

**U.S. District Court Northern District of Indiana [LIVE]
USDC Northern Indiana (Fort Wayne)
CIVIL DOCKET FOR CASE #: 1:12-cv-00325-JD-SLC**

Tonn and Blank Construction LLC v. Sebelius et al
Assigned to: Judge Jon E DeGuilio
Referred to: Magistrate Judge Susan L Collins
Cause: 05:702 Administrative Procedure Act

Date Filed: 09/20/2012
Date Terminated: 11/06/2014
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

Tonn and Blank Construction LLC

represented by **Alison M Kilmartin**
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ATTORNEY TO BE NOTICED

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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/20
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LEAD ATTORNEY

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**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**US Department of Health and Human
Services**

represented by **Benjamin L Berwick**
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LEAD ATTORNEY
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Defendant

US Department of Labor

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Defendant

US Department of Treasury

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Amicus

Breast Cancer Prevention Institute

represented by **Brian C Potts**
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Amicus

Bioethics Defense Fund

represented by **Brian C Potts**
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Amicus

Life Legal Defense Foundation

represented by **Brian C Potts**
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Date Filed	#	Docket Text
09/20/2012	<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: \$350.00; Receipt #INN1002528) filed by Tonn

		and Blank Construction LLC. (Attachments: # <u>1</u> Civil Cover Sheet).(cer) (Entered: 09/21/2012)
09/20/2012	<u>2</u>	NOTICE of Appearance by Matthew A Kairis on behalf of Tonn and Blank Construction LLC. (cer) (Entered: 09/21/2012)
09/20/2012	<u>3</u>	CORPORATE Disclosure Statement by Tonn and Blank Construction LLC identifying Corporate Parent Franciscan Alliance Inc, Corporate Parent Franciscan Holding Corporation for Tonn and Blank Construction LLC. (cer) (Entered: 09/21/2012)
09/20/2012	<u>4</u>	MOTION for Preliminary Injunction , REQUEST for Oral Argument by Plaintiff Tonn and Blank Construction LLC. (cer) (Entered: 09/21/2012)
09/20/2012	<u>5</u>	MEMORANDUM in Support of <u>4</u> MOTION for Preliminary Injunction , REQUEST for Oral Argument filed by Tonn and Blank Construction LLC. (cer) (Entered: 09/21/2012)
09/20/2012	<u>6</u>	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, US Attorney and US Attorney General. NOTE: The attached document should not be used to effect service of process. Only copies that bear the seal of the court should be used for service of process. (cer) (Entered: 09/21/2012)
09/21/2012	<u>7</u>	ORDER regarding service on the Defendants. Signed by Judge Jon E DeGuilio on 9/21/2012. (saj) (Entered: 09/21/2012)
10/02/2012	<u>8</u>	NOTICE of Appearance by Alison M Kilmartin on behalf of Tonn and Blank Construction LLC (Kilmartin, Alison) (Entered: 10/02/2012)
10/02/2012	<u>9</u>	NOTICE by Tonn and Blank Construction LLC of <i>Motion to Consolidate to be filed in the matter 1:12-cv-159-WCL-RBC</i> (Kairis, Matthew) (Entered: 10/02/2012)
10/08/2012	<u>10</u>	NOTICE of Appearance by W Patrick Downes on behalf of All Plaintiffs (Downes, W) (Entered: 10/08/2012)
11/20/2012	<u>11</u>	SUMMONS Returned Executed by Tonn and Blank Construction LLC. All Defendants. (Attachments: # <u>1</u> Exhibit 1 – Proof of Service on Secretary Sebelius, # <u>2</u> Exhibit 2 – Proof of Service on Secretary Solis, # <u>3</u> Exhibit 3 – Proof of Service on Secretary Geithner, # <u>4</u> Exhibit 4 – Proof of Service on Dept. of Health & Human Services, # <u>5</u> Exhibit 5 – Proof of Service on Dept. of Labor, # <u>6</u> Exhibit 6 – Proof of Service on Department of Treasury, # <u>7</u> Exhibit 7 – Proof of Service on Attorney General Holder, # <u>8</u> Exhibit 8 – Proof of Service on U.S. Attorney Capp)(Kairis, Matthew) (Entered: 11/20/2012)
11/20/2012	<u>12</u>	CERTIFICATE of Service for Affidavit of Service [Doc. 11]. (Kairis, Matthew) (Entered: 11/20/2012)
11/26/2012	<u>13</u>	NOTICE of Appearance by Benjamin L Berwick on behalf of All Defendants (Berwick, Benjamin) (Entered: 11/26/2012)
11/26/2012	<u>14</u>	NOTICE by Timothy Geithner, Kathleen Sebelius, Hilda Solis, US Department of Health and Human Services, US Department of Labor, US Department of Treasury <i>Regarding Service</i> (Berwick, Benjamin) (Entered: 11/26/2012)
11/28/2012	<u>15</u>	NOTICE of Deadlines: Regarding the <u>4</u> MOTION for Preliminary Injunction , the Defendants are to file their response brief by 12/31/2012 and the Plaintiff is to file its reply brief by 1/15/2013. This is a text-only entry. (saj) (Entered: 11/28/2012)
12/03/2012	<u>16</u>	Consent MOTION for Leave to File Excess Pages 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: 12/03/2012)
12/04/2012	<u>17</u>	ENTRY for Magistrate Judge Roger B. Cosby: <u>16</u> Defendants' Unopposed Motion for Leave to File Excess Pages in Opposition to Plaintiff's Motion for Preliminary Injunction is GRANTED. Defendants granted leave to file a brief of up to 40 pages in length. So Ordered. (mr) (Entered: 12/04/2012)

12/04/2012	<u>18</u>	MOTION for Extension of Time to File <i>Response to Plaintiff's 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. (Berwick, Benjamin) (Entered: 12/04/2012)
12/04/2012	<u>19</u>	RESPONSE to Motion re <u>18</u> MOTION for Extension of Time to File <i>Response to Plaintiff's Complaint</i> filed by Tonn and Blank Construction LLC. (Kairis, Matthew) (Entered: 12/04/2012)
12/05/2012	<u>20</u>	REPLY to Response to Motion re <u>18</u> MOTION for Extension of Time to File <i>Response to Plaintiff's Complaint</i> 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: 12/05/2012)
12/06/2012	<u>21</u>	ORDER GRANTING IN PART and DENYING IN PART <u>18</u> MOTION for Extension of Time to File Response to Plaintiff's Complaint by Defendants Timothy Geithner, Kathleen Sebelius, Hilda Solis, US Department of Health and Human Services, US Department of Labor, US Department of Treasury. Defendants are GRANTED until 12/31/2012 to file an Answer to Plaintiff's Complaint. The <u>18</u> Motion is otherwise DENIED. Signed by Magistrate Judge Roger B Cosby on 12/6/12. (cer) (Entered: 12/06/2012)
12/19/2012	<u>22</u>	Consent MOTION for Leave to File Excess Pages 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: 12/19/2012)
12/20/2012	<u>23</u>	ENTRY for Magistrate Judge Roger B. Cosby: The <u>22</u> Motion for Leave to File Excess Pages is GRANTED. Dfts granted leave to file a brief in opposition to Pla's Motion for Preliminary Injunction of up to 45 pages in length. So Ordered. (mr) (Entered: 12/20/2012)
12/31/2012	<u>24</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM 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: 12/31/2012)
12/31/2012	<u>25</u>	MEMORANDUM in Support of <u>24</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by 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> Exhibit Grote v. Sebelius, # <u>2</u> Exhibit Autocam Corp. v. Sebelius)(Berwick, Benjamin) (Entered: 12/31/2012)
12/31/2012	<u>26</u>	RESPONSE to Motion re <u>4</u> MOTION for Hearing MOTION for Preliminary Injunction filed by 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> Exhibit Grote v. Sebelius, # <u>2</u> Exhibit Autocam Corp. v. Sebelius)(Berwick, Benjamin) (Entered: 12/31/2012)
01/04/2013	<u>27</u>	Joint MOTION for Extension of Time to File Response/Reply, Joint MOTION for Leave to File Excess Pages by Defendants Timothy Geithner, Kathleen Sebelius, Hilda Solis, US Department of Health and Human Services, US Department of Labor, US Department of Treasury, Plaintiff Tonn and Blank Construction LLC. (Kairis, Matthew) (Entered: 01/04/2013)
01/07/2013	<u>28</u>	ORDER GRANTING <u>27</u> MOTION (Joint) for Extension of Time to File Response; MOTION (Joint) for Leave to File Excess Pages by Defendants Timothy Geithner, Kathleen Sebelius, Hilda Solis, US Department of Health and Human Services, US Department of Labor, US Department of Treasury, Plaintiff Tonn and Blank Construction LLC. Plaintiff shall submit a single brief both in response to Defendants' Motion to Dismiss and in reply to Defendants' Opposition to Plaintiff's Motion for Preliminary Injunction. Plaintiff's brief shall be limited to no more than 50 pages and shall be due no later than 1/25/2013. Defendants' reply brief on Defendants' Motion to Dismiss shall be limited to no more than 25 pages and shall be due no later than 2/8/2013. Signed by Magistrate Judge Roger B Cosby on 1/7/13. (cer) (Entered: 01/07/2013)

01/16/2013	<u>29</u>	NOTICE of Appearance by Brian C Potts on behalf of Breast Cancer Prevention Institute, Bioethics Defense Fund, Life Legal Defense Foundation (Potts, Brian) (Entered: 01/16/2013)
01/16/2013	<u>30</u>	MOTION <i>Motion of Breast Cancer Prevention Institute, Bioethics Defense Fund, and Life Legal Defense Foundation for Leave to File a Brief Amici Curiae in Support of Plaintiff's Motion for Preliminary Injunction</i> by Amicus Parties Bioethics Defense Fund, Breast Cancer Prevention Institute, Life Legal Defense Foundation. (Attachments: # <u>1</u> Exhibit A)(Potts, Brian) (Entered: 01/16/2013)
01/22/2013	<u>31</u>	ORDER GRANTING <u>30</u> MOTION for Leave to File a Brief Amici Curiae in Support of Plaintiff's Motion for Preliminary Injunction by Amicus Parties Bioethics Defense Fund, Breast Cancer Prevention Institute, Life Legal Defense Foundation. Clerk DIRECTED to show the Amici Brief (attached as Exhibit A to the Motion for Leave) as filed. Signed by Magistrate Judge Roger B Cosby on 1/22/13. (cer) (Entered: 01/22/2013)
01/22/2013	<u>32</u>	AMICI CURIAE BRIEF in Support re <u>4</u> MOTION for Preliminary Injunction . (cer) (Entered: 01/22/2013)
01/25/2013	<u>33</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>24</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM 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: 01/25/2013)
01/25/2013	<u>34</u>	REPLY to Response to Motion re <u>24</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, <u>4</u> MOTION for Hearing MOTION for Preliminary Injunction <i>Plaintiff's Reply Brief in Support of its Motion for Preliminary Injunction and Response Brief in Opposition to Defendants' Motion to Dismiss</i> filed by Tonn and Blank Construction LLC. (Attachments: # <u>1</u> Exhibit A – OBrien v. U.S. Dept of Health & Human Servs., No. 12–3357 (8th Cir. Nov. 28, 2012), # <u>2</u> Exhibit B – Triune Health Grp. v. U.S. Dept of Health & Human Servs., No. 12 C 6756 (N.D. Ill. Jan. 1, 2013), # <u>3</u> Exhibit C – Am. Pulverizer Co. v. U.S. Dept of Health & Human Servs., No. 12–3459–CV–S–RED (W.D. Mo. Dec. 20, 2012), # <u>4</u> Exhibit D – Operating Agreement (attached to Compl. (Doc. No. 1) as Ex. A), # <u>5</u> Exhibit E – U.S. Conf. of Catholic Bishops, Comments on Interim Final Rules on Preventive Services (Aug. 31, 2011), # <u>6</u> Exhibit F – Family Research Council, Comments on Interim Final Rules on Preventive Services (Sept. 30, 2011), # <u>7</u> Exhibit G – Alliance of Catholic Health Care, Comments on Interim Final Rule on Preventive Services (Sept. 23, 2011))(Kairis, Matthew) (Entered: 01/25/2013)
01/25/2013	<u>35</u>	MOTION Unopposed Motion for Expedited Oral Argument on Plaintiff's Motion for Preliminary Injunction re <u>4</u> MOTION for Hearing MOTION for Preliminary Injunction by Plaintiff Tonn and Blank Construction LLC. (Kairis, Matthew) (Entered: 01/25/2013)
01/29/2013	<u>36</u>	ORDER GRANTING <u>33</u> Unopposed Motion for Extension of Time to File Reply to Pla's Opposition to Dfts' Motion to Dismiss by Dfts Timothy Geithner, Kathleen Sebelius, Hilda Solis, US Department of Health and Human Services, US Department of Labor, US Department of Treasury. Dfts' Reply to be filed on/bf 2/22/2013. Signed by Magistrate Judge Roger B Cosby on 1/29/2013. (Ins) (Entered: 01/29/2013)
02/07/2013	<u>37</u>	NOTICE by Tonn and Blank Construction LLC <i>Notice of Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit Ex. A – Grote v. Sebelius, No. 13–1077 (7th Cir. Jan. 30, 2013), # <u>2</u> Exhibit Ex. B – Annex Medical, Inc. v. Sebelius, No. 13–1118 (8th Cir. Feb. 1, 2013))(Kairis, Matthew) (Entered: 02/07/2013)
02/11/2013	<u>38</u>	MOTION to Stay <i>Proceedings and Notice of Non–Opposition to Plaintiff's Motion for Preliminary Injunction</i> 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: 02/11/2013)
02/13/2013	<u>39</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>24</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM 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: 02/13/2013)

02/13/2013	<u>40</u>	ORDER GRANTING <u>39</u> MOTION (Consent) for Extension of Time to File Reply as to <u>24</u> MOTION to Dismiss for Failure to State a Claim by Defendants Timothy Geithner, Kathleen Sebelius, Hilda Solis, US Department of Health and Human Services, US Department of Labor, US Department of Treasury. Defendants' Reply in support of their Motion to Dismiss shall be due no later than 14 days after the Court's ruling on Defendants' Motion to Stay Proceedings, if such Motion is denied. If the Court grants Defendants' Motion to Stay, all proceedings in this case will be stayed and Defendants need not file a Reply Brief until a time to be determined after the stay is lifted. Signed by Magistrate Judge Roger B Cosby on 2/13/13. (cer) (Entered: 02/13/2013)
02/25/2013	<u>41</u>	RESPONSE to Motion re <u>38</u> MOTION to Stay <i>Proceedings and Notice of Non-Opposition to Plaintiff's Motion for Preliminary Injunction</i> filed by Tonn and Blank Construction LLC. (Kairis, Matthew) (Entered: 02/25/2013)
03/04/2013	<u>42</u>	REPLY to Response to Motion re <u>38</u> MOTION to Stay <i>Proceedings and Notice of Non-Opposition to Plaintiff's Motion for Preliminary Injunction</i> 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: 03/04/2013)
04/01/2013	<u>43</u>	ORDER AND PRELIMINARY INJUNCTION re <u>4</u> MOTION for Preliminary Injunction by Plaintiff Tonn and Blank Construction LLC. The Motion is GRANTED and Defendants are ENJOINED as outlined in Order. It is ORDERED that Tonn and Blank Construction LLC shall not be required to post bond. The <u>35</u> MOTION (Unopposed) for Expedited Oral Argument on Plaintiff's Motion for Preliminary Injunction by Plaintiff Tonn and Blank Construction LLC is DENIED AS MOOT. The <u>38</u> MOTION to Stay Proceedings and Notice of Non-Opposition to Plaintiff's Motion for Preliminary Injunction by Defendants Timothy Geithner, Kathleen Sebelius, Hilda Solis, US Department of Health and Human Services, US Department of Labor, US Department of Treasury will be ruled on separately. Signed by Judge Jon E DeGuilio on 4/1/13. (cer) (Entered: 04/01/2013)
04/03/2013	<u>44</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>38</u> MOTION to Stay <i>Proceedings and Notice of Non-Opposition to Plaintiff's Motion for Preliminary Injunction Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit Triune Health Grp. v. HHS)(Berwick, Benjamin) (Entered: 04/03/2013)
04/05/2013	<u>45</u>	RESPONSE by Tonn and Blank Construction LLC to <u>44</u> Notice (Other), Notice (Other). (Kairis, Matthew) (Entered: 04/05/2013)
08/16/2013	<u>46</u>	OPINION AND ORDER GRANTING <u>38</u> MOTION to Stay Proceedings and Notice of Non-Opposition to Plaintiff's Motion for Preliminary Injunction by Defendants Timothy Geithner, Kathleen Sebelius, Hilda Solis, US Department of Health and Human Services, US Department of Labor, US Department of Treasury. This case is temporarily STAYED until thirty (30) days after the Seventh Circuit has issued an opinion on the consolidated Grote and Korte appeal. Either party is permitted to seek relief from this stay order in the interim if circumstances so permit. Signed by Judge Jon E DeGuilio on 8/16/13. (cer) (Entered: 08/16/2013)
11/14/2013	<u>47</u>	NOTICE of Appearance by Melissa D Palmisciano on behalf of Tonn and Blank Construction LLC (Palmisciano, Melissa) (Entered: 11/14/2013)
12/06/2013	<u>48</u>	ORDER LIFTING STAY. The Parties are ORDERED to submit a joint report on or before 12/13/2013 to indicate their intentions with respect to proceeding in the present lawsuit, (and to the extent that the joint report does not resolve the case) ORDERS Defendants to file a reply brief to their Motion to Dismiss [DE 24] on or before 12/27/2013, and EXTENDS the preliminary injunction for a period not to exceed sixty days, absent further order of this Court, so as to adequately protect the Plaintiffs interests while the proceedings in this lawsuit are reconvened. Signed by Judge Jon E DeGuilio on 12/6/2013. (saj) (Entered: 12/06/2013)
12/12/2013	<u>49</u>	STATUS REPORT by Timothy Geithner, Kathleen Sebelius, Hilda Solis, Tonn and Blank Construction LLC, US Department of Health and Human Services, US Department of Labor, US Department of Treasury. (Berwick, Benjamin) (Entered: 12/12/2013)

12/18/2013	<u>50</u>	ORDER GRANTING Parties' request. This case is STAYED until 60 days from the Supreme Court's resolution of Hobby Lobby and Conestoga and ORDERING the continuation of the preliminary injunction as originally issued on 4/1/2013, until further order of the Court. Signed by Judge Jon E DeGuilio on 12/18/2013. (Ins) (Entered: 12/19/2013)
08/19/2014	<u>51</u>	ORDER: The parties are ORDERED to submit a joint report indicating their intentions with respect to proceeding in the present lawsuit no later than 10/3/2014. The Court ORDERS the continuation of the stay and the preliminary injunction [DE 43], until further order of the Court, not to exceed 60 days from the date of this order. Signed by Judge Jon E DeGuilio on 8/19/2014. (lhc) (Entered: 08/19/2014)
10/03/2014	<u>52</u>	STATUS REPORT <i>OF THE PARTIES</i> by Tonn and Blank Construction LLC. (Kairis, Matthew) (Entered: 10/03/2014)
10/08/2014	<u>53</u>	ORDER re <u>52</u> Status Report: The Court approves the parties proposed briefing schedule regarding the scope of permanent injunctive relief. Plaintiff's brief due 10/20/2014. Defendants' response due 10/27/2014. With the agreement of the parties, the preliminary injunction will remain in place until the Court enters permanent injunctive relief. This is a text-only order by Judge Jon E DeGuilio on 10/8/2014. (saj) (Entered: 10/08/2014)
10/20/2014	<u>54</u>	BRIEF re 53 Order, Set Deadlines,, <i>In Support Of Plaintiff's Proposed Permanent Injunction</i> . (Kairis, Matthew) (Entered: 10/20/2014)
10/27/2014	<u>55</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>54</u> Brief (Other) <i>In Support of Defendants' Proposed Injunction and Judgment and in Opposition to Plaintiff's Proposed Injunction and Judgment</i> . (Attachments: # <u>1</u> Exhibit Proposed Injunction and Judgment, # <u>2</u> Exhibit Gilardi Order, # <u>3</u> Exhibit Johnson Welded Products Order, # <u>4</u> Exhibit Midwest Fastener Order, # <u>5</u> Exhibit Lindsay Motion)(Berwick, Benjamin) (Entered: 10/27/2014)
11/06/2014	<u>56</u>	FINAL JUDGMENT AND ORDER. It is ORDERED that judgment is entered in favor of Plaintiff Tonn and Blank Construction LLC and against Defendants Sylvia Mathews Burwell, in her official capacity as Secretary of the US Department of Health and Human Services; Thomas Perez, in his official capacity as Secretary of the US Department of Labor; Jacob Lew, in his official capacity as Secretary of the US Department of Treasury; US Department of Health and Human Services; US Department of Labor; and US Department of Treasury on Plaintiff's claim under the Religious Freedom Restoration Act. Defendants, their agents, servants, employees, representatives, and all persons in active concert or participation with them are hereby PERMANENTLY ENJOINED as outlined in Order. Counsel ORDERED to confer prior to 12/5/2014 and attempt to reach an agreement on fees and costs. Any petition by Plaintiff for attorney's fees or costs to be filed by 12/19/2014. Any response to be filed by 1/5/2015. Plaintiff's remaining claims are DISMISSED WITHOUT PREJUDICE and the Court shall retain jurisdiction to enforce this Final Judgment and Order. Signed by Judge Jon E DeGuilio on 11/6/14. (cer) (Entered: 11/06/2014)
11/06/2014	<u>57</u>	CLERK'S ENTRY OF JUDGMENT. (cer) (Entered: 11/06/2014)
12/04/2014	<u>58</u>	Joint MOTION for Extension of Time to File <i>Petition for Attorneys' Fees or Costs</i> by Plaintiff Tonn and Blank Construction LLC. (Kairis, Matthew) (Entered: 12/04/2014)
12/04/2014	<u>59</u>	ORDER GRANTING <u>58</u> Joint MOTION for Extension of Time to File Petition for Attorneys' Fees or Costs by Plaintiff Tonn and Blank Construction LLC. Petition due by 1/20/2015. Any response to be filed by 2/19/2015. Signed by Magistrate Judge Roger B Cosby on 12/4/2014. (lhc) (Entered: 12/04/2014)
01/06/2015	<u>60</u>	Second MOTION for Extension of Time to File <i>Petition for Attorneys' Fees or Costs</i> by Plaintiff Tonn and Blank Construction LLC. (Kairis, Matthew) (Entered: 01/06/2015)
01/07/2015	<u>61</u>	ORDER re <u>60</u> Second MOTION for Extension of Time to File Petition for Attorneys' Fees or Costs by Plaintiff Tonn and Blank Construction LLC. Pla to submit petition for attorney fees or costs by 2/20/2015. Response or opposition to be filed by 3/23/2015. Signed by Magistrate Judge Roger B Cosby on 1/7/2015. (lhc) (Entered: 01/07/2015)

02/18/2015	<u>62</u>	Joint MOTION to Vacate <i>the Deadline to File Plaintiff's Petition for Attorneys' Fees or Costs</i> by Plaintiff Tonn and Blank Construction LLC. (Kairis, Matthew) (Entered: 02/18/2015)
02/18/2015		Magistrate Judge Susan L Collins added. Magistrate Judge Roger B Cosby no longer assigned to case. (mr) (Entered: 02/18/2015)
02/18/2015	<u>63</u>	ORDER GRANTING <u>62</u> Joint MOTION to Vacate the Deadline to File Plaintiff's Petition for Attorneys' Fees or Costs by Plaintiff Tonn and Blank Construction LLC. Parties shall submit a joint status report to advise the Court when the parties have reached final settlement regarding the attorneys' fees or costs to be awarded to Pla. Signed by Magistrate Judge Susan L Collins on 2/18/2015. (lhc) (Entered: 02/18/2015)
02/19/2015	64	ENTRY for Magistrate Judge Susan Collins: Parties are to file a joint status report by 4/1/2015. So Ordered.(mr) (Entered: 02/19/2015)
03/30/2015	<u>65</u>	STATUS REPORT <i>OF THE PARTIES</i> by Tonn and Blank Construction LLC. (Kairis, Matthew) (Entered: 03/30/2015)
03/31/2015	66	ENTRY for Magistrate Judge Susan Collins: Counsel to file joint status report by 6/1/2015. So Ordered. (mr) (Entered: 03/31/2015)
05/26/2015	<u>67</u>	STATUS REPORT (<i>JOINT</i>) by Tonn and Blank Construction LLC. (Kairis, Matthew) (Entered: 05/26/2015)