

General Docket
United States Court of Appeals for District of Columbia Circuit

Court of Appeals Docket #: 13-5069

Docketed: 03/05/2013

Francis Gilardi, et al v. HHS, et al

Termed: 11/01/2013

Appeal From: United States District Court for the District of Columbia

Fee Status: Fee Paid

Case Type Information:

- 1) Civil US
- 2) United States
- 3)

Originating Court Information:

District: 0090-1 : [1:13-cv-00104-EGS](#)

Lead: [1:13-cv-00104-EGS](#)

Court Reporter: Susan Tyner

Trial Judge: Emmet G. Sullivan, U.S. District Judge

Date Filed: 01/24/2013

Date Order/Judgment:

03/03/2013

Date NOA Filed:

03/04/2013

Prior Cases:

None

Current Cases:

None

Panel Assignment:

Panel: JRB HTE ARR

Date of Hearing: 09/24/2013

Date of Decision: 11/01/2013

Date Completed: 11/01/2013

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[COR LD NTC Retained]
(see above)

Bradley V. Lewis
nt
Amicus Curiae for Appella

Dwight Gerard Duncan
Direct: 800-213-0061
[COR LD NTC Retained]
(see above)

Asian Pacific American Legal Center e	Amicus Curiae for Appella	Martha Jane Perkins Direct: 919-968-6308 [COR LD NTC Retained] (see above)
Steven A. Long nt	Amicus Curiae for Appella	Dwight Gerard Duncan Direct: 800-213-0061 [COR LD NTC Retained] (see above)
Bruce D. Marshall nt	Amicus Curiae for Appella	Dwight Gerard Duncan Direct: 800-213-0061 [COR LD NTC Retained] (see above)
Forward Together e	Amicus Curiae for Appella	Martha Jane Perkins Direct: 919-968-6308 [COR LD NTC Retained] (see above)
William E. May nt	Amicus Curiae for Appella	Dwight Gerard Duncan Direct: 800-213-0061 [COR LD NTC Retained] (see above)
National Hispanic Medical Association e	Amicus Curiae for Appella	Martha Jane Perkins Direct: 919-968-6308 [COR LD NTC Retained] (see above)
Kevin T. McMahon nt	Amicus Curiae for Appella	Dwight Gerard Duncan Direct: 800-213-0061 [COR LD NTC Retained] (see above)
Ipas e	Amicus Curiae for Appella	Martha Jane Perkins Direct: 919-968-6308 [COR LD NTC Retained] (see above)
Michael Pakaluk nt	Amicus Curiae for Appella	Dwight Gerard Duncan Direct: 800-213-0061 [COR LD NTC Retained] (see above)

Sexuality Information and Education Council of the U.S. e	Amicus Curiae for Appelle	Martha Jane Perkins Direct: 919-968-6308 [COR LD NTC Retained] (see above)
Alexander R. Pruss nt	Amicus Curiae for Appella	Dwight Gerard Duncan Direct: 800-213-0061 [COR LD NTC Retained] (see above)
Campaign to End AIDS e	Amicus Curiae for Appelle	Martha Jane Perkins Direct: 919-968-6308 [COR LD NTC Retained] (see above)
Michael Root nt	Amicus Curiae for Appella	Dwight Gerard Duncan Direct: 800-213-0061 [COR LD NTC Retained] (see above)
HIV Law Project e	Amicus Curiae for Appelle	Martha Jane Perkins Direct: 919-968-6308 [COR LD NTC Retained] (see above)
Christopher O. Tollefsen nt	Amicus Curiae for Appella	Dwight Gerard Duncan Direct: 800-213-0061 [COR LD NTC Retained] (see above)
National Women and AIDS Collective e	Amicus Curiae for Appelle	Martha Jane Perkins Direct: 919-968-6308 [COR LD NTC Retained] (see above)
Lawrence J. Welch nt	Amicus Curiae for Appella	Dwight Gerard Duncan Direct: 800-213-0061 [COR LD NTC Retained] (see above)
Housing Works e	Amicus Curiae for Appelle	Martha Jane Perkins Direct: 919-968-6308 [COR LD NTC Retained] (see above)

Christopher Wolfe

Amicus Curiae for Appella

nt

Dwight Gerard Duncan

Direct: 800-213-0061

[COR LD NTC Retained]

(see above)

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Amicus Curiae for Appelle

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Anti-Defamation League
Amicus Curiae for Appellee

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Catholics for Choice
Amicus Curiae for Appellee

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Central Conference of American Rabbis
Amicus Curiae for Appelle

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Hadassah, The Womens Zionist Organization of
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e

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Hindu American Foundation
Amicus Curiae for Appelle

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Interfaith Alliance Foundation
Amicus Curiae for Appelle

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Religious Coalition for Reproductive Choice
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Religious Institute

Amicus Curiae for Appellee

Ayesha N. Khan, Esquire, Attorney
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Gregory Michael Lipper, Partner
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Union for Reform Judaism

Amicus Curiae for Appellee

Ayesha N. Khan, Esquire, Attorney
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Gregory Michael Lipper, Partner
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Unitarian Universalist Womens Federation

Amicus Curiae for Appellee

Ayesha N. Khan, Esquire, Attorney
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Gregory Michael Lipper, Partner
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		Daniel Mach Direct: 202-548-6604 [COR NTC Retained] (see above)
Women of Reform Judaism e	Amicus Curiae for Appelle	Ayesha N. Khan, Esquire, Attorney [COR NTC Retained] (see above)
		Gregory Michael Lipper, Partner Direct: 202-466-3234 [COR NTC Retained] (see above)
		Daniel Mach Direct: 202-548-6604 [COR NTC Retained] (see above)
Ovarian Cancer National Alliance e	Amicus Curiae for Appelle	Michelle A. Kisloff, Attorney Direct: 202-637-5600 Email: michelle.kisloff@hoganlovells.com Fax: 202-637-5910 [COR LD NTC Retained] Hogan Lovells US LLP Firm: 202-637-5600 Columbia Square 555 13th Street, NW Washington, DC 20004-1109
National Ovarian Cancer Coalition e	Amicus Curiae for Appelle	Michelle A. Kisloff, Attorney Direct: 202-637-5600 [COR LD NTC Retained] (see above)
Bright Pink e	Amicus Curiae for Appelle	Michelle A. Kisloff, Attorney Direct: 202-637-5600 [COR LD NTC Retained] (see above)
Anil K. Sood e	Amicus Curiae for Appelle	Michelle A. Kisloff, Attorney Direct: 202-637-5600 [COR LD NTC Retained] (see above)

R. Alta Charo

Amicus Curiae for Appellee

Lisa Schiavo Blatt, Attorney
[COR LD NTC Retained]
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Julianna Susan Gonen
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(see above)

Robert J. Katerberg
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[COR LD NTC Retained]
(see above)

Andrew Scot Macurdy
[COR LD NTC Retained]
(see above)

Francis A. Gilardi; Philip M. Gilardi; Fresh Unlimited Incorporated, doing business as Freshway Foods; Freshway Logistics Incorporated,

Plaintiffs - Appellants

v.

United States Department of Health and Human Services; Sylvia Mathews Burwell, In her official capacity as Secretary of United States Department of Health and Human Services; United States Department of the Treasury; Jacob J. Lew, In his official capacity as Secretary of the United States Department of the Treasury; Department of Labor; Thomas E. Perez, In his official capacity as Secretary of United States Department of Labor,

Defendants - Appellees

Liberty, Life, and Law Foundation,

Amicus Curiae for Appellant

National Womens Law Center,

Amicus Curiae for Appellee

Archdiocese of Cincinnati,

Amicus Curiae for Appellant

American Association of University Women,

Amicus Curiae for Appellee

Association of American Physicians and Surgeons,

Amicus Curiae for Appellant

American Federation of State, County and Municipal Employees,

Amicus Curiae for Appellee

American Association of Pro-Life Obstetricians and Gynecologists,

Amicus Curiae for Appellant

Black Women's Health Imperative,

Amicus Curiae for Appellee

Christian Medical Association,

Amicus Curiae for Appellant

Ibis Reproductive Health,

Amicus Curiae for Appellee

Catholic Medical Association,

Amicus Curiae for Appellant

MergerWatch,

Amicus Curiae for Appellee

National Catholic Bioethics Center,

Amicus Curiae for Appellant

NARAL Pro-Choice America,

Amicus Curiae for Appellee

Physicians for Life,

Amicus Curiae for Appellant

NARAL Pro-Choice Ohio,

Amicus Curiae for Appellee

National Association of Pro Life Nurses,

Amicus Curiae for Appellant

National Organization for Women Foundation,

Amicus Curiae for Appellee

State of Ohio,

Amicus Curiae for Appellant

Population Connection,

Amicus Curiae for Appellee

Breast Cancer Prevention Institute,

Amicus Curiae for Appellant

Planned Parenthood Federation of America,

Amicus Curiae for Appellee

Polycarp Research Institute,

Amicus Curiae for Appellant

Planned Parenthood of Greater Ohio,

Amicus Curiae for Appellee

Abortion Breast Cancer Coalition,

Amicus Curiae for Appellant

Planned Parenthood Southwest Ohio Region,

Amicus Curiae for Appellee

Christian Legal Society,

Amicus Curiae for Appellant

Raising Women's Voices for the Health Care We Need,

Amicus Curiae for Appellee

Association of Rescue Gospel Missions,

Amicus Curiae for Appellant

Service Employees International Union,

Amicus Curiae for Appellee

Prison Fellowship Ministries,

Amicus Curiae for Appellant

Physicians for Reproductive Health,

Amicus Curiae for Appellee

Association of Christian Schools International,

Amicus Curiae for Appellant

American College of Obstetricians and Gynecologists,

Amicus Curiae for Appellee

National Association of Evangelicals,

Amicus Curiae for Appellant

American Society for Emergency Contraception,

Amicus Curiae for Appellee

Ethics and Religious Liberty Commission of the Southern Baptist Convention,

Amicus Curiae for Appellant

Association of Reproductive Health Professionals,

Amicus Curiae for Appellee

The C12 Group,

Amicus Curiae for Appellant

American Society for Reproductive Medicine,

Amicus Curiae for Appellee

Institutional Religious Freedom Alliance,

Amicus Curiae for Appellant

Society for Adolescent Health and Medicine,

Amicus Curiae for Appellee

Life Legal Defense Foundation,

Amicus Curiae for Appellant

American Medical Womens Association,

Amicus Curiae for Appellee

Nicanor Pier Austriaco,

Amicus Curiae for Appellant

National Association of Nurse Practitioners in Womens Health,

Amicus Curiae for Appellee

Gregory R Beabout,

Amicus Curiae for Appellant

Society of Family Planning,

Amicus Curiae for Appellee

Francis J. Beckwith,

Amicus Curiae for Appellant

International Association of Forensic Nurses,

Amicus Curiae for Appellee

Brian J Benestad,

Amicus Curiae for Appellant

James Trussell,

Amicus Curiae for Appellee

Thomas V. Berg,

Amicus Curiae for Appellant

Susan F. Wood,

Amicus Curiae for Appellee

Christopher O. Blum,

Amicus Curiae for Appellant

Don Downing,

Amicus Curiae for Appellee

Holly Taylor Coolman,

Amicus Curiae for Appellant

Kathleen Besinque,

Amicus Curiae for Appellee

Patrick G. Derr,

Amicus Curiae for Appellant

Center for Reproductive Rights,

Amicus Curiae for Appellee

John Finley,

Amicus Curiae for Appellant

American Public Health Association,

Amicus Curiae for Appellee

Michael P. Foley,

Amicus Curiae for Appellant

Guttmacher Institute,

Amicus Curiae for Appellee

Alfred J. Freddoso,

Amicus Curiae for Appellant

National Family Planning & Reproductive Health Association,

Amicus Curiae for Appellee

Michael Gorman,

Amicus Curiae for Appellant

National Latina Institute for Reproductive Health,

Amicus Curiae for Appellee

John S. Grabowski,

Amicus Curiae for Appellant

National Women's Health Network,

Amicus Curiae for Appellee

Joshua P. Hochschild,

Amicus Curiae for Appellant

Reproductive Health Technologies Project,

Amicus Curiae for Appellee

Leroy Huizenga,

Amicus Curiae for Appellant

Lambda Legal Defense and Education Fund, Inc.,

Amicus Curiae for Appellee

Angela McKay Knobel,

Amicus Curiae for Appellant

National Health Law Program,

Amicus Curiae for Appellee

Matthew Levering,

Amicus Curiae for Appellant

Mexican American Legal Defense and Educational Fund,

Amicus Curiae for Appellee

Bradley V. Lewis,

Amicus Curiae for Appellant

Asian Pacific American Legal Center,

Amicus Curiae for Appellee

Steven A. Long; Bruce D. Marshall,

Amici Curiae for Appellant

Forward Together,

Amicus Curiae for Appellee

William E. May,

Amicus Curiae for Appellant

National Hispanic Medical Association,

Amicus Curiae for Appellee

Kevin T. McMahon,

Amicus Curiae for Appellant

Ipas,

Amicus Curiae for Appellee

Michael Pakaluk,

Amicus Curiae for Appellant

Sexuality Information and Education Council of the U.S.,

Amicus Curiae for Appellee

Alexander R. Pruss,

Amicus Curiae for Appellant

Campaign to End AIDS,

Amicus Curiae for Appellee

Michael Root,

Amicus Curiae for Appellant

HIV Law Project,

Amicus Curiae for Appellee

Christopher O. Tollefsen,

Amicus Curiae for Appellant

National Women and AIDS Collective,

Amicus Curiae for Appellee

Lawrence J. Welch,

Amicus Curiae for Appellant

Housing Works,

Amicus Curiae for Appellee

Christopher Wolfe,

Amicus Curiae for Appellant

Americans United for Separation of Church and State,








Amicus Curiae for Appellee

Eagle Forum Education & Legal Defense Fund,








Amicus Curiae for Appellant


American Civil Liberties Union; Anti-Defamation League; Catholics for Choice; Central Conference of American Rabbis; Hadassah, The Womens Zionist Organization of American, Inc.; Hindu American Foundation; Interfaith Alliance Foundation; National Coalition of American Nuns; National Council of Jewish Women; Religious Coalition for Reproductive Choice; Religious Institute; Union for Reform Judaism; Unitarian Universalist Womens Federation; Women of Reform Judaism; Ovarian Cancer National Alliance; National Ovarian Cancer Coalition; Bright Pink; Anil K. Sood; R. Alta Charo,


Amici Curiae for Appellee


03/05/2013		US CIVIL CASE docketed. [13-5069] [Entered: 03/05/2013 04:33 PM]
03/05/2013	 38 pg, 206.79 KB	NOTICE OF INTERLOCUTORY APPEAL filed [1423735] by Fresh Unlimited Incorporated, Freshway Logistics Incorporated, Francis A. Gilardi and Philip M. Gilardi seeking review of a decision by the U.S. District Court in 1:13-cv-00104-EGS. Assigned USCA Case Number [13-5069] [Entered: 03/05/2013 04:34 PM]
03/05/2013	 1 pg, 390.06 KB	ENTRY OF APPEARANCE filed [1423756] by Alisa B. Klein and co-counsel Mark B. Stern on behalf of Appellees DOL, Seth D. Harris, Jacob J. Lew, Kathleen Sebelius, HHS and TREA. [13-5069] (Klein, Alisa) [Entered: 03/05/2013 06:27 PM]
03/05/2013	 1 pg, 55.86 KB	ENTRY OF APPEARANCE filed [1423757] by Colby M. May and co-counsel Carly F. Gammill on behalf of Appellants Fresh Unlimited Incorporated, Freshway Logistics Incorporated, Francis A. Gilardi and Philip M. Gilardi. [13-5069] (May, Colby) [Entered: 03/05/2013 06:41 PM]
03/06/2013	 95 pg, 2.21 MB	<i>EMERGENCY MOTION</i> filed [1423810] by Fresh Unlimited Incorporated, Freshway Logistics Incorporated, Francis A. Gilardi and Philip M. Gilardi Emergency Motion for Injunction Pending Appeal before April 1, 2013, and to Expedite Appeal. (Response to Motion served by mail due on 03/21/2013) [Service Date: 03/06/2013 by CM/ECF NDA] Pages: 16-20. [13-5069] (May, Colby) [Entered: 03/06/2013 08:07 PM]
03/06/2013	 6 pg, 51.06 KB	CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES FILED [1423811] by Fresh Unlimited Incorporated, Freshway Logistics Incorporated, Francis A. Gilardi and Philip M. Gilardi [Service Date: 03/06/2013] [13-5069] (May, Colby) [Entered: 03/06/2013 08:10 PM]
03/06/2013	 29 pg, 104.9 KB	UNDERLYING DECISION IN CASE submitted [1423812] by Fresh Unlimited Incorporated, Freshway Logistics Incorporated, Francis A. Gilardi and Philip M. Gilardi [Service Date: 03/06/2013] [13-5069] (May, Colby) [Entered: 03/06/2013 08:12 PM]
03/06/2013	 3 pg, 83.16 KB	TRANSCRIPT STATUS REPORT [1423813] by Fresh Unlimited Incorporated, Freshway Logistics Incorporated, Francis A. Gilardi and Philip M. Gilardi [Service Date: 03/06/2013]. Status of


Transcripts: Final - No transcripts are needed for the appeal. [13-5069] (May, Colby) [Entered: 03/06/2013 08:15 PM]


- 03/06/2013  5 pg, 150.92 KB
DOCKETING STATEMENT FILED [1423814] by Fresh Unlimited Incorporated, Freshway Logistics Incorporated, Francis A. Gilardi and Philip M. Gilardi [Service Date: 03/06/2013] [13-5069] (May, Colby) [Entered: 03/06/2013 08:17 PM]
- 03/06/2013  3 pg, 29.29 KB
STATEMENT FILED [1423815] by Fresh Unlimited Incorporated, Freshway Logistics Incorporated, Francis A. Gilardi and Philip M. Gilardi with Disclosure Listing [Service Date: 03/06/2013] [13-5069] (May, Colby) [Entered: 03/06/2013 08:19 PM]
- 03/07/2013  2 pg, 44.5 KB
CLERK'S ORDER filed [1423844] directing party to file initial submissions: APPELLANT statement of issues due 04/08/2013. APPELLANT deferred appendix statement due 04/08/2013. APPELLANT procedural motions due 04/08/2013. APPELLANT dispositive motions due 04/22/2013; directing party to file initial submissions: APPELLEE certificate as to parties, etc. due 04/08/2013. APPELLEE procedural motions due 04/08/2013. APPELLEE dispositive motions due 04/22/2013 [13-5069] [Entered: 03/07/2013 09:39 AM]
- 03/07/2013  3 pg, 28.49 KB
STATEMENT OF INTENT REGARDING APPENDIX DEFERRAL FILED [1423993] by Fresh Unlimited Incorporated, Freshway Logistics Incorporated, Francis A. Gilardi and Philip M. Gilardi [Service Date: 03/07/2013] Intent: AppxNotDeferred [13-5069] (May, Colby) [Entered: 03/07/2013 04:31 PM]
- 03/07/2013  4 pg, 33.07 KB
STATEMENT OF ISSUES FILED [1423997] by Fresh Unlimited Incorporated, Freshway Logistics Incorporated, Francis A. Gilardi and Philip M. Gilardi [Service Date: 03/07/2013] [13-5069] (May, Colby) [Entered: 03/07/2013 04:33 PM]
- 03/11/2013  29 pg, 154.72 KB
RESPONSE IN OPPOSITION FILED [1424499] by DOL, Seth D. Harris, Jacob J. Lew, Kathleen Sebelius, HHS and TREA to motion for other relief [[1423810-2](#)] [Service Date: 03/11/2013 by CM/ECF NDA] Pages: 16-20. [13-5069] (Klein, Alisa) [Entered: 03/11/2013 12:57 PM]
- 03/11/2013  2 pg, 80.63 KB
LETTER FILED [1424561] by DOL, Seth D. Harris, Jacob J. Lew, Kathleen Sebelius, HHS and TREA regarding oral argument matter [Letter advising the Court of unavailability for oral argument on May 16, 2013] [Service Date: 03/11/2013] [13-5069] (Klein, Alisa) [Entered: 03/11/2013 03:12 PM]


03/12/2013  18 pg, 87.08 KB *EMERGENCY* REPLY FILED [1424822] by Fresh Unlimited Incorporated, Freshway Logistics Incorporated, Francis A. Gilardi and Philip M. Gilardi to response [Service Date: 03/12/2013 by CM/ECF NDA] Pages: 1-10. [13-5069] (May, Colby) [Entered: 03/12/2013 02:12 PM]


03/12/2013  12 pg, 88.62 KB NOTICE [1424881] filed from Clerk, District Court re: MINUTE ORDER granting 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. (Entered: 03/11/2013). [13-5069] [Entered: 03/12/2013 04:08 PM]

03/14/2013  23 pg, 151.92 KB *EMERGENCY* LETTER FILED [1425378] by Fresh Unlimited Incorporated, Freshway Logistics Incorporated, Francis A. Gilardi and Philip M. Gilardi pursuant to FRAP 28j advising of additional authorities [Service Date: 03/14/2013] [13-5069] (May, Colby) [Entered: 03/14/2013 01:47 PM]









03/14/2013  72 pg, 537.31 KB *EMERGENCY* LETTER FILED [1425430] by Fresh Unlimited Incorporated, Freshway Logistics Incorporated, Francis A. Gilardi and Philip M. Gilardi pursuant to FRAP 28j advising of additional authorities [Service Date: 03/14/2013] [13-5069] (May, Colby) [Entered: 03/14/2013 03:32 PM]








03/15/2013  13 pg, 108.29 KB NOTICE [1425768] filed from Clerk, District Court of Plaintiff's Designation of Record on Appeal. [13-5069] [Entered: 03/15/2013 05:16 PM]

03/21/2013  2 pg, 49.34 KB PER CURIAM ORDER filed [1426642] denying the motion for injunction [[1423810-2](#)]. It is FURTHER ORDERED that the following briefing schedule will apply: APPELLANT Brief due 04/30/2013. Appendix due 04/30/2013. APPELLEE Brief due on 05/30/2013. APPELLANT Reply Brief due 06/13/2013. The Clerk is directed to calendar this case for oral argument on an appropriate date in September 2013. It is FURTHER ORDERED, on the court's own motion, that the case be scheduled for oral argument on the same day and before the same panel as Tyndale House Publishers, Inc. v. Sebelius, No. 13-5018. Before Judges: Rogers, Tatel and Brown*. (Judge Brown would grant the emergency motion for an injunction pending appeal) [13-5069] [Entered: 03/21/2013 03:10 PM]


03/25/2013  31 pg, 286.5 KB *EMERGENCY* PETITION filed [1427240] by Appellants Fresh Unlimited Incorporated, Freshway Logistics Incorporated, Francis A. Gilardi and Philip M. Gilardi for rehearing en banc. [Service

Date: 03/25/2013 by CM/ECF NDA] Pages: 11-15. [13-5069]
(May, Colby) [Entered: 03/25/2013 05:00 PM]


- 03/29/2013  1 pg, 39.42 KB PER CURIAM ORDER filed [1428119] reconsidering order [1426642-3]; granting motion for an injunction pending appeal [1423810-2]. The portion of the March 21, 2013 order setting forth the briefing schedule and scheduling the case for oral argument remains in effect. Before Judges: Rogers, Tatel and Brown. [13-5069] [Entered: 03/29/2013 04:22 PM]
- 03/29/2013  1 pg, 39.69 KB PER CURIAM ORDER, En Banc, filed [1428120] dismissing as moot petition for rehearing en banc [1427240-2]. Before Judges: Garland, Henderson, Rogers, Tatel, Brown, Griffith and Kavanaugh. [13-5069] [Entered: 03/29/2013 04:26 PM]
- 04/23/2013  2 pg, 21.32 KB NOTICE FILED [1432070] by Fresh Unlimited Incorporated, Freshway Logistics Incorporated, Francis A. Gilardi and Philip M. Gilardi CONSENT TO FILING OF AMICUS BRIEFS. [Service Date: 04/23/2013] [13-5069] (May, Colby) [Entered: 04/23/2013 08:55 AM]
- 04/24/2013  2 pg, 14.02 KB MODIFIED PARTY FILER--NOTICE filed [1432358] by Liberty, Life, and Law Foundation of intention to participate as amicus curiae. [Disclosure Listing: Not Attached] [Service Date: 04/24/2013] [13-5069]--[Edited 04/24/2013 by LMC] (Dewart, Deborah) [Entered: 04/24/2013 12:13 PM]
- 04/30/2013  110 pg, 909.66 KB APPELLANT BRIEF [1433351] filed by Fresh Unlimited Incorporated, Freshway Logistics Incorporated, Francis A. Gilardi and Philip M. Gilardi [Service Date: 04/30/2013] Length of Brief: 13,100. [13-5069] (May, Colby) [Entered: 04/30/2013 11:32 AM]
- 04/30/2013  95 pg, 6.35 MB JOINT APPENDIX [1433353] filed [Volumes: 1] [Service Date: 04/30/2013] [13-5069] (May, Colby) [Entered: 04/30/2013 11:33 AM]
- 04/30/2013  4 pg, 44.76 KB UNOPPOSED MOTION filed [1433500] by DOL, Seth D. Harris, Jacob J. Lew, Kathleen Sebelius, HHS and TREA to extend time to file brief to 06/07/2013. [Service Date: 04/30/2013] Pages: 1-10. [13-5069] (Klein, Alisa) [Entered: 04/30/2013 04:27 PM]
- 05/02/2013  1 pg, 39.11 KB CLERK'S ORDER filed [1433926] granting appellee's unopposed motion to extend time [1433500-2], The following revised briefing schedule will now apply: APPELLEE Brief due on 06/07/2013. APPELLANT Reply Brief due 06/21/2013 [13-5069] [Entered: 05/02/2013 10:39 AM]

05/02/2013	 4 pg, 90.03 KB	MODIFIED PARTY FILER--NOTICE filed [1434133] by Archdiocese of Cincinnati of intention to participate as amicus curiae. [Disclosure Listing: Attached] [Service Date: 05/02/2013] [13-5069]--[Edited 05/06/2013 by LMC] (Francisco, Noel) [Entered: 05/02/2013 05:23 PM]
05/03/2013	 5 pg, 101.69 KB	MODIFIED PARTY FILER--NOTICE filed [1434162] by Assoc. of American Physicians & Surgeons, American Assoc. of Pro-Life Obstetricians & Gynecologists, Christian Medical Assoc., Catholic Medical Assoc., The National Catholic Bioethics Center, Physicians for Life, and National Assoc. of Pro Life Nurses of intention to participate as amicus curiae. [Disclosure Listing: Attached] [Service Date: 05/03/2013] [13-5069]--[Edited 05/06/2013 by LMC] (Saunders, William) [Entered: 05/03/2013 09:13 AM]
05/06/2013	 48 pg, 110.97 KB	<i>CONSENT</i> AMICUS FOR APPELLANT BRIEF [1434330] filed by Liberty, Life, and Law Foundation [Service Date: 05/06/2013] Length of Brief: 6,894 Words. [13-5069] (Dewart, Deborah) [Entered: 05/06/2013 08:06 AM]
05/06/2013	 2 pg, 74.23 KB	INCORRECT DOCKET ENTRY-DISREGARD-incorrect PDF attached-NOTICE filed [1434428] by Association of Gospel Rescue Missions, Prison Fellow Ministries, Assoc of Christian Schools Intl, Natl Assoc of Evangelicals, Ethics & Religious Liberty Comm of the Southern Baptist Convention, Christian Legal Society, C12 Group, Instl Rel Freedom Allnc of intention to participate as amicus curiae. [Disclosure Listing: Attached] [Service Date: 05/06/2013] [13-5069] --[Edited 05/06/2013 by LMC] (Colby, Kimberlee) [Entered: 05/06/2013 01:16 PM]
05/06/2013	 2 pg, 29.43 KB	MODIFIED PARTY FILER--NOTICE filed [1434451] by State of Ohio of intention to participate as amicus curiae. [Disclosure Listing: Not Applicable to this Party] [Service Date: 05/06/2013] [13-5069]--[Edited 05/06/2013 by LMC] (Pratt, Jennifer) [Entered: 05/06/2013 02:30 PM]
05/06/2013	 3 pg, 99.19 KB	MODIFIED PARTY FILER--NOTICE filed [1434479] by Abortion Breast Cancer Coalition, Polycarp Research Institute and Breast Cancer Prevention Institute of intention to participate as amicus curiae. [Disclosure Listing: Attached] [Service Date: 05/06/2013] [13-5069]--[Edited 05/06/2013 by LMC] (Bordlee, Dorinda) [Entered: 05/06/2013 03:22 PM]
05/06/2013	 9 pg, 56.18 KB	MODIFIED PARTY FILER--NOTICE filed [1434496] by Institutional Religious Freedom Alliance, The C12 Group, Ethics and Religious Liberty Commission of the Southern Baptist


Convention, National Association of Evangelicals, Association of Christian Schools International, Prison Fellowship Ministries, Association of Rescue Gospel Missions and Christian Legal Society of intention to participate as amicus curiae. [Disclosure Listing: Attached] [Service Date: 05/06/2013] [13-5069]--[Edited 05/06/2013 by LMC] (Colby, Kimberlee) [Entered: 05/06/2013 03:56 PM]

05/06/2013 
2 pg, 29.68 KB


CERTIFICATE OF SERVICE [1434498] to notice to participate as amicus curiae [[1434451-2](#)] filed by State of Ohio. [13-5069] (Pratt, Jennifer) [Entered: 05/06/2013 04:03 PM]

05/06/2013 
4 pg, 19.81 KB


MODIFIED PARTY FILER--*CONSENT* NOTICE filed [1434531] by Life Legal Defense Foundation of intention to participate as amicus curiae. [Disclosure Listing: Attached] [Service Date: 05/06/2013] [13-5069]--[Edited 05/07/2013 by LMC] (Smith, Michael) [Entered: 05/06/2013 05:04 PM]

05/07/2013 
47 pg, 325.33 KB


MODIFIED PARTY FILER--AMICUS FOR APPELLANT BRIEF [1434567] filed by American Association of Pro-Life Obstetricians and Gynecologists, Association of American Physicians & Surgeons, Catholic Medical Association, Christian Medical Association, National Association of Pro Life Nurses, National Catholic Bioethics Center and Physicians for Life [Service Date: 05/07/2013] Length of Brief: 6,967 words. [13-5069]--[Edited 05/07/2013 by LMC] (Saunders, William) [Entered: 05/07/2013 09:02 AM]

05/07/2013 
6 pg, 101.98 KB

MODIFIED PARTY FILER--*CONSENT* NOTICE filed [1434595] by Christopher Wolfe, Lawrence J. Welch, Christopher O. Tollefsen, Michael Root, Alexander R. Pruss, Michael Pakaluk, Kevin T. McMahon, William E. May, Bruce D. Marshall, Steven A. Long, Bradley V. Lewis, Matthew Levering, Angela McKay Knobel, Leroy Huizenga, Joshua P. Hochschild, John S. Grabowski, Michael Gorman, Alfred J. Freddoso, Michael P. Foley, John Finley, Patrick G. Derr, Holly Taylor Coolman, Christopher O. Blum, Thomas V. Berg, Brian J Benestad, Francis J. Beckwith, Gregory R Beabout and Rev. Nicanor Pier Austriaco-[Edited 05/07/2013 by LMC] (Duncan, Dwight) [Entered: 05/07/2013 10:04 AM]


05/07/2013 
45 pg, 191.64 KB


AMICUS FOR APPELLANT BRIEF [1434668] filed by State of Ohio [Service Date: 05/07/2013] Length of Brief: 6946 words. [13-5069] (Pratt, Jennifer) [Entered: 05/07/2013 12:19 PM]


05/07/2013 
52 pg, 206.51 KB


INCORRECT DOCKET ENTRY--DISREGARD--*CONSENT* AMICUS FOR APPELLANT BRIEF [1434718] filed


by Rev. Nicanor Pier Austriaco, Gregory R Beabout, Francis J. Beckwith, Brian J Benestad, Thomas V. Berg, Christopher O. Blum, Holly Taylor Coolman, Patrick G. Derr, John Finley, Michael P. Foley, Alfred J. Freddoso, Michael Gorman, John S. Grabowski, Joshua P. Hochschild, Leroy Huizenga, Angela McKay Knobel, Matthew Levering, Bradley V. Lewis, Steven A. Long, Bruce D. Marshall, William E. May, Kevin T. McMahon, Michael Pakaluk, Alexander R. Pruss, Michael Root, Christopher O. Tollefsen, Lawrence J. Welch and Christopher Wolfe [Service Date: 05/07/2013] Length of Brief: 6864 Words. [13-5069]--[Edited 05/07/2013 by LMC] (Duncan, Dwight) [Entered: 05/07/2013 02:07 PM]








05/07/2013  39 pg, 306.94 KB *CONSENT* AMICUS FOR APPELLANT BRIEF [1434734] filed by Life Legal Defense Foundation [Service Date: 05/07/2013] Length of Brief: 5,715 words. [13-5069] (Smith, Michael) [Entered: 05/07/2013 02:44 PM]

05/07/2013  48 pg, 236.01 KB *CONSENT* AMICUS FOR APPELLANT BRIEF [1434769] filed by Archdiocese of Cincinnati [Service Date: 05/07/2013] Length of Brief: 6,997 words. [13-5069] (Francisco, Noel) [Entered: 05/07/2013 03:38 PM]

05/07/2013  52 pg, 206.96 KB *CORRECTED* AMICUS FOR APPELLANT BRIEF [1434777] filed by Rev. Nicanor Pier Austriaco, Gregory R Beabout, Francis J. Beckwith, Brian J Benestad, Thomas V. Berg, Christopher O. Blum, Holly Taylor Coolman, Patrick G. Derr, John Finley, Michael P. Foley, Alfred J. Freddoso, Michael Gorman, John S. Grabowski, Joshua P. Hochschild, Leroy Huizenga, Angela McKay Knobel, Matthew Levering, Bradley V. Lewis, Steven A. Long, Bruce D. Marshall, William E. May, Kevin T. McMahon, Michael Pakaluk, Alexander R. Pruss, Michael Root, Christopher O. Tollefsen, Lawrence J. Welch and Christopher Wolfe [Service Date: 05/07/2013] Length of Brief: 6864 Words. [13-5069] (Duncan, Dwight) [Entered: 05/07/2013 03:49 PM]

05/07/2013  5 pg, 55.1 KB MODIFIED PARTY FILER--*CONSENT* NOTICE filed [1434791] by Eagle Forum Education & Legal Defense Fund of intention to participate as amicus curiae. [Disclosure Listing: Attached] [Service Date: 05/07/2013] [13-5069]--[Edited 05/07/2013 by LMC] (Joseph, Lawrence) [Entered: 05/07/2013 04:08 PM]

05/07/2013  1 pg, 58.45 KB ENTRY OF APPEARANCE filed [1434792] by Noel J. Francisco on behalf of Amicus Curiae for Appellant Archdiocese of Cincinnati. [13-5069] (Francisco, Noel) [Entered: 05/07/2013 04:09 PM]

05/07/2013	 52 pg, 179.46 KB	AMICUS FOR APPELLANT BRIEF [1434794] filed by Association of Christian Schools International, Association of Rescue Gospel Missions, Christian Legal Society, Ethics and Religious Liberty Commission of the Southern Baptist Convention, Institutional Religious Freedom Alliance, National Association of Evangelicals, Prison Fellowship Ministries and The C12 Group [Service Date: 05/07/2013] Length of Brief: 6995 words. [13-5069] (Colby, Kimberlee) [Entered: 05/07/2013 04:20 PM]
05/07/2013	 37 pg, 326.46 KB	AMICUS FOR APPELLANT BRIEF [1434799] filed by Abortion Breast Cancer Coalition, Breast Cancer Prevention Institute and Polycarp Research Institute [Service Date: 05/07/2013] Length of Brief: 5,623 Words. [13-5069] (Bordlee, Dorinda) [Entered: 05/07/2013 04:38 PM]
05/07/2013	 1 pg, 388.5 KB	ENTRY OF APPEARANCE filed [1434804] by Lawrence J. Joseph on behalf of Amicus Curiae for Appellant Eagle Forum Education & Legal Defense Fund. [13-5069] (Joseph, Lawrence) [Entered: 05/07/2013 05:04 PM]
05/07/2013	 43 pg, 132.32 KB	AMICUS FOR APPELLANT BRIEF [1434822] filed by Eagle Forum Education & Legal Defense Fund [Service Date: 05/07/2013] Length of Brief: 6880 words. [13-5069] (Joseph, Lawrence) [Entered: 05/07/2013 11:34 PM]
06/07/2013	 63 pg, 298.88 KB	APPELLEE BRIEF [1440124] filed by DOL, Seth D. Harris, Jacob J. Lew, Kathleen Sebelius, HHS and TREA [Service Date: 06/07/2013] Length of Brief: 10,781 words. [13-5069] (Klein, Alisa) [Entered: 06/07/2013 12:51 PM]
06/12/2013	 5 pg, 20.96 KB	MODIFIED PARTY FILER--NOTICE filed [1440993] by The National Women's Law Center; AAUW; American Federation of State, County and Municipal Employees; Black Women's Health Imperative; Ibis Reproductive Health; Merger Watch; NARAL Pro-Choice America; NARAL Pro-Choice Ohio, et al. of intention to participate as amicus curiae. [Disclosure Listing: Attached] [Service Date: 06/12/2013] [13-5069]--[Edited 06/13/2013 by LMC] (Davidow, Charles) [Entered: 06/12/2013 05:28 PM]
06/13/2013	 4 pg, 15.58 KB	MODIFIED PARTY FILER--NOTICE filed [1441053] by Kathleen Besinque, Don Downing, Susan F. Wood, James Trussell, International Association of Forensic Nurses, Society of Family Planning, National Association of Nurse Practitioners in Womens Health, American Medical Womens Association, Society for Adolescent Health and Medicine, American Society for Reproductive Medicine, Association of Reproductive Health

Professionals, American Society for Emergency Contraception, American College of Obstetricians and Gynecologists and Physicians for Reproductive Health of intention to participate as amicus curiae. [Disclosure Listing: Attached] [Service Date: 06/13/2013] [13-5069]--[Edited 06/13/2013 by LMC] (Schneider, Bruce) [Entered: 06/13/2013 11:37 AM]

06/13/2013



4 pg, 94.02 KB

MODIFIED PARTY FILER--*CONSENT* NOTICE filed [1441077] by Reproductive Health Technologies Project, National Women's Health Network, National Latina Institute for Reproductive Health, National Family Planning & Reproductive Health Association, Guttmacher Institute, American Public Health Association and Center for Reproductive Rights of intention to participate as amicus curiae. [Disclosure Listing: Attached] [Service Date: 06/13/2013] [13-5069]--[Edited 06/13/2013 by LMC] (Blatt, Lisa) [Entered: 06/13/2013 12:59 PM]

06/13/2013



2 pg, 420.59 KB

ENTRY OF APPEARANCE filed [1441118] by Bruce H. Schneider on behalf of Amici Curiae for Appellee American College of Obstetricians and Gynecologists, American Medical Womens Association, American Society for Emergency Contraception, American Society for Reproductive Medicine, Association of Reproductive Health Professionals, Kathleen Besinque, Don Downing, International Association of Forensic Nurses, National Association of Nurse Practitioners in Womens Health, Physicians for Reproductive Health, Society for Adolescent Health and Medicine, Society of Family Planning, James Trussell and Susan F. Wood. [13-5069] (Schneider, Bruce) [Entered: 06/13/2013 03:18 PM]

06/13/2013

INCORRECT DOCKET ENTRY-DISREGARD-corrected brief filed-AMICUS FOR APPELLEE BRIEF [1441124] filed by American College of Obstetricians and Gynecologists, American Medical Womens Association, American Society for Emergency Contraception, American Society for Reproductive Medicine, Association of Reproductive Health Professionals, Kathleen Besinque, Don Downing, International Association of Forensic Nurses, National Association of Nurse Practitioners in Womens Health, Physicians for Reproductive Health, Society for Adolescent Health and Medicine, Society of Family Planning, James Trussell and Susan F. Wood [Service Date: 06/13/2013] [13-5069]--[Edited 06/14/2013 by LMC] (Schneider, Bruce) [Entered: 06/13/2013 03:30 PM]

06/13/2013



33 pg, 74.68 KB

CORRECTED AMICUS FOR APPELLEE BRIEF [1441158] filed by American College of Obstetricians and Gynecologists, American Medical Womens Association, American Society for

Emergency Contraception, Association of Reproductive Health Professionals, Kathleen Besinque, Don Downing, International Association of Forensic Nurses, National Association of Nurse Practitioners in Womens Health, Physicians for Reproductive Health, Society for Adolescent Health and Medicine, Society of Family Planning, James Trussell and Susan F. Wood [Service Date: 06/13/2013] [13-5069] (Schneider, Bruce) [Entered: 06/13/2013 05:11 PM]

06/13/2013



4 pg, 113.17 KB

MODIFIED PARTY FILER--*CONSENT* NOTICE filed [1441159] by Lambda Legal Defense and Education Fund, Inc. of intention to participate as amicus curiae. [Disclosure Listing: Attached] [Service Date: 06/13/2013] [13-5069]--[Edited 06/14/2013 by LMC] (Ude, Thomas) [Entered: 06/13/2013 05:18 PM]

06/13/2013



4 pg, 223.66 KB

MODIFIED PARTY FILER--*CONSENT* NOTICE filed [1441161] by Housing Works, National Women and AIDS Collective, HIV Law Project, Campaign to End AIDS, Sexuality Information and Education Council of the U.S., Ipas, National Hispanic Medical Association, Forward Together, Black Womens Health Imperative, Asian Pacific American Legal Center, Mexican American Legal Defense and Educational Fund and National Health Law Program of intention to participate as amicus curiae. [Disclosure Listing: Attached] [Service Date: 06/13/2013] [13-5069]--[Edited 06/14/2013 by LMC] (Perkins, Martha) [Entered: 06/13/2013 08:32 PM]

06/14/2013



48 pg, 408.39 KB

AMICUS FOR APPELLEE BRIEF [1441322] filed by American Association of University Women, American Federation of State, County and Municipal Employees, Black Women's Health Imperative, Ibis Reproductive Health, MergerWatch, NARAL Pro-Choice America, NARAL Pro-Choice Ohio, National Organization for Women Foundation, National Womens Law Center, Planned Parenthood Federation of America, Planned Parenthood Southwest Ohio Region, Planned Parenthood of Greater Ohio, Population Connection, Raising Women's Voices for the Health Care We Need and Service Employees International Union [Service Date: 06/14/2013] Length of Brief: 6,671 words. [13-5069] (Davidow, Charles) [Entered: 06/14/2013 01:02 PM]

06/14/2013



5 pg, 89.28 KB

MODIFIED PARTY FILER--*NOTICE* filed [1441324] by Women of Reform Judaism, Unitarian Universalist Womens Federation, Union for Reform Judaism, Religious Institute, Religious Coalition for Reproductive Choice, National Council of Jewish Women, National Coalition of American Nuns, Interfaith Alliance Foundation, Hindu American Foundation, Hadassah, The

Womens Zionist Organization of American, Inc., Central Conference of American Rabbis, Catholics for Choice, Anti-Defamation League, American Civil Liberties Union and Americans United for Separation of Church and State of intention to participate as amicus curiae. [Disclosure Listing: Attached] [Service Date: 06/14/2013] [13-5069]--[Edited 06/14/2013 by LMC] (Lipper, Gregory) [Entered: 06/14/2013 01:11 PM]

06/14/2013



5 pg, 35.7 KB

MODIFIED PARTY FILER--*CONSENT* NOTICE filed [1441337] by Dr. Anil K. Sood, Bright Pink, National Ovarian Cancer Coalition and Ovarian Cancer National Alliance of intention to participate as amicus curiae. [Disclosure Listing: Attached] [Service Date: 06/14/2013] [13-5069]--[Edited 06/14/2013 by LMC] (Kisloff, Michelle) [Entered: 06/14/2013 01:34 PM]

06/14/2013



49 pg, 168.47 KB

AMICUS FOR APPELLEE BRIEF [1441410] filed by American Public Health Association, Center for Reproductive Rights, Prof. R. Alta Charo, Guttmacher Institute, National Family Planning & Reproductive Health Association, National Latina Institute for Reproductive Health, National Women's Health Network and Reproductive Health Technologies Project [Service Date: 06/14/2013] Length of Brief: 6,753 words. [13-5069] (Blatt, Lisa) [Entered: 06/14/2013 03:49 PM]

06/14/2013

INCORRECT DOCKET ENTRY-DISREGARD-corrected brief filed-*CONSENT* AMICUS FOR APPELLEE BRIEF [1441462] filed by Lambda Legal Defense and Education Fund, Inc. [Service Date: 06/14/2013] Length of Brief: 6,977 words. [13-5069] -- [Edited 06/17/2013 by LMC] (Ude, Thomas) [Entered: 06/14/2013 05:04 PM]

06/14/2013



81 pg, 781.98 KB

CORRECTED AMICUS FOR APPELLEE BRIEF [1441464] filed by Lambda Legal Defense and Education Fund, Inc. [Service Date: 06/14/2013] Length of Brief: 6.977 words. [13-5069] (Ude, Thomas) [Entered: 06/14/2013 05:20 PM]

06/14/2013

INCORRECT DOCKET ENTRY-DISREGARD-corrected brief filed-AMICUS FOR APPELLEE BRIEF [1441472] filed by Bright Pink, National Ovarian Cancer Coalition, Ovarian Cancer National Alliance and Dr. Anil K. Sood [Service Date: 06/14/2013] Length of Brief: 5,497 words. [13-5069]--[Edited 06/17/2013 by LMC] (Kisloff, Michelle) [Entered: 06/14/2013 05:37 PM]

06/14/2013



1 pg, 391.19 KB


ENTRY OF APPEARANCE filed [1441476] by Martha J. Perkins on behalf of Amici Curiae for Appellee Asian Pacific American

Legal Center, Black Women's Health Imperative, Campaign to End AIDS, Forward Together, HIV Law Project, Housing Works, Ipas, Mexican American Legal Defense and Educational Fund, National Health Law Program, National Hispanic Medical Association, National Women and AIDS Collective and Sexuality Information and Education Council of the U.S.. [13-5069] (Perkins, Martha) [Entered: 06/14/2013 06:04 PM]

06/14/2013

INCORRECT DOCKET ENTRY-DISREGARD-corrected brief filed-AMICUS FOR APPELLEE BRIEF [1441477] filed by Asian Pacific American Legal Center, Black Women's Health Imperative, Campaign to End AIDS, Forward Together, HIV Law Project, Housing Works, Ipas, Mexican American Legal Defense and Educational Fund, National Health Law Program, National Hispanic Medical Association, National Women and AIDS Collective and Sexuality Information and Education Council of the U.S. [Service Date: 06/14/2013] Length of Brief: 4,167 words. [13-5069]--[Edited 06/17/2013 by LMC] (Perkins, Martha) [Entered: 06/14/2013 06:08 PM]

06/14/2013



302 pg, 24.4 MB

CORRECTED AMICUS FOR APPELLEE BRIEF [1441478] filed by Bright Pink, National Ovarian Cancer Coalition, Ovarian Cancer National Alliance and Dr. Anil K. Sood [Service Date: 06/14/2013] Length of Brief: 5,497 words. [13-5069] (Kisloff, Michelle) [Entered: 06/14/2013 07:30 PM]









06/14/2013

INCORRECT DOCKET ENTRY-DISREGARD-document added to brief filing-SEPARATE STATUTORY ADDENDUM FILED [1441479] by Bright Pink, National Ovarian Cancer Coalition, Ovarian Cancer National Alliance and Dr. Anil K. Sood to Amicus brief [[1441478-2](#)] [Service Date:06/14/2013] [13-5069]--[Edited 06/17/2013 by LMC] (Kisloff, Michelle) [Entered: 06/14/2013 07:39 PM]

06/14/2013



53 pg, 273.41 KB


CONSENT AMICUS FOR APPELLEE BRIEF [1441480] filed by American Civil Liberties Union, Americans United for Separation of Church and State, Anti-Defamation League, Catholics for Choice, Central Conference of American Rabbis, Hadassah, The Womens Zionist Organization of American, Inc., Hindu American Foundation, Interfaith Alliance Foundation, National Coalition of American Nuns, National Council of Jewish Women, Religious Coalition for Reproductive Choice, Religious Institute, Union for Reform Judaism, Unitarian Universalist Womens Federation and Women of Reform Judaism [Service Date: 06/14/2013] Length of Brief: 6.955 words. [13-5069] (Lipper, Gregory) [Entered: 06/14/2013 08:40 PM]

06/17/2013	 28 pg, 388.81 KB	<i>CORRECTED</i> AMICUS FOR APPELLEE BRIEF [1441583] filed by Asian Pacific American Legal Center, Black Women's Health Imperative, Campaign to End AIDS, Forward Together, HIV Law Project, Housing Works, Ipas, Mexican American Legal Defense and Educational Fund, National Health Law Program, National Hispanic Medical Association, National Women and AIDS Collective and Sexuality Information and Education Council of the U.S. [Service Date: 06/17/2013] Length of Brief: 4, 167 words. [13-5069] (Perkins, Martha) [Entered: 06/17/2013 12:46 PM]
06/21/2013	 34 pg, 308.6 KB	APPELLANT REPLY BRIEF [1442593] filed by Fresh Unlimited Incorporated, Freshway Logistics Incorporated, Francis A. Gilardi and Philip M. Gilardi [Service Date: 06/21/2013] Length of Brief: 4314. [13-5069] (May, Colby) [Entered: 06/21/2013 02:10 PM]
06/25/2013	 1 pg, 40.81 KB	CLERK'S ORDER filed [1443267] scheduling oral argument before Judges BROWN, EDWARDS, RANDOLPH Tuesday, 09/24/2013 AM [13-5069] [Entered: 06/25/2013 02:31 PM]
06/25/2013	 44 pg, 219.33 KB	LETTER FILED [1443368] by Fresh Unlimited Incorporated, Freshway Logistics Incorporated, Francis A. Gilardi and Philip M. Gilardi pursuant to FRAP 28j advising of additional authorities [Service Date: 06/25/2013] [13-5069] (May, Colby) [Entered: 06/25/2013 06:56 PM]
06/26/2013	 40 pg, 2.38 MB	LETTER FILED [1443689] by Fresh Unlimited Incorporated, Freshway Logistics Incorporated, Francis A. Gilardi and Philip M. Gilardi pursuant to FRAP 28j advising of additional authorities [Service Date: 06/26/2013] [13-5069] (May, Colby) [Entered: 06/26/2013 05:25 PM]
06/27/2013	 3 pg, 23.1 KB	RESPONSE FILED [1443743] by DOL, Seth D. Harris, Jacob J. Lew, Kathleen Sebelius, HHS and TREA to letter Rule 28j authorities [1443689-2], letter [1443689-3] [Service Date: 06/27/2013 by CM/ECF NDA] Pages: 1-10. [13-5069] (Klein, Alisa) [Entered: 06/27/2013 10:08 AM]
06/28/2013	 168 pg, 429.52 KB	LETTER FILED [1444211] by Fresh Unlimited Incorporated, Freshway Logistics Incorporated, Francis A. Gilardi and Philip M. Gilardi pursuant to FRAP 28j advising of additional authorities [Service Date: 06/28/2013] [13-5069] (May, Colby) [Entered: 06/28/2013 03:57 PM]
07/02/2013	 3 pg, 22.56 KB	LETTER FILED [1445021] by DOL, Seth D. Harris, Jacob J. Lew, Kathleen Sebelius, HHS and TREA pursuant to FRAP 28j

advising of additional authorities [Service Date: 07/02/2013] [13-5069] (Klein, Alisa) [Entered: 07/02/2013 07:20 PM]

07/30/2013  5 pg, 34.72 KB UNOPPOSED MOTION filed [1449139] by Fresh Unlimited Incorporated, Freshway Logistics Incorporated, Francis A. Gilardi and Philip M. Gilardi to allow pro hac vice attorney [Service Date: 07/30/2013] Pages: 1-10. [13-5069] (May, Colby) [Entered: 07/30/2013 11:51 AM]


08/01/2013  1 pg, 37.97 KB CLERK'S ORDER filed [1449572] granting appellants' unopposed motion to allow pro hac vice admission for Francis J. Manion for the purpose of presenting oral argument [[1449139-2](#)] [13-5069] [Entered: 08/01/2013 10:37 AM]

09/10/2013  1 pg, 41.9 KB PER CURIAM ORDER filed [1455653] allocating oral argument time as follows: Appellants -- 15 Minutes, Appellees -- 15 Minutes. One counsel per side to argue; directing party to file Form 72 notice of arguing attorney - due 09/17/2013 [13-5069] [Entered: 09/10/2013 12:44 PM]


09/10/2013 FORM 72 submitted by arguing attorney, Alisa B. Klein, on behalf of Appellees DOL, Jacob J. Lew, Thomas E. Perez, Kathleen Sebelius, HHS and TREA. [13-5069] (Klein, Alisa) [Entered: 09/10/2013 02:31 PM]








09/12/2013 FORM 72 submitted by arguing attorney, Francis J. Manion, on behalf of Appellants Fresh Unlimited Incorporated, Freshway Logistics Incorporated, Francis A. Gilardi and Philip M. Gilardi. [13-5069] (May, Colby) [Entered: 09/12/2013 10:48 AM]

09/17/2013  18 pg, 141.42 KB LETTER FILED [1456983] by DOL, Jacob J. Lew, Thomas E. Perez, Kathleen Sebelius, HHS and TREA pursuant to FRAP 28j advising of additional authorities [Service Date: 09/17/2013] [13-5069] (Klein, Alisa) [Entered: 09/17/2013 02:10 PM]






09/18/2013  2 pg, 128.55 KB LETTER FILED [1457165] by Fresh Unlimited Incorporated, Freshway Logistics Incorporated, Francis A. Gilardi and Philip M. Gilardi pursuant to FRAP 28j advising of additional authorities [Service Date: 09/18/2013] [13-5069] (May, Colby) [Entered: 09/18/2013 12:38 PM]

09/19/2013  2 pg, 19.48 KB LETTER FILED [1457476] by DOL, Jacob J. Lew, Thomas E. Perez, Kathleen Sebelius, HHS and TREA pursuant to FRAP 28j advising of additional authorities [Service Date: 09/19/2013] [13-5069] (Klein, Alisa) [Entered: 09/19/2013 04:09 PM]

09/24/2013  1 pg, 39.73 KB ORAL ARGUMENT HELD before Judges Brown, Edwards and Randolph. [13-5069] [Entered: 09/24/2013 09:56 AM]

10/24/2013	 13 pg, 71.34 KB	LETTER FILED [1462733] by DOL, Jacob J. Lew, Thomas E. Perez, Kathleen Sebelius, HHS and TREA pursuant to FRAP 28j advising of additional authorities [Service Date: 10/24/2013] [13-5069] (Klein, Alisa) [Entered: 10/24/2013 08:39 AM]
11/01/2013	 1 pg, 59.96 KB	[THIS JUDGMENT VACATED BY 8/8/2014 JUDGMENT] PER CURIAM JUDGMENT filed [1464133] that the judgment of the District Court appealed from in this cause be reversed as to the denial of a preliminary injunction for the individual owners and be remanded for consideration of the other preliminary-injunction factors; and be affirmed as to the denial of a preliminary injunction with respect to the Freshway companies for the reasons in the accompanying opinion . Before Judges: Brown, Edwards and Randolph. [13-5069]--[Edited 08/08/2014 by JMC] [Entered: 11/01/2013 10:10 AM]
11/01/2013	 71 pg, 198.51 KB	OPINION filed [1464136] (Pages: 32) for the Court by Judge Brown, CONCURRING OPINION (Pages: 3) by Judge Randolph, CONCURRING/DISSENTING OPINION (Pages: 36) by Judge Edwards [13-5069] [Entered: 11/01/2013 10:13 AM]
11/01/2013	 1 pg, 38.85 KB	CLERK'S ORDER filed [1464140] withholding issuance of the mandate. [13-5069] [Entered: 11/01/2013 10:15 AM]
11/07/2013	 1 pg, 55.35 KB	LETTER filed [1465831] by the Clerk of the Supreme Court of the United States notifying this court of the following activity in the case before it: A petition for writ of certiorari was filed and placed on the docket on 11/07/2013 as No. 13-567. [13-5069] [Entered: 11/12/2013 06:02 PM]
11/11/2013	 214 pg, 1.86 MB	MOTION filed [1465563] by Fresh Unlimited Incorporated, Freshway Logistics Incorporated, Francis A. Gilardi and Philip M. Gilardi to stay mandate (Response to Motion served by mail due on 11/25/2013) [Service Date: 11/11/2013 by CM/ECF NDA] Pages: 1-10. [13-5069] (May, Colby) [Entered: 11/11/2013 09:51 AM]
12/11/2013	 1 pg, 40.44 KB	PER CURIAM ORDER filed [1469862] Upon consideration of appellants' motion to stay issuance of the mandate and continue injunction until resolution of proceedings before the United States Supreme Court, it is ORDERED that the motion be granted. The injunction pending appeal granted by order filed March 29, 2013, remains in effect, and the mandate is stayed until final disposition by the Supreme Court of the petition for writ of certiorari, No. 13-567, filed by appellants on November 5, 2013, and docketed by the Supreme Court on November 7, 2013. [1465563-2] Before

Judges: Brown, Edwards and Randolph. [13-5069] [Entered: 12/11/2013 02:09 PM]

- 01/30/2014  1 pg, 55.91 KB LETTER filed [1477869] by the Clerk of the Supreme Court of the United States notifying this court of the following activity in the case before it: A petition for writ of certiorari was filed and placed on the docket on 01/30/2014 as No. 13-915. [13-5069] [Entered: 01/31/2014 05:07 PM]
- 07/01/2014  1 pg, 62.68 KB LETTER filed [1500369] by the Clerk of the Supreme Court of the United States notifying this court of the following activity in case No. 13-915: The petition for writ of certiorari was denied on 07/01/2014. [13-5069] [Entered: 07/01/2014 06:06 PM]
- 07/01/2014  1 pg, 64.14 KB LETTER filed [1500366] by the Clerk of the Supreme Court of the United States notifying this court of the following activity in case No. 13-567: The petition for writ of certiorari was granted on 07/01/2014. [13-5069] [Entered: 07/01/2014 06:02 PM]
- 08/04/2014  3 pg, 136.74 KB JUDGMENT filed [1506265] by the Clerk of the Supreme Court of the United States notifying this court of the following disposition of case No. 13-567: On 07/01/2014, the court vacated with costs and remanded the case for further consideration in light of *Burwell v. Hobby Lobby Stores*, 573 U. S. ____ (2014). [13-5069] [Entered: 08/05/2014 06:59 PM]
- 08/08/2014  1 pg, 59.96 KB PER CURIAM JUDGMENT filed [1506830] (without memorandum) This cause came to be heard on remand from the Supreme Court vacating this court's November 1, 2013 judgment, and remanding for further consideration in light of *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751 (2014). Upon consideration thereof, it is ORDERED and ADJUDGED that the case be remanded to the district court with instructions to enter a preliminary injunction for the Freshway companies and to reconsider the denial of the preliminary injunction as to the individual owners in light of *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751 (2014). The Clerk is directed to issue the mandate forthwith. Before Judges: Brown, Edwards and Randolph. [13-5069] [Entered: 08/08/2014 11:57 AM]
- 08/08/2014 MANDATE ISSUED to Clerk, District Court [13-5069] [Entered: 08/08/2014 12:05 PM]