

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:20-cv-00014-DWL**

Axon Enterprise Incorporated v. Federal Trade Commission et al
Assigned to: Judge Dominic W Lanza
Cause: 05:702 Administrative Procedure Act

Date Filed: 01/03/2020
Date Terminated: 04/08/2020
Jury Demand: Plaintiff
Nature of Suit: 410 Other Statutes: Anti-Trust
Jurisdiction: U.S. Government Defendant

Plaintiff

Axon Enterprise Incorporated
a Delaware Corporation

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V.

Defendant

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a federal administrative agency

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Defendant

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Defendant

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Defendant

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Defendant

Rebecca Slaughter

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the Federal Trade Commission*

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Defendant

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Date Filed	#	Docket Text
01/03/2020	1	COMPLAINT. Filing fee received: \$400.00, receipt number 0970-17790993 filed by Axon Enterprise Incorporated. (Petersen, Pamela) (Attachments: # 1 Civil Cover Sheet)(BAC) (Entered: 01/03/2020)
01/03/2020	2	*Summons Submitted by Axon Enterprise Incorporated. (Petersen, Pamela) *Modified to correct event type and text on 1/3/2020 (BAC). (Entered: 01/03/2020)
01/03/2020	3	Filing fee paid, receipt number 0970-17790993. This case has been assigned to the Honorable Deborah M Fine. All future pleadings or documents should bear the correct case number: CV-20-00014-PHX-DMF. Magistrate Election form attached.(BAC) (Entered: 01/03/2020)

01/03/2020	4	Summons Issued as to Rohit Chopra, Federal Trade Commission, Noah Phillips, Joseph Simons, Rebecca Slaughter, Christine Wilson. (Attachments: # 1 Summons, # 2 Summons, # 3 Summons, # 4 Summons, # 5 Summons)(BAC). *** IMPORTANT: When printing the summons, select "Document and stamps" or "Document and comments" for the seal to appear on the document. (Entered: 01/03/2020)
01/03/2020	5	NOTICE TO THE PARTIES - The Court is participating in the Mandatory Initial Discovery Pilot (MIDP) and this case is subject to that pilot. The key features and deadlines are set forth in the attached Notice which includes General Order 17-08. Also attached is a checklist for use by the parties. All parties must respond to the mandatory initial discovery requests set forth in the General Order before initiating any further discovery in this case. Please note: The discovery obligations in the General Order supersede the disclosures required by Rule 26(a)(1). Any party seeking affirmative relief must serve a copy of the attached documents (Notice to Parties, including General Order 17-08 and MIDP Checklist) on each new party when the Complaint, Counterclaim, Crossclaim, or Third-Party Complaint is served. (BAC) (Entered: 01/03/2020)
01/03/2020	6	NOTICE TO FILER OF DEFICIENCY re: 1 Complaint filed by Axon Enterprise Incorporated. Document not in compliance with LRCiv 7.1(a)(3) - Party names must be capitalized using proper upper and lower case type. No further action is required. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAC) (Entered: 01/03/2020)
01/03/2020	7	NOTICE TO FILER OF DEFICIENCY re: 1 Complaint filed by Axon Enterprise Incorporated. Pursuant to the Electronic Case Filing Administrative Policies and Procedures Manual Section II(B), attorneys are required to submit the automated Civil Cover Sheet when filing a new case. FOLLOW-UP ACTION REQUIRED: Please refile the Civil Cover Sheet, using the correct format. Deficiency must be corrected within one business day of this notice. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAC) (Entered: 01/03/2020)
01/03/2020	8	NOTICE TO PARTY OF DEFICIENCY RE: CORPORATE DISCLOSURE STATEMENT: Pursuant to FRCiv 7.1 and LRCiv 7.1.1 the attached Corporate Disclosure Statement form must be filed by all nongovernmental corporate parties with their first appearance. A supplemental statement must be filed upon any change in the information. In addition, if not already filed, the Corporate Disclosure Statement should be filed within 14 days. Corporate Disclosure Statement Deadline set as to Axon Enterprise Incorporated. (BAC) (Entered: 01/03/2020)
01/03/2020	9	Additional Attachments to Main Document re: 1 Complaint <i>Corrected Civil Cover Sheet</i> by Plaintiff Axon Enterprise Incorporated. (Petersen, Pamela) (Entered: 01/03/2020)
01/03/2020	10	Corporate Disclosure Statement by Axon Enterprise Incorporated. (Petersen, Pamela) (Entered: 01/03/2020)
01/06/2020	12	Party Elects Assignment of Case to District Judge Jurisdiction. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 01/07/2020)
01/07/2020	13	MINUTE ORDER: Pursuant to Local Rule 3.7(b), a request has been received for a random reassignment of this case to a District Judge. FURTHER ORDERED Case reassigned by random draw to Judge Dominic W Lanza. All further pleadings/papers should now list the following COMPLETE case number: CV-20-0014-PHX-DWL. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 01/07/2020)
01/07/2020	14	PRELIMINARY ORDER: IT IS THEREFORE ORDERED: 1. That Plaintiff(s) must

		promptly serve a copy of this Order and its Attachments on Defendant(s) and file notice of service with the Clerk of Court; 2. That, unless the Court orders otherwise, on April 6, 2020 , the Clerk of Court shall terminate without further notice any Defendant in this action that has not been served pursuant to Rule 4(m) of the Federal Rules of Civil Procedure; 3. That, unless the Court orders otherwise, the parties shall file with the Clerk of Court a notice of service of MIDP Responses, supplemental MIDP Responses, and production of ESI, rather than copies of the actual disclosures [see attached Order for details]. Signed by Judge Dominic W Lanza on 1/7/20. (Attachments: # 1 Notice - MIDP, # 2 MIDP User Manual)(MAW) (Entered: 01/07/2020)
01/09/2020		Remark: Pro hac vice motion(s) granted for Thomas King-Sun Fu on behalf of Plaintiff Axon Enterprise Incorporated. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAS) (Entered: 01/09/2020)
01/09/2020	15	MOTION for Preliminary Injunction <i>and Supporting Memorandum of Points and Authorities</i> by Axon Enterprise Incorporated. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Text of Proposed Order)(Petersen, Pamela) (Entered: 01/09/2020)
01/10/2020		Remark: Pro hac vice motion(s) granted for Jonathan Adler Drenfeld on behalf of Plaintiff Axon Enterprise Incorporated. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAS) (Entered: 01/10/2020)
01/10/2020		Remark: Pro hac vice motion(s) granted for Garret Garretson Rasmussen on behalf of Plaintiff Axon Enterprise Incorporated. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAS) (Entered: 01/10/2020)
01/10/2020	16	* SERVICE EXECUTED filed by Axon Enterprise Incorporated: Declaration of Service re: Summons; Complaint for Declaratory and Injunctive Relief; Preliminary Order dated January 7, 2020; Notice to Parties-Mandatory Initial Discovery Pilot Project; Mandatory Initial Discovery Users' Manual for the District of Arizona; Civil Cover Sheet; Plaintiff's Corporate Disclosure Statement; and Plaintiff's Motion for Preliminary Injunction and Supporting Memorandum of Points and Authorities upon Federal Trade Commission; Joseph Simons; Rebecca Slaughter; Christine Wilson; Noah Phillips; Rohit Chopra on 1/9/2020 (summons and complaint) and mailed motion for preliminary injunction and supporting memorandum on 1/10/2020; copies of summons and complaint were mailed by certified mail to Michael Bailey on 1/10/2020 and to William P. Barr on January 9, 2020 and mailed motion for preliminary injunction and supporting memorandum January 10, 2020, Postal Service delivery confirmation or signed PS Form 3811 not provided for Bailey or Barr, per Declaration. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C) (Drenfeld, Jonathan) * Modified to add text; attorney noticed on 1/13/2020 (LAD). (Entered: 01/10/2020)
01/10/2020		Remark: Pro hac vice motion(s) granted for Antony P Kim on behalf of Plaintiff Axon Enterprise Incorporated. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAS) (Entered: 01/10/2020)
01/13/2020	17	SERVICE EXECUTED filed by Axon Enterprise Incorporated: Declaration of Service re: Summons; Complaint for Declaratory and Injunctive Relief; Preliminary Order dated January 7, 2020; Notice to Parties-Mandatory Initial Discovery Pilot Project; Mandatory Initial Discovery Users' Manual for the District of Arizona; Civil Cover Sheet; Plaintiff's Corporate Disclosure Statement; and Plaintiff's Motion for Preliminary Injunction and Supporting Memorandum of Points and Authorities (<i>Supplemental Declaration of Service to ECF 16</i>) upon Federal Trade Commission; Joseph Simons; Rebecca Slaughter; Christine Wilson; Noah Phillips; Rohit Chopra; Michael Bailey; William P. Barr on January 13, 2020. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Drenfeld, Jonathan) (Entered: 01/13/2020)

01/23/2020	18	NOTICE OF ATTORNEY APPEARANCE: Bradley Craigmyle appearing for Rohit Chopra, Federal Trade Commission, Noah Phillips, Joseph Simons, Rebecca Slaughter, Christine Wilson. . (Craigmyle, Bradley) (Entered: 01/23/2020)
01/23/2020	19	RESPONSE to Motion re: 15 MOTION for Preliminary Injunction <i>and Supporting Memorandum of Points and Authorities</i> filed by Rohit Chopra, Federal Trade Commission, Noah Phillips, Joseph Simons, Rebecca Slaughter, Christine Wilson. (Craigmyle, Bradley) (Entered: 01/23/2020)
01/29/2020	20	NOTICE re: Notice of Change of Contact Information by Axon Enterprise Incorporated . (Petersen, Pamela) (Entered: 01/29/2020)
01/30/2020	21	REPLY to Response to Motion re: 15 MOTION for Preliminary Injunction <i>and Supporting Memorandum of Points and Authorities</i> filed by Axon Enterprise Incorporated. (Attachments: # 1 Exhibit 1)(Petersen, Pamela) (Entered: 01/30/2020)
01/30/2020	22	MOTION to Expedite Hearing and Consideration of Preliminary Injunction Motion by Axon Enterprise Incorporated. (Attachments: # 1 Text of Proposed Order)(Petersen, Pamela) (Entered: 01/30/2020)
01/31/2020	23	RESPONSE in Opposition re: 22 MOTION to Expedite Hearing and Consideration of Preliminary Injunction Motion filed by Rohit Chopra, Federal Trade Commission, Noah Phillips, Joseph Simons, Rebecca Slaughter, Christine Wilson. (Craigmyle, Bradley) (Entered: 01/31/2020)
03/04/2020	24	ORDER: IT IS ORDERED that Axon's motion to expedite (Doc. 22) is granted. Oral argument is set on April 1, 2020, at 10:00 a.m. [see attached Order for details]. Signed by Judge Dominic W Lanza on 3/4/20. (MAW) (Entered: 03/04/2020)
03/06/2020	25	First MOTION for Extension of Time to File Responsive Pleading by Rohit Chopra, Federal Trade Commission, Noah Phillips, Joseph Simons, Rebecca Slaughter, Christine Wilson. (Attachments: # 1 Text of Proposed Order re Extension of Time to Respond to Plaintiff's Complaint)(Craigmyle, Bradley) (Entered: 03/06/2020)
03/08/2020	26	RESPONSE in Opposition re: 25 First MOTION for Extension of Time to File Responsive Pleading filed by Axon Enterprise Incorporated. (Petersen, Pamela) (Entered: 03/08/2020)
03/09/2020	27	REPLY to Response to Motion re: 25 First MOTION for Extension of Time to File Responsive Pleading filed by Rohit Chopra, Federal Trade Commission, Noah Phillips, Joseph Simons, Rebecca Slaughter, Christine Wilson. (Craigmyle, Bradley) (Entered: 03/09/2020)
03/09/2020	28	*MOTION for Expedited Consideration of 25 First MOTION for Extension of Time to File Responsive Pleading by Rohit Chopra, Federal Trade Commission, Noah Phillips, Joseph Simons, Rebecca Slaughter, Christine Wilson (Craigmyle, Bradley) *Modified to correct event on 3/10/2020 (WLP). (Entered: 03/09/2020)
03/10/2020	29	NOTICE OF TENTATIVE RULING: A hearing limited to the issue of subject matter jurisdiction is set for April 1, 2020. (Doc. 24 .) In advance of that hearing, the Court wishes to provide the parties with its tentative ruling. This is, to be clear, only a tentative ruling. The point of providing it beforehand is to allow the parties to focus their argument on the issues that seem salient to the Court and to maximize the parties' ability to address any perceived errors in the Court's logic [see attached Order for details]. Signed by Judge Dominic W Lanza on 3/10/20. (MAW) (Entered: 03/10/2020)
03/10/2020	30	ORDER: IT IS ORDERED that the FTC's motion for expedited consideration (Doc. 28) is granted. IT IS FURTHER ORDERED that the FTC's motion for an extension of time to file a responsive pleading (Doc. 25) is granted. If such a pleading is necessary, the FTC

		will have 14 days from the date the Court enters its order on the jurisdictional question [see attached Order for details]. Signed by Judge Dominic W Lanza on 3/10/20. (MAW) (Entered: 03/10/2020)
03/13/2020	31	ORDER: A motion hearing is scheduled for April 1, 2020, concerning the Court's subject matter jurisdiction (Doc. 24), and the Court has now issued a tentative order concerning that issue (Doc. 29). Due to the pandemic and the fact that some counsel in this case are not based in Arizona, this will be reset as a telephonic hearing. Counsel are directed to call (866) 390-1828; Access Code: 9667260 five minutes prior to the scheduled hearing. Counsel are advised that speaker phones and cell phones are not permitted. Additionally, because the Court was able to issue the tentative order more quickly than originally anticipated, the Court is amenable to accelerating the hearing date at the joint request of the parties. If the parties jointly desire such an acceleration, they are directed to send an email to lanza_chambers@azd.uscourts.gov proposing alternative times and dates. Absent joint agreement, the current hearing date will stand. Ordered by Judge Dominic W Lanza on 3/13/20. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAW) (Entered: 03/13/2020)
03/27/2020	32	MOTION to File Amicus Curiae <i>Brief (UNOPPOSED)</i> by New Civil Liberties Alliance. (Attachments: # 1 Text of Proposed Order, # 2 Exhibit Proposed Amicus Brief)(Dynar, Aditya) (Entered: 03/27/2020)
03/27/2020	33	ORDER: IT IS ORDERED that New Civil Liberties Alliance's motion to file amicus brief (Doc. 32) is granted. New Civil Liberties Alliance may file their amicus brief. Ordered by Judge Dominic W Lanza on 3/27/20. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAW) (Entered: 03/27/2020)
03/30/2020	34	ORDER: The Court received a telephone call from Amicus New Civil Liberties Alliance requesting telephonic appearance at the April 1, 2020 hearing. IT IS ORDERED that Amicus may call in. Counsel shall adhere to the Court's March 13, 2020 Order (Doc. 31). Ordered by Judge Dominic W Lanza on 3/30/20. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAW) (Entered: 03/30/2020)
03/30/2020	35	TRANSCRIPT REQUEST by Axon Enterprise Incorporated for proceedings held on April 1, 2020, Judge Dominic W Lanza hearing judge(s). (Petersen, Pamela) (Entered: 03/30/2020)
03/31/2020	36	NOTICE TO FILER OF DEFICIENCY re: 35 Transcript Request filed by Axon Enterprise Incorporated. Document not in compliance with LRCiv 5.5(g) ELECTRONIC FILING - Documents signed by an attorney shall be filed using that attorney's ECF log-in and password and shall not be filed using a log-in and password belonging to another attorney. <i>FOLLOW-UP ACTION REQUIRED:</i> Please refile with sections 1 & 19 matching the name of the ECF registered user under whose log-in and password the document will be re-submitted under. Deficiency must be corrected within one business day of this notice. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (RAP) (Entered: 03/31/2020)
03/31/2020	37	ORDER: The Court has received inquiries from several media organizations and other non-party entities who wish to listen to the April 1, 2020, motion hearing via teleconference. Although the usual rule is that federal district courts may not broadcast their proceedings, the Executive Committee of the Judicial Conference issued a guidance document this morning that "approve[s] a temporary exception to the policy to allow a judge to authorize the use of teleconference technology to provide the public and the media audio access to court proceedings while public access to federal courthouses generally, or with respect to a particular district, is restricted due to health and safety concerns during the Coronavirus Disease (COVID-19) pandemic." Given this development, public access to tomorrow's hearing via teleconference will be permitted.

		Those seeking access are directed to call (866) 390-1828; Access Code: 9667260 at least five minutes before the scheduled hearing. Ordered by Judge Dominic W Lanza on 3/31/20. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAW) (Entered: 03/31/2020)
03/31/2020	38	AMENDED TRANSCRIPT REQUEST pursuant to 36 Notice of Deficiency by Axon Enterprise Incorporated for proceedings held on April 1, 2020, Judge Dominic W Lanza hearing judge(s). (Petersen, Pamela) (Entered: 03/31/2020)
04/01/2020	39	MINUTE ENTRY for proceedings held before Judge Dominic W Lanza: Telephonic Oral Argument re: subject matter jurisdiction held on 4/1/2020. Argument held. IT IS ORDERED taking this matter under advisement. APPEARANCES: Jonathan Direnfeld, Thomas King-Sun Fu, Antony Kim and Garrett Rasmussen (all appearing telephonically) and Pamela Petersen (present in the courtroom) for Plaintiff. Bradley Craigmyle and Rebecca Cutri-Kohart (both appearing telephonically) for Defendants. Aditya Dynar (telephonically) for Amicus. (Court Reporter Candy Potter) Hearing held 10:06 AM to 11:26 AM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAW) (Entered: 04/01/2020)
04/02/2020	40	NOTICE re: of Filing Supplemental Exhibits by Axon Enterprise Incorporated re: 15 MOTION for Preliminary Injunction <i>and Supporting Memorandum of Points and Authorities</i> . (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Petersen, Pamela) (Entered: 04/02/2020)
04/08/2020	41	ORDER: Axon's 1 Complaint is dismissed without prejudice due to a lack of subject matter jurisdiction. Axon's 15 Motion for Preliminary Injunction is denied as moot. The Clerk of the Court shall enter judgment accordingly and terminate this action. Signed by Judge Dominic W Lanza on 4/8/20. (GMP) (Entered: 04/08/2020)
04/08/2020	42	CLERK'S JUDGMENT - IT IS ORDERED AND ADJUDGED that pursuant to the Court's order filed April 8, 2020, Plaintiff to take nothing, and the complaint and action are dismissed without prejudice. (GMP) (Entered: 04/08/2020)