

CLOSED,JURY

**U.S. District Court
Northern District of Texas (Dallas)
CIVIL DOCKET FOR CASE #: 3:12-cv-04409-N**

The Criswell College v Sebelius et al
Assigned to: Judge David C Godbey
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 11/01/2012
Date Terminated: 04/09/2013
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Civil Rights
Jurisdiction: U.S. Government Defendant

Plaintiff

The Criswell College

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V.

Defendant

represented by

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

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Defendant

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

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Michael Charles Pollack
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ATTORNEY TO BE NOTICED
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Defendant

Hilda L Solis
*in her official capacity as Secretary of the
United States Department of Labor
TERMINATED: 02/27/2013*

represented by **Bradley Philip Humphreys**
(See above for address)
TERMINATED: 02/27/2013
LEAD ATTORNEY
Bar Status: Not Admitted

Michael Charles Pollack
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TERMINATED: 02/27/2013
Bar Status: Not Admitted

Defendant

United States Department of Labor

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Michael Charles Pollack
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Defendant

Timothy Geithner
*in his official capacity as Secretary of the
United States Department of the Treasury*
TERMINATED: 02/27/2013

represented by **Bradley Philip Humphreys**
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TERMINATED: 02/27/2013
LEAD ATTORNEY
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Michael Charles Pollack
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Defendant

**United States Department of the
Treasury**

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Michael Charles Pollack
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Defendant

Seth Harris

represented by **Bradley Philip Humphreys**
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Michael Charles Pollack
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Defendant

Neal Wolin

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Michael Charles Pollack
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Defendant

Seth D Harris
Acting Secretary of Labor

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Defendant

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

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Michael Charles Pollack
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Date Filed	#	Docket Text
11/01/2012	<u>1</u>	COMPLAINT WITH JURY DEMAND against Timothy Geithner, Kathleen Sebelius, Hilda L. Solis, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury filed by The Criswell College. (Filing fee \$350; Receipt number 0539-4921377) Clerk to issue summons(es) for federal defendant(s). In each Notice of Electronic Filing, the judge assignment is indicated, and a link to the <u>Judges Copy Requirements</u> is provided. The court reminds the filer that any required copy of this and future documents must be delivered to the judge, in the manner prescribed, within three business days of filing. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas should seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: <u>Attorney Information – Bar Membership</u> (Attachments: # <u>1</u> Cover Sheet Civil Cover Sheet) (McCarty, Darren) (Entered: 11/01/2012)
11/01/2012	<u>2</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by The Criswell College. (McCarty, Darren) (Entered: 11/01/2012)
11/01/2012	<u>3</u>	New Case Notes: A filing fee has been paid. File to Judge Godbey. Pursuant to Misc. Order 6, Plaintiff is provided the Notice of Right to Consent to Proceed Before A U.S. Magistrate Judge (Judge to be determined). Clerk to provide copy to plaintiff if not received electronically. (cea) (Entered: 11/01/2012)
11/01/2012	<u>4</u>	Summons issued as to Timothy Geithner, Kathleen Sebelius, Hilda L Solis, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, U.S. Attorney, and U.S. Attorney General. (cea) (Entered: 11/01/2012)
11/01/2012	<u>5</u>	Application for Admission Pro Hac Vice with Cert. of Good Standing for Attorney Paula M Stannard (Filing fee \$25; Receipt number 0539-4921677) filed by The Criswell College (Stannard, Paula) (Entered: 11/01/2012)
11/09/2012	<u>6</u>	ELECTRONIC ORDER granting <u>5</u> Application for Admission Pro Hac Vice of Paula M. Stannard. If not already done, Applicant must register as an ECF User within 14 days (LR 5.1(f)). (Ordered by Judge David C Godbey on 11/9/2012) (chmb) (Entered: 11/09/2012)
11/13/2012	<u>7</u>	SUMMONS Returned Executed as to U.S. Attorney; served on 11/6/2012. (tla) Modified text on 11/28/2012 (jrr). (Entered: 11/13/2012)
11/28/2012	<u>8</u>	SUMMONS Returned Executed as to Kathleen Sebelius ; served on 11/14/2012; United States Department of Health and Human Services ; served on 11/14/2012. (jrr) (Entered: 11/28/2012)
11/28/2012	<u>9</u>	SUMMONS Returned Executed as to Timothy Geithner ; served on 11/19/2012. (jrr) (Entered: 11/28/2012)
12/11/2012	<u>10</u>	Court Request for Recusal:Magistrate Judge David L. Horan enters his recusal. Magistrate Judge Paul D. Stickney chosen by random selection to handle matters that may be referred in this case (gr) (Entered: 12/11/2012)
12/17/2012	<u>11</u>	SUMMONS Returned Executed as to Kathleen Sebelius (U.S. Attorney General), served on 11/30/2012; Hilda L Solis (U.S. Attorney General), served on 11/30/2012; United States Department of Health and Human Services (U.S. Attorney General), served on 11/30/2012; United States Department of Labor (U.S.

		Attorney General), served on 11/30/2012. (aaa) Modified text on 1/8/2013 (axm). (Entered: 12/18/2012)
01/07/2013	<u>12</u>	MOTION to Dismiss for Lack of Jurisdiction filed by Timothy Geithner, Kathleen Sebelius, Hilda L Solis, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury with Brief/Memorandum in Support. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit(s) Wheaton College v. Sebelius, # <u>3</u> Exhibit(s) Catholic Diocese of Peoria v. Sebelius, # <u>4</u> Exhibit(s) University of Notre Dame v. Sebelius, # <u>5</u> Exhibit(s) Catholic Diocese of Biloxi v. Sebelius) (Humphreys, Bradley) (Entered: 01/07/2013)
01/07/2013	<u>13</u>	SUMMONS Returned Executed as to United States Department of Labor ; served on 11/14/2012. (jrr) (Entered: 01/08/2013)
01/07/2013	<u>14</u>	SUMMONS Returned Executed as to Hilda L Solis ; served on 11/15/2012. (jrr) (Entered: 01/08/2013)
01/07/2013	<u>15</u>	SUMMONS Returned Executed as to United States Department of the Treasury, served on 11/16/2012; Timothy Geithner (U.S. Attorney General), served on 11/16/2012; United States Department of the Treasury (U.S. Attorney General), served on 11/16/2012. (jrr) (Entered: 01/08/2013)
01/09/2013	<u>16</u>	ORDER REQUIRING STATUS AND SCHEDULING CONFERENCE: The parties are directed to confer within 14 days of the date of this Order, and report to the Court within 14 days after the conference the parties' position. (Ordered by Judge David C Godbey on 1/9/2013) (axm) (Entered: 01/09/2013)
01/15/2013	<u>17</u>	NOTICE of Related Case <i>Supplemental Authority</i> re: <u>12</u> MOTION to Dismiss for Lack of Jurisdiction filed by Timothy Geithner, Kathleen Sebelius, Hilda L Solis, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury (Attachments: # <u>1</u> Exhibit(s) Colorado Christian Univ. v. Sebelius) (Humphreys, Bradley) (Entered: 01/15/2013)
01/28/2013	<u>18</u>	RESPONSE filed by The Criswell College re: <u>12</u> MOTION to Dismiss for Lack of Jurisdiction (McCarty, Darren) (Entered: 01/28/2013)
01/28/2013	<u>19</u>	Appendix in Support filed by The Criswell College re: <u>18</u> Response/Objection to <i>Defendants' Motion to Dismiss and Brief in Support of Plaintiff's Motion to Stay</i> (Attachments: # <u>1</u> Exhibit(s) A, 1, 2) (McCarty, Darren) (Entered: 01/28/2013)
01/28/2013	<u>20</u>	MOTION to Stay re: <u>19</u> Appendix in Support, <u>18</u> Response/Objection to <i>Defendants' Motion to Dismiss and Brief in Support of Plaintiff's Motion to Stay</i> filed by The Criswell College (Attachments: # <u>1</u> Proposed Order) (McCarty, Darren) (Entered: 01/28/2013)
01/31/2013	<u>21</u>	NOTICE of Attorney Appearance by Michael Charles Pollack on behalf of Timothy Geithner, Kathleen Sebelius, Hilda L Solis, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury. (Filer confirms contact info in ECF is current.) (Pollack, Michael) (Entered: 01/31/2013)
02/06/2013	<u>22</u>	Joint STATUS REPORT <i>SUBSEQUENT TO RULE 26(f) CONFERENCE</i> filed by Kathleen Sebelius, The Criswell College, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, Seth Harris, Neal Wolin. (Lee, Sang) (Entered: 02/06/2013)
02/08/2013	<u>23</u>	Unopposed MOTION to Stay <i>Discovery Pending Resolution of Defendants' Motion to Dismiss</i> filed by Seth Harris, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, Neal Wolin with Brief/Memorandum in Support. (Attachments: # <u>1</u> Exhibit(s) Ave Maria v. Sebelius Order, # <u>2</u> Proposed Order) (Pollack, Michael) (Entered: 02/08/2013)
02/08/2013	<u>24</u>	NOTICE of Related Case <i>as Supplemental Authority</i> re: <u>18</u> Response/Objection filed by The Criswell College (Attachments: # <u>1</u> Exhibit(s) 1 – Roman Catholic Diocese of Fort Worth v. Sebelius) (Lee, Sang) (Entered: 02/08/2013)

02/08/2013	<u>25</u>	ORDER granting <u>23</u> Motion to Stay Discovery Pending Resolution of Defendants' Motion to Dismiss. (Ordered by Judge David C Godbey on 2/8/2013) (cea) (Entered: 02/08/2013)
02/11/2013	<u>26</u>	REPLY filed by Seth Harris, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, Neal Wolin re: <u>12</u> MOTION to Dismiss for Lack of Jurisdiction (Attachments: # <u>1</u> Exhibit(s) Conlon v. Sebelius) (Pollack, Michael) (Entered: 02/11/2013)
02/11/2013	<u>27</u>	RESPONSE filed by Seth Harris, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, Neal Wolin re: <u>20</u> MOTION to Stay re <u>19</u> Appendix in Support, <u>18</u> Response/Objection to Defendants' Motion to Dismiss and Brief in Support of Plaintiff's Motion to Stay (Attachments: # <u>1</u> Exhibit(s) Conlon v. Sebelius) (Pollack, Michael) (Entered: 02/11/2013)
02/22/2013	<u>28</u>	REPLY filed by The Criswell College re: <u>20</u> MOTION to Stay re <u>19</u> Appendix in Support, <u>18</u> Response/Objection to Defendants' Motion to Dismiss and Brief in Support of Plaintiff's Motion to Stay (Lee, Sang) (Entered: 02/22/2013)
03/21/2013	<u>29</u>	NOTICE of Related Case <i>Supplemental Authority</i> re: <u>12</u> MOTION to Dismiss for Lack of Jurisdiction filed by Seth D Harris, Jacob J Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury (Attachments: # <u>1</u> Exhibit(s) Wenski v. Sebelius) (Pollack, Michael) (Entered: 03/21/2013)
03/28/2013	<u>30</u>	NOTICE of Related Case <i>Supplemental Authority</i> re: <u>12</u> MOTION to Dismiss for Lack of Jurisdiction filed by Seth D Harris, Jacob J Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury (Attachments: # <u>1</u> Exhibit(s) EWTN v. Sebelius) (Pollack, Michael) (Entered: 03/28/2013)
03/29/2013	<u>31</u>	RESPONSE filed by The Criswell College re: <u>29</u> Notice (Other), (Lee, Sang) (Entered: 03/29/2013)
04/09/2013	<u>32</u>	NOTICE of Related Case <i>Supplemental Authority</i> re: <u>12</u> MOTION to Dismiss for Lack of Jurisdiction filed by Seth D Harris, Jacob J Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury (Pollack, Michael) (Entered: 04/09/2013)
04/09/2013	<u>33</u>	ORDER granting <u>12</u> Motion to Dismiss. (Ordered by Judge David C Godbey on 4/9/2013) (skt) (Entered: 04/09/2013)
04/09/2013	<u>34</u>	FINAL JUDGMENT: The Court accordingly orders that Plaintiff The Criswell College take nothing by its claims against Defendants, and the Court dismisses those claims without prejudice. Court costs are taxed against Criswell. (Ordered by Judge David C Godbey on 4/9/2013) (skt) (Entered: 04/09/2013)