

U.S. District Court
U.S. District of Minnesota (DMN)
CIVIL DOCKET FOR CASE #: 0:13-cv-03148-JNE-FLN

Doboszenski & Sons, Inc. et al v. Sebelius et al
Assigned to: Judge Joan N. Ericksen
Referred to: Magistrate Judge Franklin L. Noel
Cause: 28:2201 Constitutionality of State Statute(s)

Date Filed: 11/14/2013
Date Terminated: 06/17/2015
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

Doboszenski & Sons, Inc.

represented by **Erick G Kaardal**
Mohrman, Kaardal & Erickson, P.A.
150 South Fifth Street
Suite 3100
Mpls, MN 55402
612-465-0927
Fax: 612-341-1076
Email: kaardal@mklaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Douglas Doboszenski

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

V.

Defendant

Kathleen Sebelius

*in her official capacity as Secretary of the
United States Department of Health and
Human Services and her successor*

represented by **Ann M Bildtsen**
United States Attorney's Office
300 S 4th St Ste 600
Minneapolis, MN 55415
612-664-5615
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LEAD ATTORNEY
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Bradley Philip Humphreys
United States Department of Justice
20 Massachusetts Avenue NW
Washington, DC 20530
202-514-3367
Email: Bradley.p.humphreys@usdoj.gov
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

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*

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

Date Filed	#	Docket Text
11/14/2013	<u>1</u>	COMPLAINT <i>Verified Complaint for Declaratory and Injunctive Relief – Jury Trial Demanded</i> against 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. (Filing fee \$400 receipt number 0864-3768144.) Filed by Douglas Doboszanski, Doboszanski & Sons, Inc. Filer requests summons issued. (Attachments: # <u>1</u> Civil Cover Sheet). (Kaardal, Erick) (Entered: 11/14/2013)
11/15/2013	2	TEXT ONLY ENTRY: CLERK'S NOTICE OF INITIAL CASE ASSIGNMENT. Case assigned to Judge Joan N. Ericksen per Civil Rights–All Others List referred to Magistrate Judge Franklin L. Noel. Please use case number 13–cv–03148 (JNE/FLN). (lmb) (Entered: 11/15/2013)
11/15/2013	<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: 11/15/2013)
11/20/2013	<u>4</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: 11/20/2013)
11/20/2013	<u>5</u>	MOTION for Admission Pro Hac Vice for U.S. Government Attorney Bradley Philip 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: 11/20/2013)
11/20/2013	6	TEXT ONLY ENTRY: ORDER granting <u>5</u> Motion for Admission 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, Daniel I. Werfel. Fee waived. Approved by Magistrate Judge Franklin L. Noel on 11/20/13. (MAP) (Entered: 11/20/2013)
11/22/2013	<u>7</u>	MOTION for Preliminary Injunction <i>and Stay</i> – Expedited Handling Requested by Douglas Doboszanski, Doboszanski & Sons, Inc.. (Kaardal, Erick) (Entered: 11/22/2013)
11/22/2013	<u>8</u>	NOTICE OF HEARING ON MOTION <u>7</u> MOTION for Preliminary Injunction <i>and Stay</i> – Expedited Handling Requested : at date and time to be determined. (Kaardal, Erick) (Entered: 11/22/2013)
11/22/2013	<u>9</u>	MEET and CONFER STATEMENT re <u>7</u> Motion for Preliminary Injunction filed by Douglas Doboszanski, Doboszanski & Sons, Inc.. (Kaardal, Erick) (Entered: 11/22/2013)
11/22/2013	<u>10</u>	CERTIFICATE OF SERVICE ON PROPOSED ORDER by Douglas Doboszanski, Doboszanski & Sons, Inc. re <u>7</u> MOTION for Preliminary Injunction <i>and Stay</i> – Expedited Handling Requested (Kaardal, Erick) (Entered: 11/22/2013)

11/25/2013	<u>11</u>	SUMMONS Returned Executed by Douglas Doboszinski, Doboszinski & Sons, Inc.. Seth D. Harris served on 11/15/2013, answer due 1/14/2014; Internal Revenue Service served on 11/15/2013, answer due 1/14/2014; Jacob Lew served on 11/15/2013, answer due 1/14/2014; Kathleen Sebelius served on 11/15/2013, answer due 1/14/2014; United States Department of Health and Human Services served on 11/15/2013, answer due 1/14/2014; United States Department of Labor served on 11/15/2013, answer due 1/14/2014; United States Department of the Treasury served on 11/15/2013, answer due 1/14/2014; Daniel I. Werfel served on 11/15/2013, answer due 1/14/2014. (Kaardal, Erick) (Entered: 11/25/2013)
11/25/2013	<u>12</u>	NOTICE OF NON-OPPOSITION TO PLAINTIFFS' <u>7</u> MOTION FOR PRELIMINARY INJUNCTION AND STAY OF PROCEEDINGS 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 – Expedited Handling Requested. (Humphreys, Bradley) Modified text on 11/26/2013 (lmb). (Entered: 11/25/2013)
11/27/2013	<u>13</u>	ORDER granting <u>7</u> Motion for Preliminary Injunction. All proceedings in this case are STAYED pending resolution of the appeal in either O'Brien or Annex Medical, or until the Supreme Court issues a ruling in a substantial similar case, whichever occurs first. Signed by Judge Joan N. Ericksen on November 27, 2013. (Attachments: # <u>1</u> Exhibits) (CBC) (Entered: 11/27/2013)
11/14/2014	<u>14</u>	STIPULATION <i>for Entry of Judgment and Injunction in Favor of Plaintiffs and Stipulation for Fee Motion Briefing Schedule</i> by Douglas Doboszinski, Doboszinski & Sons, Inc.. 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. (Attachments: # <u>1</u> Exhibit(s) 1, # <u>2</u> Exhibit(s) 2)(Kaardal, Erick) (Entered: 11/14/2014)
11/18/2014	<u>15</u>	ORDER re <u>14</u> Stipulation for Entry of Judgment and Injunction in Favor of Plaintiffs and Stipulation for Fee Motion Briefing Schedule filed jointly by the parties. Signed by Judge Joan N. Ericksen on November 18, 2014. (CBC) (Entered: 11/18/2014)
11/18/2014	<u>16</u>	JUDGMENT (Attachments: # <u>1</u> Civil Notice – appeal)(MMP) (Entered: 11/18/2014)
12/30/2014	<u>17</u>	STIPULATION <i>for Extension of Time to File Plaintiffs' Motion for Attorneys' Fees and Costs</i> 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 Doboszinski & Sons, Inc. and Douglas Doboszinski. (Humphreys, Bradley) (Entered: 12/30/2014)
12/31/2014	<u>18</u>	ORDER re <u>17</u> Stipulation, 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 Joan N. Ericksen on December 31, 2014. (CBC) (Entered: 12/31/2014)