

**U.S. District Court
CENTRAL DISTRICT OF ILLINOIS (Peoria)
CIVIL DOCKET FOR CASE #: 1:12-cv-01276-JES-BGC**

Catholic Diocese of Peoria v. Kathleen Sebelius, in her official capacity as Secretary of the U.S. Department of Health and Human Services et al

Assigned to: Chief Judge James E. Shadid
Referred to: Magistrate Judge Byron G. Cudmore
Cause: 05:702 Administrative Procedure Act

Date Filed: 08/09/2012
Date Terminated: 01/03/2013
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

Catholic Diocese of Peoria

represented by **Daniel E Reidy**
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V.

Defendant

Kathleen Sebelius, in her official capacity as Secretary of the U.S. Department of Health and Human Services

represented by **Jacek Pruski**
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Defendant

Hilda Solis, in her official capacity as Secretary of the U.S. Department of Labor

represented by **Jacek Pruski**
 (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 **Jacek Pruski**
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Defendant

U.S. Department of Health and Human Services

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Defendant

U.S. Department of Labor

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Defendant

U.S. Department of Treasury

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Date Filed	#	Docket Text
08/09/2012	<u>1</u>	COMPLAINT against Hilda Solis, in her official capacity as Secretary of the U.S. Department of Labor, Kathleen Sebelius, in her official capacity as Secretary of the U.S. Department of Health and Human Services, Timothy Geithner, in his official capacity as Secretary of the U.S. Department of Treasury, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury (Filing fee \$ 350 receipt number 0753-1419730.), filed by Catholic Diocese of Peoria. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Geithner Summons, # <u>3</u> HHS Summons, # <u>4</u> Holder Summons, # <u>5</u> Labor Summons, # <u>6</u> Lewis Summons, # <u>7</u> Sebelius Summons, # <u>8</u> Solis Summons, # <u>9</u> Treasury Summons)(Hogan, Carol) (Entered: 08/09/2012)
08/09/2012	<u>2</u>	NOTICE of Appearance of Attorney by Carol A Hogan on behalf of Catholic Diocese of Peoria (Hogan, Carol) (Entered: 08/09/2012)

08/09/2012	<u>3</u>	CERTIFICATE OF INTEREST pursuant to Local Rule 11.3 by Catholic Diocese of Peoria. (Hogan, Carol) (Entered: 08/09/2012)
08/09/2012	<u>4</u>	NOTICE of Appearance of Attorney by Dennis D Murashko on behalf of Catholic Diocese of Peoria (Murashko, Dennis) (Entered: 08/09/2012)
08/09/2012	<u>5</u>	Summons Issued as to Hilda Solis, in her official capacity as Secretary of the U.S. Department of Labor, Kathleen Sebelius, in her official capacity as Secretary of the U.S. Department of Health and Human Services, Timothy Geithner, in his official capacity as Secretary of the U.S. Department of Treasury, 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 (RP, ilcd) (Entered: 08/09/2012)
09/06/2012	<u>6</u>	AFFIDAVIT of Service for Summons served on James A. Lewis on 8/20/12, filed by Catholic Diocese of Peoria. (Murashko, Dennis) (Entered: 09/06/2012)
09/06/2012	<u>7</u>	AFFIDAVIT of Service for Summons served on Eric Holder on 8/22/12, filed by Catholic Diocese of Peoria. (Murashko, Dennis) (Entered: 09/06/2012)
09/06/2012	<u>8</u>	SUMMONS Returned Executed by Catholic Diocese of Peoria. Hilda Solis, in her official capacity as Secretary of the U.S. Department of Labor served on 8/20/2012, answer due 10/19/2012; Kathleen Sebelius, in her official capacity as Secretary of the U.S. Department of Health and Human Services served on 8/20/2012, answer due 10/19/2012; Timothy Geithner, in his official capacity as Secretary of the U.S. Department of Treasury served on 8/21/2012, answer due 10/19/2012; U.S. Department of Health and Human Services served on 8/20/2012, answer due 10/19/2012; U.S. Department of Labor served on 8/30/2012, answer due 10/19/2012; U.S. Department of Treasury served on 8/21/2012, answer due 10/19/2012. (Attachments: # <u>1</u> Affidavit Solis, # <u>2</u> Affidavit Geithner, # <u>3</u> Affidavit HHS, # <u>4</u> Affidavit Labor, # <u>5</u> Affidavit Treasury)(Murashko, Dennis) (Entered: 09/06/2012)
10/19/2012	<u>9</u>	MOTION to Dismiss for Lack of Jurisdiction by Defendants Hilda Solis, in her official capacity as Secretary of the U.S. Department of Labor, Kathleen Sebelius, in her official capacity as Secretary of the U.S. Department of Health and Human Services, Timothy Geithner, in his official capacity as Secretary of the U.S. Department of Treasury, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury. Responses due by 11/5/2012 (Pruski, Jacek) (Entered: 10/19/2012)
10/19/2012	<u>10</u>	MEMORANDUM <i>in Support</i> re <u>9</u> MOTION to Dismiss for Lack of Jurisdiction by Hilda Solis, in her official capacity as Secretary of the U.S. Department of Labor, Kathleen Sebelius, in her official capacity as Secretary of the U.S. Department of Health and Human Services, Timothy Geithner, in his official capacity as Secretary of the U.S. Department of Treasury, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury. (Pruski, Jacek) (Entered: 10/19/2012)
10/29/2012	<u>11</u>	NOTICE of Appearance of Attorney by Brian J Murray on behalf of Catholic Diocese of Peoria (Murray, Brian) (Entered: 10/29/2012)
10/29/2012	<u>12</u>	NOTICE of Appearance of Attorney by Daniel E Reidy on behalf of Catholic Diocese of Peoria (Reidy, Daniel) (Entered: 10/29/2012)
10/29/2012	<u>13</u>	NOTICE of Appearance of Attorney by Mark P Rotatori on behalf of Catholic Diocese of Peoria (Rotatori, Mark) (Entered: 10/29/2012)
11/02/2012	<u>14</u>	MEMORANDUM in Opposition re <u>9</u> MOTION to Dismiss for Lack of Jurisdiction filed by Plaintiff Catholic Diocese of Peoria. (Murray, Brian) (Entered: 11/02/2012)
11/09/2012	<u>15</u>	MOTION for Leave to File <i>Reply Brief</i> by Defendants Hilda Solis, in her official capacity as Secretary of the U.S. Department of Labor, Kathleen Sebelius, in her official capacity as Secretary of the U.S. Department of Health and Human Services, Timothy Geithner, in his official capacity as Secretary of the U.S. Department of Treasury, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury. Responses due by 11/29/2012

		(Attachments: # <u>1</u> Exhibit Defs.' Reply Mem. in Support of their Mot. to Dismiss, # <u>2</u> Text of Proposed Order)(Pruski, Jacek) (Entered: 11/09/2012)
11/13/2012	<u>16</u>	MEMORANDUM in Opposition re <u>15</u> MOTION for Leave to File <i>Reply Brief</i> filed by Plaintiff Catholic Diocese of Peoria. (Murray, Brian) (Entered: 11/13/2012)
11/13/2012		TEXT ORDER Entered by Magistrate Judge Byron G. Cudmore on 11/13/12. Defendants' Motion for Leave to File Reply Brief <u>15</u> ALLOWED over Plaintiff's Opposition <u>16</u> . The Court will consider the reply for what it is worth. Clerk directed to docket reply instanter. (SW, ilcd) (Entered: 11/13/2012)
11/13/2012		REPLY to Response to <u>9</u> MOTION to Dismiss for Lack of Jurisdiction filed by Defendants Hilda Solis, in her official capacity as Secretary of the U.S. Department of Labor, Kathleen Sebelius, in her official capacity as Secretary of the U.S. Department of Health and Human Services, Timothy Geithner, in his official capacity as Secretary of the U.S. Department of Treasury, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury. (SW, ilcd) (Entered: 11/13/2012)
11/27/2012		NOTICE of Hearing: Status Conference set for 12/6/2012 at 02:15 PM by telephone from Peoria (court will place call) before Chief Judge James E. Shadid. (CG,) (Entered: 11/27/2012)
11/27/2012	<u>17</u>	NOTICE of Supplemental Authority re <u>9</u> MOTION to Dismiss for Lack of Jurisdiction (Attachments: # <u>1</u> Exhibit Catholic Diocese of Peoria v. Sebelius)(Pruski, Jacek) (Entered: 11/27/2012)
11/29/2012	<u>18</u>	NOTICE of Supplemental Authority re <u>9</u> MOTION to Dismiss for Lack of Jurisdiction (Attachments: # <u>1</u> Exhibit Zubik v. Sebelius)(Pruski, Jacek) (Entered: 11/29/2012)
11/30/2012	<u>19</u>	NOTICE Response to Defendants' Notices of Supplemental Authority re <u>18</u> Notice (Other), <u>17</u> Notice (Other) (Murray, Brian) (Entered: 11/30/2012)
12/06/2012		Minute Entry for proceedings held before Chief Judge James E. Shadid: Parties present via phone with Attys Murray/Pruski for Status Conference held on 12/6/2012. Status conference held to briefly discuss the status of case. Plaintiff presents to the court their current status. Parties do not object to Oral Arguments re <u>9</u> Motion to Dismiss for Lack of Jurisdiction, however no requests have been made for a hearing on Oral Argument. (Court Reporter JJ.) (RP, ilcd) (Entered: 12/06/2012)
12/12/2012	<u>20</u>	NOTICE of Supplemental Authority re <u>9</u> MOTION to Dismiss for Lack of Jurisdiction (Attachments: # <u>1</u> Exhibit A)(Murray, Brian) (Entered: 12/12/2012)
12/14/2012	<u>21</u>	NOTICE of Response to Plaintiff's Supplemental Authority re <u>20</u> Notice (Other) (Pruski, Jacek) (Entered: 12/14/2012)
12/26/2012	<u>22</u>	NOTICE of Supplemental Authority re <u>9</u> MOTION to Dismiss for Lack of Jurisdiction (Attachments: # <u>1</u> Exhibit Wheaton College v. Sebelius, # <u>2</u> Exhibit Catholic Diocese of Biloxi v. Sebelius)(Pruski, Jacek) (Entered: 12/26/2012)
01/03/2013	<u>24</u>	ORDER AND OPINION Entered by Chief Judge James E. Shadid on 1/3/2013. For the reasons set forth above, Defendants' Motion to Dismiss <u>9</u> on jurisdictional grounds is granted. This matter is now dismissed without prejudice as premature. If its concerns are not resolved to its satisfaction through the amendment process, the Diocese will have the opportunity to challenge the amended regulations when the alleged harm is not contingent on future events and is less speculative. See Korte v. Sebelius, Case No. 12-3841 Doc. 15, (7th Cir. Dec. 28, 2012) (entering preliminary injunctive relief in favor of employer who was neither grandfathered nor exempt given a showing of imminent and irreparable harm.)(RP, ilcd) (Entered: 01/04/2013)
01/04/2013	<u>23</u>	NOTICE of Supplemental Authority re <u>9</u> MOTION to Dismiss for Lack of Jurisdiction (Attachments: # <u>1</u> Exhibit Univ. of Notre Dame v. Sebelius)(Pruski, Jacek) (Entered: 01/04/2013)

01/08/2013	<u>25</u>	JUDGMENT in favor of Hilda Solis, in her official capacity as Secretary of the U.S. Department of Labor, Kathleen Sebelius, in her official capacity as Secretary of the U.S. Department of Health and Human Services, Timothy Geithner, in his official capacity as Secretary of the U.S. Department of Treasury, U.S. Department of Health and Human Services, U.S. Department of Labor against Catholic Diocese of Peoria. (RP, ilcd) (Entered: 01/08/2013)
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