

**U.S. District Court  
Western District of Missouri (St. Joseph)  
CIVIL DOCKET FOR CASE #: 5:13-cv-06117-ODS**

Randy Reed Automotive, Inc. et al v. Sebelius et al  
Assigned to: District Judge Ortrie D. Smith  
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 10/08/2013  
Date Terminated: 11/12/2014  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Diversity

**Plaintiff**

**Randy Reed Automotive, Inc.**

represented by **Kevin Mark Smith**  
Kevin Mark Smith  
15334 Hendryx Ct  
Goddard, KS 67052  
316-729-7745  
Email: [4acelaw@sbcglobal.net](mailto:4acelaw@sbcglobal.net) (*Inactive*)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Kevin H. Theriot**  
Alliance Defending Freedom  
15100 N 90th St  
Scottsdale, AZ 85260  
480-444-0020  
Fax: 480-444-0028  
Email: [ktheriot@alliancedefendingfreedom.org](mailto:ktheriot@alliancedefendingfreedom.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Dale Schowengerdt**  
Alliance Defending Freedom  
15192 Rosewood Street  
Leawood, KS 66224  
(913) 302-0270  
Fax: (888) 599-0733  
Email: [dale.adf@gmail.com](mailto:dale.adf@gmail.com)  
**TERMINATED: 09/16/2014**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Randy Reed Buick-GMC, Inc.**

represented by **Kevin Mark Smith**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

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

**Dale Schowengerdt**  
(See above for address)  
**TERMINATED: 09/16/2014**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Randy Reed Nissan, LLC**

represented by **Kevin Mark Smith**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

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

**Dale Schowengerdt**  
(See above for address)  
*TERMINATED: 09/16/2014*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Randy Reed Chevrolet, LLC**

represented by **Kevin Mark Smith**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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

**Dale Schowengerdt**  
(See above for address)  
*TERMINATED: 09/16/2014*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Randy Reed**  
*individually*

represented by **Kevin Mark Smith**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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

**Dale Schowengerdt**  
(See above for address)  
*TERMINATED: 09/16/2014*  
*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  
Fax: (202) 616–8470  
Email: [michelle.bennett@usdoj.gov](mailto:michelle.bennett@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Thomas E Perez**  
*in his 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**

**Jacob J. Lew**  
*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**

**U.S. Department of Labor**

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

**Defendant**

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

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

**Defendant**

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

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

Date Filed	#	Docket Text
10/08/2013	<u>1</u>	COMPLAINT against All Defendants filed by Kevin Mark Smith on behalf of All Plaintiffs Service due by 2/8/2014. (Attachments: # <u>1</u> Civil Cover Sheet)(Smith, Kevin) Modified on 10/11/2013– filing fee receipt KCMO034707 (Chorny, Traci). (Entered: 10/08/2013)
10/09/2013		NOTICE OF MAGISTRATE ASSIGNMENT emailed to counsel for Plaintiffs. This is a docket entry only. No document is attached. Magistrate Return due by 11/4/2013 (Chorny, Traci) (Entered: 10/09/2013)
10/09/2013	<u>2</u>	<b>NEW NOTICE OF INCLUSION FOR MEDIATION AND ASSESSMENT PROGRAM (MAP). REVIEW NEW NOTICE AND NEW MAP GENERAL ORDER CAREFULLY FOR IMPORTANT CHANGES, DEADLINES AND REQUIREMENTS.</b>  <b>Notice of MAP assignment to an outside mediator.</b> (Attachments: # <u>1</u> MAP General Order)(Chorny, Traci) (Entered: 10/09/2013)
10/09/2013	<u>3</u>	ORDER directing Clerk of the Court to randomly assign case to an Article III District Court Judge for all further proceedings. Signed on 10/09/13 by Magistrate Judge Robert E. Larsen. (Suroff, Rebecca) (Entered: 10/09/2013)
10/10/2013	<u>4</u>	NOTICE OF REASSIGNMENT from Magistrate Judge Robert E. Larsen to District Judge Ortrie D. Smith. (Chorny, Traci) (Entered: 10/10/2013)
10/11/2013		RECEIPT number KCMO034707 in the amount of \$400.00 issued to Kevin M. Smith. (Chorny, Traci) (Entered: 10/11/2013)
10/11/2013	<u>5</u>	DISCLOSURE OF CORPORATE INTERESTS filed by Kevin Mark Smith on behalf of Plaintiffs Randy Reed Automotive, Inc., Randy Reed Buick–GMC, Inc., Randy Reed Chevrolet, LLC, Randy Reed Nissan, LLC, Randy Reed.(Smith, Kevin) (Entered: 10/11/2013)
10/16/2013		SUMMONS ISSUED as to Jacob J. Lew, Thomas E Perez, Kathleen Sebelius, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of the Treasury, U.S. Attorney and U.S. Attorney General (Chorny, Traci) (Entered: 10/16/2013)

11/05/2013	<u>6</u>	RETURN OF SERVICE of complaint executed by Randy Reed Automotive, Inc.. Jacob J. Lew served on 10/21/2013, answer due 12/20/2013; Thomas E Perez served on 10/21/2013, answer due 12/20/2013; Kathleen Sebelius served on 10/21/2013, answer due 12/20/2013; U.S. Department of Health and Human Services served on 10/21/2013, answer due 12/20/2013; U.S. Department of Labor served on 10/21/2013, answer due 12/20/2013; U.S. Department of the Treasury served on 10/21/2013, answer due 12/20/2013. (Smith, Kevin) (Entered: 11/05/2013)
11/05/2013	<u>7</u>	RETURN OF SERVICE of complaint executed by Randy Reed Automotive, Inc.. U.S. Department of Labor served on 10/22/2013. (Smith, Kevin) (Entered: 11/05/2013)
11/05/2013	<u>8</u>	RETURN OF SERVICE of complaint executed by Randy Reed Automotive, Inc.. U.S. Department of Health & Human Services served on 10/22/2013. (Smith, Kevin) (Entered: 11/05/2013)
11/05/2013	<u>9</u>	RETURN OF SERVICE of complaint executed by Randy Reed Automotive, Inc.. Eric Holder, United States Attorney General served on 10/22/2013. (Smith, Kevin) (Entered: 11/05/2013)
11/05/2013	<u>10</u>	RETURN OF SERVICE of complaint executed by Randy Reed Automotive, Inc.. Jacob Lew, U.S. Dept. of the Treasury served on 10/23/2013. (Smith, Kevin) (Entered: 11/05/2013)
11/05/2013	<u>11</u>	RETURN OF SERVICE of complaint executed by Randy Reed Automotive, Inc.. Thomas Perez, U.S. Dept. of the Treasury served on 10/22/2013. (Smith, Kevin) (Entered: 11/05/2013)
11/05/2013	<u>12</u>	RETURN OF SERVICE of complaint executed by Randy Reed Automotive, Inc.. Kathleen Sebelius, U.S. Dept. of Health & Human Services served on 10/22/2013. (Smith, Kevin) (Entered: 11/05/2013)
11/05/2013	<u>13</u>	RETURN OF SERVICE of complaint executed by Randy Reed Automotive, Inc.. U.S. Dept. of the Treasury served on 10/23/2013. (Smith, Kevin) (Entered: 11/05/2013)
11/15/2013	<u>14</u>	MOTION for preliminary injunction filed by Kevin Mark Smith on behalf of All Plaintiffs. Suggestions in opposition/response due by 12/2/2013 unless otherwise directed by the court. (Smith, Kevin) (Entered: 11/15/2013)
11/15/2013	<u>15</u>	NOTICE of appearance by Michelle Bennett on behalf of All Defendants (Attorney Michelle Bennett added to party Jacob J. Lew(pty:dft), Attorney Michelle Bennett added to party Thomas E Perez(pty:dft), Attorney Michelle Bennett added to party Kathleen Sebelius(pty:dft), Attorney Michelle Bennett added to party U.S. Department of Health and Human Services(pty:dft), Attorney Michelle Bennett added to party U.S. Department of Labor(pty:dft), Attorney Michelle Bennett added to party U.S. Department of the Treasury(pty:dft))(Bennett, Michelle) (Entered: 11/15/2013)
11/15/2013	<u>16</u>	Consent MOTION to stay <i>proceedings and Notice of Non–Opposition to Plaintiffs' Motion for Preliminary Injunction (ECF No. 14)</i> filed by Michelle Bennett on behalf of All Defendants. Suggestions in opposition/response due by 12/2/2013 unless otherwise directed by the court. (Attachments: # <u>1</u> Proposed Order)(Bennett, Michelle) (Entered: 11/15/2013)
12/03/2013	<u>17</u>	ORDER GRANTING (1) MOTION FOR PRELIMINARY INJUNCTION AND (2) MOTION TO STAY PROCEEDINGS entered by Judge Ortrie D. Smith. (Matthes, Renea) (Entered: 12/03/2013)
07/15/2014	<u>18</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>19</u>	STATUS REPORT ( <i>Joint</i> ) by Sylvia Burwell, Jacob J. Lew, Thomas E Perez, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of the Treasury. (Bennett, Michelle) (Entered: 08/18/2014)
08/18/2014	<u>20</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)

09/15/2014	<u>21</u>	MOTION to substitute attorney <i>Kevin Theriot for Dale Schowengerdt</i> filed by Dale Schowengerdt on behalf of All Plaintiffs. Suggestions in opposition/response due by 10/2/2014 unless otherwise directed by the court. (Schowengerdt, Dale) (Entered: 09/15/2014)
09/16/2014	22	ORDER granting <u>21</u> motion to substitute attorney. Attorney Dale Schowengerdt terminated, Attorney Kevin Theriot added as counsel for Randy Reed Plaintiffs. Signed on 9/16/14 by District Judge Ortrie D. Smith. <b>This is a TEXT ONLY ENTRY. No document is attached.</b> (Wolfe, Steve) (Entered: 09/16/2014)
09/22/2014	<u>23</u>	STATUS REPORT ( <i>Joint</i> ) by Sylvia Burwell, Jacob J. Lew, Thomas E Perez, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of the Treasury. (Bennett, Michelle) (Entered: 09/22/2014)
09/23/2014	<u>24</u>	ORDER (1) Continuing Preliminary Injunction and (2) Directing Parties to File Proposed Injunction and Judgment. Signed on 9/23/14 by District Judge Ortrie D. Smith. (Wolfe, Steve) (Entered: 09/23/2014)
10/16/2014	<u>25</u>	NOTICE of filing <i>Def's.' Proposed Injunction and Judgment, and Suggestions in Support Thereof</i> by Sylvia Burwell, Jacob J. Lew, Thomas E Perez, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of the Treasury re <u>24</u> Order (Attachments: # 1 Proposed Injunction and Judgment)(Bennett, Michelle) (Entered: 10/16/2014)
10/16/2014	<u>26</u>	MOTION for order Permanent Injunction filed by Kevin Mark Smith on behalf of All Plaintiffs. Suggestions in opposition/response due by 11/3/2014 unless otherwise directed by the court. (Smith, Kevin) (Entered: 10/16/2014)
10/22/2014		<b>NOTICE OF DOCKET MODIFICATION.</b> A modification has been made to the document filed on 10/16/2014 as Document No. 25-1, Proposed Injunction and Judgment. The proposed order 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. (Martin, Jan) (Entered: 10/22/2014)
10/30/2014	<u>27</u>	SUGGESTIONS in opposition re <u>26</u> MOTION for order Permanent Injunction filed by Michelle Bennett on behalf of Defendants Sylvia Burwell, Jacob J. Lew, Thomas E Perez, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of the Treasury. Reply suggestions due by 11/17/2014 unless otherwise directed by the court (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Related document(s) <u>26</u> ) (Bennett, Michelle) (Entered: 10/30/2014)
11/08/2014	<u>28</u>	REPLY SUGGESTIONS to motion re <u>26</u> MOTION for order Permanent Injunction filed by Kevin Mark Smith on behalf of Plaintiffs Randy Reed Automotive, Inc., Randy Reed Buick-GMC, Inc., Randy Reed Chevrolet, LLC, Randy Reed Nissan, LLC, Randy Reed. (Related document(s) <u>26</u> ) (Smith, Kevin) (Entered: 11/08/2014)
11/12/2014	<u>29</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>30</u>	CLERK'S JUDGMENT (Matthes, Renea) (Entered: 11/12/2014)