION

represented by **Julie A. Murray**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

AmicusUNIVERSITY OF SAN DIEGO
SCHOOL OF LAW VETERANS
LEGAL CLINIC

represented by **Julie A. Murray**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus

VETERANS EDUCATION SUCCESS

represented by **Julie A. Murray**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

AmicusVETERANS STUDENT LOAN
RELIEF FUND

represented by **Julie A. Murray**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus

VETJOBS

represented by **Julie A. Murray**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

AmicusVIETNAM VETERANS OF
AMERICA

represented by **Julie A. Murray**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus**WOODSTOCK INSTITUTE**

represented by **Julie A. Murray**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus**YOUNG INVINCIBLES**

represented by **Julie A. Murray**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Page	Docket Text
11/06/2014	<u>1</u>		COMPLAINT against ALL DEFENDANTS (Filing fee \$ 400 receipt number 0090-3896768) filed by ASSOCIATION OF PRIVATE SECTOR COLLEGES AND UNIVERSITIES. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons AG Summons, # <u>3</u> Summons ED Summons, # <u>4</u> Summons Secretary Summons, # <u>5</u> Summons U.S. Attorney Summons)(Cox, Douglas) (Entered: 11/06/2014)
11/06/2014	<u>2</u>		Corporate Disclosure Statement by ASSOCIATION OF PRIVATE SECTOR COLLEGES AND UNIVERSITIES. (Cox, Douglas) (Entered: 11/06/2014)
11/06/2014			Case Assigned to Judge John D. Bates. (md,) (Entered: 11/06/2014)
11/06/2014	<u>3</u>		SUMMONS (4) Issued Electronically as to ARNE DUNCAN, UNITED STATES DEPARTMENT OF EDUCATION, UNITED STATES OF AMERICA, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons 2nd, # <u>2</u> Summons 3rd, # <u>3</u> Summons 4th, # <u>4</u> Notice of Consent, # <u>5</u> Consent Form) (md,) (Entered: 11/06/2014)
11/10/2014	<u>4</u>		RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 11/07/2014., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 11/7/2014. (Answer due for ALL FEDERAL DEFENDANTS by 1/6/2015.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. All Defendants (Cox, Douglas) (Entered: 11/10/2014)
11/19/2014	<u>5</u>		Joint MOTION for Scheduling Order by ASSOCIATION OF PRIVATE SECTOR COLLEGES AND UNIVERSITIES (Attachments: # <u>1</u> Text of Proposed Order Proposed Scheduling Order)(Cox, Douglas) (Entered: 11/19/2014)
11/19/2014			MINUTE ORDER: Upon consideration of <u>5</u> the parties' joint motion for scheduling order, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; it is further ORDERED that defendants shall file a certified list of the contents of the administrative record and shall serve the administrative record on plaintiff by not later than January 16, 2015; plaintiff shall file its motion for summary judgment by not later than February 6, 2015; defendants shall file their combined opposition to plaintiff's motion and cross-motion for summary judgment by not later than March 6, 2015; plaintiff

		shall file its combined reply in support of its motion and opposition to defendants' cross-motion by not later than March 27, 2015; defendants shall file their reply in support of their cross-motion by not later than April 17, 2015; and plaintiff shall file a joint appendix containing those portions of the administrative record relied upon by the parties by not later than April 24, 2015; and it is further ORDERED that a motions hearing is SCHEDULED in this case for May 20, 2015, at 9:15 a.m. in Courtroom 30A. SO ORDERED. Signed by Judge John D. Bates on 11/19/14. (lcjdb2) (Entered: 11/19/2014)
11/19/2014	<u>6</u>	NOTICE of Appearance by Marcia Berman on behalf of ARNE DUNCAN, UNITED STATES DEPARTMENT OF EDUCATION, UNITED STATES OF AMERICA (Berman, Marcia) (Entered: 11/19/2014)
11/20/2014		Set/Reset Deadlines: Defendant's shall file certified list of the contents of the administrative record and served upon the plaintiff by 1/16/2015. Cross Motions due by 3/6/2015. Response to Cross Motions due by 3/27/2015. Reply to Cross Motions due by 4/17/2015. Summary Judgment motions due by 2/6/2015. Response to Motion for Summary Judgment due by 3/6/2015. Reply to Motion for Summary Judgment due by 3/27/2015. Plaintiff joint appendix those portions of the administrative record relied upon by the parties due by 4/24/2015. Set/Reset Hearings: Status Conference set for 5/20/2015 09:15 AM in Courtroom 30A before Judge John D. Bates. (tb,) (Entered: 11/20/2014)
12/01/2014	<u>7</u>	NOTICE of Appearance by Gregory Peter Dworkowitz on behalf of All Defendants (Dworkowitz, Gregory) (Entered: 12/01/2014)
12/05/2014		MINUTE ORDER: Upon consideration of <u>5</u> the parties' joint motion for scheduling order, the Court's minute order of November 19, 2014, and the entire record herein, it is hereby ORDERED that defendants' obligation to respond to the complaint is STAYED pending disposition of the parties' cross-motions for summary judgment. SO ORDERED. Signed by Judge John D. Bates on 12/5/14. (lcjdb2) (Entered: 12/05/2014)
12/05/2014	<u>8</u>	NOTICE of Appearance by Michelle Renee Bennett on behalf of All Defendants (Bennett, Michelle) (Entered: 12/05/2014)
01/16/2015	<u>9</u>	NOTICE of Filing a Certified List of the Contents of the Administrative Record by ARNE DUNCAN, UNITED STATES DEPARTMENT OF EDUCATION, UNITED STATES OF AMERICA (Attachments: # <u>1</u> Index of Administrative Record, # <u>2</u> Certification of Administrative Record)(Bennett, Michelle) (Entered: 01/16/2015)
01/29/2015	<u>10</u>	NOTICE of Appearance by Jonathan C. Bond on behalf of ASSOCIATION OF PRIVATE SECTOR COLLEGES AND UNIVERSITIES (Bond, Jonathan) (Entered: 01/29/2015)
02/02/2015	<u>11</u>	NOTICE of Appearance by Robert Gonzalez on behalf of ASSOCIATION OF PRIVATE SECTOR COLLEGES AND UNIVERSITIES (Gonzalez, Robert) (Entered: 02/02/2015)
02/05/2015	<u>12</u>	NOTICE of Appearance by Timothy John Hatch on behalf of ASSOCIATION OF PRIVATE SECTOR COLLEGES AND UNIVERSITIES (Hatch, Timothy) (Entered: 02/05/2015)
02/06/2015	<u>13</u>	

		MOTION for Summary Judgment by ASSOCIATION OF PRIVATE SECTOR COLLEGES AND UNIVERSITIES (Attachments: # <u>1</u> Text of Proposed Order)(Cox, Douglas) (Entered: 02/06/2015)
02/06/2015	<u>14</u>	MOTION for Leave to File <i>Amicus Curiae Brief</i> by CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA (Attachments: # <u>1</u> Exhibit Brief of Amicus Curiae the Chamber of Commerce of the United States of America, # <u>2</u> Exhibit LCvR 7.1 Certificate of Corporate Disclosure, # <u>3</u> Text of Proposed Order)(Valentini, Francesco) (Entered: 02/06/2015)
02/09/2015		MINUTE ORDER: Upon consideration of <u>14</u> the Chamber of Commerce's motion for leave to file amicus brief, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that the Clerk of the Court shall immediately file [14-1] the brief of amicus curiae the Chamber of Commerce of the United States of America. SO ORDERED. Signed by Judge John D. Bates on 2/9/15. (lcjdb2) (Entered: 02/09/2015)
02/09/2015	<u>15</u>	AMICUS BRIEF by CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA. (td,) (Entered: 02/09/2015)
03/06/2015	<u>16</u>	Unopposed MOTION for Leave to File <i>an Amicus Brief in Support of Defendants</i> by AIR FORCE SERGEANTS ASSOCIATION, AMERICAN FEDERATION OF TEACHERS, AFL-CIO, CENTER FOR PUBLIC INTEREST LAW, CENTER FOR RESPONSIBLE LENDING, CHILDREN'S ADVOCACY INSTITUTE, CONSUMER ACTION, CONSUMER FEDERATION OF CALIFORNIA, DEMOS, THE INSTITUTE FOR COLLEGE ACCESS & SUCCESS, LEAGUE OF UNITED LATIN AMERICAN CITIZENS, MILITARY OFFICERS ASSOCIATION OF AMERICA, MISSISSIPPI CENTER FOR JUSTICE, NATIONAL COUNCIL OF LA RAZA, NEW ECONOMY PROJECT, PUBLIC ADVOCATES INC., PUBLIC CITIZEN, INC., PUBLIC COUNSEL, PUBLIC GOOD LAW CENTER, PUBLIC LAW CENTER, SERVICE EMPLOYEES INTERNATIONAL UNION, UNITED STATES STUDENT ASSOCIATION, UNIVERSITY OF SAN DIEGO SCHOOL OF LAW VETERANS LEGAL CLINIC, VETERANS EDUCATION SUCCESS, VETERANS STUDENT LOAN RELIEF FUND, VETJOBS, VIETNAM VETERANS OF AMERICA, WOODSTOCK INSTITUTE, YOUNG INVINCIBLES (Attachments: # <u>1</u> Exhibit Proposed Amicus Brief, # <u>2</u> Text of Proposed Order)(Murray, Julie) (Entered: 03/06/2015)
03/06/2015	<u>17</u>	MOTION for Summary Judgment by ARNE DUNCAN, UNITED STATES DEPARTMENT OF EDUCATION, UNITED STATES OF AMERICA (Attachments: # <u>1</u> Text of Proposed Order)(Berman, Marcia) (Entered: 03/06/2015)
03/06/2015	<u>18</u>	Memorandum in opposition to re <u>13</u> MOTION for Summary Judgment filed by ARNE DUNCAN, UNITED STATES DEPARTMENT OF EDUCATION, UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Text of Proposed Order)(Berman, Marcia) (Entered: 03/06/2015)
03/09/2015		MINUTE ORDER: Upon consideration of <u>16</u> the Air Force Sergeants Association, et al. motion for leave to file amicus brief, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that the Clerk of the Court shall immediately file [16-1] the brief of

		amicus curiae the Air Force Sergeants Association, et al. SO ORDERED. Signed by Judge John D. Bates on 3/9/15. (lcjdb2) (Entered: 03/09/2015)
03/09/2015	<u>19</u>	AMICUS BRIEF by AIR FORCE SERGEANTS ASSOCIATION, AMERICAN FEDERATION OF TEACHERS, AFL-CIO, CENTER FOR PUBLIC INTEREST LAW, CENTER FOR RESPONSIBLE LENDING, CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA, CHILDREN'S ADVOCACY INSTITUTE, CONSUMER ACTION, CONSUMER FEDERATION OF CALIFORNIA, DEMOS, LEAGUE OF UNITED LATIN AMERICAN CITIZENS, MILITARY OFFICERS ASSOCIATION OF AMERICA, MISSISSIPPI CENTER FOR JUSTICE, NATIONAL COUNCIL OF LA RAZA, NEW ECONOMY PROJECT, PUBLIC ADVOCATES INC., PUBLIC CITIZEN, INC., PUBLIC COUNSEL, PUBLIC GOOD LAW CENTER, PUBLIC LAW CENTER, SERVICE EMPLOYEES INTERNATIONAL UNION, THE INSTITUTE FOR COLLEGE ACCESS & SUCCESS, UNITED STATES STUDENT ASSOCIATION, UNIVERSITY OF SAN DIEGO SCHOOL OF LAW VETERANS LEGAL CLINIC, VETERANS EDUCATION SUCCESS, VETERANS STUDENT LOAN RELIEF FUND, VETJOBS, VIETNAM VETERANS OF AMERICA, WOODSTOCK INSTITUTE, YOUNG INVINCIBLES. (td,) (Entered: 03/09/2015)
03/27/2015	<u>20</u>	Memorandum in opposition to re <u>17</u> MOTION for Summary Judgment filed by ASSOCIATION OF PRIVATE SECTOR COLLEGES AND UNIVERSITIES. (Cox, Douglas) (Entered: 03/27/2015)
03/27/2015	<u>21</u>	REPLY to opposition to motion re <u>13</u> MOTION for Summary Judgment filed by ASSOCIATION OF PRIVATE SECTOR COLLEGES AND UNIVERSITIES. (Cox, Douglas) (Entered: 03/27/2015)
04/10/2015	<u>22</u>	MOTION for Extension of Time to File Response/Reply as to <u>17</u> MOTION for Summary Judgment by ARNE DUNCAN, UNITED STATES DEPARTMENT OF EDUCATION, UNITED STATES OF AMERICA (Attachments: # <u>1</u> Text of Proposed Order)(Bennett, Michelle) (Entered: 04/10/2015)
04/13/2015		MINUTE ORDER: Upon consideration of <u>22</u> the government's motion for extension of time to file, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; it is further ORDERED that the government shall file its reply brief by not later than April 22, 2015; and it is further ORDERED that plaintiff shall file a joint appendix by not later than April 29, 2015. SO ORDERED. Signed by Judge John D. Bates on 4/13/15. (lcjdb2) (Entered: 04/13/2015)
04/16/2015		Set/Reset Deadlines: Reply due by 4/22/2015. Joint Appendix due by 4/29/2015. (tb,) (Entered: 04/16/2015)
04/21/2015	<u>23</u>	MOTION for Leave to File Excess Pages by ARNE DUNCAN, UNITED STATES DEPARTMENT OF EDUCATION, UNITED STATES OF AMERICA (Attachments: # <u>1</u> Text of Proposed Order)(Dworkowitz, Gregory) (Entered: 04/21/2015)
04/22/2015		MINUTE ORDER: Upon consideration of <u>23</u> the government's motion for leave to file excess pages, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that the government may use up to and including 30 pages for its reply brief. SO ORDERED. Signed by

		Judge John D. Bates on 4/22/15. (lcjdb2) (Entered: 04/22/2015)
04/22/2015	<u>24</u>	REPLY to opposition to motion re <u>17</u> MOTION for Summary Judgment <i>Defendants' Reply in Support of Their Cross-Motion for Summary Judgment</i> filed by ARNE DUNCAN, UNITED STATES DEPARTMENT OF EDUCATION, UNITED STATES OF AMERICA. (Berman, Marcia) (Entered: 04/22/2015)
04/29/2015	<u>25</u>	ADMINISTRATIVE RECORD (<i>Joint Appendix</i>) by ASSOCIATION OF PRIVATE SECTOR COLLEGES AND UNIVERSITIES. (Attachments: # <u>1</u> Exhibit Joint Appendix – Part 2 of 10, # <u>2</u> Exhibit Joint Appendix – Part 3 of 10, # <u>3</u> Exhibit Joint Appendix – Part 4 of 10, # <u>4</u> Exhibit Joint Appendix – Part 5 of 10, # <u>5</u> Exhibit Joint Appendix – Part 6 of 10, # <u>6</u> Exhibit Joint Appendix – Part 7 of 10, # <u>7</u> Exhibit Joint Appendix – Part 8 of 10, # <u>8</u> Exhibit Joint Appendix – Part 9 of 10, # <u>9</u> Exhibit Joint Appendix – Part 10 of 10, # <u>10</u> Notice of Filing of Electronic Exhibit)(Cox, Douglas) (Entered: 04/29/2015)
05/20/2015		Minute Entry: Motion Hearing held on 5/20/2015 before Judge John D. Bates: re <u>17</u> MOTION for Summary Judgment filed by UNITED STATES OF AMERICA, ARNE DUNCAN, UNITED STATES DEPARTMENT OF EDUCATION, <u>13</u> MOTION for Summary Judgment filed by ASSOCIATION OF PRIVATE SECTOR COLLEGES AND UNIVERSITIES ; Motions heard and taken under advisement. (Court Reporter Bryan Wayne) (tb,) (Entered: 05/21/2015)
05/27/2015	<u>26</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by ARNE DUNCAN, UNITED STATES DEPARTMENT OF EDUCATION, UNITED STATES OF AMERICA (Attachments: # <u>1</u> APC v. Duncan, Case No. 1:14-cv-08838-LAK (S.D.N.Y.) (May 27, 2015))(Berman, Marcia) (Entered: 05/27/2015)
05/28/2015	<u>27</u>	ENTERED IN ERROR.....NOTICE OF SUPPLEMENTAL AUTHORITY by ASSOCIATION OF PRIVATE SECTOR COLLEGES AND UNIVERSITIES (Cox, Douglas) Modified on 5/29/2015 (znmw). (Entered: 05/28/2015)
05/29/2015		NOTICE OF ERROR re <u>27</u> NOTICE OF SUPPLEMENTAL AUTHORITY; emailed to dcox@gibsondunn.com, cc'd 17 associated attorneys — The PDF file you docketed contained errors: 1. Incorrect header/caption/case number, 2. Please refile document, 3. Entered in error; Incorrect format (letter); Refile in accordance with Local Rules. (znmw,) (Entered: 05/29/2015)
05/29/2015	<u>28</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by ASSOCIATION OF PRIVATE SECTOR COLLEGES AND UNIVERSITIES (Cox, Douglas) (Entered: 05/29/2015)
06/01/2015	<u>29</u>	RESPONSE re <u>26</u> NOTICE OF SUPPLEMENTAL AUTHORITY filed by ASSOCIATION OF PRIVATE SECTOR COLLEGES AND UNIVERSITIES. (td) (Entered: 06/01/2015)
06/01/2015		NOTICE OF CORRECTED DOCKET ENTRY: re <u>28</u> NOTICE OF SUPPLEMENTAL AUTHORITY was entered in error and refiled said pleading as docket entry no. <u>29</u> . (td) (Entered: 06/01/2015)
06/11/2015	<u>30</u>	TRANSCRIPT OF 5/20/15 MOTIONS HEARING before Judge John D. Bates, held on May 20, 2015. Page Numbers: 1–55. Date of Issuance: 6/11/15. Court Reporter: Bryan A Wayne, telephone number, 202–354–3186. Court Reporter

			<p>email address: Bryan_Wayne@dcd.uscourts.gov. For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov. Redaction Request due 7/2/2015. Redacted Transcript Deadline set for 7/12/2015. Release of Transcript Restriction set for 9/9/2015.(Wayne, Bryan) (Entered: 06/11/2015)</p>
06/23/2015	<u>31</u>		MEMORANDUM OPINION. See text for details. Signed by Judge John D. Bates on 6/23/15. (lcjdb2) (Entered: 06/23/2015)
06/23/2015	<u>32</u>	16	ORDER denying <u>13</u> plaintiff's motion for summary judgment and granting <u>17</u> the government's motion for summary judgment. See text of Order and accompanying Memorandum Opinion for details. Signed by Judge John D. Bates on 6/23/15. (lcjdb2) (Entered: 06/23/2015)
07/02/2015	<u>33</u>	13	NOTICE OF APPEAL TO DC CIRCUIT COURT as to <u>32</u> Order by ASSOCIATION OF PRIVATE SECTOR COLLEGES AND UNIVERSITIES. Filing fee \$ 505, receipt number 0090-4161264. Fee Status: Fee Paid. Parties have been notified. (Cox, Douglas) (Entered: 07/02/2015)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ASSOCIATION OF PRIVATE SECTOR
COLLEGES AND UNIVERSITIES,

Plaintiff,

v.

Civil Action No. 1:14-cv-01870 (JDB)

ARNE DUNCAN, in his official capacity as
Secretary of the Department of Education,

UNITED STATES DEPARTMENT OF
EDUCATION,

and

UNITED STATES OF AMERICA,

Defendants.

NOTICE OF APPEAL

Notice is hereby given this 2nd day of July, 2015, that Plaintiff Association of Private Sector Colleges and Universities (“APSCU”) appeals to the United States Court of Appeals for the District of Columbia Circuit the final Order of this Court entered on June 23, 2015 (ECF No. 32), which granted Defendants’ cross-motion for summary judgment and denied APSCU’s motion for summary judgment; and all other orders and rulings adverse to APSCU in this case.

Dated: July 2, 2015

Respectfully submitted,

TIMOTHY J. HATCH, D.C. Bar #374694
THatch@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Ave.
Los Angeles, CA 90071-3197
Telephone: (213) 229-7000
Facsimile: (213) 229-7520

/s/ Douglas R. Cox
DOUGLAS R. COX, D.C. Bar #459668
DCox@gibsondunn.com
JONATHAN C. BOND, D.C. Bar #1003728
JBond@gibsondunn.com
ROBERT GONZALEZ, D.C. Bar #995834
RGonzalez2@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Ave., N.W.
Washington, D.C. 20036
Telephone: (202) 955-8500
Facsimile: (202) 467-0539

Attorneys for Plaintiff Association of Private Sector Colleges and Universities

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of July, 2015, a true and correct copy of the attached **NOTICE OF APPEAL** was filed and served pursuant to the Court's electronic filing procedures using the Court's CM/ECF System.

/s/ Douglas R. Cox

DOUGLAS R. COX, D.C. Bar #459668

DCox@gibsondunn.com

GIBSON, DUNN & CRUTCHER LLP

1050 Connecticut Ave., N.W.

Washington, D.C. 20036

Telephone: (202) 955-8500

Facsimile: (202) 467-0539

*Attorney for Plaintiff Association of Private Sector
Colleges and Universities*

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ASSOCIATION OF PRIVATE SECTOR
COLLEGES & UNIVERSITIES,

Plaintiff,

v.

ARNE DUNCAN, Secretary of the
Department of Education, et al.,

Defendants.

Civil Action No. 14-1870 (JDB)

ORDER

Upon consideration of [13] plaintiff's motion for summary judgement, [17] the government's cross-motion for summary judgment, the various memoranda filed in support of and opposition to those motions, and the entire record herein, and for the reasons stated in [31] the Memorandum Opinion issued on this date, it is hereby

ORDERED that [13] plaintiff's motion for summary judgment is **DENIED**; and it is further

ORDERED that [17] the government's cross-motion for summary judgment is **GRANTED**.

SO ORDERED.

/s/

JOHN D. BATES
United States District Judge

Dated: June 23, 2015