

**U.S. District Court  
Eastern District of Michigan (Detroit)  
CIVIL DOCKET FOR CASE #: 2:13-cv-11296-PDB-RSW**

Mersino Management Company et al v. Sebelius et al  
Assigned to: District Judge Paul D. Borman  
Referred to: Magistrate Judge R. Steven Whalen  
Case in other court: U.S. Court of Appeals - Sixth Circuit, 13-01944  
Cause: 42:1983 Civil Rights Act

Date Filed: 03/22/2013  
Date Terminated: 02/04/2015  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Mersino Management Company**

represented by **Erin E. Mersino**  
Great Lakes Justice Center  
5600 W. Mount Hope Highway  
Lansing, MI 48917  
517-322-3207  
Fax: 517-322-3206  
Email: erin@greatlakesjc.org  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Rodney A. Mersino**

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

**Plaintiff**

**Karen A. Mersino**

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  
*ATTORNEY TO BE NOTICED*

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

**Amicus**

**American Civil Liberties Union of  
Michigan**

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  
**ATTORNEY TO BE NOTICED**

**Amicus**

**American Civil Liberties Union**

represented by **Daniel Mach**  
 American Civil Liberties Union  
 915 15th St., NW  
 Washington, DC 20005  
 202-675-2330  
 Email: dmach@aclu.org  
**ATTORNEY TO BE NOTICED**

**Jennifer Lee**  
 American Civil Liberties Union Foundation  
 125 Broad Street, 18th Floor  
 New York, NY 10004  
 212-549-2601  
 Fax: 212-549-2651  
 Email: jlee@aclu.org  
**ATTORNEY TO BE NOTICED**

**Michael J. Steinberg**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
03/22/2013	<a href="#">1</a>	COMPLAINT filed by All Plaintiffs against All Defendants. <a href="#">Plaintiff requests summons issued.</a> Receipt No: 0645-4007767 - Fee: \$ 350. <a href="#">County of 1st Plaintiff: Genesee - County Where Action Arose: Genesee - County of 1st Defendant: USA.</a> [ <a href="#">Previously dismissed case: No</a> ] [ <a href="#">Possible companion case(s): None</a> ] (Attachments: # <a href="#">1</a> Index of Exhibits Index of Exhibits, # <a href="#">2</a> Exhibit Exhibit 1) (Mersino, Erin) (Entered: 03/22/2013)
03/25/2013	<a href="#">2</a>	STATEMENT of DISCLOSURE of CORPORATE AFFILIATIONS and FINANCIAL INTEREST by All Plaintiffs (Mersino, Erin) (Entered: 03/25/2013)
03/26/2013	<a href="#">3</a>	SUMMONS Issued for the United States Attorney and the Office of the Attorney General. (TMcg) (Entered: 03/26/2013)
03/26/2013	<a href="#">4</a>	SUMMONS Issued for * All Defendants * (TMcg) (Entered: 03/26/2013)
04/08/2013	<a href="#">5</a>	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: 04/08/2013)
05/01/2013	<a href="#">6</a>	CERTIFICATE OF SERVICE by All Plaintiffs <i>for Proof of Service for Summons and Complaint</i> (Mersino, Erin) (Entered: 05/01/2013)
05/07/2013	<a href="#">7</a>	MOTION for Leave to File Excess Pages by All Plaintiffs. (Mersino, Erin) (Entered: 05/07/2013)

05/07/2013	<a href="#">8</a>	MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> by All Plaintiffs. (Attachments: # <a href="#">1</a> Index of Exhibits Index of Exhibits, # <a href="#">2</a> Exhibit Exhibit 1, # <a href="#">3</a> Exhibit Exhibit 2, # <a href="#">4</a> Exhibit Exhibit 3, # <a href="#">5</a> Exhibit Exhibit 4) (Mersino, Erin) (Main Document 8 replaced on 5/9/2013) (KKra). Modified on 5/9/2013 (KKra). [ATTACHED BRIEF HAS BEEN STRICKEN PER COURT ORDER DATED 5/8/13] (Entered: 05/07/2013)
05/08/2013	<a href="#">9</a>	ORDER Denying <a href="#">7</a> Motion for Leave to File Excess Pages, Striking Plaintiffs' Brief, and Requiring Plaintiffs to Submit a Conforming Twenty-Page Brief. Signed by District Judge Paul D. Borman. (KKra) (Entered: 05/09/2013)
05/09/2013	<a href="#">10</a>	MOTION for Temporary Restraining Order by All Plaintiffs. (Attachments: # <a href="#">1</a> Index of Exhibits Index of Exhibits, # <a href="#">2</a> Exhibit Ex. 1, # <a href="#">3</a> Exhibit Ex. 2, # <a href="#">4</a> Exhibit Ex. 3, # <a href="#">5</a> Exhibit Ex. 4) (Mersino, Erin) (Entered: 05/09/2013)
05/14/2013		Minute Entry - Telephonic Status Conference held on 5/14/2013 before District Judge Paul D. Borman. (Court Reporter Leann Lizza) (DTof) (Entered: 05/14/2013)
05/14/2013	<a href="#">11</a>	NOTICE OF HEARING on <a href="#">10</a> MOTION for Temporary Restraining Order . <b>Responses due by 5/23/2013 Replies due by 5/24/2013 Motion Hearing set for 5/29/2013 03:30 PM before District Judge Paul D. Borman</b> (DTof) (Entered: 05/14/2013)
05/17/2013	<a href="#">12</a>	MOTION for Extension of Time to File Answer <i>or motion in response to plaintiffs' Complaint</i> by All Defendants. (Humphreys, Bradley) (Entered: 05/17/2013)
05/17/2013	<a href="#">13</a>	NOTICE by All Parties re <a href="#">10</a> MOTION for Temporary Restraining Order <i>That the Parties Consider Oral Argument To Be Unnecessary</i> (Humphreys, Bradley) (Entered: 05/17/2013)
05/20/2013	<a href="#">14</a>	ORDER granting <a href="#">12</a> Motion for Extension of Time to Answer filed by All Defendants - see order for deadline. Signed by District Judge Paul D. Borman. (DTof) (Entered: 05/20/2013)
05/21/2013		Set Deadlines/Hearings: <b>TELEPHONIC Status Conference set for 5/21/2013 01:30 PM before District Judge Paul D. Borman.</b> *Plaintiff initiates* (DTof) (Entered: 05/21/2013)
05/21/2013		Minute Entry - Telephonic Status Conference held on 5/21/2013 before District Judge Paul D. Borman. (Court Reporter Leann Lizza) (DTof) (Entered: 05/29/2013)
05/23/2013	<a href="#">15</a>	ORDER Confirming Telephone Conference Order of May 21, 2013. Signed by District Judge Paul D. Borman. (DTof) (Entered: 05/23/2013)
05/23/2013	<a href="#">16</a>	RESPONSE to <a href="#">10</a> MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> filed by All Defendants. (Attachments: # <a href="#">1</a> Index of Exhibits, # <a href="#">2</a> Exhibit Autocam Corp. v. Sebelius (6th Cir.), # <a href="#">3</a> Exhibit Autocam Corp. v. Sebelius (6th Cir. - Denying Motion for Reconsideration), # <a href="#">4</a> Exhibit Autocam Corp. v. Sebelius (W.D. Mich.), # <a href="#">5</a> Exhibit Hobby Lobby v. Sebelius (10th Cir.), # <a href="#">6</a> Exhibit Conestoga Wood Specialities Corp. v. Sebelius (3d Cir.), # <a href="#">7</a> Exhibit Conestoga Wood Specialities Corp. v. Sebelius (E.D. Pa.), # <a href="#">8</a> Exhibit Eden Foods v. Sebelius (E.D. Mich.), # <a href="#">9</a> Exhibit Annex Med., Inc. v. Sebelius (D. Minn.), # <a href="#">10</a> Exhibit Annex Med., Inc. v. Sebelius (D. Minn. - Denying Motion for an Injunction Pending Appeal), # <a href="#">11</a> Exhibit Grote Indus., Inc. v. Sebelius (S.D. Ind.), # <a href="#">12</a> Exhibit Grote Indus., Inc. v. Sebelius (S.D. Ind. - Denying Motion for Reconsideration), # <a href="#">13</a> Exhibit Korte v. U.S. Dep't of Health and Human Servs (S.D. Ill.), # <a href="#">14</a> Exhibit Gilardi v. Sebelius (D.D.C.)) (Humphreys, Bradley) (Entered: 05/23/2013)
05/23/2013	<a href="#">17</a>	MOTION for Leave to File <i>Amicus Curiae Brief</i> by American Civil Liberties Union of Michigan, American Civil Liberties Union. (Attachments: # <a href="#">1</a> Exhibit A, Amicus Curiae Brief) (Steinberg, Michael) (Entered: 05/23/2013)
05/23/2013	<a href="#">18</a>	NOTICE of Appearance by Michael J. Steinberg on behalf of American Civil Liberties Union of Michigan. (Steinberg, Michael) (Entered: 05/23/2013)

05/24/2013	<a href="#">19</a>	REPLY to Response re <a href="#">10</a> MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> filed by All Plaintiffs. (Mersino, Erin) (Entered: 05/24/2013)
05/24/2013	<a href="#">20</a>	EXHIBIT <i>Supplementary Exhibits in Support of Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction</i> re <a href="#">15</a> Order by All Plaintiffs (Attachments: # <a href="#">1</a> Index of Exhibits Index of Exhibits, # <a href="#">2</a> Exhibit Exhibit 1, # <a href="#">3</a> Exhibit Exhibit 2, # <a href="#">4</a> Exhibit Exhibit 3) (Mersino, Erin) (Entered: 05/24/2013)
05/29/2013		Minute Entry - Motion Hearing held on 5/29/2013 re <a href="#">10</a> MOTION for Temporary Restraining Order filed by Rodney A. Mersino, Karen A. Mersino, Mersino Management Company before District Judge Paul D. Borman. Disposition: Taken under advisement(Court Reporter Leann Lizza) (DTof) (Entered: 05/29/2013)
05/29/2013		TEXT-ONLY ORDER GRANTING <a href="#">17</a> MOTION for Leave to File <i>Amicus Curiae Brief</i> filed by American Civil Liberties Union, American Civil Liberties Union of Michigan AND DEEMING BRIEF AS FILED. Signed by District Judge Paul D. Borman. (DTof) (Entered: 05/29/2013)
05/30/2013	<a href="#">21</a>	RESPONSE to <a href="#">17</a> MOTION for Leave to File <i>Amicus Curiae Brief</i> filed by All Plaintiffs. (Attachments: # <a href="#">1</a> Index of Exhibits Index of Exhibits, # <a href="#">2</a> Exhibit Exhibit A) (Mersino, Erin) [DOCKET ERROR-WRONG IMAGE UPLOADED WILL REFILE] Modified on 5/30/2013 (TMcg). (Entered: 05/30/2013)
05/30/2013	<a href="#">22</a>	NOTICE of Appearance by Daniel Mach on behalf of American Civil Liberties Union, American Civil Liberties Union of Michigan. (Mach, Daniel) (Entered: 05/30/2013)
05/30/2013	<a href="#">23</a>	EXHIBIT <i>Supplementary Exhibit</i> re <a href="#">10</a> MOTION for Temporary Restraining Order by All Plaintiffs (Attachments: # <a href="#">1</a> Index of Exhibits Index of Exhibits, # <a href="#">2</a> Exhibit Exhibit 1) (Mersino, Erin) (Entered: 05/30/2013)
05/30/2013	<a href="#">24</a>	RESPONSE to <a href="#">17</a> MOTION for Leave to File <i>Amicus Curiae Brief</i> filed by All Plaintiffs. (Attachments: # <a href="#">1</a> Index of Exhibits Index of Exhibits, # <a href="#">2</a> Exhibit Exhibit A) (Mersino, Erin) (Entered: 05/30/2013)
06/04/2013	<a href="#">25</a>	ORDER Requiring Plaintiffs to Comply with Court's May 29, 2013 Order. Signed by District Judge Paul D. Borman. (DTof) (Entered: 06/04/2013)
06/05/2013	<a href="#">26</a>	EXHIBIT re <a href="#">25</a> Order by All Plaintiffs (Attachments: # <a href="#">1</a> Index of Exhibits Index of Exhibits, # <a href="#">2</a> Exhibit Exhibit 1) (Mersino, Erin) (Entered: 06/05/2013)
06/07/2013	<a href="#">27</a>	NOTICE of Appearance by Jennifer Lee on behalf of American Civil Liberties Union, American Civil Liberties Union of Michigan. (Lee, Jennifer) (Entered: 06/07/2013)
07/01/2013	<a href="#">28</a>	NOTICE by All Plaintiffs <i>Notice of Supplemental Authority</i> (Attachments: # <a href="#">1</a> Index of Exhibits Index of Exhibits, # <a href="#">2</a> Exhibit Exhibit 1, # <a href="#">3</a> Exhibit Exhibit 2, # <a href="#">4</a> Exhibit Exhibit 3) (Mersino, Erin) (Entered: 07/01/2013)
07/11/2013	<a href="#">29</a>	OPINION AND ORDER denying <a href="#">10</a> Motion for TRO and Preliminary Injunction. Signed by District Judge Paul D. Borman. (DTof) (Entered: 07/11/2013)
07/11/2013	<a href="#">30</a>	NOTICE OF APPEAL by All Plaintiffs re <a href="#">29</a> Order on Motion for TRO. Receipt No: 0645-4187291 - Fee: \$ 455 - Fee Status: Fee Paid. (Mersino, Erin) (Entered: 07/11/2013)
07/12/2013	<a href="#">31</a>	Certificate of Service re <a href="#">30</a> Notice of Appeal. (DWor) (Entered: 07/12/2013)
07/17/2013	<a href="#">32</a>	Joint MOTION to Stay <i>District Court Proceedings Pending Appeal</i> by Seth D. Harris, Jack Lew, Karen A. Mersino, Rodney A. Mersino, Mersino Management Company, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of Treasury. (Humphreys, Bradley) (Entered: 07/17/2013)

07/31/2013	<a href="#">33</a>	ORDER granting <a href="#">32</a> Motion to Stay. Signed by District Judge Paul D. Borman. (DTof) (Entered: 07/31/2013)
09/24/2013	<a href="#">34</a>	TRANSCRIPT of Telephone Conference held on 05/21/2013. (Court Reporter: Leann S. Lizza) (Number of Pages: 15) The parties have 21 days to file with the court and Court Reporter a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 10/15/2013. Redacted Transcript Deadline set for 10/25/2013. Release of Transcript Restriction set for 12/23/2013. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Lizza, L.) (Entered: 09/24/2013)
07/09/2014	<a href="#">35</a>	ORDER from U.S. Court of Appeals - Sixth Circuit re <a href="#">30</a> Notice of Appeal filed by Rodney A. Mersino, Karen A. Mersino, Mersino Management Company [Appeal Case Number 13-1944] (KKra) (Entered: 07/18/2014)
01/28/2015	<a href="#">38</a>	ORDER from U.S. Court of Appeals - Sixth Circuit re <a href="#">30</a> Notice of Appeal filed by Rodney A. Mersino, Karen A. Mersino, Mersino Management Company [Appeal Case Number 13-1944] (KCla) (Entered: 02/12/2015)
02/03/2015	<a href="#">36</a>	Joint MOTION to Reopen Case <i>and Enter Judgment</i> by All Defendants. (Humphreys, Bradley) (Entered: 02/03/2015)
02/04/2015	<a href="#">37</a>	INJUNCTION AND JUDGMENT - Signed by District Judge Paul D. Borman. (DTof) (Entered: 02/04/2015)
03/13/2015	<a href="#">39</a>	NOTICE by All Plaintiffs <i>Joint Status Report</i> (Mersino, Erin) (Entered: 03/13/2015)
03/23/2015	<a href="#">42</a>	MANDATE from U.S. Court of Appeals - Sixth Circuit as to <a href="#">30</a> Notice of Appeal filed by Rodney A. Mersino, Karen A. Mersino, Mersino Management Company [Appeal Case Number 13-1944] (KCla) (Entered: 04/01/2015)
03/27/2015	<a href="#">40</a>	NOTICE of Appearance by Ben Berwick on behalf of All Defendants. (Berwick, Ben) (Entered: 03/27/2015)
03/31/2015	<a href="#">41</a>	STIPULATED ORDER re <a href="#">39</a> Notice (Other) filed by Rodney A. Mersino, Karen A. Mersino, Mersino Management Company. Signed by District Judge Paul D. Borman. (DTof) (Entered: 03/31/2015)
05/12/2015	<a href="#">43</a>	NOTICE by All Plaintiffs <i>Joint Status Report</i> (Mersino, Erin) (Entered: 05/12/2015)
05/12/2015	<a href="#">44</a>	NOTICE by All Plaintiffs <i>Joint Status Report</i> (Mersino, Erin) (Entered: 05/12/2015)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
11/04/2017 19:30:51			
<b>PACER Login:</b>	hs0328:2563377:0	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:13-cv-11296-PDB-RSW
<b>Billable Pages:</b>	6	<b>Cost:</b>	0.60