

CLOSED,JURY

**U.S. District Court
Eastern District of TEXAS [LIVE] (Beaumont)
CIVIL DOCKET FOR CASE #: 1:13-cv-00709-RC**

Catholic Diocese of Beaumont et al v. Sebelius et al
Assigned to: Judge Ron Clark
Case in other court: 5CA, 14-40212
Cause: 28:2201 Injunction

Date Filed: 12/10/2013
Date Terminated: 01/03/2014
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

Catholic Diocese of Beaumont

represented by **Randal Girard Cashiola**
Cashiola Law Firm
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**Catholic Charities of Southeast Texas,
Inc.**

represented by **Randal Girard Cashiola**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Kathleen Sebelius
*in her official capacity as Secretary of the
U.S. Department of Health and Human
Services*

represented by **Michelle Renee Bennett**
U.S. Department of Justice, Civil Division,
Federal Programs
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TERMINATED: 08/22/2017

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ATTORNEY TO BE NOTICED

Defendant

Thomas Perez
*in his official capacity as Secretary of the
U.S. Department of Labor*

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

Adam Anderson Grogg
(See above for address)
TERMINATED: 08/22/2017

Bradley Philip Humphreys
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jacob J. Lew
*in his official capacity as Secretary of the
U.S. Department of Treasury*

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

Adam Anderson Grogg
(See above for address)
TERMINATED: 08/22/2017

Bradley Philip Humphreys
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

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

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

Adam Anderson Grogg
(See above for address)
TERMINATED: 08/22/2017

Bradley Philip Humphreys
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

U.S. Department of Labor

represented by **Michelle Renee Bennett**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Adam Anderson Grogg
(See above for address)
TERMINATED: 08/22/2017

Bradley Philip Humphreys
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

U.S. Department of Treasury

represented by **Michelle Renee Bennett**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Adam Anderson Grogg
(See above for address)
TERMINATED: 08/22/2017

Bradley Philip Humphreys
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/10/2013	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0540-4437086.), filed by Catholic Charities of Southeast Texas, Inc., Catholic Diocese of Beaumont. (Attachments: # <u>1</u> Civil Cover Sheet)(Cashiola, Randal) (Entered: 12/10/2013)
12/10/2013		Case Assigned to Judge Ron Clark. (aam,) (Entered: 12/10/2013)
12/10/2013		DEMAND for Trial by Jury by Catholic Charities of Southeast Texas, Inc. and Catholic Diocese of Beaumont. (aam,) (Entered: 12/10/2013)
12/10/2013		In accordance with the provisions of 28 USC Section 636(c), you are hereby notified that a U.S. Magistrate Judge of this district court is available to conduct any or all proceedings in this case including a jury or non-jury trial and to order the entry of a final judgment. The form <u>Consent to Proceed Before Magistrate Judge</u> is available on our website. All signed consent forms, excluding pro se parties, should be filed electronically using the event <i>Notice of Consent to Proceed Before Magistrate Judge</i> . (aam,) (Entered: 12/10/2013)
12/10/2013	<u>2</u>	First MOTION for Leave to File Excess Pages by Catholic Charities of Southeast Texas, Inc., Catholic Diocese of Beaumont. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Cashiola, Randal) (Entered: 12/10/2013)
12/10/2013	<u>3</u>	First MOTION for Temporary Restraining Order and Preliminary Injunction by Catholic Charities of Southeast Texas, Inc., Catholic Diocese of Beaumont. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Exhibit Declaration, # <u>3</u> Text of Proposed Order Proposed Order)(Cashiola, Randal) Modified on 12/30/2013 (tkd,). (Entered: 12/10/2013)
12/11/2013	<u>4</u>	SUMMONS Issued as to Jacob J. Lew, Thomas Perez, Kathleen Sebelius, U.S. Department of Health and Human Services, U.S. Department of Labor, and U.S. Department of Treasury and emailed to plas' atty for service (aam,) (Entered: 12/11/2013)
12/13/2013	<u>5</u>	ORDER setting status/management conference for 12/20/2013 9:00 AM in Ctrm 2 (Beaumont) before Judge Ron Clark. Motion hearing set re <u>3</u> First MOTION for Temporary Restraining Order and Preliminary Injunction for 12/30/2013 09:00 AM in Ctrm 2 (Beaumont) before Judge Ron Clark.. Signed by Judge Ron Clark on 12/13/2013. (bjc) Modified on 12/30/2013 (tkd,). (Entered: 12/13/2013)
12/17/2013	<u>6</u>	NOTICE of Attorney Appearance by Bradley Philip Humphreys on behalf of All Defendants (Humphreys, Bradley) (Entered: 12/17/2013)
12/20/2013	<u>7</u>	Minute Entry for proceedings held before Judge Ron Clark: Management/Status Conference held on 12/20/2013. (Court Reporter Chris Bickham.) (fal,) (Entered: 12/20/2013)
12/20/2013	<u>8</u>	SCHEDULING ORDER. Deadline for defts to respond to <u>3</u> Motion for TRO and Preliminary Injunction is 12/23/13. Pltfs may reply by noon on 12/27/13. Proposed findings of fact are due by noon on 12/27/13. Motion hearing set for 12/30/13 at 9:00 AM. Signed by Judge Ron Clark on 12/20/13. (tkd,) (Entered: 12/20/2013)
12/23/2013	<u>9</u>	Unopposed MOTION for Expansion of Page Limits by Jacob J. Lew, Thomas Perez, Kathleen Sebelius, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury. (Attachments: # <u>1</u> Text of Proposed Order)(Humphreys, Bradley) Modified on 12/26/2013 (tkd,). (Entered: 12/23/2013)

12/23/2013	<u>10</u>	RESPONSE in Opposition re <u>3</u> First MOTION for Temporary Restraining Order and Preliminary Injunction filed by Jacob J. Lew, Thomas Perez, Kathleen Sebelius, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury. (Humphreys, Bradley) Modified on 12/26/2013 (tkd,). Modified on 12/30/2013 (tkd,). (Entered: 12/23/2013)
12/23/2013	<u>11</u>	MOTION to Dismiss by Jacob J. Lew, Thomas Perez, Kathleen Sebelius, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Material Facts, # <u>3</u> Text of Proposed Order)(Humphreys, Bradley) Two-part motion; see also #12 Motion for Summary Judgment. Modified on 12/26/2013 (tkd,). (Entered: 12/23/2013)
12/23/2013	<u>12</u>	MOTION for Summary Judgment by Jacob J. Lew, Thomas Perez, Kathleen Sebelius, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury. (Docketed for statistical purposes only; see #11 Motion for Dismiss which is a two-part motion.) (tkd,) (Entered: 12/26/2013)
12/27/2013	<u>13</u>	REPLY to Response to Motion re <u>3</u> First MOTION for Temporary Restraining Order and Preliminary Injunction filed by Catholic Charities of Southeast Texas, Inc., Catholic Diocese of Beaumont. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Cashiola, Randal) Modified on 12/30/2013 (tkd,). (Entered: 12/27/2013)
12/27/2013	<u>14</u>	Proposed Findings of Fact by Catholic Charities of Southeast Texas, Inc., Catholic Diocese of Beaumont. (Cashiola, Randal) (Entered: 12/27/2013)
12/27/2013	<u>15</u>	Proposed Conclusions of Law by Catholic Charities of Southeast Texas, Inc., Catholic Diocese of Beaumont. (Cashiola, Randal) Modified on 12/30/2013 (tkd,). (Entered: 12/27/2013)
12/27/2013	<u>16</u>	NOTICE of Filing of Administrative Record by Jacob J. Lew, Thomas Perez, Kathleen Sebelius, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury (Attachments: # <u>1</u> Exhibit Record Index)(Humphreys, Bradley) Modified on 12/30/2013 (tkd,). (Entered: 12/27/2013)
12/29/2013	<u>17</u>	NOTICE of Supplemental Authority by Jacob J. Lew, Thomas Perez, Kathleen Sebelius, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury re <u>10</u> Response in Opposition to Motion, <u>12</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Catholic Diocese of Nashville v. Sebelius, # <u>2</u> Michigan Catholic Conference v. Sebelius, # <u>3</u> Little Sisters of the Poor Home for the Aged v. Sebelius)(Humphreys, Bradley) Modified on 12/30/2013 (tkd,). (Entered: 12/29/2013)
12/29/2013	<u>18</u>	NOTICE of Supplemental Authority by Catholic Charities of Southeast Texas, Inc., Catholic Diocese of Beaumont (Attachments: # <u>1</u> Exhibit 1)(Cashiola, Randal) Modified on 12/30/2013 (tkd,). (Entered: 12/29/2013)
12/29/2013	<u>19</u>	Supplemental NOTICE of Supplemental Authority by Catholic Charities of Southeast Texas, Inc., Catholic Diocese of Beaumont (Attachments: # <u>1</u> Exhibit 1)(Cashiola, Randal) Modified on 12/30/2013 (tkd,). (Entered: 12/29/2013)
12/29/2013	<u>20</u>	FILED IN ERROR. Please ignore. MOTION to Strike <i>Administrative Record</i> by Catholic Charities of Southeast Texas, Inc., Catholic Diocese of Beaumont. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order)(Cashiola, Randal) Modified on 12/30/2013 (tkd,). (Entered: 12/29/2013)
12/29/2013	<u>21</u>	Second Supplemental NOTICE of Supplemental Authority by Catholic Charities of Southeast Texas, Inc., Catholic Diocese of Beaumont (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Cashiola, Randal) Modified on 12/30/2013 (tkd,). (Entered: 12/29/2013)
12/29/2013	<u>22</u>	RESPONSE to Statement of Material Facts in <u>11</u> MOTION to Dismiss filed by Catholic Charities of Southeast Texas, Inc., Catholic Diocese of Beaumont. (Cashiola, Randal) Modified on 12/30/2013 (tkd,). (Entered: 12/29/2013)
12/29/2013		***FILED IN ERROR. Please ignore document #20, Motion to Strike Filing of Administrative Record. Motion is missing a certificate of conference and must be

		refiled. (tkd,) (Entered: 12/30/2013)
12/30/2013	<u>23</u>	Minute Entry for proceedings held before Judge Ron Clark: Motion Hearing held on 12/30/2013 re <u>3</u> First MOTION for Temporary Restraining Order and Preliminary Injunction filed by Catholic Diocese of Beaumont, Catholic Charities of Southeast Texas, Inc.. (Court Reporter Chris Bickham.) (fal,) (Entered: 12/30/2013)
12/30/2013	<u>24</u>	Witness List. (fal,) (Entered: 12/30/2013)
12/30/2013	<u>25</u>	OBJECTIONS to the Filing of <u>16</u> Administrative Record by Catholic Charities of Southeast Texas, Inc., Catholic Diocese of Beaumont (Attachments: # <u>1</u> Text of Proposed Order)(Cashiola, Randal) Modified on 1/2/2014 (tkd,). (Entered: 12/30/2013)
12/30/2013	<u>26</u>	Stipulated Preliminary Findings by Catholic Charities of Southeast Texas, Inc., Catholic Diocese of Beaumont, Jacob J. Lew, Thomas Perez, Kathleen Sebelius, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury. (Humphreys, Bradley) Modified on 1/2/2014 (tkd,). (Entered: 12/30/2013)
12/31/2013	<u>27</u>	Second NOTICE of Supplemental Authority by Jacob J. Lew, Thomas Perez, Kathleen Sebelius, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury re <u>3</u> First MOTION for Temporary Restraining Order and Preliminary Injunction, <u>11</u> MOTION to Dismiss, <u>12</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Exhibit)(Humphreys, Bradley) Modified on 1/2/2014 (tkd,). (Entered: 12/31/2013)
12/31/2013	<u>28</u>	NOTICE of Filing of Defendants' Cross-Designations of Cohen Testimony by Jacob J. Lew, Thomas Perez, Kathleen Sebelius, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury (Attachments: # <u>1</u> Exhibit Defendants' Cross-Designations, # <u>2</u> Exhibit Deposition Transcript for Gary M. Cohen)(Humphreys, Bradley) Modified on 1/2/2014 (tkd,). (Entered: 12/31/2013)
12/31/2013	<u>29</u>	NOTICE of Supplemental Authority by Jacob J. Lew, Thomas Perez, Kathleen Sebelius, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury re <u>3</u> First MOTION for Temporary Restraining Order and Preliminary Injunction, <u>11</u> MOTION to Dismiss, <u>12</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Exhibit Little Sisters of the Poor v. Sebelius (CA10))(Humphreys, Bradley) Modified on 1/2/2014 (tkd,). (Entered: 12/31/2013)
12/31/2013	<u>30</u>	Third Supplemental NOTICE of Supplemental Authority by Catholic Charities of Southeast Texas, Inc., Catholic Diocese of Beaumont (Attachments: # <u>1</u> Exhibit 1)(Cashiola, Randal) Modified on 1/2/2014 (tkd,). (Entered: 12/31/2013)
12/31/2013	<u>31</u>	RESPONSE to <u>30</u> Notice of Supplemental Authority Regarding Roman Catholic Diocese of Fort Worth v. Sebelius filed by Jacob J. Lew, Thomas Perez, Kathleen Sebelius, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury. (Humphreys, Bradley) Modified on 1/2/2014 (tkd,). (Entered: 12/31/2013)
12/31/2013	<u>32</u>	ORDER re <u>3</u> Motion for Temporary Restraining Order and Preliminary Injunction. A final judgment consistent with this order and the memorandum opinion will be forthcoming. Signed by Judge Ron Clark on 12/31/13. (tkd,) (Entered: 01/02/2014)
01/02/2014	<u>33</u>	MEMORANDUM AND ORDER that pltfs are entitled to a permanent injunction. The Government is enjoined from applying or enforcing the regulations that require the Plaintiffs, their health plans, TPAs, or issuers, to provide or execute the self-certification forms that enable or require the TPA or issuer to provide health insurance coverage for Plaintiff's employees for FDA-approved contraceptives, emergency contraceptives, products, or services under the requirements imposed in 42 U.S.C. § 300gg-13(a) (4), Pub. L. 11-148, § 1563(e)-(f), as well as the application of the penalties found in 26 U.S.C. §§ 4980D & 4980H, and 29 U.S.C. § 1132. Further ordered that all currently pending motions are denied as moot. A final judgment will be forthcoming. Signed by Judge Ron Clark on 1/2/14. (tkd,) (Entered: 01/03/2014)
01/03/2014	<u>34</u>	FINAL JUDGMENT and Order of Injunction. All costs of court will be borne by the party incurring same. This is a final judgment disposing of the claims of all parties and is appealable. Signed by Judge Ron Clark on 1/3/14. (tkd,) (Entered: 01/03/2014)

02/24/2014	<u>35</u>	NOTICE OF APPEAL as to <u>33</u> Memorandum & Opinion,, <u>34</u> Judgment, <u>32</u> Order by Jacob J. Lew, Thomas Perez, Kathleen Sebelius, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury. (Humphreys, Bradley) (Entered: 02/24/2014)
03/03/2014	<u>36</u>	NOTICE of Docketing Notice of Appeal from USCA re <u>35</u> Notice of Appeal, filed by U.S. Department of Treasury, U.S. Department of Labor, Kathleen Sebelius, Jacob J. Lew, Thomas Perez, U.S. Department of Health and Human Services. USCA Case Number 14-40212. (dlc,) (Entered: 03/03/2014)
03/25/2014	<u>37</u>	TRANSCRIPT ORDER received from the Defendants-Appellants advising transcript is unnecessary for appeal purposes filed by Adam Craig Jed. (tlh,) Modified on 3/27/2014 (dlc,). (Entered: 03/26/2014)
03/27/2014		NOTICE of certification of eROA provided to 5th Circuit Court of Appeals. (dlc,) (Entered: 03/27/2014)
03/31/2014	<u>38</u>	TRANSCRIPT REQUEST by Catholic Charities of Southeast Texas, Inc., Catholic Diocese of Beaumont for proceedings held on 12/30/2013 before Judge Clark, Transcript due by 12/30/2013. (Cashiola, Randal) (Entered: 03/31/2014)
04/02/2014		USCA 5th Circuit Notice – Original record on appeal is accepted (dlc,) (Entered: 04/02/2014)
04/02/2014		Release of electronic record on appeal to appellant's counsel, Adam Jed via utility upload tool pursuant to his request. (dlc,) (Entered: 04/02/2014)
04/03/2014		Release of electronic record on appeal to appellee's counsel, Thomas Allen via utility upload tool pursuant to his request. (dlc,) (Entered: 04/03/2014)
04/29/2014	<u>39</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motion Hearing held on December 30, 2013 before Judge Ron Clark. Court Reporter: Christina Bickham, Telephone number: 409-654-2891. <P> NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) business days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.txed.uscourts.gov <P> Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Request due 5/23/2014. Redacted Transcript Deadline set for 6/2/2014. Release of Transcript Restriction set for 7/31/2014. (clb,) (Entered: 04/29/2014)
04/30/2014		NOTICE of certification of supplemental record on appeal provided to 5th Circuit Court of Appeals. (dlc,) (Entered: 04/30/2014)
05/02/2014		USCA 5th Circuit Notice – Supplemental record on appeal is accepted. (dlc,) (Entered: 05/12/2014)
05/12/2014		Release of electronic supplemental record on appeal to appellee's counsel, Thomas Allen via utility upload tool pursuant to his request. (dlc,) (Entered: 05/12/2014)
03/25/2015	<u>40</u>	NOTICE of Attorney Appearance by Adam Anderson Grogg on behalf of All Defendants (Grogg, Adam) (Entered: 03/25/2015)
05/17/2016	<u>41</u>	SUPREME COURT ORDER GRANTING the petition for a writ of certiorari as to <u>35</u> Notice of Appeal, filed by U.S. Department of Treasury, U.S. Department of Labor, Kathleen Sebelius, Jacob J. Lew, Thomas Perez, U.S. Department of Health and Human Services. The judgment or mandate of the Court will not issue for at least 25 days pursuant to Rule 45. Should a petition for rehearing be filed timely, the judgment or mandate will be further stayed pending this Court's action on the petition for rehearing (pkb,) (Entered: 05/18/2016)
06/26/2017	<u>42</u>	ORDER of USCA granting motion to extend the stay of further proceedings to August 22, 2017 as to <u>35</u> Notice of Appeal, filed by U.S. Department of Treasury, U.S. Department of Labor, Kathleen Sebelius, Jacob J. Lew, Thomas Perez, U.S. Department of Health and Human Services. Circuit Judge: Jerry E. Smith (Attachments: # <u>1</u> USCA Cover Letter)(dlc,) (Entered: 06/28/2017)

08/16/2017	<u>43</u>	NOTICE of Attorney Appearance by Michelle Renee Bennett on behalf of All Defendants (Bennett, Michelle) (Entered: 08/16/2017)
08/16/2017	<u>44</u>	MOTION to Withdraw as Attorney by Jacob J. Lew, Thomas Perez, Kathleen Sebelius, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury. (Grogg, Adam) (Additional attachment(s) added on 8/17/2017: # <u>1</u> Proposed Order) (tkd,). (Entered: 08/16/2017)
08/22/2017	<u>45</u>	ORDER granting <u>44</u> Motion to Withdraw as Attorney. Attorney Adam Anderson Grogg terminated. Signed by Judge Ron Clark on 8/22/17. (dlc,) (Entered: 08/23/2017)
10/05/2017	<u>46</u>	USCA NOTICE with Updated Case Caption (Attachments: # <u>1</u> USCA Cover Letter)(dlc,) (Entered: 10/06/2017)
10/19/2017	<u>47</u>	ORDER of USCA dismissing the appeal as of October 19, 2017, as to <u>35</u> Notice of Appeal, filed by U.S. Department of Treasury, U.S. Department of Labor, Kathleen Sebelius, Jacob J. Lew, Thomas Perez, U.S. Department of Health and Human Services (Attachments: # <u>1</u> USCA Cover Letter)(dlc,) (Entered: 10/19/2017)