

**U.S. District Court
Southern District of Illinois (East St. Louis)
CIVIL DOCKET FOR CASE #: 3:12-cv-01072-MJR-PMF**

Korte et al v. United States Department of Health and Human Services et al

Assigned to: Chief Judge Michael J. Reagan
Referred to: Magistrate Judge Philip M. Frazier

Case in other court: USCA-7, 12-03841

Cause: 28:2201 Constitutionality of State Statute(s)

Date Filed: 10/09/2012

Date Terminated: 02/26/2015

Jury Demand: None

Nature of Suit: 440 Civil Rights: Other

Jurisdiction: U.S. Government Defendant

Plaintiff

Cyril B. Korte

represented by **Edward L. White , III**
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Plaintiff

Jane E. Korte

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Plaintiff

Korte & Luitjohan Contractors, Inc.

represented by **Edward L. White , III**
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V.

Defendant

**United States Department of Health
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Defendant

Kathleen Sebelius
*in her official capacity as the Secretary of
the United States Department of Health
and Human Services; Terminated per
Order at Doc 79*
TERMINATED: 07/29/2014

represented by **Bradley Phillip Humphreys**
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Defendant

United States Department of Treasury

represented by **Bradley Phillip Humphreys**
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Defendant

Timothy Geithner
*in his official capacity as the Secretary of
the United States Department of the
Treasury; Terminated per Order at Doc
79*
TERMINATED: 07/29/2014

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Defendant

United States Department of Labor

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LEAD ATTORNEY
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Defendant

Hilda L. Solis
*in her official capacity as Secretary of the
United States Department of Labor;
Terminated per Order at Doc 79*
TERMINATED: 07/29/2014

represented by **Bradley Phillip Humphreys**
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Defendant

Sylvia M. Burwell
*in her official capacity; added per Order
at Doc 79*

Defendant

Jacob J. Lew

*in his official capacity; added per Order
at Doc 79*

Defendant

Thomas E. Perez

*in his official capacity; added per Order
at Doc 79*

Amicus

American Civil Liberties Union

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TERMINATED: 02/04/2013

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Heather B. Navarro
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TERMINATED: 02/04/2013

Lorie A. Chaiten
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Liberty, Life and Law Foundation

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Bioethics Defense Fund
Bioethics Defense Fund

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Women Speak for Themselves
Women Speak for Themselves

represented by **Stephen Robert Clark**
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/09/2012	<u>1</u>	Case Opened. Filing Fee Due. Documents may now be electronically filed. Case number 12-1072-MJR-PMF must be placed on all documents prior to filing them electronically. (Attachments: # <u>1</u> Consent to proceed before a Magistrate Judge)(cekf) (Entered: 10/09/2012)
10/09/2012	<u>2</u>	COMPLAINT <i>for Declaratory and Injunctive Relief</i> against All Defendants (Filing fee \$ 350 receipt number 0754-1802124) filed by Jane E. Korte, Cyril B. Korte, Korte &Luitjohan Contractors, Inc.. (Attachments: # <u>1</u> Civil Cover Sheet)(White, Edward) Modified on 10/10/2012 (cekf). (Entered: 10/09/2012)
10/09/2012	<u>3</u>	Summons Issued as to Timothy Geithner, Kathleen Sebelius, Hilda L. Solis, United States Department of Health and Human Services, United States Department of Labor, United States Department of Treasury. (cekf) (Entered: 10/09/2012)
10/10/2012	<u>4</u>	NOTICE of Appearance by Edward L. White, III on behalf of All Plaintiffs (White, Edward) (Entered: 10/10/2012)
10/10/2012	<u>5</u>	Corporate Disclosure Statement by Cyril B. Korte, Jane E. Korte, Korte &Luitjohan Contractors, Inc.. (White, Edward) (Entered: 10/10/2012)

10/10/2012	<u>6</u>	MOTION for Preliminary Injunction <i>on Count I (RFRA) and Count II (Free Exercise Clause)</i> by Cyril B. Korte, Jane E. Korte, Korte &Luitjohan Contractors, Inc.. (White, Edward) (Entered: 10/10/2012)
10/10/2012	<u>7</u>	MEMORANDUM in Support re <u>6</u> MOTION for Preliminary Injunction <i>on Count I (RFRA) and Count II (Free Exercise Clause)</i> filed by Cyril B. Korte, Jane E. Korte, Korte &Luitjohan Contractors, Inc.. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit Ex. A, Declaration of Cyril Korte with attached ethical guidelines, # <u>3</u> Exhibit Ex. B, Declaration of Jane Korte)(White, Edward) (Entered: 10/10/2012)
10/10/2012	<u>8</u>	MOTION for Partial Summary Judgment <i>on Count I (RFRA) and Count II (Free Exercise Clause)</i> by Cyril B. Korte, Jane E. Korte, Korte &Luitjohan Contractors, Inc.. Responses due by 11/13/2012 (White, Edward) (Entered: 10/10/2012)
10/10/2012	<u>9</u>	MEMORANDUM in Support re <u>8</u> MOTION for Partial Summary Judgment <i>on Count I (RFRA) and Count II (Free Exercise Clause)</i> filed by Cyril B. Korte, Jane E. Korte, Korte &Luitjohan Contractors, Inc.. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A. Declaration of Cyril Korte with attached ethical guidelines, # <u>3</u> Exhibit B. Declaration of Jane Korte)(White, Edward) (Entered: 10/10/2012)
10/16/2012	<u>10</u>	SUMMONS Returned Executed by Jane E. Korte, Cyril B. Korte, Korte &Luitjohan Contractors, Inc.. United States Department of Health and Human Services served on 10/15/2012, answer due 12/14/2012. (White, Edward) (Entered: 10/16/2012)
10/16/2012	<u>11</u>	SUMMONS Returned Executed by Jane E. Korte, Cyril B. Korte, Korte &Luitjohan Contractors, Inc.. Kathleen Sebelius served on 10/15/2012, answer due 12/14/2012. (White, Edward) (Entered: 10/16/2012)
10/16/2012	<u>12</u>	SUMMONS Returned Executed by Jane E. Korte, Cyril B. Korte, Korte &Luitjohan Contractors, Inc.. United States Department of Treasury served on 10/16/2012, answer due 12/17/2012. (White, Edward) (Entered: 10/16/2012)
10/16/2012	<u>13</u>	SUMMONS Returned Executed by Jane E. Korte, Cyril B. Korte, Korte &Luitjohan Contractors, Inc.. Timothy Geithner served on 10/16/2012, answer due 12/17/2012. (White, Edward) (Entered: 10/16/2012)
10/16/2012	<u>14</u>	SUMMONS Returned Executed by Jane E. Korte, Cyril B. Korte, Korte &Luitjohan Contractors, Inc.. United States Department of Labor served on 10/15/2012, answer due 12/14/2012. (White, Edward) (Entered: 10/16/2012)
10/16/2012	<u>15</u>	SUMMONS Returned Executed by Jane E. Korte, Cyril B. Korte, Korte &Luitjohan Contractors, Inc.. Hilda L. Solis served on 10/15/2012, answer due 12/14/2012. (White, Edward) (Entered: 10/16/2012)
10/16/2012	<u>16</u>	NOTICE by Cyril B. Korte, Jane E. Korte, Korte &Luitjohan Contractors, Inc. of <i>Proof of Service of Summonses, Complaint, and Other Documents on Attorney General Eric Holder</i> (White, Edward) (Entered: 10/16/2012)
10/16/2012	<u>17</u>	NOTICE by Cyril B. Korte, Jane E. Korte, Korte &Luitjohan Contractors, Inc. of <i>Proof of Service of Summonses, Complaint, and Other Documents on U.S. Attorney Stephen Wigginton</i> (White, Edward) (Entered: 10/16/2012)
10/29/2012	<u>18</u>	NOTICE of Appearance by Bradley Phillip Humphreys on behalf of Timothy Geithner, Kathleen Sebelius, Hilda L. Solis, United States Department of Health and Human Services, United States Department of Labor, United States Department of Treasury (Humphreys, Bradley) (Entered: 10/29/2012)
10/29/2012	<u>19</u>	MOTION for Extension of Time to File Response/Reply as to <u>7</u> Memorandum in Support of Motion, <i>for a Preliminary Injunction</i> by Timothy Geithner, Kathleen Sebelius, Hilda L. Solis, United States Department of Health and Human Services, United States Department of Labor, United States Department of Treasury. (Humphreys, Bradley) (Entered: 10/29/2012)
10/29/2012	<u>20</u>	RESPONSE to Motion re <u>19</u> MOTION for Extension of Time to File Response/Reply as to <u>7</u> Memorandum in Support of Motion, <i>for a Preliminary Injunction</i> MOTION for Extension of Time to File Response/Reply as to <u>7</u> Memorandum in Support of Motion, <i>for a Preliminary Injunction</i> filed by Cyril B. Korte, Jane E. Korte, Korte &Luitjohan Contractors, Inc.. (White, Edward)

		(Entered: 10/29/2012)
11/01/2012	21	NOTICE AND ORDER, GRANTING <u>19</u> MOTION for Extension of Time to File Response/Reply as to <u>6</u> Motion, <i>for a Preliminary Injunction</i> , filed by United States Department of Treasury, Kathleen Sebelius, Timothy Geithner, United States Department of Health and Human Services, United States Department of Labor, Hilda L. Solis. By motion filed October 29, 2012, Defendants move for an extension of time to file their response(s) to Plaintiffs' Motion for Preliminary Injunction. Hurricane Sandy has impeded Defendants' ability to meet the current October 30, 2012, response deadline. Plaintiffs have no objection to the proposed extension of time, but stress their desire for a prompt ruling on the motion for injunctive relief. For good cause shown, Defendants' motion <u>19</u> is GRANTED. On or before November 6, 2012, Defendants shall file their response(s) to Plaintiffs' Motion for Preliminary Injunction <u>6</u> . Oral Argument (and evidence if necessary) of Plaintiffs' Motion for Preliminary Injunction is set for November 30, 2012, at 2:30 PM in the East St. Louis Courthouse before Judge Michael J. Reagan. The parties should note that only two hours has been allotted for the motion hearing. Signed by Judge Michael J. Reagan on 11/1/2012. (mmr)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 11/01/2012)
11/06/2012	<u>22</u>	RESPONSE in Opposition re <u>6</u> MOTION for Preliminary Injunction <i>on Count I (RFRA) and Count II (Free Exercise Clause)</i> filed by Timothy Geithner, Kathleen Sebelius, Hilda L. Solis, United States Department of Health and Human Services, United States Department of Labor, United States Department of Treasury. (Attachments: # <u>1</u> Exhibit A – KLArticles of Incorporation)(Humphreys, Bradley) (Entered: 11/06/2012)
11/09/2012	<u>23</u>	MOTION to Appear Pro Hac Vice by Attorney Brigitte Amiri \$100 fee paid, receipt number 0754–1826765 by on behalf of American Civil Liberties Union. (Amiri, Brigitte) (Entered: 11/09/2012)
11/09/2012	<u>24</u>	MOTION to Appear Pro Hac Vice by Attorney Lorie A. Chaiten \$100 fee paid, receipt number 0754–1826770 by on behalf of American Civil Liberties Union of Illinois. (Chaiten, Lorie) (Entered: 11/09/2012)
11/09/2012	<u>25</u>	MOTION for Leave to File a <i>Brief Amicus Curiae in Opposition to Plaintiffs Motion for Preliminary Injunction</i> by American Civil Liberties Union, American Civil Liberties Union of Illinois. (Attachments: # <u>1</u> Exhibit Brief Amicus Curiae in Opposition to Plaintiffs Motion for Preliminary Injunction)(Chaiten, Lorie) (Entered: 11/09/2012)
11/09/2012	<u>26</u>	REPLY to Response to Motion re <u>6</u> MOTION for Preliminary Injunction <i>on Count I (RFRA) and Count II (Free Exercise Clause)</i> filed by Cyril B. Korte, Jane E. Korte, Korte & Luitjohan Contractors, Inc.. (White, Edward) (Entered: 11/09/2012)
11/12/2012	<u>27</u>	NOTICE of Appearance by Heather B. Navarro on behalf of American Civil Liberties Union, American Civil Liberties Union of Illinois (Navarro, Heather) (Entered: 11/12/2012)
11/12/2012	<u>28</u>	NOTICE of Appearance by Thomas E. Kennedy, III on behalf of American Civil Liberties Union, American Civil Liberties Union of Illinois (Kennedy, Thomas) (Entered: 11/12/2012)
11/13/2012	29	ORDER (NJR/jdh) Granting <u>23</u> MOTION to Appear Pro Hac Vice by Attorney Brigitte Amiri. (jdh)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 11/13/2012)
11/13/2012	30	ORDER (NJR/jdh) Granting <u>24</u> MOTION to Appear Pro Hac Vice by Attorney Lorie A. Chaiten. (jdh)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 11/13/2012)
11/13/2012	31	ORDER GRANTING <u>25</u> Motion for Leave to File Amicus Curiae Brief. By motion filed November 9, 2012, the American Civil Liberties Union and the American Civil Liberties Union of Illinois jointly moved for leave to file an amicus curiae brief in opposition to Plaintiffs' Motion for Preliminary Injunction. Leave is hereby GRANTED, the amicus curiae brief shall be filed on or before November

		15, 2012. Signed by Judge Michael J. Reagan on 11/13/2012. (mmr)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 11/13/2012)
11/13/2012	<u>32</u>	MEMORANDUM in Opposition re <u>6</u> MOTION for Preliminary Injunction <i>on Count I (RFRA) and Count II (Free Exercise Clause) AMICUS CURIAE BRIEF</i> filed by American Civil Liberties Union, American Civil Liberties Union of Illinois. (Chaiten, Lorie) (Entered: 11/13/2012)
11/14/2012	<u>33</u>	MOTION for Extension of Time to File Response/Reply as to <u>8</u> MOTION for Partial Summary Judgment <i>on Count I (RFRA) and Count II (Free Exercise Clause)</i> by Timothy Geithner, Kathleen Sebelius, Hilda L. Solis, United States Department of Health and Human Services, United States Department of Labor, United States Department of Treasury. (Humphreys, Bradley) (Entered: 11/14/2012)
11/15/2012	34	ORDER GRANTING <u>33</u> Motion for Extension of Time to File Response/Reply. On November 14, 2012, Defendants filed an unopposed motion <u>33</u> to extend the deadline for responding to Plaintiffs' motion for summary judgment <u>8</u> until 30-days after the Court rules on Plaintiffs' motion for injunctive relief <u>6</u> . Defendants' motion <u>33</u> is GRANTED; Defendants' response to Plaintiffs' motion for summary judgment <u>8</u> shall be filed within 30-days from the date of the Court's order ruling on Plaintiff's motion for injunctive relief. Signed by Judge Michael J. Reagan on 11/15/2012. (mmr.)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 11/15/2012)
11/16/2012	<u>35</u>	MOTION to Appear Pro Hac Vice by Attorney Deborah J. Dewart \$100 fee paid, receipt number 0754-1830181 by on behalf of Liberty, Life and Law Foundation. (Dewart, Deborah) (Entered: 11/16/2012)
11/16/2012	<u>36</u>	MOTION for Leave to File <i>Amicus Curiae Brief</i> by Liberty, Life and Law Foundation. (Attachments: # <u>1</u> Exhibit Amicus Brief)(Dewart, Deborah) (Entered: 11/16/2012)
11/19/2012	37	ORDER (NJR/jdh), Granting <u>35</u> MOTION to Appear Pro Hac Vice by Attorney Deborah J. Dewart. (jdh)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 11/19/2012)
11/19/2012	38	ORDER, GRANTING <u>36</u> MOTION for Leave to File <i>Amicus Curiae Brief</i> filed by Liberty, Life and Law Foundation. By motion filed November 16, 2012, the Liberty, Life and Law Foundation moved for leave to file an amicus curiae brief in support of Plaintiffs' Motion for Preliminary Injunction. Leave is hereby GRANTED, the amicus curiae brief shall be filed on or before November 21, 2012. Signed by Judge Michael J. Reagan on 11/19/2012. (mmr)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 11/19/2012)
11/19/2012	<u>39</u>	MEMORANDUM in Support re <u>6</u> MOTION for Preliminary Injunction <i>on Count I (RFRA) and Count II (Free Exercise Clause) Amicus Brief</i> filed by Liberty, Life and Law Foundation. (Dewart, Deborah) (Entered: 11/19/2012)
11/20/2012	<u>40</u>	MOTION for Leave to File <i>Brief Amici Curiae in Support of Plaintiffs' Motion for Preliminary Injunction</i> by Life Legal Defense Foundation, Bioethics Defense Fund, Women Speak for Themselves. (Attachments: # <u>1</u> Exhibit Brief Amici Curiae in Support of Plaintiffs' Motion for Preliminary Injunction)(Clark, Stephen) (Entered: 11/20/2012)
11/20/2012	41	NOTICE AND ORDER Re-Setting Hearing on <u>6</u> Motion for Preliminary Injunction <i>on Count I (RFRA) and Count II (Free Exercise Clause)</i> . The hearing on Plaintiffs' Motion for Preliminary Injunction <u>6</u> previously set for November 30, 2012, is CANCELLED and RESET for December 7, 2012, at 02:30 PM in the East St. Louis Courthouse before Judge Michael J. Reagan. The parties should note that only two hours has been allotted for the motion hearing. Signed by Judge Michael J. Reagan on 11/20/12. (mmr)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 11/20/2012)

11/20/2012	<u>42</u>	Consent MOTION for Leave to File <i>Notice of Supplemental Authority regarding Tyndale House Publishers v. Sebelius, 2012 U.S. Dist. LEXIS 163965 (D.D.C. Nov. 16, 2012)</i> by Cyril B. Korte, Jane E. Korte, Korte &Luitjohan Contractors, Inc.. (Attachments: # <u>1</u> Notice of Supplemental Authority—Tyndale House Publishers v. Sebelius, # <u>2</u> Decision: Tyndale House Publishers v. Sebelius, (D.D.C. Nov. 16, 2012))(White, Edward) (Entered: 11/20/2012)
11/20/2012	<u>43</u>	REPLY to Response to Motion re <u>6</u> MOTION for Preliminary Injunction <i>on Count I (RFRA) and Count II (Free Exercise Clause) Replying to Amicus Brief by the American Civil Liberties Union (Doc. 32) in Opposition to Plaintiffs' Motion for Preliminary Injunction</i> filed by Cyril B. Korte, Jane E. Korte, Korte &Luitjohan Contractors, Inc.. (White, Edward) (Entered: 11/20/2012)
11/26/2012	<u>44</u>	NOTICE of Appearance by Geoffrey Richard Surtees on behalf of All Plaintiffs (Surtees, Geoffrey) (Entered: 11/26/2012)
11/26/2012	<u>45</u>	ORDER GRANTING <u>40</u> Motion for Leave to File Amicus Curiae Brief. By motion filed November 20, 2012 <u>40</u> , Women Speak for Themselves, Bioethics Defense Fund, and Life Legal Defense Foundation seek leave to file a brief amicus curiae in suport of Plaintiffs' Motion for Preliminary Injunction. The motion <u>40</u> is GRANTED. On or before November 30, 2012, Women Speak for Themselves, Bioethics Defense Fund, and Life Legal Defense Foundation shall file their brief. Signed by Judge Michael J. Reagan on 11/26/2013. (mmr)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 11/26/2012)
11/26/2012	<u>46</u>	NOTICE AND ORDER re Deadline for Amicus Curiae Briefs. After November 30, 2012, the Court will not accept any Amicus Curiae Briefs regarding Plaintiffs' Motion for Preliminary Injunction. Signed by Judge Michael J. Reagan on 11/26/2012. (mmr)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 11/26/2012)
11/26/2012	<u>47</u>	ORDER, DENYING AS MOOT <u>42</u> Consent MOTION for Leave to File <i>Notice of Supplemental Authority regarding Tyndale House Publishers v. Sebelius. On November 20, 2012, Plaintiffs filed an unopposed motion for leave to file a notice of supplemental authority relative to the recent decision in Tyndale House Publishers v. Sebelius, Case No. 12-1635 (D. D.C. Nov. 16, 2012). The Court is aware of Tyndale House Publishers, as well as the more recent decision in Hobby Lobby Stores v. Sebelius, Case No. 12-1000 (W.D. Okl. Nov. 19, 2012). Therefore, Plaintiffs motion <u>42</u> is DENIED AS MOOT. Signed by Judge Michael J. Reagan on 11/26/2012. (mmr)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 11/26/2012)</i>
11/26/2012	<u>48</u>	NOTICE by Bioethics Defense Fund, Life Legal Defense Foundation, Women Speak for Themselves re <u>6</u> MOTION for Preliminary Injunction <i>on Count I (RFRA) and Count II (Free Exercise Clause) Brief Amici Curiae in Support of Plaintiffs' Motion for Preliminary Injunction</i> (Clark, Stephen) (Entered: 11/26/2012)
11/29/2012	<u>49</u>	Consent MOTION for Leave to File <i>Notice Of Supplemental Authority Re: 8th Cir. Order Granting Motion For Injunction On Appeal In O'Brien v. HHS, Case No. 12-3357</i> by Cyril B. Korte, Jane E. Korte, Korte &Luitjohan Contractors, Inc.. (Attachments: # <u>1</u> Notice of Supplemental Authority, O'Brien v. HHS, 8th Cir. Order Granting Injunction On Appeal, No.12-3357, # <u>2</u> Exhibit A (Motion for Injunction On Appeal in O'Brien v. HHS, 8th Cir., No. 12-3357), # <u>3</u> Exhibit B (Order Granting Motion for Injunction On Appeal in O'Brien v. HHS, 8th Cir., No. 12-3357))(White, Edward) (Entered: 11/29/2012)
11/29/2012	<u>50</u>	ORDER GRANTING <u>49</u> Plaintiffs' Unopposed Motion for Leave to File Notice of Supplemental Authority. Plaintiffs' seek to file the November 28, 2012, Order of the United States Court of Appeals for the Eighth Circuit in OBrien v. U.S. Dept of Health &Human Servs., Case No. 12-3357 (8th Cir.) granting a motion for injunction pending appeal. Plaintiffs also want to file a copy of the Appellants' motion in O'Brien. Plaintiffs' motion is GRANTED. On or before December 3, 2012, Plaintiffs shall file a notice and copies of the O'Brien materials. Signed by Judge Michael J. Reagan on 11/29/2012. (mmr)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE

		MAILED. (Entered: 11/29/2012)
11/29/2012	<u>51</u>	NOTICE by Cyril B. Korte, Jane E. Korte, Korte &Luitjohan Contractors, Inc. re <u>26</u> Reply to Response to Motion, <u>6</u> MOTION for Preliminary Injunction <i>on Count I (RFRA) and Count II (Free Exercise Clause)</i> , <u>7</u> Memorandum in Support of Motion, <i>Regarding Supplemental Authority of Order Granting Motion For Injunction On Appeal in O'Brien v. HHS, 8th Cir. Case No. 12-3357</i> (Attachments: # <u>1</u> Exhibit A (Motion for Injunction on Appeal in O'Brien v. HHS, 8th Cir. Case No. 12-3357), # <u>2</u> Exhibit B (Order Granting Motion for Injunction on Appeal in O'Brien v. HHS, 8th Cir. Case No. 12-3357))(White, Edward) (Entered: 11/29/2012)
12/05/2012	<u>52</u>	NOTICE of Appearance by Francis J. Manion on behalf of All Plaintiffs (Manion, Francis) (Entered: 12/05/2012)
12/07/2012	<u>53</u>	Minute Entry for proceedings held before Judge Michael J. Reagan: Preliminary Injunction Hearing held on 12/7/2012. (Court Reporter Barb Kniepmann.) (dkd) (Entered: 12/07/2012)
12/14/2012	<u>54</u>	Vacated (See order at doc. 74). ORDER, DENYING <u>6</u> MOTION for Preliminary Injunction <i>on Count I (RFRA) and Count II (Free Exercise Clause)</i> filed by Korte &Luitjohan Contractors, Inc., Cyril B. Korte, Jane E. Korte.Signed by Judge Michael J. Reagan on 12/14/2012. (mmr) Modified on 1/13/2014 (dkd). (Entered: 12/14/2012)
12/17/2012	<u>55</u>	NOTICE OF INTERLOCUTORY APPEAL as to <u>54</u> Order, Terminate Motions by Cyril B. Korte, Jane E. Korte, Korte &Luitjohan Contractors, Inc.. Filing fee \$ 455, receipt number 0754-1850682. (White, Edward) (Entered: 12/17/2012)
12/17/2012	<u>56</u>	DOCKETING STATEMENT by Cyril B. Korte, Jane E. Korte, Korte &Luitjohan Contractors, Inc. re <u>55</u> Notice of Interlocutory Appeal (White, Edward) (Entered: 12/17/2012)
12/17/2012	<u>57</u>	TRANSCRIPT INFORMATION SHEET by Attorney/Pro Se Party (White, Edward) (Entered: 12/17/2012)
12/17/2012	<u>58</u>	Joint MOTION to Stay <i>District Court Proceedings Pending Appeal</i> by Timothy Geithner, Kathleen Sebelius, Hilda L. Solis, United States Department of Health and Human Services, United States Department of Labor, United States Department of Treasury. (Humphreys, Bradley) (Entered: 12/17/2012)
12/18/2012	<u>59</u>	Transmission of Short Record to US Court of Appeals re <u>55</u> Notice of Interlocutory Appeal Appeal Record due to be prepared by 1/2/2013. (jlrr) (Entered: 12/18/2012)
12/18/2012	<u>60</u>	Circuit Rule 10 letter re: <u>55</u> Notice of Appeal (jlrr) (Entered: 12/18/2012)
12/18/2012	<u>61</u>	USCA Case Number 12-3841 for <u>55</u> Notice of Interlocutory Appeal filed by Korte &Luitjohan Contractors, Inc., Cyril B. Korte, Jane E. Korte. (Attachments: # <u>1</u> Notice of Case Opening)(jlrr) (Entered: 12/18/2012)
12/20/2012	<u>62</u>	DESIGNATION of Record on Appeal by Cyril B. Korte, Jane E. Korte, Korte &Luitjohan Contractors, Inc. re <u>55</u> Notice of Interlocutory Appeal (White, Edward) (Entered: 12/20/2012)
12/28/2012	63	ORDER STAYING CASE, GRANTING <u>58</u> Joint MOTION to Stay <i>District Court Proceedings Pending Appeal</i> filed by United States Department of Treasury, Kathleen Sebelius, Timothy Geithner, United States Department of Health and Human Services, United States Department of Labor, Hilda L. Solis. Before the Court is <u>58</u> the joint motion of the parties to stay all proceedings in the district court pending resolution of Plaintiffs interlocutory appeal of the district courts order denying a preliminary injunction. In the alternative, the parties request that the time for Defendants to respond to the complaint be extended to January 11, 2013. The parties note that the District Court for the Western District of Oklahoma recently stayed the district court proceedings in a similar case, Hobby Lobby v. Sebelius, No. 5:12-cv-01000 (W.D. Okla. Dec. 12, 2012). The United States Supreme Court (J. Sotomayor) has now denied an All Writs Act emergency injunction in the Hobby Lobby case, noting that the case and other similar cases

		were proceeding through the lower courts. Hobby Lobby v. Sebelius, __S.Ct.__, 568 U.S.__, 2012 WL 6698888 (Dec. 26, 2012) (Opinion in Chambers). Justice Sotomayor found that the Hobby Lobby plaintiffs legal rights and entitlement to relief under the Free Exercise Clause or RFRA were not indisputably clear. Id. at *3. Thus, in Hobby Lobby, the district court case is stayed, pending resolution of the appeal. The Seventh Circuits resolution of the interlocutory appeal in this case could impact further proceedings and the parties respective positions in this case. Therefore, the parties joint motion to stay proceedings in this district court pending resolution of the appeal in the Seventh Circuit Court of Appeals <u>58</u> is GRANTED. The parties shall notify this Court of any material change in the status of the appellate case. When this action is in a posture to proceed, a new briefing schedule will be entered. Signed by Judge Michael J. Reagan on 12/28/2012. (mmr)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 12/28/2012)
12/28/2012		Record on Appeal Prepared re <u>55</u> Notice of Interlocutory Appeal (4 vol. pleadings). (drb) (Entered: 12/28/2012)
01/02/2013	<u>64</u>	ORDER of USCA as to <u>55</u> Notice of Interlocutory Appeal filed by Korte & Luitjohan Contractors, Inc., Cyril B. Korte, Jane E. Korte (cekf) (Entered: 01/02/2013)
01/18/2013	<u>65</u>	<p>Transcript of Preliminary Injunction Hearing held on December 7, 2012, before Judge Michael J. Reagan. Court Reporter/Transcriber Barbara Kniepmann, Telephone number 618-482-9482.</p> <p>NOTICE: Attorneys and unrepresented parties have 7 calendar days to file a Notice of Intent to Request Redaction of this transcript and 21 calendar days to file a Redaction Request. If redactions are not requested, the transcript will be made remotely available to the public without redaction after 90 calendar days. See the full Transcript Policy on the website at http://www.ilsd.uscourts.gov/forms/TransPolicy.pdf</p> <p>Transcript may be viewed at the public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/8/2013. Redacted Transcript Deadline set for 2/19/2013. Release of Transcript Restriction set for 4/18/2013. (bkk,) (Entered: 01/18/2013)</p>
01/25/2013	<u>66</u>	MOTION to Withdraw as Attorney by American Civil Liberties Union, American Civil Liberties Union of Illinois. (Navarro, Heather) (Entered: 01/25/2013)
02/04/2013	<u>67</u>	ORDER granting <u>66</u> Motion to Withdraw as Attorney. Attorney Heather B. Navarro is terminated as counsel of record. Signed by Magistrate Judge Philip M. Frazier on 2/4/2013. (kls)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 02/04/2013)
04/01/2013	<u>68</u>	Request from USCA to transmit Record on Appeal re <u>55</u> Notice of Interlocutory Appeal (jlrr) (Entered: 04/01/2013)
04/01/2013	<u>69</u>	Certified and Transmitted Record on Appeal to US Court of Appeals re <u>55</u> Notice of Interlocutory Appeal. (jlrr) (Entered: 04/01/2013)
04/01/2013	<u>70</u>	Acknowledgment of receipt of Record on Appeal by USCA 7 re <u>55</u> Notice of Interlocutory Appeal. Contents of Record: 4 vol. of pleadings. (jlrr) (Entered: 04/01/2013)
04/01/2013	<u>71</u>	Acknowledgment of Transcript of Proceedings held on 12/7/12 re <u>55</u> Notice of Interlocutory Appeal (jlrr) (Entered: 04/01/2013)
07/05/2013	<u>72</u>	NOTICE of Change of Address by Edward L. White, III (White, Edward) (Entered: 07/05/2013)
01/02/2014	<u>73</u>	MANDATE of USCA as to <u>55</u> Notice of Interlocutory Appeal filed by Korte & Luitjohan Contractors, Inc., Cyril B. Korte, Jane E. Korte (Attachments: # <u>1</u> Final Judgment, # <u>2</u> Opinion, # <u>3</u> Order)(trb) (Entered: 01/02/2014)

01/13/2014	<u>74</u>	ORDER, pursuant to the order of the Court of Appeals for the Seventh Circuit, the Court's Order dated December 14, 2012, denying Plaintiffs' motion for preliminary injunction (Doc. <u>54</u>) is VACATED. IT IS FURTHER ORDERED that Defendants, their officers, agents, servants, employees, successors in office, attorneys, and those acting in active concert or participation with them, are ENJOINED and RESTRAINED from any effort to apply or enforce, as to Plaintiffs, the requirements imposed under the provisions of 42 U.S.C. § 300gg-13(a)(4) and its implementing regulations at issue in this case (see 45 C.F.R. § 147.130; 77 Fed. Reg. 8725), or the penalties related thereto, until further order of the Court. Signed by Judge Michael J. Reagan on 01/13/14. (dkd) (Entered: 01/13/2014)
01/14/2014	75	ORDER: In light of the fact that this action is stayed pending resolution of the similar case, Sebelius, Sec. of H & HS v. Hobby Lobby Stores, Inc., No. 13-cv-354, which is to be argued before the United States Supreme Court on Tuesday, March 25, 2014, and will undoubtedly impact this action, Plaintiffs' Motion for Partial Summary Judgment (Doc. <u>8</u>) is DENIED without prejudice and with leave to re-file once the Hobby Lobby case has been decided. As soon as this action is in a posture to proceed, the parties are to notify the Court and request a status conference. At that point, a new briefing schedule will be entered or other appropriate action will be taken. Signed by Judge Michael J. Reagan on 01/14/2014. (bak)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 01/14/2014)
07/08/2014	<u>76</u>	NOTICE by Cyril B. Korte, Jane E. Korte, Korte &Luitjohan Contractors, Inc. re <u>75</u> Order, Terminate Motions,,,,,, <i>Joint Notice and Request for Status Conference on behalf of all Plaintiffs and Defendants</i> (White, Edward) (Entered: 07/08/2014)
07/08/2014	<u>77</u>	Joint MOTION to Substitute Party <i>pursuant to Court Order at Docket Entry 74</i> by Cyril B. Korte, Jane E. Korte, Korte &Luitjohan Contractors, Inc.. (White, Edward) (Entered: 07/08/2014)
07/28/2014	78	ORDER LIFTING STAY; SETTING TELEPHONIC STATUS CONFERENCE. By Joint Notice <u>76</u> the parties have informed the Court that following the Supreme Court's June 30, 2014, ruling in Burwell v. Hobby Lobby Stores, they are now prepared to proceed with this case. Accordingly, the stay on this case is LIFTED. A telephonic status conference with the Court is hereby set for Wednesday, September 3, 2014, at 10:00 AM, to discuss how to proceed in the most expeditious manner. The parties shall present a proposed schedule at the conference; a written draft should be submitted to the Court's proposed document email address: MJRpd@ilsd.uscourts.gov. Instructions for placing the conference call are as follows: call toll free 888-684-8852; when prompted enter Access Code 8364933; and when prompted enter Security Code 9225. IT IS SO ORDERED. Signed by Judge Michael J. Reagan on 7/28/2014. (mmr)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 07/28/2014)
07/28/2014	79	ORDER GRANTING <u>77</u> Motion to Substitute Party. Pursuant to Federal Rule of Civil Procedure 25(d), the parties' joint motion to substitute successor officers <u>77</u> is GRANTED. The Clerk of Court is DIRECTED to substitute: (1) Sylvia M. Burwell in her official capacity for Kathleen Sebelius, (2) Jacob J. Lew in his official capacity for Timothy F. Geithner, and (3) Thomas E. Perez in his official capacity for Hilda L. Solis as Defendants in this action. IT IS SO ORDERED. Signed by Judge Michael J. Reagan on 7/28/2014. (mmr)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 07/28/2014)
08/12/2014	<u>80</u>	ORDER of USCA re Bill of Costs as to <u>55</u> Notice of Interlocutory Appeal filed by Korte &Luitjohan Contractors, Inc., Cyril B. Korte, Jane E. Korte. (anm) (Entered: 08/12/2014)
09/03/2014	81	Minute Entry for proceedings held before Judge Michael J. Reagan: Status Conference held on 9/3/2014. Edward White III appearing on behalf of Plaintiffs and Bradley Humphrys appearing on behalf of Defendants. See following order for details. (Court Reporter Barb Kniepmann.) (dkd)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 09/03/2014)

09/03/2014	82	ORDER Continuing Preliminary Injunction and Setting Deadline. In accord with the Supreme Courts ruling in <i>Burwell v. Hobby Lobby Stores, Inc.</i> , 573 U.S. ___, 134 S.Ct. 2751 (June 30, 2014), and following the September 3, 2014, status conference with the parties, it is hereby ordered that the preliminary injunction entered January 13, 2014 (Doc. 75) shall continue until further order from this Court. Plaintiffs shall file their motion for summary judgment no earlier than October 3, 2014. No extension of that filing deadline or the response and reply deadlines under Local Rule 7.1(c) will be granted, absent extraordinary circumstances. IT IS SO ORDERED. Signed by Judge Michael J. Reagan on 09/03/14. (dkd)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 09/03/2014)
10/03/2014	<u>83</u>	MOTION for Summary Judgment <i>on Count I (Religious Freedom Restoration Act) of Plaintiffs' Complaint</i> by Cyril B. Korte, Jane E. Korte, Korte & Luitjohan Contractors, Inc.. Responses due by 11/6/2014 (White, Edward) (Entered: 10/03/2014)
10/03/2014	<u>84</u>	MOTION to Stay <i>Court Proceedings Other Than With Respect To Plaintiffs' Motion for Summary Judgment, Doc. 83, With Stay Automatically Lifted Upon Ruling On Motion For Summary Judgment, Doc. 83</i> , by Cyril B. Korte, Jane E. Korte, Korte & Luitjohan Contractors, Inc.. (White, Edward) (Entered: 10/03/2014)
10/08/2014	85	ORDER Denying as Moot <u>84</u> Motion to Stay. Before the Court is Plaintiffs' motion to stay all proceedings in this action until Plaintiffs' recently filed motion for summary judgment is decided <u>84</u> . Plaintiffs' stated aim is to preserve the resources and time of the parties and the Court. Following the September 3, 2014, status conference, the Court formally continued the preliminary injunction that has been in place since January 13, 2014 <u>82</u> . The preliminary injunction in Plaintiffs' favor is to remain in place until further order of the Court. Although a date was set for Plaintiffs to file their motion for summary judgment, no trial date has been set and Judge Frazier has not held a discovery conference. Consequently, discovery cannot commence and the only cause for activity in this action is the motion for summary judgment. See Fed.R.Civ.P. 26(d). For these reasons, Plaintiffs' motion to stay this action <u>84</u> is DENIED AS MOOT. Signed by Chief Judge Michael J. Reagan on 10/08/2014. (mmr)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 10/08/2014)
11/04/2014	<u>86</u>	Joint MOTION for Permanent Injunction <i>and Final Judgment Submitted by the Parties</i> by Cyril B. Korte, Jane E. Korte, Korte & Luitjohan Contractors, Inc.. Responses due by 12/8/2014 (White, Edward) (Entered: 11/04/2014)
11/04/2014	<u>87</u>	NOTICE by Cyril B. Korte, Jane E. Korte, Korte & Luitjohan Contractors, Inc. re <u>83</u> MOTION for Summary Judgment <i>on Count I (Religious Freedom Restoration Act) of Plaintiffs' Complaint Notice of the Withdrawal of Motion for Summary Judgment on Count I by Plaintiffs in light of settlement</i> (White, Edward) (Entered: 11/04/2014)
11/05/2014	88	NOTICE OF ERRORS AND/OR DEFICIENCIES re <u>86</u> Joint Motion for Permanent Injunction filed by Korte & Luitjohan Contractors, Inc., Cyril B. Korte, Jane E. Korte. A document with multiple signatures should have "with consent" following the name of the non-filing signatory. Please refer to User's Manual section 2.0 page 2.1. NO FURTHER ACTION REQUIRED BY FILER(trb)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 11/05/2014)
11/07/2014	<u>89</u>	ORDER: Joint motion for entry of summary judgment in Plaintiffs' favor on Count I, dismissal of all other claims, and entry of a permanent injunction (Doc. <u>86</u>) is GRANTED. Judgment is entered in favor of Plaintiffs and against Defendants on Plaintiffs' claim under the Religious Freedom Restoration Act, 42 U.S.C. §§ 2000bb et seq.; and it is further ORDERED that all other claims against Defendants are DISMISSED; Plaintiffs for attorneys' fees and costs shall be submitted on or before 60 days (or the next business day if that day falls on a weekend or court holiday) from the date this judgment is issued. Final judgment shall issue accordingly, after the attorneys' fees, costs and expenses are finalized. Signed by Chief Judge Michael J. Reagan on 11/7/14. (dkd) (Entered: 11/07/2014)

12/15/2014	<u>90</u>	Joint MOTION for Extension of Time to <i>File Plaintiffs' Motion for Attorneys' Fees and Costs</i> by Cyril B. Korte, Jane E. Korte, Korte &Luitjohan Contractors, Inc.. (White, Edward) (Entered: 12/15/2014)
12/16/2014	91	ORDER, GRANTING <u>90</u> Joint MOTION for Extension of Time filed by Korte &Luitjohan Contractors, Inc., Cyril B. Korte, Jane E. Korte. Before the Court is the parties joint motion for an extension of the deadline for Plaintiffs to move for attorneys' fees and costs (Doc. 90). The parties indicate that they are working toward an agreement. For good cause shown, the joint motion (Doc. 90) is GRANTED; on or before February 20, 2015, Plaintiffs shall file their motion for attorneys' fees and costs. IT IS SO ORDERED.Signed by Chief Judge Michael J. Reagan on 12/16/2014. (Action due by 2/20/2015.) (mmr)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 12/16/2014)
02/19/2015	<u>92</u>	NOTICE by Cyril B. Korte, Jane E. Korte, Korte &Luitjohan Contractors, Inc. re 91 Terminate Deadlines, Order, Set Deadlines, Terminate Motions,,,,,,, <i>Joint Notice Regarding Attorneys' Fees and Costs Issue</i> (White, Edward) (Entered: 02/19/2015)
02/23/2015	93	NOTICE OF ERRORS AND/OR DEFICIENCIES re <u>92</u> Notice (Other) filed by Korte &Luitjohan Contractors, Inc., Cyril B. Korte, Jane E. Korte. With consent is missing from the non-filer's signature. Please consult the ECF User Manual related to signatures for future filings. (lmb)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 02/23/2015)
02/26/2015	<u>94</u>	CLERK'S JUDGMENT. JUDGMENT IS HEREBY ENTERED IN FAVOR OF Plaintiffs CYRIL B. KORTE, JANE E. KORTE, and KORTE &LUITJOHAN CONTRACTORS, INC., and AGAINST Defendants UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; SYLVIA M. BURWELL, in her official capacity as the Secretary of the United. Signed by Chief Judge Michael J. Reagan on 02/26/15. (dkd) (Entered: 02/26/2015)