

CASE NO. 09-5126

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

MICHAEL NEWDOW, et al.

Plaintiffs-Appellants,

v.

HON. JOHN ROBERTS, JR., CHIEF JUSTICE OF THE U.S. SUPREME
COURT, et al.

Defendants-Appellees,

On Appeal from the United States District Court
for the District of Columbia

(District Court #1:08-cv-02248)

CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES
(PUBLIC COPY – SEAL MATERIAL DELETED)

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CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

(A) Parties and Amici

A listing of all parties, intervenors, and amici who have appeared before the district court follows herein. As of this date, there are no additional parties, intervenors, or amici in this court.

(1) Plaintiffs

a. Individuals

- (1) Newdow, Michael
- (2) Schempp, Ellery
- (3) Lipman, Mel
- (4) Barker, Dan
- (5) Gaylor, Annie-Laurie
- (6) Sherman, Robert
- (7) Berkshire, August
- (8) Castle, Marie
- (9) Bechman, Stuart
- (10) Silverman, Herb
- (11) Torpy, Jason
- (12) Greenberger, Harry

Material Under Seal Deleted

- (13) Hornbeck, Kirk
- (14) Wingrove, Richard
- (15) Arntzen, Christopher
- (16) Stoltenberg, John
- (17) LaClair, Katherine
- (18) Altman, Louis
- (19) Case, Paul
- (20) Schiffelbein, Jerry
- (21) Richardson, Anne
- (22) Richardson, Jay
- (23) Dugan, Dan
- (24) Andrews, Anna Mae
- (25) Sutton, Eliza
- (26) Ressler, Richard
- (27) Abelman, Marsha W.
- (28) A-Doe1¹
- (29) Aldred, Stephen
- (30) A-Doe2

¹ On March 10, 2009, Plaintiffs filed for a Protective Order, seeking to submit the child-related names and addresses under seal (Document #70). A motion, seeking to do the same in this Court, is being submitted with this filing.

Material Under Seal Deleted

- (31) Allewalt, Linda
- (32) Alman, Isadora
- (33) A-Doe3
- (34) Avery, Timothy G.
- (35) Balzano, Donald P.
- (36) B-Doe1Parent1
- (37) Barnes, Chad
- (38) B-Doe2
- (39) Beat, Lawrence W.
- (40) Becker, Zachary
- (41) Beekhuis, G. J.
- (42) Benedict, Marc J.
- (43) B-Doe3
- (44) Berger, Gary Lee
- (45) Berry, James H.
- (46) B-Doe4
- (47) Blazo, Al
- (48) Borrell, Lorraine A.
- (49) Borrell, Richard M.
- (50) Bossom, Chris

Material Under Seal Deleted

(51) Brabander, Gregory T.

(52) Brandt, Marle

(53) Braun, Burkhard R.

(54) B-Doe5

(55) B-Doe6

(56) B-Doe7

(57) B-Doe8

(58) B-Doe1Parent2

(59) B-Doe1Child1

(60) B-Doe1Child2

(61) Burke, Julianne F.

(62) Burke, Michael

(63) Butcher, Linda

(64) Cassels, Jean

(65) C-Doe1

(66) C-Doe2

(67) C-Doe3

(68) Cox, Christopher

(69) Cramer, Sally J.

(70) C-Doe4

Material Under Seal Deleted

- (71) Crow, Gail M.
- (72) Dabbs, Edward J.
- (73) Darwin, Steven P.
- (74) Davidson, Joseph
- (75) Davis Jr., Herbert A.
- (76) Destler, David M.
- (77) D-Doe1
- (78) E-Doe1
- (79) Eisenberg, Bernard
- (80) Ellis, Brian P.
- (81) Farren, Jamie L.
- (82) Fleming, David J.
- (83) Floyd, Lauren
- (84) Gahagan, Gary
- (85) Garvin, Jonathan
- (86) Ghermann, Ernst F.
- (87) Gilthorpe, Stefan
- (88) Gleason, Bruce
- (89) Goodman, Joseph P.
- (90) Grimaudo, Leonard T.

Material Under Seal Deleted

- (91) Grimes, Richard O.
- (92) Guardino, Beverly J.
- (93) Guillen, Gary A.
- (94) Gullede, Christopher J.
- (95) Gulsby Sr., John A.
- (96) Guzman, Louis E.
- (97) Haider, William R.
- (98) Halasz, Richard
- (99) Haley, Jeffrey T.
- (100) Hall, William J.
- (101) Hamel, David O.
- (102) Hart, Diane
- (103) Hart, Brian
- (104) Hawkins, Gary D.
- (105) H-Doe1
- (106) Heard, Gloria J.
- (107) Hecker, Walter G.
- (108) Helton, Robert S.
- (109) Hoaks, Trina J.
- (110) Holste, Peter N.

Material Under Seal Deleted

- (111) Hommerding, Emily
- (112) Honnigford, Bruce N.
- (113) Hughes, Wendy
- (114) Humston, Jill L.
- (115) Hunn Jr., Wilfred A.
- (116) Hunsberger, Virginia M.
- (117) Huntsman, David P.
- (118) Jacobson, Michael
- (119) Jochums Jr., Robert E.
- (120) Johnson, Troy P.
- (121) Jones, Linda W.
- (122) J-Doe1
- (123) Jones, Ronald A.
- (124) Kane, George F.
- (125) Kaplan, Wendy
- (126) Kessinger, M.D., Rovenal L.
- (127) Kirby, Susan L.
- (128) Knox, Donna J.
- (129) K-Doe1
- (130) Koch, Don

Material Under Seal Deleted

- (131) Kottow, Travis
- (132) LaCourt, Marilyn
- (133) L-Doe1
- (134) Lapinsky, ZoAnn
- (135) Last, Eric R.
- (136) Leach, Christopher
- (137) Lerner, Lawrence S.
- (138) Leung, Carol
- (139) Leung, Granville
- (140) Lewis, Gerald J.
- (141) Li, June H.
- (142) Lieb, Anne-Rosemarie
- (143) L-Doe2
- (144) Lipp, Dallas W.
- (145) Lobdell, James E.
- (146) Lubin, Donald P.
- (147) Mack, Anthony
- (148) Mack, Jillian
- (149) Mack, Susan
- (150) Mansker III, Andrew J.

Material Under Seal Deleted

- (151) Marchetti, Peter
- (152) Marquis, Victor O.
- (153) Marquisee, Eleanor
- (154) Marquisee, Mark
- (155) Martin, Richard M.
- (156) Mauriello, David
- (157) Maxwell, Sarah A.
- (158) McCollum, James T.
- (159) McCormick, Andrea H.
- (160) M-Doe1Parent1
- (161) M-Doe1Parent2
- (162) Mitteldorf, Harriet
- (163) Monllor, Javier
- (164) Monroe, Phillip
- (165) M-Doe2
- (166) Morgan, Thomas J.
- (167) Morris, Garrett
- (168) Muñoz, Anthony
- (169) Murphy, Michael J.
- (170) Nagornyy, Viktor

Material Under Seal Deleted

- (171) Nelson, Connie B.
- (172) Neubauer, Steven
- (173) Norman, Jeanette M.
- (174) Nydick, Barbara A.
- (175) Oliver, Dale
- (176) Pabian, David P.
- (177) Paige, Jennifer
- (178) Park, Carolie
- (179) Petry, Marsha
- (180) Plazinski, Lori
- (181) Price, Joel W.
- (182) Purdon, Jeffrey R.
- (183) R-Doe1
- (184) R-Doe2
- (185) Rapp, Robert C.
- (186) Ready Jr., Robert F.
- (187) Reeder, Gregory L.
- (188) R-Doe3
- (189) Ridder, Martin
- (190) Riddering, Thomas K.

Material Under Seal Deleted

- (191) Robinson, Susan P.
- (192) Rodosovich, Ted
- (193) Romanowski, Scott
- (194) Rose, David
- (195) Rosenthal, Neal
- (196) Rothstein, Polly
- (197) Saia, Chris
- (198) Saltzman, Jonah
- (199) Sanden, Mary
- (200) S-Doe1
- (201) Schaich, David
- (202) Schlueter, Roger S.
- (203) S-Doe2
- (204) Sellnow, Paul
- (205) S-Doe3
- (206) Sierichs Jr., William C.
- (207) Silverman, Sarah A.
- (208) Silverman, Carl H.
- (209) Sitzes, Charlie C.
- (210) Skomer, Debra A.

Material Under Seal Deleted

- (211) Smith, Nancy S.
- (212) Smith, Mike
- (213) Solomon, Steven L.
- (214) S-Doe4
- (215) Stauffer, M. Laura
- (216) Stauffer, Ronald P.
- (217) Steiner, John
- (218) S-Doe5
- (219) Stone, Martin M.
- (220) Storey, Paul
- (221) Straus, Marvin
- (222) Stubbs, Eric M.
- (223) Swales, Gregory F.
- (224) Tanner, Victor
- (225) T-Doe1
- (226) T-Doe2
- (227) T-Doe3
- (228) Theris, Niko
- (229) Thorlin III, John F.
- (230) Tierney, Sean M.

Material Under Seal Deleted

- (231) Tjaden, Paul J.
- (232) Tracey, Teri L.
- (233) T-Doe4
- (234) Trezos, Thanos
- (235) Tucker, George K.
- (236) VanTussenbrook, Scott V.
- (237) Viceroy, Andrew D.
- (238) Vix, Damon P.
- (239) V-Doe1
- (240) V-Doe2
- (241) Ward, Don C.
- (242) W-Doe1Parent1
- (243) Wayne, Frank R.
- (244) W-Doe 2
- (245) Westphal, Karla
- (246) Weyers, Joseph D.
- (247) W-Doe1Parent2
- (248) Wittmann, Dustin
- (249) York II, Earl D.
- (250) Young, Andrew M.

- (251) Zehrer, Terrence
- (252) Zerba, George W.
- (253) Zerba, Mary P.
- (254) Ziolkowski, Steven
- (255) Zumach, Henry H.

b. Organizational Plaintiffs

Corporate Disclosure Statement

None of the following Organizational Plaintiffs has a parent company. Nor does any publicly-held company have a 10% or greater ownership interest in any Organizational Plaintiff. No member of any Organizational Plaintiff has issued shares or debt securities to the public.

(1) The American Humanist Association

Plaintiff American Humanist Association (“AHA”) is a 501(c)(3) educational association dedicated to ensuring a voice for those with a positive, nontheistic outlook. Headquartered in Washington, D.C., its work is extended through more than 100 local chapters and affiliates across America. Humanism is a

progressive philosophy of life that, without theism and other supernatural beliefs, affirms our ability and responsibility to lead ethical lives of personal fulfillment that aspire to the greater good of humanity. The mission of the American Humanist Association is to promote the spread of humanism, raise public awareness and acceptance of humanism and encourage the continued refinement of the humanist philosophy. AHA has more than 10,000 members in every state as well as the District of Columbia. AHA was founded in 1941, and members are thought to have watched every inauguration since those ceremonies were first televised. Additionally, it is believed that AHA members have personally attended presidential inaugurations since at least the 1960s. AHA anticipates that members will watch each and every future inauguration until the organization disbands. There are no plans to disband at this time.

(2) Freedom From Religion Foundation

Plaintiff Freedom From Religion Foundation (“FFRF”) is a national association of Freethinkers (Atheists and Agnostics), established as a 501(c)(3) educational association to promote

nontheism. It works to protect its members by keeping church and state separate. Based in Madison, Wisconsin, the Foundation has members in every state as well as the District of Columbia. Current total membership is more than 14,000. FFRF started in 1976, and went national in 1978. The Foundation, on behalf of its membership, has protested the inclusion of “so help me God” in the Presidential Inauguration ever since its inception, consistently writing presidents-elect, pointing out that the oath as dictated in the Constitution is secular and god-free. The Foundation wrote President-Elect Barack Obama on December 22 to request that he recite the oath as prescribed in the Constitution. Members take careful note of the Inaugural swearing-in, due to concern over the mingling of religion with this most civil of all ceremonies. Its membership has consistently expressed dismay during the 30 years of our national existence over the inclusion of “God” in the Inaugural Oath and the use of formal prayer by invited ministers. With many careful political observers among its membership, the Foundation has every reason to assume its members will continue to have a strong interest in attending or watching the Presidential Inauguration well into the future. FFRF has no plans to disband.

(3) Military Association of Atheists & Freethinkers

The Military Association of Atheists and Freethinkers (“MAAF”) is an independent 501(c)(3) project of Social and Environmental Entrepreneurs. MAAF is a community support network that connects military members from around the world with each other and with local organizations. In addition to our community services, MAAF takes action to educate and train both the military and civilian community about our issues and respond to insensitive practices that illegally promote religion over non-religion within the military. MAAF has special concern for the legality of actions by senior military officials including the Commander-In-Chief. MAAF has been in existence since 2000, and members are believed to have watched both of the prior presidential inaugurations since that time. Because members are primarily active duty and veteran US service members, they have a special interest in the government and the Commander In Chief. It is expected that members will be watching nearly every future inauguration until the organization disbands. There are no plans to disband at this time.

(4) Minnesota Atheists

Plaintiff Minnesota Atheists (“MNA”) is the oldest, largest, and most active Atheist organization in the state of Minnesota. It was founded in 1991 and is a 501(c)(3) nonprofit educational organization. Its purposes are: to provide a community for Atheists; to educate the public about Atheism; and to promote separation of state and church. With currently 400 members, it is highly likely that every inaugural since 1991 was watched by at least some of our members, including their children. Its membership is steadily growing, and it has no plans to disband. Therefore, it is likely that every inauguration from now on will be watched by at least some of its members, including their children.

(5) Atheists for Human Rights

Plaintiff Atheists for Human Rights (“AFHR”) is a staunch advocate for religion-free government uninfluenced by sectarian religious beliefs, that supports an inclusive society that does not give preferential treatment to any religious group. It has

membership throughout the United States, many of whom watched the inaugural events on the big screen TV at its headquarters in Minneapolis, Minnesota.

(6) Atheist Alliance International

Plaintiff Atheist Alliance International (“AAI”) is an umbrella group of over 60 Atheist and humanist organizations across the United States, founded in 1992 and dedicated to promoting the worldview of positive Atheism and pursuing the restoration of the First Amendment. The ethical and constitutional conduct of the US government, especially in regards to church-state separation, has always been of keen interest to its membership. Members have observed or attended at least the last 4 inaugurations, and have regularly discussed what might be done to hold the event sponsors and participants accountable for their blatant disregard of the US Constitution in regards to church-state separation. No members are known to have attended this year’s inauguration in person, but many, along with their children, viewed the ceremonies on television. A similar number refused to watch and forbid their children from watching because of their

revulsion of the unconstitutional religious proselytizing that they expect to happen at the ceremony. Because of the interest over this issue, AAI expects that its members and their children and grandchildren will observe or attend every future inauguration or the life of the organization. The organization has no plans to disband at this time.

(7) Atheists United

Plaintiff Atheists United (“AU”) is the preeminent Atheist organization in southern California, dedicated to providing a community for Atheists and fighting the societal stigmas and stereotypes about Atheism through education and advocacy. AU was founded in 1982, partly as a response to the religious proselytizing conducted at the 1981 presidential inauguration of Ronald Reagan. Members of our organization have always been keenly interested in the inauguration and have regularly discussed their disappointment and upset at the ongoing and building church-state violations observed in the past six inauguration ceremonies since our founding. Many members attended this year’s ceremony in person. Many, along with their

children, viewed the ceremonies on television. A similar number will refused to watch and forbad their children from watching because of their revulsion of the unconstitutional religious proselytization that they expected to happen at the ceremony. Because of the interest over this issue, AU expects its members and their children and grandchildren to observe or attend every future inauguration for the life of the organization. The organization has no plans to disband at this time.

(8) New Orleans Secular Humanist Association

Plaintiff New Orleans Secular Humanist Association

(“NOSHA”) is the only secular organization covering Southern Louisiana and the Mississippi Gulf coast, providing monthly meetings, quarterly newsletters, informative website and public access television programs. Without supernaturalism, its members celebrate reason and humanity. NOSHA was organized in 1999. It is believed that most of its members viewed on television the inaugurations in 2001, 2005 and 2009. The members anticipate viewing all of the future inaugurations. The organization is growing and has no plans to terminate activities.

(9) University Of Washington Secular Student Union

Plaintiff University of Washington Secular Student Union (“UWSSU”) was formed in the summer of 2006 to provide students at the University of Washington in Seattle, Washington, who are Atheist, Agnostic, and otherwise nonreligious students with a place to discuss their lack of faith, and to provide all students with a forum to discuss and debate general issues of religion and philosophy. The Secular Student Union is a student-created and student-run organization. Members communicate with other similar groups across the nation via the Internet, Facebook and other electronic media to share ideas and programs around their philosophical perspective. Members of the group include self-described Atheists, Agnostics, Freethinkers, and other nontheists.

(10) Seattle Atheists

Plaintiff Seattle Atheists (“SA”) is a nonprofit educational corporation organized to develop and support the Atheist, Rationalist, secular Humanist, Agnostic, Skeptic and non-theist

communities; to provide opportunities for socializing and friendship among these groups; to promote and defend their views; to protect the first amendment principle of state-church separation; to oppose any discrimination based upon religious conviction, particularly when it is directed at the non-religious; to expose the dangers of supernaturalism and superstition; to promote science; and to work with other organizations in pursuit of common goals. SA has been in existence since 2004, and members are believed to have watched one inauguration since that time. Members watched the Barack Obama inauguration on January 20, 2009, and plan to watch future presidential inaugurations.

(11) Atheists of Florida

Plaintiff Atheists of Florida (“AOF”) is a 501(c)(3) nonprofit, educational corporation founded to heighten public awareness about Atheism and to monitor state/church separation issues.

AOF has been in existence since 1992, and members are believed to have watched all five presidential inaugurations since that time. It is expected that members will be watching every future

inauguration until the organization dissolves. There are no plans to dissolve at this time.

(12) Central Minnesota Friends Free of Theism

Plaintiff Central Minnesota Friends Free of Theism (“CMFFOT”) is a non-profit organization that began in 1997 to promote the separation of church and state and provide a community for Atheists, Humanists, and agnostics in Central Minnesota. Many of its members are involved as volunteers and professionals in secular organizations contributing to the betterment of society.

(13) Humanist Society of Santa Barbara

Plaintiff Humanist Society of Santa Barbara (“HSSB”) is a 501(c)(3) non-profit corporation incorporated in California. Its purpose is to foster a community of Secular Humanists in the greater Santa Barbara County area dedicated to improving the human condition through rational inquiry and creative thinking unfettered by superstition, religion or any form of dogma. It has been in existence for 12 years and has approximately 150 members.

(14) Freethinkers of Colorado Springs, Inc.

Plaintiff Freethinkers of Colorado Springs, Inc. (“FTCS”) is a Colorado not-for-profit corporation and educational organization of freethinkers, advocating the use of critical thinking, logic and reason to evaluate the credibility of claims, especially with respect to religion, the supernatural and tradition. It holds monthly meetings, promotes the rational basis of morality, defends the separation of church and state, and contends that freedom of religion includes freedom *from* religion.

(15) Atheists of Broward County, FL, Inc.

Plaintiff Atheists of Broward County, Fl., Inc. (“ABC”), and also known as Florida Atheists and Secular Humanists (“FLASH”), is a non-profit educational organization founded in 2007, supporting science education, separation of state and church (especially in public places of learning), and creating a community for nonbelievers in South Florida.

(16) Humanists of Washington

Plaintiff Humanists of Washington (“HOW”) is a 501(c)(3) educational corporation comprised of secular humanists and freethinkers from across the state of Washington. Founded in 1979, it is the oldest, largest and most active humanist organization in the state. HOW espouses a life-affirming, secular view of the universe, built on a foundation of reason, science, and democracy, and supports intellectual freedom, free inquiry, critical thinking and human compassion.

(17) Pennsylvania Nonbelievers

Plaintiff Pennsylvania Nonbelievers, Inc. (“PAN”) is a Pennsylvania non-profit educational corporation for atheists, agnostics, secular humanists and other nonbelievers, primarily in central Pennsylvania. Founded in 1998, it holds monthly meetings in two locations and advocates the positive values of reason, rational thinking, and understanding the natural origin of our world and our personal freedoms and responsibilities. Its members have watched past inaugurations on television, including 2009, and plan to watch future inaugurations, including

2013. They have felt excluded from the American political process by the addition of the religious phrase, “so help me God,” to the Constitutional oath of office and the inclusion of divisive religious prayers in the ceremonies.

(18) Freethought Society of Greater Philadelphia

Plaintiff Freethought Society of Greater Philadelphia (“FSGP”) was founded in 1993 and today serves over 100 members most of whom are in the Greater Philadelphia, Pennsylvania area. FSGP holds monthly meetings and advocates reason, rationalism, freethought and humanism. FSGP provides forums in which freethinkers can gather for informational and educational meetings, and for social events and networking with like-minded individuals. Its Helping Hands committee participates in a variety of service and volunteer activities throughout the year.

(19) Boston Atheists

Plaintiff Boston Atheists (“BA”) is an unincorporated association founded in October of 2002 for the purpose of building a sense of

community and shared interests among secularists, nontheist humanists, skeptics, freethinkers, and self-identified atheists in the metropolitan region of Boston, Massachusetts. Each month, the BA sponsors social gatherings, discussion and reading groups, and participation at public events. Among the more than 450 members of the BA, opinion varies as to how best mediate communication and cooperation between religious- and reality-based communities. Nonetheless, within the group there is wide agreement that a prevalence of unjustified belief is detrimental to civic and societal health, and that the foregrounding of religious ritual in government, such as the inclusion of prayers in the Presidential inauguration, is both unconstitutional and unconscionably divisive.

(2) Defendants

- (1) Hon. John Roberts, Jr., Chief Justice of the United States
- (2) Other Unnamed Oath Administrator(s)²

² These defendants were named in the First Amended Complaint (“FAC”). Inasmuch as the District Court dismissed the case before ruling on Plaintiffs’ Motion for Leave to Submit First Amended Complaint, these defendants were never served.

- (3) Presidential Inaugural Committee (“PIC”)
- (4) Other PIC Defendants²
- (5) Joint Congressional Committee On Inaugural Ceremonies (“JCCIC”)
- (6) Senator Dianne Feinstein, Chairperson, JCCIC
- (7) Armed Forces Inaugural Committee (“AFIC”)
- (8) Major General Richard J. Rowe Jr., Chairperson, AFIC
- (9) United States Secret Service (“USSS”)²
- (10) Mark Sullivan, Director, USSS²
- (11) United States Marshals Service (“USMS”)²
- (12) John F. Clark, Director, USMS²
- (13) Other Governmental “Roe” Defendants²
- (14) Rev. Rick Warren
- (15) Rev. Joe Lowery
- (16) Other Unnamed Clergy²

(3) Intervenor

There were no intervenors in the District Court.

(4) Amici

The following amici were granted leave to file briefs:

- (1) The State of Texas et al. (Motion to File Brief filed on 01/08/09 (#21). Motion granted on 01/12/09 (#24).)
- (2) Peter R. Henriques et al. (Motion to File Brief filed on 01/12/09 (#31). Motion granted on 01/14/09 (#35).)
- (3) American Center for Law and Justice. (Motion to File Brief filed on 01/13/09 (#32). Motion granted on 01/14/09 (#35).)
- (4) Margaret Downey. (Motion to File Brief filed on 01/13/09 (#33). Motion granted on 01/14/09 (#35).)

(B) Rulings Under Review

The only ruling at issue in this case is the Order of dismissal, filed on March 12, 2009 by Hon. Reggie B. Walton (Document #74). It is provided in the accompanying Submission of the Underlying Decision from which the Appeal Arises. Plaintiffs are unaware of any official citation of the ruling.

(C) Related Cases

Plaintiffs' counsel is unaware of any related cases currently pending in this court or in any other court. There are, however, two past related cases:

- (i) Challenge to the governmental use of clergy to lead the audience in (Christian) monotheistic prayer at the 2001 Inauguration
 - a. Newdow v. Bush, 2001 U.S. Dist. LEXIS 25937 (E.D. Cal. July 18, 2001) (Magistrate Judge's recommendation to grant in part and deny in part Defendant's motion to dismiss).
 - b. Newdow v. Bush, 2001 U.S. Dist. LEXIS 25936 (E.D. Cal. December 28, 2001) (Magistrate Judge's recommendation to grant Defendant's motion to for summary judgment).
 - c. Newdow v. Bush, 2002 U.S. Dist. LEXIS 27758 (E.D. Cal. March 26, 2002) (Magistrate Judge's Order recommendation to dismiss the case with prejudice).
 - d. Newdow v. Bush, 2002 U.S. Dist. LEXIS 27759 (E.D. Cal. May 23, 2002) (Order adopting Magistrate Judge's March 26, 2002 Findings and Recommendations and dismissing the case with prejudice).
 - e. Newdow v. Bush, 89 Fed. Appx. 624, 2004 U.S. App. LEXIS 3452 (9th Cir. February 17, 2004) (affirming District Court's Order of May 23, 2002).

- (ii) Challenge to the governmental use of clergy to lead the audience in (Christian) monotheistic prayer at the 2005 Inauguration
- a. Newdow v. Bush, 355 F. Supp. 2d 265 (D.D.C. January 14, 2005) (denying Plaintiff's motion for preliminary injunction).
 - b. Newdow v. Bush, 2005 U.S. App. LEXIS 1311 (D.C. Cir. January 16, 2005) (denying emergency motion for injunction pending appeal).
 - c. Newdow v. Bush, 2005 U.S. App. LEXIS 6546 (D.C. Cir. April 14, 2005) (dismissing appeal of denial of preliminary injunction as moot).
 - d. Newdow v. Bush, 391 F. Supp. 2d 95 (D.D.C. September 14, 2005) (granting Defendants' motions to dismiss).

Respectfully submitted,

/s/ - Michael Newdow

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APPENDIX

RULING UNDER REVIEW

MARCH 12, 2009 ORDER OF HON. REGGIE B. WALTON

(DOCUMENT #74)