

APPEAL,CLOSED,STAYED,TYPE-L

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:13-cv-00104-EGS**

GILARDI et al v. U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES

Assigned to: Judge Emmet G. Sullivan

Case in other court: 13-05069

Cause: 42:2000 Religion

Plaintiff

FRANCIS A. GILARDI

Date Filed: 01/24/2013

Date Terminated: 03/12/2013

Jury Demand: None

Nature of Suit: 440 Civil Rights: Other

Jurisdiction: U.S. Government Defendant

represented by **Edward L. White , III**
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JUSTICE
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ATTORNEY TO BE NOTICED

Plaintiff

PHILIP M. GILARDI

represented by **Edward L. White , III**
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LEAD ATTORNEY
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Francis J. Manion
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Colby Mims May
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

**FRESH UNLIMITED
INCORPORATED**
doing business as
FRESHWAY FOODS

represented by **Edward L. White , III**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Francis J. Manion
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LEAD ATTORNEY
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(See above for address)
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Plaintiff

**FRESHWAY LOGISTICS
INCORPORATED**

represented by **Edward L. White , III**
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*LEAD ATTORNEY
PRO HAC VICE
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Francis J. Manion
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Erik M. Zimmerman
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V.

Defendant

**U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES**

represented by **Benjamin Leon Berwick**
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2020 Pennsylvania Avenue, NW
#163
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*LEAD ATTORNEY
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Defendant

KATHLEEN SEBELIUS
*In her official capacity as Secretary of
United States Department of Health and
Human Services*

represented by **Benjamin Leon Berwick**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

U.S. DEPARTMENT OF TREASURY

represented by **Benjamin Leon Berwick**
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Defendant

TIMOTHY F. GEITHNER
*In his official capacity as Secretary of the
United States Department of the
Treasury*

represented by **Benjamin Leon Berwick**
(See above for address)
*LEAD ATTORNEY
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Defendant

U.S. DEPARTMENT OF LABOR

represented by **Benjamin Leon Berwick**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant**HILDA L. SOLIS***In her official capacity as Secretary of
United States Department of Labor*represented by **Benjamin Leon Berwick**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED**Amicus****STATE OF OHIO**represented by **Frederick Dickson Nelson**
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Date Filed	#	Docket Text
01/24/2013	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, KATHLEEN G. SEBELIUS, U.S. DEPARTMENT OF TREASURY, TIMOTHY F. GEITHNER, U.S. DEPARTMENT OF LABOR, HILDA L. SOLIS (Filing fee \$ 350 receipt number 0090-3197361) filed by Francis A Gilardi, Freshway Logistics, Inc., Fresh Unlimited, Inc., d/b/a Freshway Foods, Philip M Gilardi. (Attachments: # <u>1</u> Civil Cover Sheet Civil Cover Sheet & Related Cases, # <u>2</u> Summons Geithner Summons, # <u>3</u> Summons Sebelius Summons, # <u>4</u> Summons Solis Summons, # <u>5</u> Summons Attorney General Summons, # <u>6</u> Summons U.S. Attorney Summons, # <u>7</u> Summons HHS Summons, # <u>8</u> Summons Labor Dept. Summons, # <u>9</u> Summons Treasury Dept. Summons)(May, Colby) (Entered: 01/24/2013)
01/24/2013	<u>2</u>	Proposed MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Edward L. White III, :Firm- American Center for Law & Justice, :Address- 5068 Plymouth Road, Ann Arbor, MI 48105. Phone No. - 734-662-2984. Fax No. - 734-302-1758 by Fresh Unlimited, Inc., d/b/a Freshway Foods, Freshway Logistics, Inc., Francis A Gilardi, Philip M Gilardi (Attachments: # <u>1</u> Text of Proposed Order PHV Proposed Order)(May, Colby) (Entered: 01/24/2013)
01/24/2013		Case Assigned to Judge Reggie B. Walton. (ls,) (Entered: 01/25/2013)
01/25/2013	<u>3</u>	Corporate Disclosure Statement by FRESH UNLIMITED INCORPORATED, FRESHWAY LOGISTICS INCORPORATED, FRANCIS A. GILARDI, PHILIP M. GILARDI. (May, Colby) (Entered: 01/25/2013)
01/25/2013	<u>4</u>	NOTICE OF RELATED CASE by All Plaintiffs. Case related to Case No. 12-cv-1635. (May, Colby) (Entered: 01/25/2013)
01/25/2013	<u>5</u>	ELECTRONIC SUMMONS (8) Issued as to TIMOTHY F. GEITHNER, KATHLEEN G. SEBELIUS, HILDA L. SOLIS, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF TREASURY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons, # <u>7</u> Summons, # <u>8</u> Consent Notice)(ls,) (Entered: 01/25/2013)
01/25/2013		MINUTE ORDER granting <u>2</u> Motion for Leave to Appear Pro Hac Vice. Upon consideration of the motion for leave to appear pro hac vice by Edward L. White III, and finding good cause to grant the motion, the motion is hereby GRANTED. Edward L. White III may appear and be heard in the above-captioned matter. Signed by Judge Reggie B. Walton on 1/25/2013. (lcrbw2) (Entered: 01/25/2013)
01/29/2013	<u>6</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Erik M. Zimmerman, :Firm- American Center for Law & Justice, :Address- 1000 Regent University Drive, Virginia Beach, VA 23464. Phone No. - 757-226-2489. Fax No. - 757-226-2836 by FRESH UNLIMITED INCORPORATED, FRESHWAY LOGISTICS INCORPORATED, FRANCIS A. GILARDI, PHILIP M. GILARDI (Attachments: # <u>1</u>

		Text of Proposed Order Zimmerman PHV Proposed Order)(May, Colby) (Entered: 01/29/2013)
01/29/2013	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 1/29/2013. Answer due for ALL FEDERAL DEFENDANTS by 3/30/2013. (White, Edward) (Entered: 01/29/2013)
01/29/2013	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 1/29/2013. (White, Edward) (Entered: 01/29/2013)
01/29/2013	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF LABOR served on 1/29/2013 (White, Edward) (Entered: 01/29/2013)
01/29/2013	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. HILDA L. SOLIS served on 1/29/2013 (White, Edward) (Entered: 01/29/2013)
01/29/2013	<u>11</u>	ORDER. Per the attached Order, it is hereby ORDERED that the plaintiffs shall show cause in writing on or before February 8, 2013 why this case is related to Tyndale House Publishers, Inc. v. Sebelius, Civ. No. 12-1635 (RBW). It is further ORDERED that the defendants shall respond in writing on or before February 18, 2013. Signed by Judge Reggie B. Walton on 1/29/2013. (lcrbw2) (Entered: 01/29/2013)
01/30/2013	<u>12</u>	CERTIFICATE OF SERVICE by FRESH UNLIMITED INCORPORATED, FRESHWAY LOGISTICS INCORPORATED, FRANCIS A. GILARDI, PHILIP M. GILARDI re <u>11</u> Order, <i>Service of Order (Doc. 11) on Defendants, Attorney General, and U.S. Attorney.</i> (May, Colby) (Entered: 01/30/2013)
01/30/2013	<u>13</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. TIMOTHY F. GEITHNER served on 1/30/2013 (May, Colby) (Entered: 01/30/2013)
01/30/2013	<u>14</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. KATHLEEN G. SEBELIUS served on 1/29/2013 (May, Colby) (Entered: 01/30/2013)
01/30/2013	<u>15</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 1/29/2013 (May, Colby) (Entered: 01/30/2013)
01/30/2013		MINUTE ORDER granting <u>6</u> Motion for Leave to Appear Pro Hac Vice. Upon consideration of the motion for leave to appear pro hac vice by Erik M. Zimmerman, and finding good cause to grant the motion, the motion is hereby GRANTED. Erik M. Zimmerman may appear and be heard in the above-captioned matter. Signed by Judge Reggie B. Walton on 1/30/2013. (lcrbw2) (Entered: 01/30/2013)
01/31/2013		NOTICE OF ERROR re <u>12</u> Certificate of Service; emailed to cmmay@aclj-dc.org, cc'd 3 associated attorneys -- The PDF file you docketed contained errors: 1. Do not file Discovery (LcvR 5.2) (jf,) (Entered: 01/31/2013)
01/31/2013	<u>16</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Francis J. Manion, :Firm- American Center for Law & Justice, :Address- P. O. Box 60, New Hope, KY 40052. Phone No. - 502-549-7020. Fax No. - 502-549-5252 by FRESH UNLIMITED INCORPORATED, FRESHWAY LOGISTICS INCORPORATED, FRANCIS A. GILARDI, PHILIP M. GILARDI (Attachments: # <u>1</u> Text of Proposed Order Manion PHV Proposed Order)(May, Colby) (Entered: 01/31/2013)
01/31/2013	<u>17</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Geoffrey R. Surtees, :Firm- American Center for Law & Justice, :Address- P. O. Box 60, New Hope, KY 40052. Phone No. - 502-549-7020. Fax No. - 502-549-5252 by FRESH UNLIMITED INCORPORATED, FRESHWAY LOGISTICS INCORPORATED, FRANCIS A. GILARDI, PHILIP M. GILARDI (Attachments: # <u>1</u> Text of Proposed Order Surtees PHV Proposed Order)(May, Colby) (Entered: 01/31/2013)
01/31/2013		MINUTE ORDER granting <u>16</u> Motion for Leave to Appear Pro Hac Vice. Upon consideration of the motion for leave to appear pro hac vice by Francis J. Manion, and finding good cause to grant the motion, the motion is hereby GRANTED. Francis J. Manion may appear and be heard in the above-captioned matter. Signed by Judge

		Reggie B. Walton on 1/31/2013. (lcrbw2) (Entered: 01/31/2013)
01/31/2013		MINUTE ORDER granting <u>17</u> Motion for Leave to Appear Pro Hac Vice. Upon consideration of the motion for leave to appear pro hac vice by Geoffrey R. Surtees, and finding good cause to grant the motion, the motion is hereby GRANTED. Geoffrey R. Surtees may appear and be heard in the above-captioned matter. Signed by Judge Reggie B. Walton on 1/31/2013. (lcrbw2) (Entered: 01/31/2013)
02/04/2013		Set/Reset Deadlines: Show Cause in Writing by 2/8/2013; Respond to Show Cause by 2/18/2013. (mpt) (Entered: 02/04/2013)
02/06/2013	<u>18</u>	RESPONSE TO ORDER OF THE COURT re <u>11</u> Order, filed by FRESH UNLIMITED INCORPORATED, FRESHWAY LOGISTICS INCORPORATED, FRANCIS A. GILARDI, PHILIP M. GILARDI. (Attachments: # <u>1</u> Exhibit A--Gov't Motion to Assign Related Appeals in Newland v. Sebelius and Hobby Lobby Stores v. Sebelius)(White, Edward) (Entered: 02/06/2013)
02/06/2013	<u>19</u>	NOTICE of Appearance by Erik M. Zimmerman on behalf of All Plaintiffs (Zimmerman, Erik) (Main Document 19 replaced on 2/7/2013) (td,). (Entered: 02/06/2013)
02/07/2013		NOTICE OF ERROR re <u>19</u> Notice of Appearance; emailed to ezimmerman@aclj.org, cc'd 7 associated attorneys -- The PDF file you docketed contained errors: 1. When doing fillable documents, please save as a pdf first and then file. (td,) (Entered: 02/07/2013)
02/08/2013	<u>20</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF TREASURY served on 2/6/2013 (May, Colby) (Entered: 02/08/2013)
02/08/2013	<u>21</u>	MOTION for Preliminary Injunction <i>and request for oral argument and hearing within 21 days pursuant to LCvR 65.1(d)</i> by FRESH UNLIMITED INCORPORATED, FRESHWAY LOGISTICS INCORPORATED, FRANCIS A. GILARDI, PHILIP M. GILARDI (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A--Declaration of Francis Gilardi, # <u>3</u> Exhibit B--Declaration of Philip Gilardi, # <u>4</u> Exhibit C--Triune Health Grp v. HHS, No. 1:12-cv-6756, slip op, (N.D. IL 1/3/13), # <u>5</u> Text of Proposed Order)(White, Edward). Added MOTION for Order on 2/11/2013 (td,). (Entered: 02/08/2013)
02/11/2013	<u>22</u>	ORDER. Per the attached Order, it is hereby ORDERED that this case is TRANSFERRED to the Calendar and Case Management Committee for reassignment. It is further ORDERED that the portion of this Court's January 29, 2013 Order requiring the defendants to respond to that Order in writing on or before February 18, 2013 is VACATED. Signed by Judge Reggie B. Walton on 2/11/2013. (lcrbw2) (Entered: 02/11/2013)
02/12/2013	<u>23</u>	Case randomly reassigned to Judge Ellen S. Huvelle. Judge Reggie B. Walton has determined that this case is not related to 12cv1635 and is no longer assigned to the case. (gt,) (Entered: 02/12/2013)
02/12/2013	<u>24</u>	Case randomly reassigned to Judge Emmet G. Sullivan. Judge Ellen S. Huvelle is in a protracted criminal trial and is no longer assigned to the case. (gt,) (Entered: 02/12/2013)
02/12/2013		Minute Entry for proceedings held before Judge Emmet G. Sullivan: Status Conference held on 2/12/2013. Defendant's Response to Preliminary Injunction due by 2/25/2013 at 12:00 PM. Plaintiff's Reply due by 2/28/2013 at 12:00 PM. Motion Hearing set for 3/6/2013 at 10:30 AM in Courtroom 24A before Judge Emmet G. Sullivan. Order To Be Presented. (Court Reporter SUSAN TYNER) (mac) (Entered: 02/12/2013)
02/12/2013	<u>25</u>	NOTICE of Appearance by Benjamin Leon Berwick on behalf of All Defendants (Berwick, Benjamin) (Entered: 02/12/2013)
02/12/2013		MINUTE ORDER. The parties are hereby directed to comply with the following briefing schedule. Plaintiffs are directed to deliver to the chambers of the Honorable Emmet G. Sullivan by no later than February 19, 2013 at 3:00 p.m. two copies of their pleadings and exhibits as well as binders containing one copy of the principal points

		and authorities relied upon (i.e., counsel should provide copies of principal cases, statutes, regulations, etc. but need not provide copies of cases relied upon merely for the standard of review or other well-established principles). Defendants' opposition to the motion for a preliminary injunction shall be filed by no later than February 25, 2013 at 12:00 p.m. Defendants are directed to deliver to chambers two copies of their pleadings and exhibits and one copy of the principal points and authorities relied upon as described above by no later than February 25, 2013 at 3:00 p.m. Plaintiffs' reply in further support of their motion shall be filed by no later than February 28, 2013 at 12:00 p.m. Plaintiffs shall deliver to chambers two copies of their pleadings and exhibits and one copy of the principal points and authorities relied upon, to the extent not previously provided to the Court, by no later than February 28, 2013 at 3:00 p.m. In view of the Court's finding that a hearing date later than 21 days from the filing of the motion for a preliminary injunction would not prejudice the parties under Local Civil Rule 65.1(d), the Court will hold a hearing on the motion for a preliminary injunction on March 6, 2013 at 10:30 a.m. in Courtroom 24A. Signed by Judge Emmet G. Sullivan on February 12, 2013. (lcegs2) (Entered: 02/12/2013)
02/21/2013	<u>26</u>	MOTION for Leave to File AMICUS CURIAE BRIEF by STATE OF OHIO (rdj) (Entered: 02/21/2013)
02/22/2013		MINUTE ORDER granting <u>26</u> Motion for Leave to File. The amicus curiae brief attached to the motion is hereby deemed filed. It is FURTHER ORDERED that by no later than 3:00 p.m. on February 26, 2013, the State of Ohio shall cause to be delivered to chambers two copies of its pleadings and exhibits as well as binders containing one copy of the principal points and authorities relied upon (i.e., counsel should provide copies of principal cases, statutes, regulations, etc. but need not provide copies of cases relied upon merely for the standard of review or other well-established principles). Signed by Judge Emmet G. Sullivan on February 22, 2013. (lcegs2) (Entered: 02/22/2013)
02/22/2013	<u>27</u>	AMICUS BRIEF by STATE OF OHIO. (jf,) (Entered: 02/25/2013)
02/25/2013		Set/Reset Deadlines: Movant (State Of Ohio) to provide Judge's chambers two copies of its pleadings and exhibits as well as binders containing one copy of the principal points and authorities relied upon due by 2/26/2013 at 3:00pm. (mac) (Entered: 02/25/2013)
02/25/2013	<u>28</u>	Memorandum in opposition to re <u>21</u> MOTION for Preliminary Injunction <i>and request for oral argument and hearing within 21 days pursuant to LCvR 65.1(d)</i> MOTION for Order filed by TIMOTHY F. GEITHNER, KATHLEEN G. SEBELIUS, HILDA L. SOLIS, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF TREASURY. (Berwick, Benjamin) (Entered: 02/25/2013)
02/25/2013	<u>29</u>	NOTICE of Submission by STATE OF OHIO re Order on Motion for Leave to File,, (Nelson, Frederick) (Entered: 02/25/2013)
02/28/2013	<u>30</u>	REPLY to opposition to motion re <u>21</u> MOTION for Preliminary Injunction <i>and request for oral argument and hearing within 21 days pursuant to LCvR 65.1(d)</i> MOTION for Order filed by FRESH UNLIMITED INCORPORATED, FRESHWAY LOGISTICS INCORPORATED, FRANCIS A. GILARDI, PHILIP M. GILARDI. (White, Edward) (Entered: 02/28/2013)
02/28/2013	<u>31</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by TIMOTHY F. GEITHNER, KATHLEEN G. SEBELIUS, HILDA L. SOLIS, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF TREASURY (Attachments: # <u>1</u> Exhibit Briscoe v. Sebelius)(Berwick, Benjamin) (Entered: 02/28/2013)
03/01/2013	<u>32</u>	REPLY re <u>31</u> NOTICE OF SUPPLEMENTAL AUTHORITY, filed by FRESH UNLIMITED INCORPORATED, FRESHWAY LOGISTICS INCORPORATED, FRANCIS A. GILARDI, PHILIP M. GILARDI. (Zimmerman, Erik) (Entered: 03/01/2013)
03/03/2013	<u>33</u>	ORDER denying <u>21</u> Motion for Preliminary Injunction and canceling March 6, 2013 hearing. Signed by Judge Emmet G. Sullivan on March 3, 2013. (lcegs2) (Entered: 03/03/2013)

03/03/2013	<u>34</u>	MEMORANDUM OPINION. Signed by Judge Emmet G. Sullivan on March 3, 2013. (lcegs2) (Entered: 03/03/2013)
03/04/2013	<u>35</u>	NOTICE OF INTERLOCUTORY APPEAL as to <u>34</u> Memorandum & Opinion, <u>33</u> Order on Motion for Preliminary Injunction, Order on Motion for Order by FRESH UNLIMITED INCORPORATED, FRESHWAY LOGISTICS INCORPORATED, FRANCIS A. GILARDI, PHILIP M. GILARDI. Filing fee \$ 455, receipt number 0090-3238619. Fee Status: Fee Paid. Parties have been notified. (White, Edward) (Entered: 03/04/2013)
03/05/2013	<u>36</u>	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid this date re <u>35</u> Notice of Interlocutory Appeal,. (jf,) (Entered: 03/05/2013)
03/07/2013		USCA Case Number 13-5069 for <u>35</u> Notice of Interlocutory Appeal, filed by PHILIP M. GILARDI, FRESHWAY LOGISTICS INCORPORATED, FRESH UNLIMITED INCORPORATED, FRANCIS A. GILARDI. (jf,) (Entered: 03/07/2013)
03/07/2013	<u>37</u>	Joint MOTION to Stay <i>district court proceedings pending resolution of Plaintiffs' interlocutory appeal from denial of their motion for a preliminary injunction and issuance of appellate court mandate or until further order of this court</i> by FRESH UNLIMITED INCORPORATED, FRESHWAY LOGISTICS INCORPORATED, FRANCIS A. GILARDI, PHILIP M. GILARDI (Attachments: # <u>1</u> Text of Proposed Order)(White, Edward) (Entered: 03/07/2013)
03/11/2013		MINUTE ORDER granting <u>37</u> consent motion to stay pending appeal. It is hereby ORDERED that this case is STAYED and ADMINISTRATIVELY CLOSED pending the Circuit Court's resolution of plaintiffs' appeal of this Court's March 3, 2013 Order. Signed by Judge Emmet G. Sullivan on March 11, 2013. (lcegs2) (Entered: 03/11/2013)
03/12/2013		Case Stayed (mac) (Entered: 03/12/2013)
03/12/2013	<u>38</u>	Supplemental Record on Appeal transmitted to US Court of Appeals re Order on Motion to Stay, ;USCA Case Number 13-5069. (jf,) (Entered: 03/12/2013)
03/14/2013	<u>39</u>	DESIGNATION of Record on Appeal by FRESH UNLIMITED INCORPORATED, FRESHWAY LOGISTICS INCORPORATED, FRANCIS A. GILARDI, PHILIP M. GILARDI re <u>35</u> Notice of Interlocutory Appeal, (jf,) (Entered: 03/15/2013)
03/15/2013	<u>40</u>	Supplemental Record on Appeal transmitted to US Court of Appeals re <u>39</u> Designation of Record on Appeal ;USCA Case Number 13-5069. (jf,) (Entered: 03/15/2013)
03/29/2013	<u>41</u>	ORDER of USCA as to <u>35</u> Notice of Interlocutory Appeal, filed by PHILIP M. GILARDI, FRESHWAY LOGISTICS INCORPORATED, FRESH UNLIMITED INCORPORATED, FRANCIS A. GILARDI ; USCA Case Number 13-5069. ORDERED, on the court's own motion, that the motion for an injunction pending appeal be granted. (kb,) (Entered: 04/03/2013)
07/05/2013	<u>42</u>	NOTICE of Change of Address by Edward L. White, III (White, Edward) (Entered: 07/05/2013)
08/11/2014		MINUTE ORDER. In light of the United States Court of Appeals for the District of Columbia Circuit's mandate, see Case No. 13-5069, Doc. No. 1506830, the parties are directed to file a joint status report. The joint status report shall include the proposed language of the preliminary injunction to be entered by this Court and a recommendation for further proceedings as to the United States Court of Appeals for the District of Columbia Circuit's order that this Court "reconsider the denial of the preliminary injunction as to the individual owners in light of <i>Burwell v. Hobby Lobby Stores, Inc.</i> , 134 S. Ct. 2751 (2014)." The parties shall file their joint status report by no later than August 18, 2014. In the event that counsel are unable to agree on a joint recommendation, each party shall file an individual recommendation by that time. Signed by Judge Emmet G. Sullivan on August 11, 2014. (lcegs4) (Entered: 08/11/2014)
08/12/2014		Set/Reset Deadlines: Individual Recommendation or Joint Status Report due by 8/18/2014. (mac) (Entered: 08/12/2014)

08/18/2014	<u>43</u>	STATUS REPORT <i>JOINTLY FILED</i> by FRESH UNLIMITED INCORPORATED, FRESHWAY LOGISTICS INCORPORATED, FRANCIS A. GILARDI, PHILIP M. GILARDI. (White, Edward) (Entered: 08/18/2014)
08/18/2014	<u>44</u>	ORDER. Signed by Judge Emmet G. Sullivan on August 18, 2014. (lcegs4) (Entered: 08/18/2014)
08/25/2014		Set/Reset Deadlines: Joint Status Report due by 9/17/2014. (mac) (Entered: 08/25/2014)
09/15/2014	<u>45</u>	STATUS REPORT <i>on behalf of all parties regarding Court Order at Docket Entry 44</i> by FRESH UNLIMITED INCORPORATED, FRESHWAY LOGISTICS INCORPORATED, FRANCIS A. GILARDI, PHILIP M. GILARDI. (White, Edward) (Entered: 09/15/2014)
09/16/2014		MINUTE ORDER. The Court has reviewed <u>45</u> the parties' joint status report, in which the parties represented that this case should continue to be stayed through September 26, 2014, so that the Plaintiffs have sufficient time to consider Defendants' recent proposal "on how this case should be resolved." In light of this representation, it is hereby ORDERED that all proceedings are STAYED until September 26, 2014. The parties shall submit a joint status report, including a recommendation for further proceedings, by no later than that same date. In the event that counsel are unable to agree on a joint recommendation, each party shall file an individual recommendation by that time. Signed by Judge Emmet G. Sullivan on September 16, 2014. (lcegs4) (Entered: 09/16/2014)
09/16/2014		Set/Reset Deadlines: Joint Status Report or Individual Recommendation due by 9/26/2014. (mac) (Entered: 09/16/2014)
09/26/2014	<u>46</u>	STATUS REPORT <i>filed jointly by the parties in response to Court Minute Order of 9/16/14</i> by FRESH UNLIMITED INCORPORATED, FRESHWAY LOGISTICS INCORPORATED, FRANCIS A. GILARDI, PHILIP M. GILARDI. (White, Edward) (Entered: 09/26/2014)
10/03/2014		MINUTE ORDER. The Court has reviewed <u>46</u> the joint response filed by the parties. The parties agree that plaintiffs are entitled to judgment in their favor on their RFRA claim, that a permanent injunction of some kind should be entered, and that attorneys' fees and costs should be resolved pursuant to Local Rules 54.1, 54.2. There is a "significant" dispute, however, concerning the nature and scope of the permanent injunction that this Court should enter. The parties both provided their respective positions and proposed orders concerning this dispute. In light of this, the parties are directed to file supplemental memorandum in support of their position. The parties should, among other things, identify the specific language in each proposed permanent injunction that they object to, and provide all relevant authority in support of their position. The parties' supplemental memorandums are due by no later than October 24, 2014. Signed by Judge Emmet G. Sullivan on October 3, 2014. (lcegs4) (Entered: 10/03/2014)
10/03/2014		Set/Reset Deadlines: Parties Supplemental Memorandums due by 10/24/2014. (mac) (Entered: 10/03/2014)
10/17/2014	<u>47</u>	Joint MOTION for Permanent Injunction <i>and Judgment and Joint Response to Court Order of October 3, 2014</i> , by FRESH UNLIMITED INCORPORATED, FRESHWAY LOGISTICS INCORPORATED, FRANCIS A. GILARDI, PHILIP M. GILARDI (Attachments: # <u>1</u> Text of Proposed Order)(White, Edward) (Entered: 10/17/2014)
10/20/2014	<u>48</u>	RESPONSE re Order,,, filed by FRESH UNLIMITED INCORPORATED, FRESHWAY LOGISTICS INCORPORATED, FRANCIS A. GILARDI, PHILIP M. GILARDI. (Attachments: # <u>1</u> Text of Proposed Order)(White, Edward) (Entered: 10/20/2014)
10/20/2014	<u>49</u>	ORDER granting <u>47</u> joint motion for permanent injunction and judgment. Signed by Judge Emmet G. Sullivan on October 20, 2014. (lcegs4) (Entered: 10/20/2014)
12/11/2014		Set/Reset Hearings: Status Conference set for 12/17/2014 at 2:00 PM in Courtroom 24A before Judge Emmet G. Sullivan. (mac) (Entered: 12/11/2014)

12/11/2014	<u>50</u>	STATUS REPORT <i>Filed Jointly By Plaintiffs and Defendants</i> by FRESH UNLIMITED INCORPORATED, FRESHWAY LOGISTICS INCORPORATED, FRANCIS A. GILARDI, PHILIP M. GILARDI. (White, Edward) (Entered: 12/11/2014)
12/11/2014		MINUTE ORDER. The Court has reviewed the <u>50</u> joint status report filed by the parties, in which the parties recommended that the Court cancel the status hearing scheduled for December 17, 2014. In light of this recommendation, the status hearing scheduled for December 17, 2014 is hereby VACATED. It is FURTHER ORDERED that the parties file a joint status report, including a recommendation for further proceedings, by no later than January 16, 2015. In the event that counsel are unable to agree on a joint recommendation, each party shall file an individual recommendation by that time. Signed by Judge Emmet G. Sullivan on December 11, 2014. (lcegs4) (Entered: 12/11/2014)
01/13/2015	<u>51</u>	STATUS REPORT <i>Jointly Filed By The Parties</i> by FRESH UNLIMITED INCORPORATED, FRESHWAY LOGISTICS INCORPORATED, FRANCIS A. GILARDI, PHILIP M. GILARDI. (White, Edward) (Entered: 01/13/2015)
03/27/2015	<u>52</u>	STATUS REPORT <i>Filed Jointly By The Parties</i> by FRESH UNLIMITED INCORPORATED, FRESHWAY LOGISTICS INCORPORATED, FRANCIS A. GILARDI, PHILIP M. GILARDI. (White, Edward) (Entered: 03/27/2015)