

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:13-cv-01207-EGS**

BINDON et al v. SEBELIUS et al
Assigned to: Judge Emmet G. Sullivan
Cause: 28:1331 Fed. Question

Date Filed: 08/05/2013
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

STEPHEN BINDON
plaintiff

represented by **Steven Henry Aden**
ALLIANCE DEFENDING FREEDOM
440 First Street, NW
Suite 600
Washington, DC 20001
(202) 393-8690
Fax: (202) 347-3622
Email: saden@adflegal.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew S. Bowman
4101 Crittenden Street
Hyattsville, MD 20781
(301) 209-8363
Email: matthewsbowman@gmail.com
TERMINATED: 04/05/2017
ATTORNEY TO BE NOTICED

Plaintiff

TRIJICON, INC.

represented by **Steven Henry Aden**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew S. Bowman
(See above for address)
TERMINATED: 04/05/2017
ATTORNEY TO BE NOTICED

Plaintiff

MICHAEL BINDON

represented by **Steven Henry Aden**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew S. Bowman
(See above for address)
TERMINATED: 04/05/2017
ATTORNEY TO BE NOTICED

Plaintiff

MARK BINDON

represented by **Steven Henry Aden**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew S. Bowman
(See above for address)
TERMINATED: 04/05/2017

ATTORNEY TO BE NOTICED

Plaintiff

SHARON LYCOS

represented by **Steven Henry Aden**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew S. Bowman
(See above for address)
TERMINATED: 04/05/2017
ATTORNEY TO BE NOTICED

Plaintiff

TIMOTHY BINDON

represented by **Steven Henry Aden**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew S. Bowman
(See above for address)
TERMINATED: 04/05/2017
ATTORNEY TO BE NOTICED

Plaintiff

BETHANNE FALKOWSKI

represented by **Steven Henry Aden**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew S. Bowman
(See above for address)
TERMINATED: 04/05/2017
ATTORNEY TO BE NOTICED

V.

Defendant

KATHLEEN SEBELIUS
Secretary of Health and Human Services

represented by **Benjamin Leon Berwick**
THE PROTECT DEMOCRACY
PROJECT
2020 Pennsylvania Avenue, NW
Suite 163
Washington, DC 20006
(202) 305-8573
Fax: (202) 616-8470
Email: benjamin.l.berwick@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle Renee Bennett
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
20 Massachusetts Avenue NW
Washington, DC 20530
(202) 305-8902
Fax: (202) 616-8470
Email: michelle.bennett@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**UNITED STATES DEPARTMENT
OF HEALTH AND HUMAN
SERVICES**

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

Michelle Renee Bennett
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

JACOB J. LEW
*Secretary of United States Department of
the Treasury*

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

Michelle Renee Bennett
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**UNITED STATES DEPARTMENT
OF THE TREASURY**

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

Michelle Renee Bennett
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

THOMAS E. PEREZ
*Secretary of United States Department of
Labor*

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

Michelle Renee Bennett
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**UNITED STATES DEPARTMENT
OF LABOR**

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

Michelle Renee Bennett
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/05/2013	<u>1</u>	COMPLAINT <i>Verified</i> against All Defendants with Jury Demand (Filing fee \$ 400 receipt number 0090-3424019) filed by TIMOTHY BINDON, MICHAEL BINDON, BETHANNE FALKOWSKI, TRIJICON, INC., MARK BINDON, STEPHEN BINDON, SHARON LYCOS. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons, # <u>7</u> Summons)(Bowman,

		Matthew) (Entered: 08/05/2013)
08/05/2013	<u>2</u>	Corporate Disclosure Statement by MARK BINDON, MICHAEL BINDON, STEPHEN BINDON, TIMOTHY BINDON, BETHANNE FALKOWSKI, SHARON LYCOS, TRIJICON, INC.. (Bowman, Matthew) (Entered: 08/05/2013)
08/05/2013		Case Assigned to Judge Emmet G. Sullivan. (md,) (Entered: 08/06/2013)
08/07/2013	<u>3</u>	ELECTRONIC SUMMONS ISSUED (6) as to JACOB J. LEW, THOMAS E. PEREZ, KATHLEEN SEBELIUS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES,, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY. (Attachments: # <u>1</u> Summons 2nd, # <u>2</u> Summons 3rd, # <u>3</u> Summons 4th, # <u>4</u> Summons 5th, # <u>5</u> Summons 6th, # <u>6</u> Notice of Consent, # <u>7</u> Consent Form)(md,) (Entered: 08/07/2013)
08/07/2013	<u>4</u>	NOTICE <i>Summons for Attorney General Eric Holder, Jr.</i> by MARK BINDON, MICHAEL BINDON, STEPHEN BINDON, TIMOTHY BINDON, BETHANNE FALKOWSKI, SHARON LYCOS, TRIJICON, INC. (Bowman, Matthew) (Entered: 08/07/2013)
08/07/2013	<u>5</u>	NOTICE <i>Summons of Ronald C. Machen, Jr.</i> by MARK BINDON, MICHAEL BINDON, STEPHEN BINDON, TIMOTHY BINDON, BETHANNE FALKOWSKI, SHARON LYCOS, TRIJICON, INC. (Bowman, Matthew) (Entered: 08/07/2013)
08/07/2013	<u>6</u>	MOTION for Preliminary Injunction <i>and Memorandum of Law In Support</i> by MARK BINDON, MICHAEL BINDON, STEPHEN BINDON, TIMOTHY BINDON, BETHANNE FALKOWSKI, SHARON LYCOS, TRIJICON, INC. (Attachments: # <u>1</u> Text of Proposed Order)(Bowman, Matthew) (Entered: 08/07/2013)
08/08/2013	<u>7</u>	ELECTRONIC SUMMONS Issued (2) as to U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons 2nd)(md,) (Entered: 08/08/2013)
08/09/2013	<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 August 8, 2013. (Bowman, Matthew) (Entered: 08/09/2013)
08/09/2013	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/8/2013. Answer due for ALL FEDERAL DEFENDANTS by 10/7/2013. (Bowman, Matthew) (Entered: 08/09/2013)
08/13/2013	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. KATHLEEN SEBELIUS served on 8/12/2013 (Attachments: # <u>1</u> Certificate of Service Exhibit to Affidavit of Service)(Bowman, Matthew) (Entered: 08/13/2013)
08/13/2013	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 8/12/2013 (Attachments: # <u>1</u> Certificate of Service Exhibit to Affidavit of Service)(Bowman, Matthew) (Entered: 08/13/2013)
08/13/2013	<u>12</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. JACOB J. LEW served on 8/12/2013 (Attachments: # <u>1</u> Certificate of Service Exhibit to Affidavit of Service)(Bowman, Matthew) (Entered: 08/13/2013)
08/13/2013	<u>13</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF THE TREASURY served on 8/12/2013 (Attachments: # <u>1</u> Certificate of Service Exhibit to Affidavit of Service)(Bowman, Matthew) (Entered: 08/13/2013)
08/13/2013	<u>14</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. THOMAS E. PEREZ served on 8/12/2013 (Attachments: # <u>1</u> Certificate of Service Exhibit to Affidavit of Service)(Bowman, Matthew) (Entered: 08/13/2013)
08/13/2013	<u>15</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF LABOR served on 8/12/2013 (Attachments: # <u>1</u> Certificate of Service Exhibit to Affidavit of Service)(Bowman, Matthew) (Entered: 08/13/2013)

08/13/2013	<u>16</u>	NOTICE of Appearance by Benjamin Leon Berwick on behalf of All Defendants (Berwick, Benjamin) (Entered: 08/13/2013)
08/13/2013	<u>17</u>	Unopposed MOTION to Stay <i>Proceedings</i> by JACOB J. LEW, THOMAS E. PEREZ, KATHLEEN SEBELIUS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Text of Proposed Order)(Berwick, Benjamin). (Entered: 08/13/2013)
08/13/2013		NOTICE OF ERROR re <u>17</u> Motion to Stay; emailed to benjamin.l.berwick@usdoj.gov, cc'd 3 associated attorneys -- The PDF file you docketed contained errors: 1. Two-part docket entry, 2. Please refile document, 3. under the Notice category (jf,) (Entered: 08/13/2013)
08/13/2013	<u>18</u>	NOTICE of <i>Non-Opposition</i> by JACOB J. LEW, THOMAS E. PEREZ, KATHLEEN SEBELIUS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY re <u>6</u> MOTION for Preliminary Injunction and <i>Memorandum of Law In Support</i> (Attachments: # <u>1</u> Text of Proposed Order)(Berwick, Benjamin) (Entered: 08/13/2013)
08/13/2013		MINUTE ORDER. Upon review of defendants' <u>17</u> unopposed motion to stay proceedings and <u>18</u> notice of non-opposition, the Court hereby GRANTS defendants' motion. These proceedings are hereby stayed pending the issuance of a mandate by the United States Court of Appeals for the District of Columbia in <i>Gilardi v. Department of Health and Human Services</i> , No. 13-5069. The parties are directed to file a joint recommendation for further proceedings within 30 days of the issuance of the mandate in that action. In the event that counsel are unable to agree on a joint recommendation, each party shall file an individual recommendation within that time. Signed by Judge Emmet G. Sullivan on August 13, 2013. (lcegs1) (Entered: 08/13/2013)
08/14/2013		MINUTE ORDER. The Court hereby vacates its August 13, 2013 minute order staying proceedings in this matter. The Court regrets any confusion this may have caused. Signed by Judge Emmet G. Sullivan on August 14, 2013. (lcegs1) (Entered: 08/14/2013)
08/14/2013	<u>19</u>	ORDER granting <u>6</u> motion for preliminary injunction and <u>17</u> motion to stay. Signed by Judge Emmet G. Sullivan on August 14, 2013. (lcegs1) (Entered: 08/14/2013)
08/15/2013		Case Stayed (mac) (Entered: 08/15/2013)
08/28/2014	<u>20</u>	NOTICE of <i>recommendation for further proceedings as ordered by the court</i> by MARK BINDON, MICHAEL BINDON, STEPHEN BINDON, TIMOTHY BINDON, BETHANNE FALKOWSKI, SHARON LYCOS, TRIJICON, INC. (Bowman, Matthew) (Entered: 08/28/2014)
08/29/2014		MINUTE ORDER. The Court directs the government to file its recommendation for further proceedings by no later than September 8, 2014. Signed by Judge Emmet G. Sullivan on August 29, 2014. (lcegs4) (Entered: 08/29/2014)
08/29/2014		Set/Reset Deadlines: Recommendation due by 9/8/2014. (mac) (Entered: 08/29/2014)
09/08/2014	<u>21</u>	NOTICE of <i>Recommendation for Further Proceedings</i> by JACOB J. LEW, THOMAS E. PEREZ, KATHLEEN SEBELIUS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY (Berwick, Benjamin) (Entered: 09/08/2014)
09/08/2014		MINUTE ORDER. Upon consideration of <u>20</u> and <u>21</u> , it is hereby ORDERED that the government file a recommendation for further proceedings by no later than October 8, 2014. Signed by Judge Emmet G. Sullivan on September 8, 2014. (lcegs4) (Entered: 09/08/2014)
09/09/2014		Set/Reset Deadlines: Recommendation For Further Proceedings due by 10/8/2014. (mac) (Entered: 09/09/2014)
10/08/2014	<u>22</u>	NOTICE of <i>Consent to Injunction and Judgment</i> by JACOB J. LEW, THOMAS E. PEREZ, KATHLEEN SEBELIUS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR,

		UNITED STATES DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Text of Proposed Order)(Berwick, Benjamin) (Entered: 10/08/2014)
10/08/2014	<u>23</u>	RESPONSE re <u>22</u> Notice (Other), <i>and updated Plaintiffs' recommendation</i> , filed by MARK BINDON, MICHAEL BINDON, STEPHEN BINDON, TIMOTHY BINDON, BETHANNE FALKOWSKI, SHARON LYCOS, TRIJICON, INC.. (Bowman, Matthew) (Entered: 10/08/2014)
10/08/2014		MINUTE ORDER. The Court has reviewed <u>22</u> , <u>23</u> the recommendations submitted by each party. 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 any petition for attorneys fees or costs shall be submitted on or before 45 days from entry of final judgment. 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 29, 2014. Signed by Judge Emmet G. Sullivan on October 8, 2014. (lcegs4) (Entered: 10/08/2014)
10/08/2014		Set/Reset Deadlines: Parties Supplemental Memorandum due by 10/29/2014. (mac) (Entered: 10/08/2014)
10/29/2014	<u>24</u>	MEMORANDUM re <u>23</u> Response to Document filed by BETHANNE FALKOWSKI, STEPHEN BINDON, TIMOTHY BINDON, MICHAEL BINDON, SHARON LYCOS, MARK BINDON, TRIJICON, INC., <u>22</u> Notice (Other), filed by THOMAS E. PEREZ, JACOB J. LEW, UNITED STATES DEPARTMENT OF LABOR, KATHLEEN SEBELIUS, UNITED STATES DEPARTMENT OF THE TREASURY, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES by JACOB J. LEW, THOMAS E. PEREZ, KATHLEEN SEBELIUS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY. (Attachments: # <u>1</u> Exhibit Gilardi Order, # <u>2</u> Exhibit Johnson Welded Products Order, # <u>3</u> Exhibit Midwest Fastener Order, # <u>4</u> Exhibit Barron Industries Order, # <u>5</u> Exhibit Lindsay Motion)(Berwick, Benjamin) (Entered: 10/29/2014)
10/29/2014	<u>25</u>	SUPPLEMENTAL MEMORANDUM to re Order,,,,, filed by MARK BINDON, MICHAEL BINDON, STEPHEN BINDON, TIMOTHY BINDON, BETHANNE FALKOWSKI, SHARON LYCOS, TRIJICON, INC.. (Attachments: # <u>1</u> Exhibit Conestoga Order, # <u>2</u> Exhibit Seneca Order)(Bowman, Matthew) (Entered: 10/29/2014)
07/17/2015	<u>26</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by JACOB J. LEW, THOMAS E. PEREZ, KATHLEEN SEBELIUS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Tyndale Order)(Bennett, Michelle) (Entered: 07/17/2015)
07/17/2015	<u>27</u>	NOTICE of Appearance by Michelle Renee Bennett on behalf of All Defendants (Bennett, Michelle) (Entered: 07/17/2015)
04/05/2017	<u>28</u>	NOTICE of Appearance by Steven Henry Aden on behalf of All Plaintiffs (Aden, Steven) (Entered: 04/05/2017)
04/05/2017	<u>29</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to MARK BINDON, MICHAEL BINDON, STEPHEN BINDON, TIMOTHY BINDON, BETHANNE FALKOWSKI, SHARON LYCOS, TRIJICON, INC.. Attorney Matthew S. Bowman terminated. (Bowman, Matthew) (Entered: 04/05/2017)