

**United States District Court
Northern District of Illinois – CM/ECF LIVE, Ver 6.1.1.2 (Chicago)
CIVIL DOCKET FOR CASE #: 1:13-cv-01210**

Lindsay, et al v. United States Department of Health and Human Services et al
Assigned to: Honorable Ronald A. Guzman
Cause: 28:2201 Constitutionality of State Statute(s)
Date Filed: 02/14/2013
Date Terminated: 11/13/2014
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

Lindsay, Rappaport and Postel, LLC

represented by **Francis J Manion**
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Plaintiff

William C Lindsay

represented by **Francis J Manion**
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V.

Defendant

**United States Department of Health
and Human Services**

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Defendant

**Kathleen Sebelius, Sec of US Dept of
Health & Human Servs.**

represented by **Benjamin Leon Berwick**
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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**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle Renee Bennett
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Neal Wolin
*Neal Wolin, Acting Sec of US Dept of
Treasury*

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Michelle Renee Bennett
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Defendant

United States Department of Labor

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LEAD ATTORNEY
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Michelle Renee Bennett
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Seth Harris
Acting Sec of US Dept 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
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Date Filed	#	Docket Text
02/14/2013	<u>1</u>	COMPLAINT filed by William C Lindsay, Lindsay, Rappaport and Postel, LLC; Filing fee \$ 350, receipt number 0752-8047072.(Manion, Francis) (Entered: 02/14/2013)
02/14/2013	<u>2</u>	CIVIL Cover Sheet (Manion, Francis) (Entered: 02/14/2013)
02/14/2013	<u>3</u>	ATTORNEY Appearance for Plaintiffs William C Lindsay, Lindsay, Rappaport and Postel, LLC by Francis J Manion (Manion, Francis) (Entered: 02/14/2013)
02/14/2013	<u>4</u>	ATTORNEY Appearance for Plaintiffs William C Lindsay, Lindsay, Rappaport and Postel, LLC by Geoffrey R Surtees (Surtees, Geoffrey) (Entered: 02/14/2013)
02/14/2013		CASE ASSIGNED to the Honorable Ronald A. Guzman. Designated as Magistrate Judge the Honorable Sheila M. Finnegan. (cft,) (Entered: 02/14/2013)
02/14/2013	<u>5</u>	ATTORNEY Appearance for Plaintiffs William C Lindsay, Lindsay, Rappaport and Postel, LLC by Edward Lawrence White (White, Edward) (Entered: 02/14/2013)
02/15/2013		SUMMONS Issued, 4 originals, as to Seth Harris; Kathleen Sebelius, Sec of US Dept of Health & Human Servs.; Gary Shapiro, U.S. Attorney; and Eric H. Holder, Jr., U.S. Attorney General. (tlm) (Entered: 02/15/2013)
02/15/2013		SUMMONS Issued as to Neal Wolin, Acting Secretary, U.S. Department of Treasury. (tlm) (Entered: 02/15/2013)
02/25/2013	<u>6</u>	SUMMONS Returned Executed by William C Lindsay, Lindsay, Rappaport and Postel, LLC as to All Defendants (Attachments: # <u>1</u> Exhibit)(Manion, Francis) (Entered: 02/25/2013)
02/28/2013	<u>7</u>	NOTICE of Motion by Francis J Manion for presentment of before Honorable Ronald A. Guzman on 3/12/2013 at 09:30 AM. (Manion, Francis) (Entered: 02/28/2013)
02/28/2013	<u>8</u>	MOTION by Plaintiffs William C Lindsay, Lindsay, Rappaport and Postel, LLC for preliminary injunction (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit Declaration of William Lindsay, # <u>3</u> Exhibit Triune Health v. U.S. Order)(Manion, Francis) (Entered: 02/28/2013)
02/28/2013	<u>9</u>	MINUTE entry before Honorable Ronald A. Guzman: The Court orders the parties to appear for an initial status hearing. All parties shall refer to and comply with Judge Guzman's requirements for the initial appearance as outlined in Judge Guzman's case management procedures, which can be found at: www.ilnd.uscourts.gov. Status hearing set for 4/19/2013 at 09:30 AM. Mailed notice (cjpg,) (Entered: 02/28/2013)
03/04/2013	<u>10</u>	SUMMONS Returned Executed by William C Lindsay, Lindsay, Rappaport and Postel, LLC as to All Defendants (Attachments: # <u>1</u> Exhibit)(Manion, Francis) (Entered: 03/04/2013)
03/04/2013	<u>11</u>	SUMMONS Returned Executed by William C Lindsay, Lindsay, Rappaport and Postel, LLC as to Seth Harris served on 2/25/2013, answer due 4/26/2013; United States Department of Labor served on 2/25/2013, answer due 4/26/2013 (Attachments: # <u>1</u> Exhibit)(Manion, Francis) (Entered: 03/04/2013)
03/04/2013	<u>12</u>	SUMMONS Returned Executed by William C Lindsay, Lindsay, Rappaport and Postel, LLC as to Kathleen Sebelius, Sec of US Dept of Health & Human Servs. served on 2/25/2013, answer due 4/26/2013; United States Department of Health and Human Services served on 2/25/2013, answer due 4/26/2013 (Attachments: # <u>1</u> Exhibit)(Manion, Francis) (Entered: 03/04/2013)

03/05/2013	<u>13</u>	MINUTE entry before Honorable Ronald A. Guzman: Notice of motion set for 3/12/13 is stricken. Motion by Plaintiffs William C Lindsay, Lindsay, Rappaport and Postel, LLC for preliminary injunction <u>8</u> is being referred to Magistrate Judge Finnegan. Mailed notice (cjpg,) (Entered: 03/05/2013)
03/05/2013	<u>14</u>	RESPONSE by Seth Harris, Kathleen Sebelius, Sec of US Dept of Health & Human Servs., United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, Neal Wolin to MOTION by Plaintiffs William C Lindsay, Lindsay, Rappaport and Postel, LLC for preliminary injunction <u>8</u> (<i>Notice of Non-Opposition</i>) (Berwick, Benjamin) (Entered: 03/05/2013)
03/05/2013	<u>15</u>	MOTION by Defendants Seth Harris, Kathleen Sebelius, Sec of US Dept of Health & Human Servs., United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, Neal Wolin to stay <i>district court proceedings (unopposed)</i> (Berwick, Benjamin) (Entered: 03/05/2013)
03/05/2013	<u>16</u>	EXECUTIVE COMMITTEE ORDER:Case referred to the Honorable Sheila M. Finnegan pursuant to Local Rule 72.1. Signed by Honorable Sheila M. Finnegan on 3/5/2013.(nf,) (Entered: 03/07/2013)
03/07/2013	<u>18</u>	MINUTE entry before Honorable Sheila Finnegan: In light of defendants' non-opposition to Plaintiffs' motion for preliminary injunction <u>8</u> , the referral to this Court for a hearing on that motion is closed and the case is returned to the district judge for further proceedings, including a ruling on defendants' motion for a stay <u>15</u> . Honorable Sheila Finnegan no longer referred to the case. Mailed notice. (is,) (Entered: 03/07/2013)
03/08/2013	<u>19</u>	ATTORNEY Appearance for Defendants Seth Harris, Kathleen Sebelius, Sec of US Dept of Health & Human Servs., United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, Neal Wolin by Benjamin Leon Berwick (Berwick, Benjamin) (Entered: 03/08/2013)
03/20/2013	<u>20</u>	MINUTE entry before Honorable Ronald A. Guzman: By agreement of the parties, the Court grants plaintiff's motion for a preliminary injunction <u>8</u> , enters agreed preliminary injunction and grants defendants' motion to stay these proceedings <u>15</u> pending the Seventh Circuit's resolution of the consolidated appeals in Korte v. Sebelius, No. 12-3841 and Grote v. Sebelius, No. 13-077. The parties are ordered to notify the Court of the Seventh Circuit's decision within seven days after it is issued. Mailed notice (cjpg,) (Entered: 03/20/2013)
03/20/2013	<u>21</u>	AGREED PRELIMINARY INJUNCTION signed by the Honorable Ronald A. Guzman on 3/20/2013. Mailed notice(cjpg,) (Entered: 03/20/2013)
03/20/2013	<u>22</u>	MINUTE entry before Honorable Ronald A. Guzman: Status hearing set for 4/19/13 is stricken. Mailed notice (cjpg,) (Entered: 03/20/2013)
04/19/2013	<u>23</u>	ATTORNEY Appearance for Defendants Seth Harris, Kathleen Sebelius, Sec of US Dept of Health & Human Servs., United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, Neal Wolin by Michelle Renee Bennett (Bennett, Michelle) (Entered: 04/19/2013)
07/06/2013	<u>24</u>	NOTICE by Edward Lawrence White of Change of Address (White, Edward) (Entered: 07/06/2013)
10/07/2013	<u>25</u>	GENERAL ORDER 13-0018 dated 10/7/13: IT IS HEREBY ORDERED, effective October 1, 2013, that all civil litigation involving as a party the United States of America, is immediately suspended, postponed and held in abeyance continuing for a period of fourteen (14) days from the date of entry of this General Order (For Further Details See Attached Order). "Signed by Chief Judge Castillo." Mailed notice(vcf,) (Entered: 10/07/2013)
10/17/2013	<u>26</u>	GENERAL ORDER 13-0019 dated 10/17/13: IT IS THEREFORE ORDERED, that the stay entered by General Order 13-0018 is hereby lifted, and any and all deadlines in the affected civil litigation (whether established by order, rule, or agreement), including but not limited to any scheduled discovery and pleading dates, are extended

		by 28 days. The Court warns litigants that this General Order does not purport to affect rights to or deadlines concerning appeal from any decision of this Court. Any litigant affected by this General Order may see relief from the order by motion. Trial dates in the affected cases will stand, although they may need to be adjusted in individual cases to account for the extension of other dates. The Court may, in any particular case, vary the effect or operation of this General Order by a separate ruling. (For Further Details See Attached Order). "Signed by Chief Judge Castillo."Mailed notice(vcf,) (Entered: 10/18/2013)
01/10/2014	<u>27</u>	MOTION by Plaintiffs William C Lindsay, Lindsay, Rappaport and Postel, LLC to stay <i>proceedings and extend preliminary injunction</i> (Attachments: # <u>1</u> Exhibit Notice of Issuance of Mandate)(Manion, Francis) (Entered: 01/10/2014)
01/10/2014	<u>28</u>	NOTICE of Motion by Francis J Manion for presentment of motion to stay <u>27</u> before Honorable Ronald A. Guzman on 1/21/2014 at 09:30 AM. (Manion, Francis) (Entered: 01/10/2014)
01/10/2014	<u>29</u>	MINUTE entry before the Honorable Ronald A. Guzman: Notice of motion hearing set for 1/21/2014 is stricken. Unopposed motion by Plaintiffs William C Lindsay, Lindsay, Rappaport and Postel, LLC to stay proceedings and extend preliminary injunction <u>27</u> is granted. Mailed notice (cjb,) (Entered: 01/10/2014)
07/09/2014	<u>30</u>	MINUTE entry before the Honorable Ronald A. Guzman: Status hearing set for 7/30/2014 at 09:30 AM.Mailed notice (cjb,) (Entered: 07/09/2014)
07/24/2014	<u>31</u>	MOTION by Defendants Seth Harris, Kathleen Sebelius, Sec of US Dept of Health & Human Servs., United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, Neal Wolin to reset status hearing (Bennett, Michelle) (Entered: 07/24/2014)
07/24/2014	<u>32</u>	NOTICE of Motion by Michelle Renee Bennett for presentment of motion to reset, <u>31</u> before Honorable Ronald A. Guzman on 7/29/2014 at 09:30 AM. (Bennett, Michelle) (Entered: 07/24/2014)
07/28/2014	<u>33</u>	MINUTE entry before the Honorable Ronald A. Guzman: Notice of motion hearing set for 7/29/2014 is stricken. Unopposed motion by Defendants Seth Harris, Kathleen Sebelius, Sec of US Dept of Health & Human Servs., United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, Neal Wolin to reset status hearing <u>31</u> is granted. Status hearing set for 7/30/2014 is stricken and reset to 9/11/2014 at 09:30 AM. Preliminary injunction is extended to 9/13/2014. Mailed notice (cjb,) (Entered: 07/28/2014)
09/05/2014	<u>34</u>	MOTION by Defendants Seth Harris, Kathleen Sebelius, Sec of US Dept of Health & Human Servs., United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, Neal Wolin to reset status hearing (Bennett, Michelle) (Entered: 09/05/2014)
09/05/2014	<u>35</u>	NOTICE of Motion by Michelle Renee Bennett for presentment of motion to reset, <u>34</u> before Honorable Ronald A. Guzman on 9/11/2014 at 09:30 AM. (Bennett, Michelle) (Entered: 09/05/2014)
09/08/2014	<u>36</u>	MINUTE entry before the Honorable Ronald A. Guzman: Notice of motion hearing set for 9/11/2014 is stricken and no appearance is necessary. Motion by Defendants Seth Harris, Kathleen Sebelius, Sec of US Dept of Health & Human Servs., United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, Neal Wolin to reset status hearing <u>34</u> is granted. Status hearing set for 9/11/2014 is stricken and reset to 9/29/2014 at 09:30 AM. Upon parties agreement, the preliminary injunction is extended until October 13, 2014. Mailed notice (cjb,) (Entered: 09/08/2014)
09/23/2014	<u>37</u>	MOTION by Defendants Seth Harris, Kathleen Sebelius, Sec of US Dept of Health & Human Servs., United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, Neal Wolin to vacate <i>September 29, 2014 Status Hearing</i> (Bennett, Michelle) (Entered: 09/23/2014)
09/23/2014	<u>38</u>	NOTICE of Motion by Michelle Renee Bennett for presentment of motion to vacate, <u>37</u> before Honorable Ronald A. Guzman on 9/30/2014 at 09:30 AM. (Bennett, Michelle) (Entered: 09/23/2014)

09/24/2014	<u>39</u>	MINUTE entry before the Honorable Ronald A. Guzman: Notice of motion set for 9/30/2014 is stricken. Motion by Defendants Seth Harris, Kathleen Sebelius, Sec of US Dept of Health & Human Servs., United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, Neal Wolin to vacate September 29, 2014 Status Hearing <u>37</u> is granted. Status hearing set for 9/29/2014 is stricken. It is hereby ordered that the parties, by October 20, 2014, submit either a joint proposed injunction and judgment, or a joint proposal for resolving any remaining dispute about the scope of the injunction and judgment to be entered. It is further ordered that the preliminary injunction that is currently in effect is extended until such time as the Court enters final judgment in this matter. Mailed notice (cjb,) (Entered: 09/24/2014)
09/25/2014	<u>40</u>	MINUTE entry before the Honorable Ronald A. Guzman: Status hearing set for 9/29/2014 is stricken and reset to 10/8/2014 at 09:30 AM. on Court's own motion. Mailed notice (cjb,) (Entered: 09/25/2014)
09/26/2014	<u>41</u>	MINUTE entry before the Honorable Ronald A. Guzman: Status hearing set for 10/8/2014 is stricken on Court's own motion. Mailed notice (cjb,) (Entered: 09/26/2014)
10/15/2014	<u>42</u>	MOTION by Defendants Seth Harris, Kathleen Sebelius, Sec of US Dept of Health & Human Servs., United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, Neal Wolin to approve consent judgment (<i>Joint Motion for Entry of Injunction and Judgment</i>) (Attachments: # <u>1</u> Text of Proposed Order)(Bennett, Michelle) (Entered: 10/15/2014)
10/15/2014	<u>43</u>	NOTICE of Motion by Michelle Renee Bennett for presentment of motion to approve consent judgment, <u>42</u> before Honorable Ronald A. Guzman on 10/21/2014 at 09:30 AM. (Bennett, Michelle) (Entered: 10/15/2014)
10/20/2014	<u>44</u>	MINUTE entry before the Honorable Ronald A. Guzman: Notice of motion hearing as to motion by Defendants Seth Harris, Kathleen Sebelius, Sec of US Dept of Health & Human Servs., United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, Neal Wolin to approve consent judgment <u>42</u> set for 10/21/2014 is stricken on request of Defendants and will be re-noticed.Mailed notice (cjb,) (Entered: 10/20/2014)
10/20/2014	<u>45</u>	NOTICE of Motion by Michelle Renee Bennett for presentment of motion to approve consent judgment, <u>42</u> before Honorable Ronald A. Guzman on 11/4/2014 at 09:30 AM. (Bennett, Michelle) (Entered: 10/20/2014)
10/29/2014	<u>46</u>	NOTICE of Motion by Michelle Renee Bennett for presentment of motion to approve consent judgment, <u>42</u> before Honorable Ronald A. Guzman on 11/13/2014 at 09:30 AM. (Bennett, Michelle) (Entered: 10/29/2014)
11/13/2014	<u>47</u>	MINUTE entry before the Honorable Ronald A. Guzman: Motion hearing held on 11/13/2014. Motion by Defendants Seth Harris, Kathleen Sebelius, Sec of US Dept of Health & Human Servs., United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, Neal Wolin to approve consent judgment <u>42</u> is granted. Civil case terminated. Mailed notice (cjb,) (Entered: 11/14/2014)
12/02/2014	<u>48</u>	MINUTE entry before the Honorable Ronald A. Guzman: The Court orders the parties to appear for an initial status hearing. All parties shall refer to and comply with Judge Guzman's requirements for the initial appearance as outlined in Judge Guzman's case management procedures, which can be found at: www.ilnd.uscourts.gov . Status hearing set for 2/2/2015 at 09:30 AM. Mailed notice (cjb,) (Entered: 12/02/2014)
12/02/2014	<u>49</u>	MINUTE entry before the Honorable Ronald A. Guzman: Minute entry dated 2/2/2014 <u>48</u> is stricken as entered in error on the wrong docket. Mailed notice (cjb,) (Entered: 12/02/2014)
12/03/2014	<u>50</u>	INJUNCTION AND JUDGMENT signed by the Honorable Ronald A. Guzman on 12/3/2014. Mailed notice(cjb,) (Entered: 12/03/2014)