

1 | Michael Newdow, in pro per
2 | [Cal Bar #220444]
3 | PO Box 233345
4 | Sacramento, CA 95823
5 | 916-427-6669
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8 | IN THE UNITED STATES DISTRICT COURT
9 | FOR THE EASTERN DISTRICT OF CALIFORNIA

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12 | Civil Action No. **2:05-CV-02339-FCD-PAN**

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15 | THE REV. DR. MICHAEL A. NEWDOW, IN PRO PER;

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17 | Plaintiff,

18 | v.

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20 | THE CONGRESS OF THE UNITED STATES OF AMERICA;
21 | PETER LEFEVRE, LAW REVISION COUNSEL;
22 | THE UNITED STATES OF AMERICA;
23 | JOHN WILLIAM SNOW, SECRETARY OF THE TREASURY;
24 | HENRIETTA HOLSMAN FORE, DIRECTOR, UNITED STATES MINT;
25 | THOMAS A. FERGUSON, DIRECTOR, BUREAU OF ENGRAVING AND PRINTING;

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27 | Defendants, and

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29 | PACIFIC JUSTICE INSTITUTE;

30 | Intervenor-Defendant
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34 | JOINT STATUS REPORT
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40 | Pursuant to the Court's Order dated November 18, 2005, the parties jointly submit the
41 | following Joint Status Report.
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2 (a) *a brief summary of the claims and legal theories under which recovery is sought or liability is denied;*

Plaintiff:

4 Plaintiff asserts that the use of the phrase “In God We Trust” by the federal government –
6 as the nation’s motto and on the coins and currency – is a usurpation of power, not among
8 those powers which are enumerated in the United States Constitution. Additionally,
10 Plaintiff contends that these uses violate the Establishment and Free Exercise clauses of
the First Amendment, as well as the statutory provisions of 42 U.S.C. § 2000bb et seq.
(Religious Freedom Restoration Act (RFRA)).

Defendants:

12 The Federal Defendants' position is that the statutes and practices challenged in the
14 complaint are consistent with the Constitution and laws of the United States. The Federal
Defendants deny liability and will assert in an appropriate motion that, inter alia, Plaintiff
has failed to state a claim upon which relief may be granted.

Intervenor/Defendant:

18 The Intervenor/Defendant agrees with the government defendants.

20 (b) *status of service upon all defendants and cross-defendants;*

22 Service has been effectuated upon all defendants.

24 (c) *possible joinder of additional parties;*

26 Joinder is not contemplated for any additional parties.

28 (d) *contemplated amendments to the pleadings;*

30 Plaintiff is contemplating amending his Complaint with a few additional pieces of
historical information, as well as an additional appendix (or two) further demonstrating

that the phrase, “In God We Trust” is pervasively understood and utilized as being religious. However, no significant substantive changes in the pleadings are currently anticipated.

(e) the statutory basis for jurisdiction and venue;

The statutory basis for jurisdiction and venue are provided in the Complaint at paragraphs (1)-(6). Specifically, these are 28 U.S.C. § 1331, 42 U.S.C. § 2000bb-1(c), 28 U.S.C. § 1346(a)(2), 28 U.S.C. § 1361, 28 U.S.C. § 1391(b)(2), § 1391(e)(3) and § 1391(e)(2).

(f) anticipated discovery and the scheduling of discovery, ...:

Although discovery is likely not necessary, the parties do not waive the right to conduct discovery. In the event that discovery is needed, the parties suggest a discovery cutoff of June 12, 2006.

(g) contemplated dispositive motions and proposed date by which all non-discovery motions shall be heard;

In its Order dated January 24, 2006, the Court set forth the following briefing schedule for the Defendants’ planned FRCP Rule 12(b) Motion to Dismiss:

- Monday, March 27, 2006: Federal Defendants to file 12(b) motion
- Friday, March 31, 2006: Intervenor-Defendant to file motion, joinder, or other response to complaint
- Monday, April 17, 2006: Plaintiff to file opposition memorandum or memoranda
- Friday, April 28, 2006: Defendants to file reply memorandum or memoranda
- Friday, May 19, 2006: Motion hearing (10:00 am)

2 (h) *proposed date for final pretrial conference;*

Because it is not anticipated that a trial will be necessary, no pretrial conference will be necessary either.

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6 (i) *proposed date for trial, estimate of days of trial, and whether any party has demanded a jury;*

8 It is not anticipated that a trial will be necessary.

10
12 (j) *appropriateness of special procedures such as reference to a special master or agreement to try the matter before a magistrate judge pursuant to 28 U.S.C. 636(c);*

14 It is not anticipated that a trial will be necessary.

16 (k) *proposed modification of standard pretrial procedures because of the simplicity or complexity of the case;*

18 Because the case principally involves legal issues, it is not anticipated that a trial will be necessary.

20
22 (l) *whether the case is related to any other case pending in this district, including the bankruptcy courts of this district;*

24 There are no related cases known to any of the parties.

26
28 (m) *prospects for settlement, including whether a settlement conference should be scheduled and whether, in the case of a jury trial, the parties will stipulate to the trial judge acting as settlement judge;*

30 This case involves a facial challenge to the constitutionality of federal statutes. There do not appear to be any prospects for settlement.

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(n) any other matters that may be conducive to the just and expeditious disposition of the case.

No other matters appear at this time that would be more conducive to the just and expeditious disposition of the case.

Respectfully submitted,

January 25, 2006

/s/ - Michael Newdow

Michael Newdow, in pro per
First Amendmist Church of True Science
PO Box 233345
Sacramento, CA 95823

Phone: (916) 427-6669
Fax: (916) 392-7382
E-mail:NewdowLaw@cs.com

January 25, 2006

/s/ - Robert Katerberg
(as authorized on January 25, 2006)

Attorney for Federal Defendants the
United States Congress, Peter LeFevre,
The United States of America, John
William Snow, Henrietta Holsman Fore,
and Thomas A. Ferguson

January 25, 2006

/s/ - Kevin Snider
(as authorized on January 25, 2006)

Attorney for Intervenor-Defendant
Pacific Justice Institute