

STAYED,CLOSED

**U.S. District Court  
Eastern District of Missouri (St. Louis)  
CIVIL DOCKET FOR CASE #: 4:13-cv-00462-AGF**

Bick Holdings Inc. et al v. United States Department of Health  
& Human Services et al  
Assigned to: District Judge Audrey G. Fleissig  
Cause: 42:1983 Civil Rights Act

Date Filed: 03/13/2013  
Date Terminated: 11/18/2014  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Bick Holdings, Inc.**

represented by **Erik M. Zimmerman**  
AMERICAN CENTER FOR LAW &  
JUSTICE  
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Virginia Beach, VA 23464  
757-226-2489  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Edward L. White , III**  
AMERICAN CENTER FOR LAW AND  
JUSTICE  
5068 Plymouth Road  
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**ATTORNEY TO BE NOTICED**

**Geoffrey R. Surtees**  
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JUSTICE  
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**ATTORNEY TO BE NOTICED**

**Francis J. Manion**  
AMERICAN CENTER FOR LAW AND  
JUSTICE  
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502-549-7020  
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**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Bick Group, Inc.**

represented by **Erik M. Zimmerman**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Edward L. White , III**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Geoffrey R. Surtees**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Francis J. Manion**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Mary Frances Callahan**

represented by **Erik M. Zimmerman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Edward L. White , III**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Geoffrey R. Surtees**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Francis J. Manion**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Mary Clare Bick**

represented by **Erik M. Zimmerman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Edward L. White , III**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Geoffrey R. Surtees**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Francis J. Manion**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**James Patrick Bick, Jr.**

represented by **Erik M. Zimmerman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Edward L. White , III**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Geoffrey R. Surtees**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Francis J. Manion**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**William Joseph Bick**

represented by **Erik M. Zimmerman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Edward L. White , III**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Geoffrey R. Surtees**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Francis J. Manion**  
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*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Mary Patricia Davies**

represented by **Erik M. Zimmerman**  
(See above for address)  
*LEAD ATTORNEY*  
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**Edward L. White , III**  
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*ATTORNEY TO BE NOTICED*

**Geoffrey R. Surtees**  
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*ATTORNEY TO BE NOTICED*

**Francis J. Manion**  
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*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Joseph John Bick**

represented by **Erik M. Zimmerman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Edward L. White , III**  
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*ATTORNEY TO BE NOTICED*

**Geoffrey R. Surtees**  
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*ATTORNEY TO BE NOTICED*

**Francis J. Manion**  
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*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Francis Xavier Bick**

represented by **Erik M. Zimmerman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Edward L. White , III**  
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*ATTORNEY TO BE NOTICED*

**Geoffrey R. Surtees**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Francis J. Manion**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Mary Margaret Jonz**

represented by **Erik M. Zimmerman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Edward L. White , III**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Geoffrey R. Surtees**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Francis J. Manion**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Mary Sarah Alexander**

represented by **Erik M. Zimmerman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Edward L. White , III**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Geoffrey R. Surtees**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Francis J. Manion**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**U.S. Department of Health and Human  
Services**

represented by **Michelle R Bennett**  
U.S. DEPARTMENT OF JUSTICE –  
CIVIL DIVISION  
Federal Program Branch  
20 Massachusetts Avenue, NW  
P.O. Box 883  
Washington, DC 20530  
202-305-8902  
Fax: 202-616-8470  
Email: [michelle.bennett@usdoj.gov](mailto:michelle.bennett@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

represented by

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

**Michelle R Bennett**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**U.S. Department of the Treasury**

represented by **Michelle R Bennett**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Jacob J. Lew**  
*in his official capacity as the Secretary of  
the United States Department of the  
Treasury*

represented by **Michelle R Bennett**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**U.S. Department of Labor**

represented by **Michelle R Bennett**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

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

represented by **Michelle R Bennett**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
03/13/2013	<u>1</u>	COMPLAINT against defendant All Defendants with receipt number 0865-3721528, in the amount of \$350 Non-Jury Demand,, filed by Mary Clare Bick, Bick Holdings, Inc., William Joseph Bick, Mary Frances Callahan, Mary Margaret Jonz, Bick Group, Inc., Mary Patricia Davies, James P. Bick, Jr, Joseph John Bick, Mary Sarah Alexander, Francis Xavier Bick. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Original Filing Form, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons, # <u>7</u> Summons)(Manion, Francis) (Entered: 03/13/2013)
03/13/2013	<u>2</u>	MOTION for Leave to Appear Pro Hac Vice Francis J. Manion. The Certificate of Good Standing was attached.(Filing fee \$100 receipt number 0865-3721641) by Plaintiffs Mary Sarah Alexander, Francis Xavier Bick, James P. Bick, Jr, Joseph John Bick, Mary Clare Bick, William Joseph Bick, Bick Group, Inc., Mary Frances Callahan, Mary Patricia Davies, Bick Holdings, Inc., Mary Margaret Jonz. (Manion, Francis) (Entered: 03/13/2013)
03/13/2013	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice Geoffrey R. Surtees. The Certificate of Good Standing was attached.(Filing fee \$100 receipt number 0865-3721665) by Plaintiffs Mary Sarah Alexander, Francis Xavier Bick, James P. Bick, Jr, Joseph John Bick, Mary Clare Bick, William Joseph Bick, Bick Group, Inc., Mary Frances Callahan, Mary Patricia Davies, Bick Holdings, Inc., Mary Margaret Jonz. (Surtees, Geoffrey) (Entered: 03/13/2013)
03/13/2013	<u>4</u>	DISCLOSURE OF CORPORATION INTERESTS CERTIFICATE by Plaintiffs Mary Sarah Alexander, Francis Xavier Bick, James P. Bick, Jr, Joseph John Bick, Mary Clare Bick, William Joseph Bick, Bick Group, Inc., Mary Frances Callahan, Mary Patricia Davies, Bick Holdings, Inc., Mary Margaret Jonz.. (Manion, Francis) (Entered: 03/13/2013)
03/14/2013		Case Opening Notification, 5 Summons(es) issued @ 60 days. There are still 3 defendants listed on complaint that court has not received service for. Attorney shall file service with the court for ALL remaining defendants. Disclosure of Corporate Interest to be filed by all corporations.. Judge Assigned: U.S. District Judge Audrey G.

		Fleissig. The summonses were emailed to fmanion@aclj.org. (DLT) (Entered: 03/14/2013)
03/15/2013	5	Summons Issued, (remaining 3) as to defendant U.S. Department of Health and Human Services, U.S. Department of the Treasury, U.S. Department of Labor. These summonses were emailed to fmanion@aol.com (DLT) (Entered: 03/15/2013)
03/20/2013	<u>6</u>	MOTION for Leave to Appear Pro Hac Vice Erik M. Zimmerman. The Certificate of Good Standing was attached.(Filing fee \$100) by Plaintiffs Mary Sarah Alexander, Francis Xavier Bick, James Patrick Bick, Jr, Joseph John Bick, Mary Clare Bick, William Joseph Bick, Bick Group, Inc., Mary Frances Callahan, Mary Patricia Davies, Bick Holdings, Inc., Mary Margaret Jonz. (NCL) (Entered: 03/21/2013)
03/20/2013		Receipt 4644034574 in the amount of \$100.00 for PRO HAC VICE on behalf of ERIK M. ZIMMERMAN (CCAM) (Entered: 03/21/2013)(DLB) (Entered: 03/22/2013)
03/22/2013	7	Docket Text ORDER Re: <u>6</u> Motion for Leave to Appear Pro Hac Vice Erik M. Zimmerman by Plaintiffs Mary Sarah Alexander, et al.; ORDERED GRANTED. Signed by District Judge Audrey G. Fleissig on March 22, 2013. (SAA) (Entered: 03/22/2013)
03/25/2013	<u>8</u>	MOTION for Preliminary Injunction by Plaintiffs Mary Sarah Alexander, Francis Xavier Bick, James Patrick Bick, Jr, Joseph John Bick, Mary Clare Bick, William Joseph Bick, Bick Group, Inc., Mary Frances Callahan, Mary Patricia Davies, Bick Holdings, Inc., Mary Margaret Jonz. (Manion, Francis) (Entered: 03/25/2013)
03/25/2013	<u>9</u>	MEMORANDUM in Support of Motion re <u>8</u> MOTION for Preliminary Injunction filed by Plaintiffs Mary Sarah Alexander, Francis Xavier Bick, James Patrick Bick, Jr, Joseph John Bick, Mary Clare Bick, William Joseph Bick, Bick Group, Inc., Mary Frances Callahan, Mary Patricia Davies, Bick Holdings, Inc., Mary Margaret Jonz. (Attachments: # <u>1</u> Affidavit Declaration of James Patrick Bick, Jr., # <u>2</u> Text of Proposed Order)(Manion, Francis) (Entered: 03/25/2013)
03/26/2013	<u>10</u>	SUMMONS Returned Executed filed by Bick Holdings, Inc., Mary Frances Callahan, Bick Group, Inc., James Patrick Bick, Jr, Mary Clare Bick, William Joseph Bick, Mary Margaret Jonz, Mary Patricia Davies, Joseph John Bick, Mary Sarah Alexander, Francis Xavier Bick. defendantU.S. Department of Health and Human Services served on 3/20/2013, answer due 5/20/2013; U.S. Department of the Treasury served on 3/20/2013, answer due 5/20/2013; U.S. Department of Labor served on 3/20/2013, answer due 5/20/2013. (Attachments: # <u>1</u> Exhibit Summons and U.S.P.S. receipts)(Manion, Francis) (Entered: 03/26/2013)
03/26/2013	<u>11</u>	SUMMONS Returned Executed filed by Bick Holdings, Inc., Mary Frances Callahan, Bick Group, Inc., James Patrick Bick, Jr, Mary Clare Bick, William Joseph Bick, Mary Margaret Jonz, Mary Patricia Davies, Joseph John Bick, Mary Sarah Alexander, Francis Xavier Bick. defendantKathleen Sebelius served on 3/22/2013, answer due 5/21/2013. (Attachments: # <u>1</u> Exhibit Summons and U.S.P.S. receipts)(Manion, Francis) (Entered: 03/26/2013)
03/26/2013	<u>12</u>	SUMMONS Returned Executed filed by Bick Holdings, Inc., Mary Frances Callahan, Bick Group, Inc., James Patrick Bick, Jr, Mary Clare Bick, William Joseph Bick, Mary Margaret Jonz, Mary Patricia Davies, Joseph John Bick, Mary Sarah Alexander, Francis Xavier Bick. defendantSeth D. Harris served on 3/22/2013, answer due 5/21/2013. (Attachments: # <u>1</u> Exhibit Summons and U.S.P.S. receipts)(Manion, Francis) (Entered: 03/26/2013)
03/26/2013	13	Docket Text ORDER Re: <u>2</u> Motion for Leave to Appear Pro Hac Vice Francis J. Manion by Plaintiffs Bick Holdings, Inc., et al.; ORDERED GRANTED. Signed by District Judge Audrey G. Fleissig on March 26, 2013. (SAA) (Entered: 03/26/2013)
03/26/2013	14	Docket Text ORDER Re: <u>3</u> Motion for Leave to Appear Pro Hac Vice Geoffrey R. Surtees by Plaintiffs Bick Holdings, Inc., et al.; ORDERED GRANTED. Signed by District Judge Audrey G. Fleissig on March 26, 2013. (SAA) (Entered: 03/26/2013)
03/26/2013	<u>15</u>	MOTION for Leave to Appear Pro Hac Vice Edward L. White. The Certificate of Good Standing was attached.(Filing fee \$100 receipt number 0865-3740444) by Plaintiffs Mary Sarah Alexander, Francis Xavier Bick, James Patrick Bick, Jr, Joseph John Bick, Mary Clare Bick, William Joseph Bick, Bick Group, Inc., Mary Frances

		Callahan, Mary Patricia Davies, Bick Holdings, Inc., Mary Margaret Jonz. (Attachments: # <u>1</u> Certificate of Good Standing State Bar of Michigan dated 3/20/2013)(White, Edward) (Entered: 03/26/2013)
03/27/2013	<u>16</u>	Docket Text ORDER Re: <u>15</u> Motion for Leave to Appear Pro Hac Vice Edward L. White by Plaintiffs Bick Holdings, Inc., et al.; ORDERED GRANTED. Signed by District Judge Audrey G. Fleissig on March 27, 2013. (SAA) (Entered: 03/27/2013)
03/28/2013	<u>17</u>	RESPONSE to Motion re <u>8</u> MOTION for Preliminary Injunction ( <i>Notice of Non-Opposition</i> ) filed by Defendants Seth D. Harris, Jacob J. Lew, Kathleen Sebelius, U.S. Department of Health and Human Services, U.S. Department of the Treasury, U.S. Department of Labor. (Attachments: # <u>1</u> Text of Proposed Order)(Bennett, Michelle) (Entered: 03/28/2013)
03/28/2013	<u>18</u>	Consent MOTION to Stay by Defendants Seth D. Harris, Jacob J. Lew, Kathleen Sebelius, U.S. Department of Health and Human Services, U.S. Department of the Treasury, U.S. Department of Labor. (Attachments: # <u>1</u> Text of Proposed Order)(Bennett, Michelle) (Entered: 03/28/2013)
04/01/2013	<u>19</u>	ORDER All proceedings in this case are stayed pending resolution of the appeal in OBrien or Annex Medical, whichever occurs first, and the case shall be closed for administrative purposes only. The Parties shall advise the Court within ten days of the issuance of the mandate in either case. Granting <u>18</u> Motion to Stay Signed by District Judge Audrey G. Fleissig on 4/1/13. (JWJ) (Entered: 04/01/2013)
04/01/2013	<u>20</u>	SUMMONS Returned Executed filed by Bick Holdings, Inc., Mary Frances Callahan, Bick Group, Inc., James Patrick Bick, Jr, Mary Clare Bick, William Joseph Bick, Mary Margaret Jonz, Mary Patricia Davies, Joseph John Bick, Mary Sarah Alexander, Francis Xavier Bick. defendant Jacob J. Lew served on 3/27/2013, answer due 5/28/2013. (Attachments: # <u>1</u> Attachment Summons and U.S.P.S. receipts)(Manion, Francis) (Entered: 04/01/2013)
04/01/2013	<u>21</u>	SUMMONS Returned Executed filed by Bick Holdings, Inc., Mary Frances Callahan, Bick Group, Inc., James Patrick Bick, Jr, Mary Clare Bick, William Joseph Bick, Mary Margaret Jonz, Mary Patricia Davies, Joseph John Bick, Mary Sarah Alexander, Francis Xavier Bick. defendant All Defendants. (Attachments: # <u>1</u> Attachment Summons and U.S.P.S. receipts)(Manion, Francis) (Entered: 04/01/2013)
07/06/2013	<u>22</u>	NOTICE of Change of Address filed by Edward L. White, III (White, Edward) (Entered: 07/06/2013)
11/10/2014	<u>23</u>	Joint MOTION to Approve Consent Judgment by Defendants Seth D. Harris, Jacob J. Lew, Kathleen Sebelius, U.S. Department of Health and Human Services, U.S. Department of the Treasury, U.S. Department of Labor. (Attachments: # <u>1</u> Text of Proposed Order)(Bennett, Michelle) (Entered: 11/10/2014)
11/18/2014	<u>24</u>	CONSENT INJUNCTION AND JUDGMENT (PLEASE SEE ORDER FOR DETAILS). Signed by District Judge Audrey G. Fleissig on 11/18/14. (JWJ) (Entered: 11/18/2014)