

APPEAL,CASREF,TERMED

**U.S. District Court Northern District of Indiana [LIVE]  
USDC Northern Indiana (South Bend)  
CIVIL DOCKET FOR CASE #: 3:12-cv-00253-RLM-CAN**

Notre Dame University of v. Sebelius et al  
Assigned to: Judge Robert L Miller, Jr  
Referred to: Magistrate Judge Christopher A Nuechterlein  
Case in other court: USCA, 13-01479  
Cause: 05:702 Administrative Procedure Act

Date Filed: 05/21/2012  
Date Terminated: 12/31/2012  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Notre Dame University of**

represented by **Brandy H Ranjan**  
Jones Day – Col/OH  
325 John H McConnell Blvd Suite 600  
PO Box 165017  
Columbus, OH 43216-5017  
614-281-3894  
Fax: 614-461-4198  
Email: [branja@jonesday.com](mailto:branja@jonesday.com)  
*ATTORNEY TO BE NOTICED*

**Brian J Murray**  
Jones Day – Chi/IL  
77 W Wacker Drive Suite 3500  
Chicago, IL 60601-1692  
312-782-3939  
Fax: 312-782-8585  
Email: [bjmurray@jonesday.com](mailto:bjmurray@jonesday.com)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Carol A Hogan**  
Jones Day – Chi/IL  
77 W Wacker Drive Suite 3500  
Chicago, IL 60601-1692  
312-782-3939  
Fax: 312-782-8585  
Email: [chogan@jonesday.com](mailto:chogan@jonesday.com)  
*ATTORNEY TO BE NOTICED*

**Eric E Murphy**  
Jones Day – Col/OH  
325 John H McConnell Blvd Suite 600  
PO Box 165017  
Columbus, OH 43216-5017  
614-281-3925  
Fax: 614-461-4198  
Email: [eric.murphy@ohioattorneygeneral.gov](mailto:eric.murphy@ohioattorneygeneral.gov)  
*ATTORNEY TO BE NOTICED*

**Leon F DeJulius , Jr**  
Jones Day – Pit/PA  
500 Grant St Suite 4500  
Pittsburgh, PA 15219  
412-394-9528  
Fax: 412-394-7959  
Email: [lfdejulius@jonesday.com](mailto:lfdejulius@jonesday.com)  
*ATTORNEY TO BE NOTICED*

**Matthew A Kairis**  
Jones Day – Col/OH  
325 John H McConnell Blvd Suite 600

PO Box 165017  
Columbus, OH 43216-5017  
614-469-3919  
Fax: 614-461-4198  
Email: [makairis@jonesday.com](mailto:makairis@jonesday.com)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Kathleen Sebelius**  
*in her official capacity as Secretary of the  
US Department of Health and Human  
Services*

represented by **Benjamin L Berwick**  
US Department of Justice –  
Was/DC/CD/FPB  
Civil Division Federal Programs Branch  
20 Massachusetts Ave NW Room 7306  
Washington, DC 20530  
202-305-8573  
Fax: 202-616-8470  
Email: [Benjamin.L.Berwick@usdoj.gov](mailto:Benjamin.L.Berwick@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Hilda Solis**  
*in her official capacity as Secretary of the  
US Department of Labor*

represented by **Benjamin L Berwick**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Timothy Geithner**  
*in his official capacity as Secretary of the  
US Department of Treasury*

represented by **Benjamin L Berwick**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**US Department of Health and Human  
Services**

represented by **Benjamin L Berwick**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**US Department of Labor**

represented by **Benjamin L Berwick**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**US Department of Treasury**

represented by **Benjamin L Berwick**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Amicus**

**American Center for Law & Justice, et  
al.**

represented by **Edward L White**  
American Center for Law & Justice  
3001 Plymouth Rd Suite 203  
Ann Arbor, MI 48105  
734-662-2984  
Fax: 734-302-1758  
Email: [ewhite@aclj.org](mailto:ewhite@aclj.org)

LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/21/2012	<u>1</u>	COMPLAINT with Jury Demand against Timothy Geithner, Kathleen Sebelius, Hilda Solis, US Department of Health and Human Services, US Department of Labor, US Department of Treasury (Filing fee \$ 350.) Receipt #3003946, filed by Notre Dame University of. (Attachments: # <u>1</u> Civil cover sheet)(smp) (Entered: 05/21/2012)
05/21/2012	<u>2</u>	NOTICE of Appearance by Matthew A Kairis on behalf of Notre Dame University of (smp) (Entered: 05/21/2012)
05/21/2012	<u>3</u>	Corporate Disclosure Statement by Notre Dame University of. (smp) (Entered: 05/21/2012)
05/21/2012	4	Summons Issued as to Timothy Geithner, Kathleen Sebelius, Hilda Solis, US Department of Health and Human Services, US Department of Labor, US Department of Treasury. (smp) (Entered: 05/21/2012)
06/15/2012	<u>5</u>	AFFIDAVIT of Service, filed by Notre Dame University of. (Attachments: # <u>1</u> Exhibit Exs. A-H – Certified Mail Return Receipts)(Kairis, Matthew) (Entered: 06/15/2012)
06/20/2012	<u>6</u>	SUMMONS Returned Executed by Notre Dame University of. All Defendants. (Attachments: # <u>1</u> Exhibit Exhibits A-H – Certified Mail Return Receipts)(Kairis, Matthew) (Entered: 06/20/2012)
06/20/2012		Set Deadlines: Answer due 7/24/12 for defendants Kathleen Sebelius, Hilda Solis and US Department of Health and Human Services. Answer due 7/30/12 for defendants US Department of Treasury, Timothy Geithner and US Department of Labor per <u>6</u> Summons Returned Executed as to USA. (jld) (Entered: 06/25/2012)
06/29/2012	<u>7</u>	NOTICE of Appearance by Benjamin L Berwick on behalf of All Defendants (Berwick, Benjamin) (Entered: 06/29/2012)
07/02/2012	<u>8</u>	Joint MOTION for Extension of Time to File <i>Response to Complaint</i> by Defendants Timothy Geithner, Kathleen Sebelius, Hilda Solis, US Department of Health and Human Services, US Department of Labor, US Department of Treasury. (Attachments: # <u>1</u> Proposed Order)(Berwick, Benjamin) (Entered: 07/02/2012)
07/05/2012	<u>9</u>	ORDER granting <u>8</u> Motion for Extension of Time to File. Defendants' motion to dismiss due by 8/6/2012. Response to be filed by 8/27/2012 with the reply to be filed no later than 28 days after the response. Signed by Magistrate Judge Christopher A Nuechterlein on 7/5/12. (jld) (Entered: 07/06/2012)
07/12/2012	<u>10</u>	NOTICE of Appearance by Carol A Hogan on behalf of All Plaintiffs (Hogan, Carol) (Entered: 07/12/2012)
07/12/2012	<u>11</u>	NOTICE of Appearance by Brian J Murray on behalf of All Plaintiffs (Murray, Brian) (Entered: 07/12/2012)
07/12/2012	<u>12</u>	NOTICE of Appearance by Brandy H Ranjan on behalf of All Plaintiffs (Ranjan, Brandy) (Entered: 07/12/2012)
07/13/2012	<u>13</u>	NOTICE of Appearance by Leon F DeJulius, Jr on behalf of Notre Dame University of (DeJulius, Leon) (Entered: 07/13/2012)
07/13/2012	<u>14</u>	CERTIFICATE of Service. (Ranjan, Brandy) (Entered: 07/13/2012)
07/13/2012	<u>15</u>	NOTICE of Appearance by Eric E Murphy on behalf of All Plaintiffs (Murphy, Eric) (Entered: 07/13/2012)
08/06/2012	<u>16</u>	MOTION to Dismiss for Lack of Jurisdiction by Defendants Timothy Geithner, Kathleen Sebelius, Hilda Solis, US Department of Health and Human Services, US Department of Labor, US Department of Treasury. (Berwick, Benjamin) (Entered: 08/06/2012)

		08/06/2012)
08/06/2012	<u>17</u>	MEMORANDUM in Support of <u>16</u> MOTION to Dismiss for Lack of Jurisdiction filed by Timothy Geithner, Kathleen Sebelius, Hilda Solis, US Department of Health and Human Services, US Department of Labor, US Department of Treasury. (Berwick, Benjamin) (Entered: 08/06/2012)
08/20/2012	<u>18</u>	Corporate Disclosure Statement by American Center for Law & Justice, et al.. (White, Edward) (Entered: 08/20/2012)
08/20/2012	<u>19</u>	MOTION for Leave to Appear as Amici Curiae and to File Amici Curiae Brief in Support of Plaintiff on Behalf of the American Center for Law & Justice and 79 Members of Congress by Defendant American Center for Law & Justice, et al.. (Attachments: # <u>1</u> Amici Curiae Brief of the ACLJ and 79 Members of Congress)(White, Edward) (Entered: 08/20/2012)
08/21/2012	<u>20</u>	ORDER granting <u>19</u> Motion for leave to appear as amici curiae and file amici curiae brief.. Signed by Magistrate Judge Christopher A Nuechterlein on 8/21/12. (smp) (Entered: 08/22/2012)
08/21/2012	<u>21</u>	AMICI CURIAE BRIEF filed by plaintiff re <u>1</u> Complaint,. (smp) (Entered: 08/22/2012)
08/24/2012	<u>22</u>	NOTICE of Appearance by Edward L White on behalf of American Center for Law & Justice, et al. (White, Edward) (Entered: 08/24/2012)
08/27/2012	<u>23</u>	RESPONSE to Motion re <u>16</u> MOTION to Dismiss for Lack of Jurisdiction filed by Notre Dame University of. (Attachments: # <u>1</u> Affidavit)(Kairis, Matthew) (Entered: 08/27/2012)
08/27/2012	<u>24</u>	MOTION for oral argument re <u>16</u> MOTION to Dismiss for Lack of Jurisdiction by Plaintiff Notre Dame University of. (Kairis, Matthew) (Entered: 08/27/2012)
09/24/2012	<u>25</u>	REPLY to Response to Motion re <u>16</u> MOTION to Dismiss for Lack of Jurisdiction filed by Timothy Geithner, Kathleen Sebelius, Hilda Solis, US Department of Health and Human Services, US Department of Labor, US Department of Treasury. (Berwick, Benjamin) (Entered: 09/24/2012)
09/24/2012	<u>26</u>	RESPONSE to Motion re <u>24</u> MOTION for oral argument re <u>16</u> MOTION to Dismiss for Lack of Jurisdiction filed by Timothy Geithner, Kathleen Sebelius, Hilda Solis, US Department of Health and Human Services, US Department of Labor, US Department of Treasury. (Berwick, Benjamin) (Entered: 09/24/2012)
10/17/2012	<u>27</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Jon E DeGuilio for all further proceedings. Senior Judge James T Moody no longer assigned to case. Signed by Senior Judge James T Moody on 10/17/12. (smp) (Entered: 10/18/2012)
10/24/2012	<u>28</u>	MOTION for Permanent Injunction, <b>MOTION for Preliminary Injunction</b> by Plaintiff Notre Dame University of. (Kairis, Matthew) (Entered: 10/24/2012)
10/24/2012	<u>29</u>	MOTION Consolidated Trial and Injunction Hearing pursuant to Rule 65(a) by Plaintiff Notre Dame University of. (Kairis, Matthew) (Entered: 10/24/2012)
10/24/2012	<u>30</u>	MOTION Scheduling Order or Status or Trial Setting Conference by Plaintiff Notre Dame University of. (Kairis, Matthew) (Entered: 10/24/2012)
10/24/2012	<u>31</u>	MEMORANDUM in Support of <u>29</u> MOTION Consolidated Trial and Injunction Hearing pursuant to Rule 65(a), <u>30</u> MOTION Scheduling Order or Status or Trial Setting Conference, <u>28</u> MOTION for Permanent Injunction <b>MOTION for Preliminary Injunction</b> filed by Notre Dame University of. (Kairis, Matthew) (Entered: 10/24/2012)
10/29/2012	<u>32</u>	RESPONSE to Motion re <u>30</u> MOTION Scheduling Order or Status or Trial Setting Conference filed by Timothy Geithner, Kathleen Sebelius, Hilda Solis, US Department of Health and Human Services, US Department of Labor, US Department of Treasury. (Berwick, Benjamin) (Entered: 10/29/2012)
11/07/2012	<u>33</u>	RESPONSE to Motion re <u>29</u> MOTION Consolidated Trial and Injunction Hearing pursuant to Rule 65(a), <u>28</u> MOTION for Permanent Injunction <b>MOTION for</b>

		<b>Preliminary Injunction</b> filed by Timothy Geithner, Kathleen Sebelius, Hilda Solis, US Department of Health and Human Services, US Department of Labor, US Department of Treasury. (Berwick, Benjamin) (Entered: 11/07/2012)
11/14/2012	<u>34</u>	REPLY to Response to Motion re <u>29</u> MOTION Consolidated Trial and Injunction Hearing pursuant to Rule 65(a), <u>30</u> MOTION Scheduling Order or Status or Trial Setting Conference, <u>28</u> MOTION for Permanent Injunction <b>MOTION for Preliminary Injunction</b> filed by Notre Dame University of. (Kairis, Matthew) (Entered: 11/14/2012)
11/20/2012	<u>35</u>	NOTICE by Notre Dame University of <i>Supplemental Authority</i> (Kairis, Matthew) (Entered: 11/20/2012)
11/20/2012	<u>36</u>	NOTICE by Timothy Geithner, Kathleen Sebelius, Hilda Solis, US Department of Health and Human Services, US Department of Labor, US Department of Treasury re <u>35</u> Notice (Other) <i>Defendants' Response to Plaintiff's Notice of Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit Hobby Lobby Stores v. Sebelius)(Berwick, Benjamin) (Entered: 11/20/2012)
11/21/2012	<u>37</u>	NOTICE by Notre Dame University of re <u>36</u> Notice (Other), Notice (Other) <i>Notre Dame's Response to Defendant's Notice of Supplemental Authority re Hobby Lobby Decision</i> (Kairis, Matthew) (Entered: 11/21/2012)
11/27/2012	<u>38</u>	NOTICE by Timothy Geithner, Kathleen Sebelius, Hilda Solis, US Department of Health and Human Services, US Department of Labor, US Department of Treasury re <u>16</u> MOTION to Dismiss for Lack of Jurisdiction <i>Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit Catholic Diocese of Nashville v. Sebelius)(Berwick, Benjamin) (Entered: 11/27/2012)
11/28/2012	<u>39</u>	ORDER OF RECUSAL. Judge Judge Jon E DeGuilio recused. Case reassigned to Judge Robert L Miller, Jr for all further proceedings. Signed by Judge Jon E DeGuilio on 11/28/12. (smp) (Entered: 11/28/2012)
11/29/2012	<u>40</u>	NOTICE by Timothy Geithner, Kathleen Sebelius, Hilda Solis, US Department of Health and Human Services, US Department of Labor, US Department of Treasury re <u>16</u> MOTION to Dismiss for Lack of Jurisdiction <i>Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit Zubik v. Sebelius)(Berwick, Benjamin) (Entered: 11/29/2012)
12/04/2012	<u>41</u>	RESPONSE by Notre Dame University of to <u>40</u> Notice (Other), Notice (Other), <u>38</u> Notice (Other), Notice (Other) <i>of Supplemental Authority</i> . (Attachments: # <u>1</u> Exhibit A – Excerpts from Transcript in Catholic Diocese of Nashville v. Sebelius)(Kairis, Matthew) (Entered: 12/04/2012)
12/07/2012	<u>42</u>	NOTICE by Notre Dame University of re <u>16</u> MOTION to Dismiss for Lack of Jurisdiction <i>Notice of Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit A, Roman Catholic Archdiocese of New York v. Sebelius)(Kairis, Matthew) (Entered: 12/07/2012)
12/10/2012	<u>43</u>	RESPONSE by Timothy Geithner, Kathleen Sebelius, Hilda Solis, US Department of Health and Human Services, US Department of Labor, US Department of Treasury to <u>42</u> Notice (Other) <i>Supplemental Authority</i> . (Berwick, Benjamin) (Entered: 12/10/2012)
12/21/2012	<u>44</u>	NOTICE by Notre Dame University of <i>Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit A – Wheaton College v. Sebelius Order)(Kairis, Matthew) (Entered: 12/21/2012)
12/21/2012	<u>45</u>	NOTICE by Timothy Geithner, Kathleen Sebelius, Hilda Solis, US Department of Health and Human Services, US Department of Labor, US Department of Treasury re <u>16</u> MOTION to Dismiss for Lack of Jurisdiction <i>and Response to 44 Plaintiff's Third Notice of Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit Catholic Diocese of Biloxi v. Sebelius)(Berwick, Benjamin) (Entered: 12/21/2012)
12/31/2012	<u>46</u>	OPINION AND ORDER denying as moot <u>28</u> MOTION for Permanent Injunction <b>MOTION for Preliminary Injunction</b> filed by Notre Dame University of, and granting <u>16</u> MOTION to Dismiss for Lack of Jurisdiction filed by US Department of Health and Human Services, US Department of Treasury, US Department of

		Labor, Timothy Geithner, Hilda Solis, Kathleen Sebelius. ***Civil Case Terminated. Signed by Judge Robert L Miller, Jr on 12/31/2012. (kds) (Entered: 01/02/2013)
01/02/2013	<u>47</u>	CLERK'S ENTRY OF JUDGMENT. (kds) (Entered: 01/02/2013)
03/01/2013	<u>48</u>	NOTICE OF APPEAL as to <u>46</u> Opinion and Order, Terminate Motions, Terminate Civil Case,,, filed by Plaintiff Notre Dame University of. Filing fee \$ 455, receipt number 0755-2013264. (Kairis, Matthew) (Entered: 03/01/2013)
03/01/2013	<u>49</u>	Docketing Statement re: <u>48</u> Notice of Appeal filed by Notre Dame University of. (Kairis, Matthew) (Entered: 03/01/2013)
03/05/2013	<u>50</u>	Short Record Sent to US Court of Appeals re <u>48</u> Notice of Appeal. Appeal filing fees paid in the amount of \$455.00 – Receipt # 0755-2013264. (Attachments: # <u>1</u> Notice of appeal, # <u>2</u> Docketing statement, # <u>3</u> Opinion and order, # <u>4</u> Clerk's judgment, # <u>5</u> Docket sheet)(smp) (Entered: 03/05/2013)
03/08/2013	<u>51</u>	USCA Case Number 13-1479 for <u>48</u> Notice of Appeal filed by Notre Dame University of. (smp) (Entered: 03/12/2013)
07/26/2013	<u>52</u>	MANDATE of USCA as to <u>48</u> Notice of Appeal filed by Notre Dame University: This case is DISMISSED, pursuant to Federal Rule of Appellate Procedure 42(b). No record to be returned to district court. (Attachments: # <u>1</u> Final Order USCA – Certified Copy) (lyb) (Entered: 07/31/2013)