

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MOST REVEREND DAVID A. ZUBIK,
*Bishop of the Roman Catholic Diocese of
Pittsburgh, as Trustee of the Roman Catholic
Diocese of Pittsburgh, a Charitable Trust, ET*
AL.,

13cv1459

ELECTRONICALLY FILED

Plaintiffs,

v.

KATHLEEN SEBELIUS, *In Her Official
Capacity as Secretary of the U.S. Department
of Health and Human Services, ET AL.,*

Defendants.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MOST REVEREND LAWRENCE T.
PERSICO, *Bishop of the Roman Catholic
Diocese of Erie, as Trustee of the Roman
Catholic Diocese of Erie, a Charitable Trust,*
ET AL.

13cv0303 Erie

ELECTRONICALLY FILED

Plaintiffs,

v.

KATHLEEN SEBELIUS, *In Her Official
Capacity as Secretary of the U.S. Department
of Health and Human Services, ET AL.,*

Defendants.

**ORDER OF COURT RE: MOTION FOR REASSIGNMENT
(DOC. NO. 18 IN 13cv1459 AND DOC. NO. 23 IN 13cv0303)**

Presently before the Court are Defendants' Motions for Reassignment filed in the above-captioned cases which contend that these cases are not related to case number 13cv0930, the FOIA case assigned to the undersigned, and thus, the two above-captioned cases should be randomly reassigned. See doc. no. 23 in case number 13cv0303, and doc. no. 18 in case number 13cv1459.

When counsel for Plaintiffs filed the two above-captioned cases, counsel indicated on the civil cover sheets that these cases were related to "2:13-cv-930; 1:12-cv-123" and "2:13-cv-930; 2:12-cv-676." See doc. no. 1-1 in case number 13cv303, and doc. no. 1-1 in case number 13-1459, respectfully.

Case number 13cv0930 (an open civil case) is assigned to the undersigned, case number 12cv0123 (a closed case) was assigned to former Chief Judge Sean J. McLaughlin, and case number 12cv0676 (a closed civil case) was assigned to Judge Terrence F. McVerry.

Former Chief Judge McLaughlin is no longer an active United States District Court Judge, and thus, was not eligible to be assigned either or both of the above-captioned cases. Judge McVerry recently took Senior Status, and as a Senior Judge of the Western District, he exercised his option to decline to be assigned any additional civil cases until (at least) January 1, 2014. Accordingly, given the notations made by Plaintiffs on their civil cover sheets, the Clerk's Office assigned the case to the undersigned.

Defendants' Motions claim that the two above-captioned cases are not related to 13cv0930, and contend that these two cases should have been randomly assigned when filed, and now, randomly reassigned to another Judge. The undersigned referred this matter to the

Standing Committee of the Board of Judges responsible for “Clerk’s Office/Assignment.” Said Committee, after deliberation, decided that the undersigned should decide Defendants’ Motions.

This Court finds that these two cases are related to 13cv0930, in that 13cv0930 “involves the same issues of fact” and/or “grows out of the same transactions.” See Local Rule 40(D)(2). All three cases (the FOIA case and the two above-referenced cases) generally relate to Plaintiffs’ objections to the regulations promulgated by The United States Department of Health and Human Services pursuant to the Affordable Care Act.

Further, this Court has already held an extensive Status Conference with counsel on the two above-captioned cases, established an agreed-to briefing schedule, and will conduct the Expedited Preliminary Injunction Hearing on November 12 and 13, 2013, with a decision to promptly follow, thereby enabling any aggrieved party to file an appeal to the United States Court of Appeals for the Third Circuit before the January 1, 2014, the effective date of said regulations.

Therefore, Defendants’ Motions for Reassignment (doc. no. 18 in 13cv1459 and doc. no. 23 in 13cv0303) are hereby DENIED.

SO ORDERED, this 30th day of October, 2013

s/ Arthur J. Schwab _____
Arthur J. Schwab
United States District Court Judge