

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:13-cv-01611-RBW**

C.W. ZUMBIEL CO., et al v. UNITED STATES  
DEPARTMENT OF HEALTH AND HUMAN SERVICES et al  
Assigned to: Judge Reggie B. Walton  
Cause: 05:0706 Judicial Review of Agency Actions

Date Filed: 10/22/2013  
Date Terminated: 03/18/2015  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**C.W. ZUMBIEL CO.**  
*doing business as*  
ZUMBIEL PACKAGING

represented by **James M. Dickerson, Jr.**  
TAFT STETTINIUS & HOLLISTER LLP  
425 Walnut Street  
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*ATTORNEY TO BE NOTICED*

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**Mark T. Hayden**  
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**Matthew D. Lawless**  
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**Colby Mims May**

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**Plaintiff**

**ROBERT W. ZUMBIEL**

represented by **James M. Dickerson , Jr.**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
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**John B. Nalbandian**  
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**Mark T. Hayden**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Matthew D. Lawless**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Colby Mims May**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**THOMAS J. ZUMBIEL**

represented by **James M. Dickerson , Jr.**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**John B. Nalbandian**  
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**Mark T. Hayden**  
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**Matthew D. Lawless**  
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*ATTORNEY TO BE NOTICED*

**Colby Mims May**

(See above for address)  
 ATTORNEY TO BE NOTICED

V.

**Defendant**

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

represented by **Michelle Renee Bennett**  
 U.S. DEPARTMENT OF JUSTICE  
 Civil Division, Federal Programs Branch  
 20 Massachusetts Avenue NW  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**KATHLEEN SEBELIUS**

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

**Defendant**

**U.S. DEPARTMENT OF TREASURY**

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

**Defendant**

**JACOB J. LEW**

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

**Defendant**

**U.S. DEPARTMENT OF LABOR**

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

**Defendant**

**THOMAS E. PEREZ**

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

Date Filed	#	Docket Text
10/22/2013	<u>1</u>	COMPLAINT against All Defendants ( Filing fee \$ 400 receipt number 0090-3508275) filed by Thomas J Zumbiel, Robert W. Zumbiel, C.W. Zumbiel Co. d/b/a Zumbiel Packaging. (Attachments: # <u>1</u> Civil Cover Sheet Civil Cover Sheet, # <u>2</u> Summons HHS Summons, # <u>3</u> Summons Sebelius Summons, # <u>4</u> Summons Treasury Summons, # <u>5</u> Summons Lew Summons, # <u>6</u> Summons Labor Summons, # <u>7</u> Summons Perez Summons, # <u>8</u> Summons Holder Summons, # <u>9</u> Summons Civil-Process Clerk Summons, # <u>10</u> Supplement Corporate Disclosure Statement)(May, Colby) (Entered: 10/22/2013)
10/22/2013	<u>2</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- John B. Nalbandian, :Firm- Taft Stettinius & Hollister LLP, :Address- 425 Walnut Street, Suite 1800

		Cincinnati, Ohio 45202. Phone No. – 513–381–2838. Fax No. – 813–381–0205 by C.W. Zumbiel Co. d/b/a Zumbiel Packaging, Robert W. Zumbiel, Thomas J Zumbiel (Attachments: # <u>1</u> Text of Proposed Order Nalbandian Proposed Order)(May, Colby) (Entered: 10/22/2013)
10/22/2013	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Mark T. Hayden, :Firm– Taft Stettinius & Hollister LLP, :Address– 425 Walnut Street, Suite 1800, Cincinnati, Ohio 45202. Phone No. – 513–381–2838. Fax No. – 513–381–0205 by C.W. Zumbiel Co. d/b/a Zumbiel Packaging, Robert W. Zumbiel, Thomas J Zumbiel (Attachments: # <u>1</u> Text of Proposed Order Hayden PHV Proposed Order)(May, Colby) (Entered: 10/22/2013)
10/22/2013	<u>4</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Matthew D. Lawless, :Firm– Taft Stettinius & Hollister LLP, :Address– 425 Walnut Street, Suite 1800, Cincinnati, Ohio 45202. Phone No. – 513–381–2838. Fax No. – 513–381–0205 by C.W. Zumbiel Co. d/b/a Zumbiel Packaging, Robert W. Zumbiel, Thomas J Zumbiel (Attachments: # <u>1</u> Text of Proposed Order Lawless PHV Proposed Order)(May, Colby) (Entered: 10/22/2013)
10/22/2013	<u>5</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by C.W. Zumbiel Co. d/b/a Zumbiel Packaging, Robert W. Zumbiel, Thomas J Zumbiel (md, ) (Entered: 10/22/2013)
10/22/2013		Case Assigned to Judge Reggie B. Walton. (md, ) (Entered: 10/22/2013)
10/22/2013	<u>6</u>	ELECTRONIC SUMMONS ISSUED (8) as to JACOB J. LEW, THOMAS E. PEREZ, KATHLEEN SEBELIUS, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF TREASURY, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. Attorney and U.S. Attorney General (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> Summons 7th, # <u>7</u> Summons 8th, # <u>8</u> Notice of Consent, # <u>9</u> Consent Form)(md, ) (Entered: 10/22/2013)
10/23/2013		MINUTE ORDER granting <u>2</u> Motion for Leave to Appear Pro Hac Vice; granting <u>3</u> Motion for Leave to Appear Pro Hac Vice; granting <u>4</u> Motion for Leave to Appear Pro Hac Vice. Upon consideration of the motions for pro hac vice admission of Mark T. Hayden, Matthew D. Lawless, and John B. Nalbandian and finding compliance with Local Civil Rules 83.2(c) and (d), it is hereby ORDERED that the motions are GRANTED, and Mark T. Hayden, Esq., Matthew D. Lawless, Esq., and John B. Nalbandian, Esq. shall be admitted pro hac vice in this case. Signed by Judge Reggie B. Walton on October 23, 2013. (lrbw1, ) (Entered: 10/23/2013)
11/07/2013	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. THOMAS E. PEREZ served on 10/28/2013 (Attachments: # <u>1</u> Exhibit A – returned certified mail green card)(Hayden, Mark) (Entered: 11/07/2013)
11/07/2013	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. KATHLEEN SEBELIUS served on 10/28/2013 (Attachments: # <u>1</u> Exhibit A – returned certified mail green card)(Hayden, Mark) (Entered: 11/07/2013)
11/07/2013	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 10/28/2013 (Attachments: # <u>1</u> Exhibit A – returned certified mail green card)(Hayden, Mark) (Entered: 11/07/2013)
11/07/2013	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 10/30/2013. (Attachments: # <u>1</u> Exhibit A – returned certified green card)(Hayden, Mark) (Entered: 11/07/2013)
11/07/2013	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/30/2013. Answer due for ALL FEDERAL DEFENDANTS by 12/29/2013. (Attachments: # <u>1</u> Exhibit A – returned certified mail green card)(Hayden, Mark) (Entered: 11/07/2013)
11/07/2013	<u>12</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF LABOR served on 10/31/2013 (Attachments: # <u>1</u> Exhibit A – returned certified mail green card)(Hayden, Mark) (Entered: 11/07/2013)

11/07/2013	<u>13</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF TREASURY served on 10/31/2013 (Attachments: # <u>1</u> Exhibit A – returned certified mail green card)(Hayden, Mark) (Entered: 11/07/2013)
11/07/2013	<u>14</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. JACOB J. LEW served on 10/31/2013 (Attachments: # <u>1</u> Exhibit A – returned certified mail green card)(Hayden, Mark) (Entered: 11/07/2013)
11/25/2013	<u>15</u>	Unopposed MOTION for Preliminary Injunction <i>and</i> , Unopposed MOTION to Stay <i>Proceedings</i> by C.W. ZUMBIEL CO., ROBERT W. ZUMBIEL, THOMAS J. ZUMBIEL (Attachments: # <u>1</u> Text of Proposed Order)(Hayden, Mark) (Entered: 11/25/2013)
11/26/2013	<u>16</u>	NOTICE of Appearance by Michelle Renee Bennett on behalf of All Defendants (Bennett, Michelle) (Entered: 11/26/2013)
11/27/2013		MINUTE ORDER granting <u>15</u> Motion for Preliminary Injunction; granting <u>15</u> Motion to Stay. Upon consideration of the Plaintiffs' Unopposed Motion for Preliminary Injunction and Stay of Proceedings, in light of the parties' consent, and for good cause shown, it is ORDERED that the motion is GRANTED. It is further ORDERED that the defendants, their employees, agents, and successors in office are ENJOINED until thirty days after the mandate issues from the United States Court of Appeals for the District of Columbia Circuit in <i>Gilardi v. HHS</i> , No. 13–5069 (D.C. Cir.), from pursuing any enforcement action or imposing any penalties provided for in 26 U.S.C. §§ 4980D, 4980H and 29 U.S.C. §§ 1132, 1185d against or on the plaintiffs, their employee health plans, the group health insurance coverage provided in connection with such plans, and/or their insurers as a result of the plaintiffs' failure to provide their employees with insurance coverage for "[a]ll Food and Drug Administration approved contraceptive methods, sterilization procedures, and patient education and counseling for all women with reproductive capacity," 77 Fed. Reg. 8725 (Feb. 12, 2012). It is further ORDERED that all proceedings in this case are STAYED until thirty days after the mandate issues from the Circuit in <i>Gilardi v. HHS</i> , No. 13–5069 (D.C. Cir.). Signed by Judge Reggie B. Walton on 11/27/2013. (lcrbw2) (Entered: 11/27/2013)
11/27/2013		Case Stayed (mpt, ) (Entered: 12/05/2013)
09/05/2014	<u>17</u>	Joint MOTION to Continue <i>Stay and Preliminary Injunction</i> by JACOB J. LEW, THOMAS E. PEREZ, KATHLEEN SEBELIUS, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF TREASURY, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Bennett, Michelle) (Entered: 09/05/2014)
10/20/2014	<u>18</u>	Joint MOTION for Permanent Injunction <i>and Judgment</i> by C.W. ZUMBIEL CO. (Attachments: # <u>1</u> Proposed Injunction and Judgment)(Hayden, Mark) (Entered: 10/20/2014)
11/03/2014	<u>19</u>	ORDER denying as moot <u>17</u> Motion to Continue; granting <u>18</u> Motion for Permanent Injunction. Per the attached order, the parties' Joint Motion for Entry of Permanent Injunction and Judgment is GRANTED. It is further ORDERED that the parties' Joint Motion to Continue Stay and Preliminary Injunction is DENIED AS MOOT. It is further ORDERED that the parties shall appear for a status conference at a time and date to be determined by the Clerk. See attached image for details. Signed by Judge Reggie B. Walton on November 3, 2014. (lcrbw1) (Entered: 11/03/2014)
11/03/2014		Set/Reset Hearings: Status Conference set for 12/17/2014 10:15 AM in Courtroom 16 before Judge Reggie B. Walton. (mpt, ) (Entered: 11/03/2014)
12/08/2014	<u>20</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– James M. Dickerson, Jr., :Firm– Taft Stettinius & Hollister LLP, :Address– 425 Walnut Street, Suite 1800, Cincinnati, Ohio 45202. Phone No. – (513) 381–2838. Fax No. – (513) 381–0205 Filing fee \$ 100, receipt number 0090–3927935. Fee Status: Fee Paid. by C.W. ZUMBIEL CO., ROBERT W. ZUMBIEL, THOMAS J. ZUMBIEL (May, Colby) (Entered: 12/08/2014)
12/08/2014	<u>21</u>	Joint MOTION for Extension of Time to <i>File Motion for Attorneys Fees and Costs and Motion to Reschedule Dec. 17 Status Conference</i> by JACOB J. LEW, THOMAS E. PEREZ, KATHLEEN SEBELIUS, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF TREASURY, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Bennett, Michelle) (Entered: 12/08/2014)

12/08/2014		MINUTE ORDER granting <u>20</u> Motion for Leave to Appear Pro Hac Vice. Having considered the plaintiffs' Motion for Admission Pro Hac Vice, and it appearing to the Court that the attorney referenced therein meets the requirements for pro hac vice admission under this Court's rules, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that James M. Dickerson Jr., of the law firm Taft Stettinius & Hollister LLP, 425 Walnut Street, Suite 1800, Cincinnati, Ohio 45202, is ADMITTED to practice before the Court pro hac vice. Signed by Judge Reggie B. Walton on December 8, 2014. (lcrbw1) (Entered: 12/08/2014)
12/09/2014		MINUTE ORDER granting <u>21</u> Motion for Extension of Time. In light of the parties' consent, and for good cause shown, it is hereby ORDERED that the Joint Motion to continue the status conference in this matter scheduled for December 17, 2014, at 10:15 a.m., and extend the deadline for the plaintiffs to file a motion for attorneys' fees and costs is GRANTED. The status conference is CONTINUED to a time and date to be determined by the Clerk, and the time permitted for the plaintiffs to file a motion for attorneys' fees and costs is extended until thirty days after the date of that status conference. Signed by Judge Reggie B. Walton on December 9, 2014. (lcrbw1) (Entered: 12/09/2014)
12/10/2014		Set/Reset Hearings: Status Conference reset for 1/22/2015 09:00 AM in Courtroom 16 before Judge Reggie B. Walton. (mpt, ) (Entered: 12/10/2014)
01/12/2015	<u>22</u>	Joint MOTION for Extension of Time to <i>File Motion for Attorneys Fees and Costs and Motion to Reschedule Jan. 22 Status Conference</i> by JACOB J. LEW, THOMAS E. PEREZ, KATHLEEN SEBELIUS, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF TREASURY, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Bennett, Michelle) (Entered: 01/12/2015)
01/13/2015		MINUTE ORDER granting <u>22</u> Motion for Extension of Time. In light of the parties' consent, and for good cause shown, it is hereby ORDERED that the Joint Motion to continue the status conference in this matter scheduled for January 22, 2015, at 9:00 a.m., and extend the deadline for the plaintiffs to file a motion for attorneys' fees and costs is GRANTED. The status conference is CONTINUED to a time and date to be determined by the Clerk, and the time permitted for the plaintiffs to file a motion for attorneys' fees and costs is extended until thirty days after the date of that status conference. Signed by Judge Reggie B. Walton on January 13, 2015. (lcrbw1) (Entered: 01/13/2015)
01/14/2015		Set/Reset Hearings: Status Conference reset for 2/25/2015 09:00 AM in Courtroom 16 before Judge Reggie B. Walton. (mpt, ) (Entered: 01/14/2015)
02/20/2015	<u>23</u>	Joint MOTION for Extension of Time to <i>File Motion for Attorneys Fees and Costs and Motion to Reschedule Feb. 25 Status Conference</i> by JACOB J. LEW, THOMAS E. PEREZ, KATHLEEN SEBELIUS, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF TREASURY, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Bennett, Michelle) (Entered: 02/20/2015)
02/23/2015		MINUTE ORDER granting <u>23</u> Motion for Extension of Time. In light of the parties' consent, and for good cause shown, it is hereby ORDERED that the Joint Motion to continue the status conference in this matter scheduled for February 25, 2015, at 9:00 a.m., and extend the deadline for the plaintiffs to file a motion for attorneys' fees and costs is GRANTED. The status conference is CONTINUED to a time and date to be determined by the Clerk, and the time permitted for the plaintiffs to file a motion for attorneys' fees and costs is extended until thirty days after the date of that status conference. Signed by Judge Reggie B. Walton on February 23, 2015. (lcrbw1) (Entered: 02/23/2015)
02/24/2015		Set/Reset Hearings: Status Conference reset for 4/7/2015 09:15 AM in Courtroom 16 before Judge Reggie B. Walton. (mpt, ) (Entered: 02/24/2015)
03/17/2015	<u>24</u>	Joint MOTION to Vacate <i>April 7, 2015 Status Conference</i> by JACOB J. LEW, THOMAS E. PEREZ, KATHLEEN SEBELIUS, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF TREASURY, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Bennett, Michelle) (Entered: 03/17/2015)
03/17/2015		MINUTE ORDER granting <u>24</u> Motion to Vacate. In light of the representations set forth in the parties' Joint Motion to Vacate Status Conference <u>24</u> , it is hereby ORDERED that the motion is GRANTED, and the status conference scheduled for

	<p>April 7, 2015, is VACATED. It is further ORDERED that this case is CLOSED. Signed by Judge Reggie B. Walton on March 17, 2015. (lcrbw1) (Entered: 03/17/2015)</p>
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