

**U.S. District Court  
U.S. District of Minnesota (DMN)  
CIVIL DOCKET FOR CASE #: 0:13-cv-01375-ADM-LIB**

SMA, LLC et al v. Sebelius et al  
Assigned to: Judge Ann D. Montgomery  
Referred to: Magistrate Judge Leo I. Brisbois  
Cause: 28:1983 Civil Rights

Date Filed: 06/06/2013  
Date Terminated: 11/20/2014  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**SMA, LLC**

represented by **Erick G Kaardal**  
Mohrman, Kaardal & Erickson, P.A.  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**James V. F. Dickey**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Michael Brey**

represented by **Erick G Kaardal**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**James V. F. Dickey**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Stanley Brey**

represented by **Erick G Kaardal**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**James V. F. Dickey**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Kathleen Sebelius**  
*in her official capacity as Secretary of the*

represented by **Ann M Bildtsen**  
United States Attorney's Office

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

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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Bradley Philip Humphreys**  
United States Department of Justice  
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**LEAD ATTORNEY**  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Defendant**

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

represented by **Ann M Bildtsen**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Bradley Philip Humphreys**  
(See above for address)  
**LEAD ATTORNEY**  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Seth D. Harris**  
*in his official capacity as Acting  
Secretary of the United States  
Department of Labor and his successor*

represented by **Ann M Bildtsen**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Bradley Philip Humphreys**  
(See above for address)  
**LEAD ATTORNEY**  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**United States Department of Labor**

represented by **Ann M Bildtsen**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Bradley Philip Humphreys**  
(See above for address)  
**LEAD ATTORNEY**  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Jacob Lew**  
*in his official capacity as U.S. Secretary  
of the Treasury and his successor*

represented by **Ann M Bildtsen**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Bradley Philip Humphreys**  
(See above for address)

LEAD ATTORNEY  
PRO HAC VICE  
ATTORNEY TO BE NOTICED

**Defendant**

**United States Department of the Treasury**

represented by **Ann M Bildtsen**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Bradley Philip Humphreys**  
(See above for address)  
LEAD ATTORNEY  
PRO HAC VICE  
ATTORNEY TO BE NOTICED

**Defendant**

**Internal Revenue Service**

represented by **Ann M Bildtsen**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Bradley Philip Humphreys**  
(See above for address)  
LEAD ATTORNEY  
PRO HAC VICE  
ATTORNEY TO BE NOTICED

**Defendant**

**Daniel I. Werfel**  
*in this official capacity as Acting  
Commissioner of Internal Revenue and  
his successor*

represented by **Ann M Bildtsen**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Bradley Philip Humphreys**  
(See above for address)  
LEAD ATTORNEY  
PRO HAC VICE  
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/07/2013	<u>1</u>	COMPLAINT <i>Verified Complaint for Declaratory and Injunctive Relief – Jury Trial Demanded</i> against Kathleen Sebelius, United States Department of Health and Human Services, Seth D. Harris, United States Department of Labor, Jacob Lew, United States Department of the Treasury, Daniel I. Werfel, Internal Revenue Service. ( Filing fee \$ 400 receipt number 0864–3583412.) Filed by SMA, LLC, Stanley Brey, Michael Brey. <b>Filer requests summons issued.</b> (Attachments: # <u>1</u> Civil Cover Sheet). (Kaardal, Erick) Modified text on 6/7/2013 (lmb). (Entered: 06/07/2013)
06/07/2013	2	TEXT ONLY ENTRY: CLERK'S NOTICE OF INITIAL CASE ASSIGNMENT. Case assigned to Judge Ann D. Montgomery per 5th–Civil Rights All List referred to Magistrate Judge Leo I. Brisbois. Please use case number 13–cv–01375 (ADM/LIB). (lmb) (Entered: 06/07/2013)
06/07/2013	<u>3</u>	Summons Issued as to Seth D. Harris, Internal Revenue Service, Jacob Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, Daniel I. Werfel. (lmb) (Entered: 06/07/2013)
06/13/2013	<u>4</u>	AMENDED COMPLAINT ( <i>FIRST</i> ) for <i>Declaratory and Injunctive Relief</i> against All Defendants. Filed by Stanley Brey, Michael Brey, SMA, LLC. <b>No summons requested.</b> (Kaardal, Erick) (Entered: 06/13/2013)

06/17/2013	<u>5</u>	SUMMONS Returned Executed by Stanley Brey, Michael Brey, SMA, LLC. Seth D. Harris served on 6/7/2013, answer due 6/28/2013; Internal Revenue Service served on 6/7/2013, answer due 6/28/2013; Jacob Lew served on 6/7/2013, answer due 6/28/2013; Kathleen Sebelius served on 6/7/2013, answer due 6/28/2013; United States Department of Health and Human Services served on 6/7/2013, answer due 6/28/2013; United States Department of Labor served on 6/7/2013, answer due 6/28/2013; United States Department of the Treasury served on 6/7/2013, answer due 6/28/2013; Daniel I. Werfel served on 6/7/2013, answer due 6/28/2013. (Kaardal, Erick) (Entered: 06/17/2013)
06/17/2013	<u>6</u>	AFFIDAVIT of Service by Michael Brey, Stanley Brey, SMA, LLC re <u>4</u> Amended Complaint (Kaardal, Erick) (Entered: 06/17/2013)
06/27/2013	<u>7</u>	NOTICE of Appearance by Ann M Bildtsen on behalf of Seth D. Harris, Internal Revenue Service, Jacob Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, Daniel I. Werfel. (Bildtsen, Ann) (Entered: 06/27/2013)
06/27/2013	<u>8</u>	MOTION for Admission Pro Hac Vice for U.S. Government Attorney Bradley Humphreys by Seth D. Harris, Internal Revenue Service, Jacob Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, Daniel I. Werfel. (Bildtsen, Ann) (Entered: 06/27/2013)
07/01/2013	<u>9</u>	TEXT ONLY ENTRY. ORDER granting <u>8</u> Motion for Admission Pro Hac Vice of U.S. Government Attorney Bradley Philip Humphreys for Seth D. Harris, Internal Revenue Service, Jacob Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury and for Daniel I. Werfel. Approved by Magistrate Judge Leo I. Brisbois on 7/1/2013. (MGV) (Entered: 07/01/2013)
07/03/2013	<u>10</u>	MOTION for Preliminary Injunction by SMA, LLC, Michael Brey, Stanley Brey. (Kaardal, Erick) Modified filers on 7/3/2013 (lmb). (Entered: 07/03/2013)
07/03/2013	<u>11</u>	NOTICE OF HEARING ON MOTION <u>10</u> MOTION for Preliminary Injunction : at date and time to be determined. (Kaardal, Erick) (Entered: 07/03/2013)
07/03/2013	<u>12</u>	MEET and CONFER STATEMENT re <u>10</u> Motion for Preliminary Injunction filed by SMA, LLC. (Kaardal, Erick) (Entered: 07/03/2013)
07/05/2013	<u>13</u>	NOTICE OF NON-OPPOSITION TO PLAINTIFF'S MOTION by Seth D. Harris, Internal Revenue Service, Jacob Lew, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury re <u>10</u> MOTION for Preliminary Injunction. (Humphreys, Bradley) Modified text on 7/5/2013 (lmb). (Entered: 07/05/2013)
07/08/2013	<u>14</u>	ORDER granting <u>10</u> Motion for Preliminary Injunction. Signed by Judge Ann D. Montgomery on 7/8/2013. (GS) (Entered: 07/08/2013)
11/14/2014	<u>15</u>	STIPULATION for Entry of Judgment and Injunction in Favor of Plaintiffs and Stipulation for Fee Motion Briefing Schedule by Michael Brey, Stanley Brey, SMA, LLC. Jointly Signed by Sylvia M. Burwell, United States Department of Health and Human Service, Seth D. Harris, United States Department of Labor, Jacob Lew, United States Department of the Treasury, Daniel I. Werfel, and Internal Revenue Service. DOCUMENTS/ATTACHMENTS FILED IN ERROR. (Attachments: # <u>1</u> Exhibit(s) 1, # <u>2</u> Exhibit(s) 2). (Kaardal, Erick) Modified text on 11/17/2014 (lmb). (Entered: 11/14/2014)
11/20/2014	<u>16</u>	ORDER FOR INJUNCTION AND JUDGMENT pursuant to <u>15</u> Stipulation filed by Michael Brey, Stanley Brey, SMA, LLC. Signed by Judge Ann D. Montgomery on 11/20/2014. (TLU) (Entered: 11/20/2014)
11/20/2014	<u>17</u>	JUDGMENT (Attachments: # <u>1</u> Civil Notice – appeal)(lmb) (Entered: 11/20/2014)
12/30/2014	<u>18</u>	STIPULATION for Extension of Time to File Plaintiffs' Motion for Attorneys' Fees and Costs by Seth D. Harris, Internal Revenue Service, Jacob Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, Daniel I. Werfel. Jointly Signed by

		SMA, LLC, Michael Brey, and Stanley Brey. (Humphreys, Bradley) (Entered: 12/30/2014)
01/05/2015	<u>19</u>	ORDER granting <u>18</u> Stipulation for extension of time to file Plaintiffs' Motion for Attorney Fees and Costs filed by United States Department of the Treasury, Jacob Lew, Kathleen Sebelius, United States Department of Health and Human Services, Seth D. Harris, United States Department of Labor, Internal Revenue Service, Daniel I. Werfel. Signed by Judge Ann D. Montgomery on 1/5/15. (JME) (Entered: 01/05/2015)