

CLOSED,STAYED

**U.S. District Court  
Eastern District of Michigan (Detroit)  
CIVIL DOCKET FOR CASE #: 2:13-cv-11229-DPH-MAR**

Eden Foods, Inc. et al v. Sebelius et al  
Assigned to: District Judge Denise Page Hood  
Referred to: Magistrate Judge Mark A. Randon  
Case in other court: U.S. Court of Appeals – Sixth  
Circuit, 13-01677

Date Filed: 03/20/2013  
Date Terminated: 02/12/2015  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

Cause: 42:1983 Civil Rights Act

**Plaintiff**

**Eden Foods, Inc.**

represented by **Erin E. Mersino**  
Thomas More Law Center  
24 Frank Lloyd Wright Drive  
P.O. Box 393  
Ann Arbor, MI 48106  
734-827-2001  
Fax: 734-930-7160  
Email: [emersino@thomasmore.org](mailto:emersino@thomasmore.org)  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Michael Potter**

represented by **Erin E. Mersino**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Kathleen Sebelius**

represented by **Ben Berwick**  
U.S. Department of Justice  
Civil Division  
20 Massachusetts Avenue, N.W.  
Room 7306  
Washington, DC 20530  
202-305-8573  
Email: [Benjamin.L.Berwick@usdoj.gov](mailto:Benjamin.L.Berwick@usdoj.gov)  
**ATTORNEY TO BE NOTICED**

**Bradley P. Humphreys – INACTIVE**  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Avenue NW  
Room 7219  
Washington, DC 20530  
202-514-3367  
Fax: 202-616-8470  
**ATTORNEY TO BE NOTICED**

**Defendant**

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

represented by **Ben Berwick**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Bradley P. Humphreys – INACTIVE**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Seth D. Harris**represented by **Ben Berwick**  
(See above for address)  
*ATTORNEY TO BE NOTICED***Bradley P. Humphreys – INACTIVE**  
(See above for address)  
*ATTORNEY TO BE NOTICED***Defendant****United States Department of Labor**represented by **Ben Berwick**  
(See above for address)  
*ATTORNEY TO BE NOTICED***Bradley P. Humphreys – INACTIVE**  
(See above for address)  
*ATTORNEY TO BE NOTICED***Defendant****Jack Lew**represented by **Ben Berwick**  
(See above for address)  
*ATTORNEY TO BE NOTICED***Bradley P. Humphreys – INACTIVE**  
(See above for address)  
*ATTORNEY TO BE NOTICED***Defendant****United States Department of Treasury**represented by **Ben Berwick**  
(See above for address)  
*ATTORNEY TO BE NOTICED***Bradley P. Humphreys – INACTIVE**  
(See above for address)  
*ATTORNEY TO BE NOTICED***Amicus****American Civil Liberties Union**represented by **Michael J. Steinberg**  
American Civil Liberties Union Fund of  
Michigan  
2966 Woodward Avenue  
Detroit, MI 48201  
313-578-6814  
Email: [msteinberg@aclumich.org](mailto:msteinberg@aclumich.org)  
*ATTORNEY TO BE NOTICED***Amicus****American Civil Liberties Union Fund  
of Michigan**represented by **Michael J. Steinberg**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
03/20/2013	<u>1</u>	COMPLAINT filed by All Plaintiffs against All Defendants. <a href="#">Plaintiff requests summons issued.</a> Receipt No: 0645-4001347 – Fee: &#036 350. <a href="#">County of 1st Plaintiff: Lenawee – County Where Action Arose: Lenawee – County of 1st Defendant: USA. [Previously dismissed case: No] [Possible companion case(s): None]</a> (Mersino, Erin) (Entered: 03/20/2013)
03/20/2013	<u>2</u>	SUMMONS Issued for the United States Attorney and the Office of the Attorney General. (TMcg) (Entered: 03/20/2013)

03/20/2013	<u>3</u>	SUMMONS Issued for *Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of Treasury* (TMcg) (Entered: 03/20/2013)
03/20/2013	<u>4</u>	SUMMONS Issued for *Seth D. Harris* (TMcg) (Entered: 03/20/2013)
03/20/2013	<u>5</u>	SUMMONS Issued for *Jack Lew* (TMcg) (Entered: 03/20/2013)
03/20/2013	<u>6</u>	SUMMONS RE-Issued for *Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of Treasury* (TMcg) (Entered: 03/20/2013)
03/21/2013	<u>7</u>	STATEMENT of DISCLOSURE of CORPORATE AFFILIATIONS and FINANCIAL INTEREST by All Plaintiffs (Mersino, Erin) (Entered: 03/21/2013)
03/22/2013	<u>8</u>	CERTIFICATE OF SERVICE by All Plaintiffs <i>for Proof of Service of Summonses and Complaints</i> (Mersino, Erin) (Entered: 03/22/2013)
03/22/2013	<u>9</u>	MOTION for Leave to File Excess Pages <i>for Emergency Temporary Restraining Order</i> by All Plaintiffs. (Mersino, Erin) (Entered: 03/22/2013)
03/22/2013	<u>10</u>	Emergency MOTION for Temporary Restraining Order by All Plaintiffs. (Attachments: # <u>1</u> Index of Exhibits Index of Exhibits, # <u>2</u> Exhibit Exhibit 1, # <u>3</u> Exhibit Exhibit 2, # <u>4</u> Exhibit Exhibit 3, # <u>5</u> Exhibit Exhibit 4, # <u>6</u> Exhibit Exhibit 5, # <u>7</u> Exhibit Exhibit 6, # <u>8</u> Exhibit Exhibit 7, # <u>9</u> Exhibit Exhibit 8) (Mersino, Erin) (Entered: 03/22/2013)
03/22/2013	<u>11</u>	NOTICE of Appearance by Bradley P. Humphreys on behalf of Seth D. Harris, Jack Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of Treasury. (Humphreys, Bradley) (Entered: 03/22/2013)
03/22/2013	<u>12</u>	ORDER Denying Emergency MOTION for Temporary Restraining Order <u>10</u> and Notice of Setting Hearing Date on Motion for Preliminary Injunction : ( <b>Responses due by 4/19/2013, Replies due by 5/1/2013, Motion Hearing set for 5/10/2013 02:00 PM before District Judge Denise Page Hood</b> ) Signed by District Judge Denise Page Hood. (LSau) (Entered: 03/22/2013)
03/22/2013		TEXT-ONLY ORDER GRANTING <u>9</u> MOTION for Leave to File Excess Pages <i>for Emergency Temporary Restraining Order</i> filed by Eden Foods, Inc., Michael Potter. Signed by District Judge Denise Page Hood. (LSau) (Entered: 03/22/2013)
04/19/2013	<u>13</u>	MOTION for Leave to File <i>Amicus Curiae Brief</i> by American Civil Liberties Union, American Civil Liberties Union Fund of Michigan. (Attachments: # <u>1</u> Document Continuation) (Steinberg, Michael) (Entered: 04/19/2013)
04/19/2013	<u>14</u>	NOTICE of Appearance by Michael J. Steinberg on behalf of American Civil Liberties Union Fund of Michigan. (Steinberg, Michael) (Entered: 04/19/2013)
04/19/2013	<u>15</u>	RESPONSE to <u>10</u> Emergency MOTION for Temporary Restraining Order filed by All Defendants. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit Autocam Corp. v. Sebelius (6th Cir.), # <u>3</u> Exhibit Autocam Corp. v. Sebelius (6th Cir.), denying mot. for recon., # <u>4</u> Exhibit Autocam Corp v. Sebelius (W.D. Mich.), # <u>5</u> Exhibit Hobby Lobby v. Sebelius (Sotomayor, J., in chambers), # <u>6</u> Exhibit Hobby Lobby v. Sebelius (10th Cir.), # <u>7</u> Exhibit Conestoga Wood Specialities v. Sebelius (3d Cir.), # <u>8</u> Exhibit Conestoga Wood Specialities v. Sebelius (E.D. Pa.), # <u>9</u> Exhibit Annex Med., Inc. v. Sebelius (D. Minn.), # <u>10</u> Exhibit Annex Med., Inc. v. Sebelius (D. Minn.), denying mot. for stay pending appeal, # <u>11</u> Exhibit Grote Indus., Inc. v. Sebelius (S.D. Ind.), # <u>12</u> Exhibit Grote Indus, Inc. v. Sebelius (S.D. Ind.), denying mot. for recon., # <u>13</u> Exhibit Korte v. Sebelius (7th Cir.), # <u>14</u> Exhibit Korte v. Sebelius (S.D. Ill.), # <u>15</u> Exhibit O'Brien v. HHS (E.D. Mo.)) (Humphreys, Bradley) (Entered: 04/19/2013)
04/24/2013	<u>16</u>	MOTION for Leave to File Excess Pages by All Plaintiffs. (Mersino, Erin) (Entered: 04/24/2013)
05/01/2013	<u>17</u>	APPLICATION <i>Supplemental Application to File a Reply Brief in Excess Page Length</i> by All Plaintiffs. (Mersino, Erin) (Entered: 05/01/2013)

05/01/2013	<u>18</u>	REPLY to Response re <u>10</u> Emergency MOTION for Temporary Restraining Order , <u>16</u> MOTION for Leave to File Excess Pages filed by All Plaintiffs. (Mersino, Erin) (Entered: 05/01/2013)
05/01/2013	<u>19</u>	ORDER Granting Plaintiffs' Ex Parte Application to File A Reply Brief in Excess of Five Pages <u>16</u> . Signed by District Judge Denise Page Hood. (LSau) (Entered: 05/01/2013)
05/10/2013		Minute Entry – Motion Hearing held on 5/10/2013 re <u>13</u> MOTION for Leave to File <i>Amicus Curiae Brief – GRANTED; 10 Emergency MOTION for Temporary Restraining Order/Preliminary Injunction – TAKEN UNDER ADVISEMENT before District Judge Denise Page Hood. (Court Reporter Cheryl Warren Daniel) (LSau) (Entered: 05/13/2013)</i>
05/20/2013	<u>20</u>	MOTION for Leave to File Excess Pages <i>in Support of Defendants' Motion to Dismiss</i> by All Defendants. (Humphreys, Bradley) (Entered: 05/20/2013)
05/20/2013	<u>21</u>	MOTION to Dismiss <i>Plaintiffs' Complaint</i> by All Defendants. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit Autocam Corp. v. Sebelius (6th Cir.), # <u>3</u> Exhibit Autocam Corp. v. Sebelius (6th Cir – Denying Reconsideration), # <u>4</u> Exhibit Autocam Corp. v. Sebelius (W.D. Mich.), # <u>5</u> Exhibit Hobby Lobby Stores, Inc. v. Sebelius (Sotomayor, J., in chambers), # <u>6</u> Exhibit Hobby Lobby Stores, Inc. v. Sebelius (10th Cir.), # <u>7</u> Exhibit Conestoga Wood Specialities, Corp. v. Sebelius (3d Cir.), # <u>8</u> Exhibit Conestoga Wood Specialities, Corp. v. Sebelius (E.D. Pa.), # <u>9</u> Exhibit Annex Medical, Inc. v. Sebelius (D. Minn.), # <u>10</u> Exhibit Annex Medical, Inc. v. Sebelius (D. Minn. – Denying Injunction Pending Appeal), # <u>11</u> Exhibit Grote Indus., Inc. v. Sebelius (S.D. Ind.), # <u>12</u> Exhibit Grote Indus., Inc. v. Sebelius (S.D. Ind. – Denying Mot. for Recon.), # <u>13</u> Exhibit Korte v. Sebelius (7th Cir), # <u>14</u> Exhibit Korte v. Sebelius (S.D. Ill.), # <u>15</u> Exhibit O'Brien v. Sebelius (E.D. Mo.), # <u>16</u> Exhibit Gilardi v. Sebelius (D.D.C.)) (Humphreys, Bradley) (Entered: 05/20/2013)
05/21/2013	<u>22</u>	ORDER Denying Motion for Preliminary Injunction <u>10</u> . Signed by District Judge Denise Page Hood. (LSau) (Entered: 05/21/2013)
05/21/2013	<u>23</u>	NOTICE OF APPEAL by All Plaintiffs re <u>22</u> Order on Motion for Leave to File. Receipt No: 0645-4107250 – Fee: \$ 455 – Fee Status: Fee Paid. (Mersino, Erin) (Entered: 05/21/2013)
05/22/2013	<u>24</u>	Certificate of Service re <u>23</u> Notice of Appeal. (KKra) (Entered: 05/22/2013)
05/31/2013	<u>25</u>	Joint MOTION to Stay <i>Proceedings</i> by Eden Foods, Inc., Seth D. Harris, Jack Lew, Michael Potter, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of Treasury. (Humphreys, Bradley) (Entered: 05/31/2013)
06/05/2013		TEXT-ONLY ORDER Granting <u>20</u> MOTION for Leave to File Excess Pages. Signed by District Judge Denise Page Hood. (LSau) (Entered: 06/05/2013)
06/05/2013	<u>26</u>	NOTICE OF HEARING on <u>21</u> MOTION to Dismiss <i>Plaintiffs' Complaint</i> . <b>Motion Hearing set for 7/24/2013 02:30 PM before District Judge Denise Page Hood</b> (LSau) (Entered: 06/05/2013)
06/10/2013	<u>27</u>	AMENDED COMPLAINT filed by All Plaintiffs against All Defendants. <b>NO NEW PARTIES ADDED.</b> (Mersino, Erin) (Entered: 06/10/2013)
06/10/2013	<u>28</u>	RESPONSE to <u>21</u> MOTION to Dismiss <i>Plaintiffs' Complaint Opposition to Defendants' Motion to Dismiss as Moot</i> filed by All Plaintiffs. (Mersino, Erin) (Entered: 06/10/2013)
06/12/2013		TEXT-ONLY NOTICE: MOTION Hearing on 7/24/2013 is Cancelled re <u>26</u> Notice of Hearing on Motion (Loury, R) (Entered: 06/12/2013)
06/12/2013	<u>29</u>	ORDER granting <u>25</u> Motion to Stay. Signed by District Judge Denise Page Hood. (KKra) (Entered: 06/12/2013)
10/24/2013	<u>30</u>	OPINION from U.S. Court of Appeals – Sixth Circuit re <u>23</u> Notice of Appeal filed by Eden Foods, Inc., Michael Potter [Appeal Case Number 13-1677] (KKra) (Entered: 10/24/2013)

11/05/2013	<u>31</u>	ORDER from U.S. Court of Appeals – Sixth Circuit re <u>23</u> Notice of Appeal filed by Eden Foods, Inc., Michael Potter [Appeal Case Number 13–1677] (KKra) (Entered: 11/08/2013)
11/20/2013	<u>32</u>	LETTER from the US Supreme Court that a petition for writ of certiorari was filed on November 12, 2013. [Supreme Court Case Number: 13–591] [Court of Appeals Case Number: 13–1677] (KKra) (Entered: 11/25/2013)
07/01/2014	<u>33</u>	LETTER from the US Supreme Court granting the petition for writ of certiorari [Supreme Court Case Number: 13–591] [Court of Appeals Case Number: 13–1677] (KKra) (Entered: 07/01/2014)
08/04/2014	<u>34</u>	JUDGMENT from U.S. Supreme Court re <u>23</u> Notice of Appeal filed by Eden Foods, Inc., Michael Potter [Appeal Case Number 13–1677] (KKra) Modified on 8/8/2014 (KKra). (Entered: 08/08/2014)
01/07/2015	<u>35</u>	ORDER from U.S. Court of Appeals – Sixth Circuit re <u>23</u> Notice of Appeal filed by Eden Foods, Inc., Michael Potter [Appeal Case Number 13–1677] (KCla) (Entered: 01/12/2015)
01/07/2015	<u>36</u>	MANDATE from U.S. Court of Appeals – Sixth Circuit as to <u>23</u> Notice of Appeal filed by Eden Foods, Inc., Michael Potter [Appeal Case Number 13–1677] (KCla) (Entered: 01/12/2015)
02/03/2015	<u>37</u>	Joint MOTION to Reopen Case <i>and Enter Judgment</i> by All Defendants. (Humphreys, Bradley) (Entered: 02/03/2015)
02/04/2015	<u>38</u>	NOTICE TO APPEAR: <b>Status Conference set for 4/13/2015 02:30 PM before District Judge Denise Page Hood</b> (LSau) (Entered: 02/04/2015)
02/12/2015	<u>39</u>	INJUNCTION and Judgment. Signed by District Judge Denise Page Hood. (JOwe) (Entered: 02/12/2015)
02/13/2015		TEXT–ONLY NOTICE: Status Conference Hearing on April 13, 2015 is Cancelled re <u>38</u> Notice to Appear (LSau) (Entered: 02/13/2015)
03/13/2015	<u>40</u>	NOTICE by All Plaintiffs <i>Joint Status Report</i> (Mersino, Erin) (Entered: 03/13/2015)
03/27/2015	<u>41</u>	NOTICE of Appearance by Ben Berwick on behalf of All Defendants. (Berwick, Ben) (Entered: 03/27/2015)
05/12/2015	<u>42</u>	NOTICE by All Plaintiffs <i>Joint Status Report</i> (Mersino, Erin) (Entered: 05/12/2015)
07/10/2015	<u>43</u>	NOTICE by All Plaintiffs <i>Joint Status Report</i> (Mersino, Erin) (Entered: 07/10/2015)