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**U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:12-cv-23820-DLG**

The Most Reverend Thomas G. Wenski et al v. Sebelius et al
Assigned to: Judge Donald L. Graham
Referred to: Magistrate Judge Jonathan Goodman
Cause: 05:0551 Administrative Procedure Act

Date Filed: 10/19/2012
Date Terminated: 03/04/2013
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

The Most Reverend Thomas G. Wenski
*Archbishop of the Archdiocese of Miami,
a corporation sole*

represented by **David M. Monde**
Jones Day
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Plaintiff

Catholic Health Services, Inc.

represented by **David M. Monde**
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LEAD ATTORNEY
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ATTORNEY TO BE NOTICED

E. Kendrick Smith
(See above for address)
LEAD ATTORNEY
PRO HAC VICE

ATTORNEY TO BE NOTICED

James R. Williams
(See above for address)
LEAD ATTORNEY
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Janine Cone Metcalf
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LEAD ATTORNEY
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Jason T. Burnette
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LEAD ATTORNEY
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Roberto Javier Diaz
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Catholic Hospice, Inc.

represented by **David M. Monde**
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LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

E. Kendrick Smith
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*ATTORNEY TO BE NOTICED***Jason T. Burnette**

(See above for address)

*LEAD ATTORNEY**PRO HAC VICE**ATTORNEY TO BE NOTICED***Roberto Javier Diaz**

(See above for address)

ATTORNEY TO BE NOTICED

V.

Defendant**Kathleen Sebelius***in her official capacity as Secretary of the
U.S. Department of Health and Human
Services*represented by **Michael Charles Pollack**

U.S. Department of Justice

Civil Division

P.O. Box 883

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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Defendant****Hilda L. Solis***in her official capacity as Secretary of the
U.S. Department of Labor*represented by **Michael Charles Pollack**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Michelle R. Bennett**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

Defendant

Timothy Geithner
*in his official capacity as Secretary of the
 U.S. Department of Treasury*

represented by **Michael Charles Pollack**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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

Defendant

**U.S. Department of Health and Human
 Services**

represented by **Michael Charles Pollack**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle R. Bennett
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Defendant

U.S. Department of Labor

represented by **Michael Charles Pollack**
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Michelle R. Bennett
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. Department of Treasury

represented by **Michael Charles Pollack**
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LEAD ATTORNEY
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Michelle R. Bennett
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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10/19/2012	1	COMPLAINT against Timothy Geithner, Kathleen Sebelius, Hilda L. Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury. Filing fee \$ 350.00 receipt number 113C-5164362, filed by Catholic Hospice, Inc., Catholic Health Services, Inc., The Most Reverend Thomas Wenski. (Attachments: # 1 Civil Cover Sheet, # 2 Summon(s))(Diaz, Roberto) (Entered: 10/19/2012)
10/19/2012	2	Judge Assignment to Judge Donald L. Graham (yar) (Entered: 10/19/2012)
10/19/2012	3	Summons Issued as to Timothy Geithner, Kathleen 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 (yar) (Entered: 10/19/2012)
10/19/2012	4	Corporate Disclosure Statement by Catholic Health Services, Inc., Catholic Hospice, Inc., The Most Reverend Thomas G. Wenski (Diaz, Roberto) (Entered: 10/19/2012)
10/22/2012	5	MOTION to Appear Pro Hac Vice and Request to Electronically Receive Notices of Electronic Filing for E. Kendrick Smith. Filing Fee \$ 75.00. Receipt # 47361. (ksa) (Entered: 10/24/2012)
10/22/2012	6	MOTION to Appear Pro Hac Vice and Request to Electronically Receive Notices of Electronic Filing for James R. Williams. Filing Fee \$ 75.00. Receipt # 47361. (ksa) (Entered: 10/24/2012)
10/22/2012	7	MOTION to Appear Pro Hac Vice and Request to Electronically Receive Notices of Electronic Filing for Janine Cone Metcalf. Filing Fee \$ 75.00. Receipt # 47361. (ksa) (Entered: 10/24/2012)
10/22/2012	8	MOTION to Appear Pro Hac Vice and Request to Electronically Receive Notices of Electronic Filing for Jason T. Burnette. Filing Fee \$ 75.00. Receipt # 47361. (ksa) (Entered: 10/24/2012)
10/24/2012	9	ORDER granting 5 Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing. Signed by Judge Donald L. Graham on 10/24/2012. (ar2) (Entered: 10/24/2012)
10/24/2012	10	ORDER granting 6 Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing. Signed by Judge Donald L. Graham on 10/24/2012. (ar2) (Entered: 10/24/2012)
10/24/2012	11	ORDER granting 7 Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing. Signed by Judge Donald L. Graham on 10/24/2012. (ar2) (Entered: 10/24/2012)
10/24/2012	12	ORDER granting 8 Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing. Signed by Judge Donald L. Graham on 10/24/2012. (ar2) (Entered: 10/24/2012)
12/03/2012	13	MOTION to Appear Pro Hac Vice and Request to Electronically Receive Notices of Electronic Filing for David M. Monde. Filing Fee \$ 75.00. Receipt # 49332. (ksa) (Entered: 12/04/2012)

12/13/2012	14	SUMMONS (Affidavit) Returned Executed by Catholic Health Services, Inc., The Most Reverend Thomas G. Wenski, Catholic Hospice, Inc.. Timothy Geithner served on 11/2/2012, answer due 1/1/2013. (Diaz, Roberto) (Entered: 12/13/2012)
12/13/2012	15	SUMMONS (Affidavit) Returned Executed by Catholic Health Services, Inc., The Most Reverend Thomas G. Wenski, Catholic Hospice, Inc.. U.S. Department of Health and Human Services served on 10/26/2012, answer due 12/26/2012. (Diaz, Roberto) (Entered: 12/13/2012)
12/13/2012	16	SUMMONS (Affidavit) Returned Executed by Catholic Health Services, Inc., The Most Reverend Thomas G. Wenski, Catholic Hospice, Inc.. Kathleen Sebelius served on 10/26/2012, answer due 12/26/2012. (Diaz, Roberto) (Entered: 12/13/2012)
12/13/2012	17	SUMMONS (Affidavit) Returned Executed by Catholic Health Services, Inc., The Most Reverend Thomas G. Wenski, Catholic Hospice, Inc.. All Defendants. (Diaz, Roberto) (Entered: 12/13/2012)
12/13/2012	18	SUMMONS (Affidavit) Returned Executed by Catholic Health Services, Inc., The Most Reverend Thomas G. Wenski, Catholic Hospice, Inc.. All Defendants. (Diaz, Roberto) (Entered: 12/13/2012)
12/13/2012	19	SUMMONS (Affidavit) Returned Executed by Catholic Health Services, Inc., The Most Reverend Thomas G. Wenski, Catholic Hospice, Inc.. U.S. Department of Labor served on 11/1/2012, answer due 12/31/2012. (Diaz, Roberto) (Entered: 12/13/2012)
12/13/2012	20	SUMMONS (Affidavit) Returned Executed by Catholic Health Services, Inc., The Most Reverend Thomas G. Wenski, Catholic Hospice, Inc.. Hilda L. Solis served on 10/31/2012, answer due 12/31/2012. (Diaz, Roberto) (Entered: 12/13/2012)
12/13/2012	21	SUMMONS (Affidavit) Returned Executed by Catholic Health Services, Inc., The Most Reverend Thomas G. Wenski, Catholic Hospice, Inc.. U.S. Department of Treasury served on 11/2/2012, answer due 1/1/2013. (Diaz, Roberto) (Entered: 12/13/2012)
12/21/2012	22	Defendant's MOTION to Dismiss for Lack of Jurisdiction 1 Complaint, by Timothy Geithner, Kathleen Sebelius, Hilda L. Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury. Responses due by 1/7/2013 (Attachments: # 1 Exhibit Wheaton v. Sebelius, # 2 Exhibit Catholic Diocese of Biloxi v. Sebelius)(Bennett, Michelle) (Entered: 12/21/2012)
12/26/2012	23	Unopposed MOTION for Extension of Time to respond to Defendants' motion to dismiss by Catholic Health Services, Inc., Catholic Hospice, Inc., The Most Reverend Thomas G. Wenski. Responses due by 1/14/2013 (Attachments: # 1 Text of Proposed Order)(Diaz, Roberto) (Entered: 12/26/2012)
12/26/2012	24	ORDER granting 13 Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing Signed by Judge Donald L. Graham on 12/26/12. (tp) (Entered: 12/26/2012)
12/26/2012	25	ORDER granting 23 Motion for Extension of Time to Respond to Motion to Dismiss

		Responses due by 1/17/2013 Signed by Judge Donald L. Graham on 12/26/12. (tp) (Entered: 12/27/2012)
01/02/2013	26	NOTICE of Telephonic Status Conference: Telephonic Status Conference set for 2/6/2013 02:00 PM before Judge Donald L. Graham. Signed by Judge Donald L. Graham on 1/2/13. (tp) (Entered: 01/03/2013)
01/07/2013	27	Notice of Supplemental Authority re 22 Defendant's MOTION to Dismiss for Lack of Jurisdiction 1 Complaint, by Timothy Geithner, Kathleen Sebelius, Hilda L. Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury (Attachments: # 1 Exhibit Univ. of Notre Dame v. Sebelius, # 2 Exhibit Catholic Diocese of Peoria v. Sebelius)(Bennett, Michelle) (Entered: 01/07/2013)
01/10/2013	28	Notice of Supplemental Authority re 22 Defendant's MOTION to Dismiss for Lack of Jurisdiction 1 Complaint, by Timothy Geithner, Kathleen Sebelius, Hilda L. Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury (Attachments: # 1 Exhibit Colorado Christian Univ. v. Sebelius)(Bennett, Michelle) (Entered: 01/10/2013)
01/16/2013	29	MEMORANDUM in Opposition re 22 Defendant's MOTION to Dismiss for Lack of Jurisdiction 1 Complaint, by Catholic Health Services, Inc., Catholic Hospice, Inc., The Most Reverend Thomas G. Wenski. (Attachments: # 1 Exhibit Declaration of Susan Waddell, # 2 Exhibit Declaration of Lisa Pinto, # 3 Exhibit Transcript of Proceedings, Nov. 15, 2012)(Diaz, Roberto) (Entered: 01/16/2013)
01/23/2013	30	REPLY to Response to Motion re 22 Defendant's MOTION to Dismiss for Lack of Jurisdiction 1 Complaint, filed by Timothy Geithner, Kathleen Sebelius, Hilda L. Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury. (Attachments: # 1 Exhibit 1 - Persico Decision) (Bennett, Michelle) (Entered: 01/23/2013)
01/29/2013	31	Notice of Supplemental Authority re 22 Defendant's MOTION to Dismiss for Lack of Jurisdiction 1 Complaint, by Timothy Geithner, Kathleen Sebelius, Hilda L. Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury (Bennett, Michelle) (Entered: 01/29/2013)
02/01/2013	32	STATUS REPORT Pursuant to Notice of Telephonic Status Conference by Catholic Health Services, Inc., Catholic Hospice, Inc., The Most Reverend Thomas G. Wenski (Diaz, Roberto) (Entered: 02/01/2013)
02/01/2013	33	CONSENT to Jurisdiction by US Magistrate Judge by Catholic Health Services, Inc., Catholic Hospice, Inc., The Most Reverend Thomas G. Wenski (Diaz, Roberto) (Entered: 02/01/2013)
02/04/2013	34	NOTICE of Attorney Appearance by Michael Charles Pollack on behalf of Timothy Geithner, Kathleen Sebelius, Hilda L. Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury (Pollack, Michael) (Entered: 02/04/2013)
02/04/2013	35	Defendant's MOTION to Stay <i>Discovery Pending Resolution of Defendants' Motion</i>

		<i>to Dismiss</i> by Timothy Geithner, Kathleen Sebelius, Hilda L. Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury. Responses due by 2/22/2013 (Attachments: # 1 Exhibit Ave Maria v. Sebelius Order, # 2 Text of Proposed Order)(Pollack, Michael) (Entered: 02/04/2013)
02/05/2013	36	Notice of Supplemental Authority re 29 Memorandum, by Catholic Health Services, Inc., Catholic Hospice, Inc., The Most Reverend Thomas G. Wenski (Attachments: # 1 Exhibit Diocese of Fort Worth v. Sebelius)(Diaz, Roberto) (Entered: 02/05/2013)
02/06/2013	37	Minute Entry for proceedings held before Judge Donald L. Graham: Status Conference held on 2/6/2013. Court Reporter: Carly Horenkamp, 305-523-5138 / Carleen_Horenkamp@flsd.uscourts.gov (cf) (Entered: 02/06/2013)
02/08/2013	38	RESPONSE in Opposition re 35 Defendant's MOTION to Stay <i>Discovery Pending Resolution of Defendants' Motion to Dismiss</i> filed by Catholic Health Services, Inc., Catholic Hospice, Inc., The Most Reverend Thomas G. Wenski. (Attachments: # 1 Exhibit Archdiocese of NY v. Sebelius-Docket Order, # 2 Exhibit Diocese of Fort Worth v. Sebelius, # 3 Exhibit Archdiocese of NY v. Sebelius)(Diaz, Roberto) (Entered: 02/08/2013)
02/08/2013	39	Notice of Supplemental Authority re 22 Defendant's MOTION to Dismiss for Lack of Jurisdiction 1 Complaint, by Timothy Geithner, Kathleen Sebelius, Hilda L. Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury (Attachments: # 1 Exhibit Conlon v. Sebelius)(Pollack, Michael) (Entered: 02/08/2013)
02/11/2013	40	NOTICE OF LEAVE of Absence E. Kendrick Smith, Esq. for dates of 03/02/2013-03/09/2013 (tpl) (Entered: 02/11/2013)
02/15/2013	41	REPLY to Response to Motion re 35 Defendant's MOTION to Stay <i>Discovery Pending Resolution of Defendants' Motion to Dismiss</i> filed by Timothy Geithner, Kathleen Sebelius, Hilda L. Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury. (Pollack, Michael) (Entered: 02/15/2013)
02/20/2013	42	SCHEDULING ORDER: Telephonic Pretrial Conference set for 10/2/2013 02:00 PM before Judge Donald L. Graham. Jury Trial set for 11/4/2013 in Miami Division before Judge Donald L. Graham. Telephonic Calendar Call set for 10/30/2013 02:00 PM before Judge Donald L. Graham. Amended Pleadings due by 5/13/2013. All Discovery due by 8/19/2013. Joinder of Parties due by 5/13/2013. Motions due by 8/26/2013. Pretrial Stipulation due by 9/27/2013. Signed by Judge Donald L. Graham on 2/20/2013. (ls) (Entered: 02/20/2013)
02/20/2013	43	ORDER REFERRING CASE to Mediation. Signed by Judge Donald L. Graham on 2/20/2013. (ls) (Entered: 02/20/2013)
02/20/2013	44	ORDER REFERRING CASE to Magistrate Judge Jonathan Goodman for Discovery Proceedings. Signed by Judge Donald L. Graham on 2/20/2013. (ls) (Entered: 02/20/2013)

02/20/2013	45	ORDER REFERRING CASE to Magistrate Judge Jonathan Goodman of Motions. Signed by Judge Donald L. Graham on 2/20/2013. (ls) (Entered: 02/20/2013)
03/04/2013	46	ORDER granting 22 Motion to Dismiss for Lack of Jurisdiction. This case is closed. Signed by Judge Donald L. Graham on 3/4/13. (tp) (Entered: 03/05/2013)

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