

**U.S. District Court
Western District of Missouri (Kansas City)
CIVIL DOCKET FOR CASE #: 4:13-cv-00036-ODS**

Sioux Chief MFG. Co, Inc. et al v. Sebelius et al
Assigned to: District Judge Ortrie D. Smith
Cause: 05:551 Administrative Procedure Act

Date Filed: 01/14/2013
Date Terminated: 11/12/2014
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

Sioux Chief MFG. Co, Inc.
A Missouri Corporation

represented by **Kevin H. Theriot**
Alliance Defending Freedom
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Scottsdale, AZ 85260
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jonathan R. Whitehead
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ATTORNEY TO BE NOTICED

Plaintiff

Joseph P. Ismert

represented by **Kevin H. Theriot**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jonathan R. Whitehead
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Joseph N. Ismert

represented by **Kevin H. Theriot**
(See above for address)
LEAD ATTORNEY
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Jonathan R. Whitehead
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Dominic Ismert

represented by **Kevin H. Theriot**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jonathan R. Whitehead
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

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

represented by **Michelle Bennett**
United States Department of Justice–DC
20 Massachusetts Avenue, NW
Washington, DC 20001
(202) 305–8902
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Hilda Solis
*in her official capacity as Secretary of
the United States Department of Labor*

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

Defendant

Timothy F. Geithner
*in his official capacity as Secretary of the
United States Department of the
Treasury*

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

Defendant

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

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

Defendant

United States Department of Labor

represented by **Michelle Bennett**
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LEAD ATTORNEY
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Defendant

**United States Department of the
Treasury**

represented by **Michelle Bennett**
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Date Filed	#	Docket Text
01/14/2013	<u>1</u>	COMPLAINT against All Defendants filed by Jonathan R. Whitehead on behalf of All Plaintiffs. Filing fee \$350, receipt number 0866–3372737. Service due by 5/17/2013. (Attachments: # <u>1</u> Civil Cover Sheet)(Whitehead, Jonathan) (Entered: 01/14/2013)
01/14/2013	<u>2</u>	DISCLOSURE OF CORPORATE INTERESTS filed by Jonathan R. Whitehead on behalf of Plaintiff Sioux Chief MFG. Co, Inc..(Whitehead, Jonathan) (Entered: 01/14/2013)
01/15/2013	<u>3</u>	Notice of EAP assignment to an outside mediator sent via electronic notice to plaintiffs' counsel. (Attachments: # <u>1</u> EAP General Order)(Martin, Jan) (Entered: 01/15/2013)
01/18/2013		SUMMONS ISSUED as to Timothy F. Geithner, Kathleen Sebelius, Hilda Solis, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, US Attorney, US Attorney General. (Martin, Jan) (Entered: 01/18/2013)

02/27/2013	<u>4</u>	MOTION for preliminary injunction filed by Jonathan R. Whitehead on behalf of All Plaintiffs. Suggestions in opposition/response due by 3/18/2013 unless otherwise directed by the court. (Whitehead, Jonathan) (Entered: 02/27/2013)
02/27/2013	<u>5</u>	SUGGESTIONS in support re <u>4</u> MOTION for preliminary injunction filed by Jonathan R. Whitehead on behalf of Plaintiffs Dominic Ismert, Joseph N. Ismert, Joseph P. Ismert, Sioux Chief MFG. Co, Inc.. (Attachments: # <u>1</u> Exhibit A (Verified Complaint))(Related document(s) <u>4</u>) (Whitehead, Jonathan) (Entered: 02/27/2013)
02/27/2013	<u>6</u>	CERTIFICATE OF SERVICE by All Plaintiffs re <u>5</u> Suggestions in Support of Motion, <u>4</u> MOTION for preliminary injunction filed by Jonathan R. Whitehead on behalf of Plaintiffs Dominic Ismert, Joseph N. Ismert, Joseph P. Ismert, Sioux Chief MFG. Co, Inc.. Related document: <u>5</u> Suggestions in Support of Motion, filed by Sioux Chief MFG. Co, Inc., Joseph N. Ismert, Dominic Ismert, Joseph P. Ismert, <u>4</u> MOTION for preliminary injunction filed by Sioux Chief MFG. Co, Inc., Joseph N. Ismert, Dominic Ismert, Joseph P. Ismert.(Whitehead, Jonathan) (Entered: 02/27/2013)
02/28/2013	<u>7</u>	RESPONSE to motion re <u>4</u> MOTION for preliminary injunction filed by Michelle Bennett on behalf of Defendants Timothy F. Geithner, Kathleen Sebelius, Hilda Solis, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury. Reply suggestions due by 3/18/2013 unless otherwise directed by the court (Attachments: # <u>1</u> Proposed Order)(Bennett, Michelle) Modified on 3/1/2013 to remove proposed order (McDowell, Shelly). (Entered: 02/28/2013)
02/28/2013	<u>8</u>	Consent MOTION to stay filed by Michelle Bennett on behalf of All Defendants. Suggestions in opposition/response due by 3/18/2013 unless otherwise directed by the court. (Attachments: # <u>1</u> Proposed Order)(Bennett, Michelle) Modified on 3/1/2013 to remove proposed order (McDowell, Shelly). (Entered: 02/28/2013)
02/28/2013	<u>9</u>	ORDER entered by Judge Ortrie Smith granting <u>4</u> Motion for Preliminary Injunction and granting <u>8</u> Motion to Stay. The preliminary injunction and stay will remain in effect until this Court takes further action. Plaintiffs are directed to notify the Court once the Eighth Circuit has rendered a decision. (Kanies, Renea) (Entered: 02/28/2013)
03/01/2013		NOTICE OF DOCKET MODIFICATION. A modification has been made to the document filed on 02/28/13 as Document No. 7, RESPONSE to motion re 4 MOTION for preliminary injunction filed by Michelle Bennett on behalf of Defendants Timothy F. Geithner, Kathleen Sebelius, Hilda Solis, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury. (Attachments: # <u>1</u> Proposed Order). The proposed order attached to the motion has been deleted. Per Administrative Procedures any proposed orders are to be emailed to the Courtroom Deputy in Word or WordPerfect format. This is a text entry only – no document is attached. (McDowell, Shelly) (Entered: 03/01/2013)
03/01/2013		NOTICE OF DOCKET MODIFICATION. A modification has been made to the document filed on 02/28/13 as Document No. 8, Consent MOTION to stay filed by Michelle Bennett on behalf of All Defendants. (Attachments: # <u>1</u> Proposed Order). The proposed order attached to the motion has been deleted. Per Administrative Procedures any proposed orders are to be emailed to the Courtroom Deputy in Word or WordPerfect format. This is a text entry only – no document is attached. (McDowell, Shelly) (Entered: 03/01/2013)
07/15/2014	<u>10</u>	ORDER lifting stay and directing parties to file Joint Status Report. A Joint Status Report setting forth their agreement or their separate positions shall be filed on or before August 18, 2014. Signed on July 15, 2014, by District Judge Ortrie D. Smith. (Melvin, Greg) (Entered: 07/15/2014)
08/18/2014	<u>11</u>	STATUS REPORT (<i>Joint</i>) by Sylvia Burwell, Timothy F. Geithner, Hilda Solis, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury. (Bennett, Michelle) (Entered: 08/18/2014)
08/18/2014	<u>12</u>	ORDER (1) CONTINUING PRELIMINARY INJUNCTION; AND (2) DIRECTING PARTIES TO FILE JOINT STATUS REPORT. Signed on 8/18/14 by District Judge Ortrie D. Smith. (Matthes, Renea) (Entered: 08/18/2014)

09/17/2014	<u>13</u>	STATUS REPORT (<i>Joint</i>) by Sylvia Burwell, Timothy F. Geithner, Hilda Solis, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury. (Bennett, Michelle) (Entered: 09/17/2014)
09/19/2014	<u>14</u>	ORDER (1) CONTINUING PRELIMINARY INJUNCTION AND (2) DIRECTING PARTIES TO FILE PROPOSED INJUNCTION AND JUDGMENT. Signed on 9/19/2014 by District Judge Ortrie D. Smith. (Hucker, Anne) (Entered: 09/19/2014)
10/01/2014	<u>15</u>	RESPONSE to order re <u>14</u> Order <i>Plaintiffs' Proposed Permanent Injunction and Judgment</i> filed by Jonathan R. Whitehead on behalf of Plaintiffs Dominic Ismert, Joseph N. Ismert, Joseph P. Ismert, Sioux Chief MFG. Co, Inc.. (Attachments: # <u>1</u> Exhibit A – Proposed Judgment)(Related document(s) <u>14</u>) (Whitehead, Jonathan) (Entered: 10/01/2014)
10/01/2014	<u>16</u>	NOTICE of filing <i>Defs.' Proposed Injunction & Judgment, and Suggestions in Support Thereof</i> by Sylvia Burwell, Timothy F. Geithner, Hilda Solis, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury re <u>14</u> Order (Attachments: # <u>1</u> Defs.' Proposed Injunction & Judgment)(Bennett, Michelle) (Entered: 10/01/2014)
10/15/2014	<u>17</u>	NOTICE of filing <i>Defendants' Suggestions in Opposition to Plaintiffs' Proposed Permanent Injunction</i> by Sylvia Burwell, Timothy F. Geithner, Hilda Solis, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury (Bennett, Michelle) (Entered: 10/15/2014)
10/15/2014	<u>18</u>	NOTICE of filing <i>Suggestions in Opposition to Defendants' Proposed Injunction</i> by Dominic Ismert, Joseph N. Ismert, Joseph P. Ismert, Sioux Chief MFG. Co, Inc. re <u>16</u> Notice of filing. (Whitehead, Jonathan) (Entered: 10/15/2014)
11/12/2014	<u>19</u>	ORDER granting Injunction. Signed on 11/12/14 by District Judge Ortrie D. Smith. (Matthes, Renea) (Entered: 11/12/2014)
11/12/2014	<u>20</u>	CLERK'S JUDGMENT (Matthes, Renea) (Entered: 11/12/2014)
12/17/2014	<u>21</u>	Joint MOTION for extension of time <i>for plaintiffs to file any motion for attorney's fees</i> filed by Michelle Bennett on behalf of All Defendants. Suggestions in opposition/response due by 1/5/2015 unless otherwise directed by the court. (Bennett, Michelle) (Entered: 12/17/2014)
12/18/2014	<u>22</u>	ORDER GRANTING JOINT MOTION TO EXTEND DEADLINE FOR PLAINTIFFS TO FILE ANY MOTION FOR ATTORNEY'S FEES, <u>21</u> . Signed on 12/18/14 by District Judge Ortrie D. Smith. (Matthes, Renea) (Entered: 12/18/2014)
01/28/2015	<u>23</u>	Joint MOTION for extension of time <i>for plaintiffs to file any motion for attorney's fees</i> filed by Michelle Bennett on behalf of All Defendants. Suggestions in opposition/response due by 2/17/2015 unless otherwise directed by the court. (Bennett, Michelle) (Entered: 01/28/2015)
01/28/2015	<u>24</u>	WITHDRAWN PER 28 ORDER FILED ON FEBRUARY 11, 2015. MOTION for attorney fees <i>pursuant to 42 USC 1988(b)</i> filed by Jonathan R. Whitehead on behalf of All Plaintiffs. Suggestions in opposition/response due by 2/17/2015 unless otherwise directed by the court. (Attachments: # <u>1</u> Exhibit A – Declaration of Jonathan R. Whitehead, # <u>2</u> Exhibit B – Time Entries)(Whitehead, Jonathan) Modified on 2/12/2015 to reflect motion is withdrawn (Jones, Robin). (Entered: 01/28/2015)
01/28/2015	<u>25</u>	SUGGESTIONS in support re <u>24</u> MOTION for attorney fees <i>pursuant to 42 USC 1988(b)</i> filed by Jonathan R. Whitehead on behalf of Plaintiffs Dominic Ismert, Joseph N. Ismert, Joseph P. Ismert, Sioux Chief MFG. Co, Inc.. (Related document(s) <u>24</u>) (Whitehead, Jonathan) (Entered: 01/28/2015)
01/29/2015	<u>26</u>	ORDER GRANTING SECOND JOINT MOTION TO EXTEND DEADLINE FOR PLAINTIFFS TO FILE ANY MOTION FOR ATTORNEY'S FEES <u>23</u> . Signed on 1/29/15 by District Judge Ortrie D. Smith. (Matthes, Renea) (Entered: 01/29/2015)
02/11/2015	<u>27</u>	Joint MOTION to withdraw document <u>24</u> MOTION for attorney fees <i>pursuant to 42 USC 1988(b)</i> filed by Michelle Bennett on behalf of All Defendants. Suggestions in opposition/response due by 3/2/2015 unless otherwise directed by the court. (Related document(s) <u>24</u>) (Bennett, Michelle) (Entered: 02/11/2015)

02/11/2015	<u>28</u>	ORDER GRANTING PARTIES' JOINT MOTION TO WITHDRAW PLAINTIFFS' MOTION FOR ATTORNEY FEES, <u>24</u> and <u>27</u> . Signed on 2/11/15 by District Judge Ortrie D. Smith. (Matthes, Renea) (Entered: 02/11/2015)
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