

CLOSED,STAYED

**U.S. District Court  
Eastern District of Virginia – (Alexandria)  
CIVIL DOCKET FOR CASE #: 1:14-cv-00379-GBL-IDD**

Media Research Center v. Sebelius et al  
Assigned to: District Judge Gerald Bruce Lee  
Referred to: Magistrate Judge Ivan D. Davis  
Cause: 28:2201 Constitutionality of State Statute(s)

Date Filed: 04/11/2014  
Date Terminated: 10/14/2014  
Jury Demand: None  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Media Research Center**

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**Defendant**

**Kathleen Sebelius**  
*in her official capacity as Secretary of the  
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**Defendant**

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

represented by **Antonia Konkoly**  
(See above for address)  
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**David Moskowitz**  
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*ATTORNEY TO BE NOTICED*

**Defendant**

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

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*ATTORNEY TO BE NOTICED*

**David Moskowitz**  
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**Defendant**

**United States Department of Treasury**

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**David Moskowitz**  
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**Defendant**

**Thomas E. Perez**  
*in his official capacity as the Secretary of  
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**Defendant**

**United States Department Of Labor**

represented by **Antonia Konkoly**  
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**David Moskowitz**  
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**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
04/11/2014	<u>1</u>	COMPLAINT against All Defendants ( Filing fee \$ 400, receipt number 14683043012.), filed by Media Research Center. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Civil Cover Sheet, # <u>13</u> Receipt)(gwalk, ) (Entered: 04/15/2014)
04/11/2014	<u>2</u>	Financial Interest Disclosure Statement as to Media Research Center filed (gwalk, ) (Entered: 04/15/2014)
04/16/2014	<u>3</u>	Summons Issued as to All Defendants, U.S. Attorney and U.S. Attorney General (gwalk, ) (Entered: 04/17/2014)
04/23/2014	<u>4</u>	NOTICE by Media Research Center re <u>1</u> Complaint, (Attachments: # <u>1</u> Exhibit Exhibit 2 to Complaint, # <u>2</u> Exhibit Exhibit 10 to Complaint)(Sorrell, Paris) (Entered: 04/23/2014)
04/30/2014	<u>5</u>	MOTION for Preliminary Injunction <i>Plaintiff's Motion for a Preliminary Injunction</i> by Media Research Center. (Warrington, David) (Entered: 04/30/2014)
04/30/2014	<u>6</u>	Memorandum in Support re <u>5</u> MOTION for Preliminary Injunction <i>Plaintiff's Motion for a Preliminary Injunction</i> filed by Media Research Center. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 4)(Warrington, David) (Entered: 04/30/2014)
04/30/2014	<u>7</u>	NOTICE by Media Research Center re <u>6</u> Memorandum in Support, <i>Notice of Submission of Exhibit 3, Part 1</i> (Attachments: # <u>1</u> Exhibit Table of Contents, # <u>2</u> Doc Nos. 1-100, # <u>3</u> Doc Nos. 101-150, # <u>4</u> Doc Nos. 151-200, # <u>5</u> Doc Nos. 201-250)(Warrington, David) (Entered: 04/30/2014)
04/30/2014	<u>8</u>	NOTICE by Media Research Center re <u>6</u> Memorandum in Support, <i>Notice of Submission of Exhibit 3, Part 2</i> (Attachments: # <u>1</u> Doc Nos. 251-300, # <u>2</u> Doc Nos 301-350, # <u>3</u> Doc Nos 351-400, # <u>4</u> Doc Nos 401-425)(Warrington, David) (Entered: 04/30/2014)
04/30/2014	<u>9</u>	NOTICE by Media Research Center re <u>6</u> Memorandum in Support, <i>Notice of Submission of Exhibit 3, Part 3</i> (Attachments: # <u>1</u> Doc Nos. 426-450, # <u>2</u> Doc Nos. 451-475, # <u>3</u> Doc Nos. 476-525, # <u>4</u> Doc Nos. 526-553)(Warrington, David) (Entered: 04/30/2014)
04/30/2014	<u>10</u>	Notice of Hearing Date re <u>5</u> MOTION for Preliminary Injunction <i>Plaintiff's Motion for a Preliminary Injunction</i> (Warrington, David) (Entered: 04/30/2014)
04/30/2014	<u>11</u>	Notice of Hearing Date <i>Amended Notice of Hearing</i> re <u>5</u> MOTION for Preliminary Injunction <i>Plaintiff's Motion for a Preliminary Injunction</i> (Warrington, David) (Entered: 04/30/2014)

05/01/2014		Set Deadlines as to <u>5</u> MOTION for Preliminary Injunction <i>Plaintiff's Motion for a Preliminary Injunction</i> . Motion Hearing set for 5/16/2014 at 10:00 AM in Alexandria Courtroom 601 before District Judge Gerald Bruce Lee. (clar, ) (Entered: 05/01/2014)
05/01/2014		Reset Deadlines as to <u>5</u> MOTION for Preliminary Injunction <i>Plaintiff's Motion for a Preliminary Injunction</i> . Motion Hearing set for 6/6/2014 at 10:00 AM in Alexandria Courtroom 700 before District Judge Gerald Bruce Lee. (clar, ) (Entered: 05/01/2014)
05/07/2014	<u>12</u>	NOTICE of Appearance by Antonia Konkoly on behalf of Jacob W. Lew, Thomas E. Perez, Kathleen Sebelius, United States Department Of Labor, United States Department of Health and Human Services, United States Department of Treasury (Konkoly, Antonia) (Entered: 05/07/2014)
05/07/2014	<u>13</u>	Motion to appear Pro Hac Vice by Benjamin L. Berwick and Certification of Local Counsel Antonia Konkoly by Jacob W. Lew, Thomas E. Perez, Kathleen Sebelius, United States Department Of Labor, United States Department of Health and Human Services, United States Department of Treasury. (Konkoly, Antonia) (Entered: 05/07/2014)
05/07/2014	<u>14</u>	MOTION for Extension of Time to File Response/Reply to <i>Plaintiff's Motion for a Preliminary Injunction</i> by Jacob W. Lew, Thomas E. Perez, Kathleen Sebelius, United States Department Of Labor, United States Department of Health and Human Services, United States Department of Treasury. (Attachments: # <u>1</u> Proposed Order)(Konkoly, Antonia) (Entered: 05/07/2014)
05/08/2014	<u>15</u>	ORDER granting <u>13</u> Motion for Pro hac vice. Signed by Magistrate Judge Ivan D. Davis on 5/8/14. (nhall) (Entered: 05/09/2014)
05/09/2014	<u>16</u>	SCHEDULING ORDER:Initial Pretrial Conference set for 6/4/2014 at 11:00 AM in Alexandria Courtroom 400 before Magistrate Judge Ivan D. Davis. Final Pretrial Conference set for 9/18/2014 at 10:00 AM in Alexandria Courtroom 601 before District Judge Gerald Bruce Lee. Discovery due by 9/12/2014. Signed by District Judge Gerald Bruce Lee on 5/9/14. (Attachments: # <u>1</u> Mag. Consent, # <u>2</u> Pretrial Notice)(nhall) (Entered: 05/09/2014)
05/12/2014	<u>17</u>	ORDER granting <u>14</u> Motion for Extension of Time to File Response/Reply. Defendants shall file their opposition to Plaintiff's Motion for Preliminary Injunction on or before May 23, 2014. (See Order For Details). Signed by District Judge Gerald Bruce Lee on 5/12/14. (nhall) (Entered: 05/13/2014)
05/15/2014	<u>18</u>	NOTICE of Appearance by C. Matthew Haynes on behalf of Media Research Center (Haynes, C. Matthew) (Entered: 05/15/2014)
05/15/2014	<u>19</u>	NOTICE of Appearance by William Michael Holm on behalf of Media Research Center (Holm, William) (Entered: 05/15/2014)
05/15/2014	<u>20</u>	NOTICE of Appearance by Laurin Howard Mills on behalf of Media Research Center (Mills, Laurin) (Entered: 05/15/2014)
05/15/2014	<u>21</u>	NOTICE of Appearance by Joseph M. Rainsbury on behalf of Media Research Center (Rainsbury, Joseph) (Entered: 05/15/2014)
05/20/2014	<u>22</u>	Consent MOTION to Vacate <u>16</u> Scheduling Order, by Jacob W. Lew, Thomas E. Perez, Kathleen Sebelius, United States Department Of Labor, United States Department of Health and Human Services, United States Department of Treasury. (Attachments: # <u>1</u> Proposed Order)(Konkoly, Antonia) (Entered: 05/20/2014)
05/20/2014	<u>23</u>	SUMMONS Returned Executed as to the US Atty served on 4/25/2014, answer due 6/24/2014. (nhall) (Entered: 05/21/2014)
05/20/2014	<u>24</u>	SUMMONS Returned Executed by certified mail as to Kathleen Sebelius, Jacob W. Lew, United States Department of Health and Human Services, United States Department of Treasury, Thomas E. Perez, United States Department Of Labor & Eric Holder – Attorney General (Attachments: # <u>1</u> Exhibit A Part I, # <u>2</u> Exhibit A Part II)(nhall) (Entered: 05/21/2014)

05/20/2014	<u>25</u>	NOTICE Of Filing Affidavit Of Service Via Certified Mail by Media Research Center.(nhall) (Entered: 05/21/2014)
05/23/2014	<u>26</u>	Memorandum in Opposition re <u>5</u> MOTION for Preliminary Injunction <i>Plaintiff's Motion for a Preliminary Injunction</i> filed by Jacob W. Lew, Thomas E. Perez, Kathleen Sebelius, United States Department Of Labor, United States Department of Health and Human Services, United States Department of Treasury. (Konkoly, Antonia) (Entered: 05/23/2014)
05/28/2014	<u>27</u>	Discovery Plan by Media Research Center.(Warrington, David) (Entered: 05/28/2014)
05/30/2014	<u>28</u>	REPLY to Response to Motion re <u>5</u> MOTION for Preliminary Injunction <i>Plaintiff's Motion for a Preliminary Injunction</i> filed by Media Research Center. (Warrington, David) (Entered: 05/30/2014)
06/03/2014	<u>29</u>	NOTICE of Appearance by David Moskowitz on behalf of Jacob W. Lew, Thomas E. Perez, Kathleen Sebelius, United States Department Of Labor, United States Department of Health and Human Services, United States Department of Treasury (Moskowitz, David) (Entered: 06/03/2014)
06/03/2014	<u>30</u>	ORDER denying Defendantts' <u>22</u> Unopposed Motion to Vacate Scheduling Order <u>16</u> Scheduling Order, . /s/ by District Judge Gerald Bruce Lee on 6/3/14. (tbul, ) (Entered: 06/03/2014)
06/04/2014	<u>31</u>	Minute Entry for proceedings held before Magistrate Judge Ivan D. Davis: Initial Pretrial Conference held on 6/4/2014. Appearances of counsel. Joint Discovery Plan to be filed by 6/9/2014. Order to follow thereafter. (rban, ) (Entered: 06/04/2014)
06/06/2014	<u>32</u>	Minute Entry for proceedings held before District Judge Gerald Bruce Lee: Motion Hearing held on 6/6/2014 re: <u>5</u> MOTION for Preliminary Injunction <i>Plaintiff's Motion for a Preliminary Injunction</i> filed by Media Research Center. Appearances: David Warrington for Pltff; David Moskowitz, Ben Berwick for Deft. Heard and T.U.A. (Court Reporter R. Wilson.)(tbul, ) (Entered: 06/06/2014)
06/09/2014	<u>33</u>	Discovery Plan by Media Research Center.(Warrington, David) (Entered: 06/09/2014)
06/12/2014	<u>34</u>	Order Rule 16(b) Scheduling Order – Pursuant to the Rule 16(b) Conference it is ordered that the Joint Discovery Plan filed by the parties is approved and shall control discovery to the extent of its application unless further modified by the court. (see order for details). Signed by Magistrate Judge Ivan D. Davis on 6/12/14. (yguy) (Main Document 34 replaced on 6/13/2014) (rban, ). (Entered: 06/12/2014)
06/16/2014	<u>35</u>	NOTICE by Media Research Center re <u>5</u> MOTION for Preliminary Injunction <i>Plaintiff's Motion for a Preliminary Injunction Notice of Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit Exhibit 1)(Warrington, David) (Entered: 06/16/2014)
06/17/2014	<u>36</u>	Consent MOTION for Extension of Time to File Answer by Jacob W. Lew, Thomas E. Perez, Kathleen Sebelius, United States Department Of Labor, United States Department of Health and Human Services, United States Department of Treasury. (Attachments: # <u>1</u> Proposed Order)(Konkoly, Antonia) (Entered: 06/17/2014)
06/17/2014	<u>37</u>	Response to <u>35</u> NOTICE of <i>Supplemental Authority</i> filed by Jacob W. Lew, Thomas E. Perez, Kathleen Sebelius, United States Department Of Labor, United States Department of Health and Human Services, United States Department of Treasury. (Konkoly, Antonia) (Entered: 06/17/2014)
06/18/2014	<u>38</u>	ORDER granting <u>36</u> Motion for Extension of Time to Answer. Defendants shall answer or otherwise respond to plaintiff's complaint no later than 14 days after the Court rules on plaintiff's pending motion for a preliminary injunction <u>5</u> . Signed by Magistrate Judge Ivan D. Davis on 06/18/2014. (jwil, ) (Entered: 06/19/2014)
07/03/2014	<u>39</u>	NOTICE by Media Research Center re <u>5</u> MOTION for Preliminary Injunction <i>Plaintiff's Motion for a Preliminary Injunction</i> (Attachments: # <u>1</u> Exhibit Burwell v. Hobby Lobby Stores, Inc., # <u>2</u> Exhibit Wheaton College v. Burwell)(Warrington, David) (Entered: 07/03/2014)

07/03/2014	<u>40</u>	MOTION for Leave to File <i>Motion for Leave to File Supplemental Briefing</i> by Media Research Center. (Warrington, David) (Entered: 07/03/2014)
07/03/2014	<u>41</u>	Memorandum in Support re <u>40</u> MOTION for Leave to File <i>Motion for Leave to File Supplemental Briefing</i> filed by Media Research Center. (Attachments: # <u>1</u> Proposed Order)(Warrington, David) (Entered: 07/03/2014)
07/03/2014	<u>42</u>	MEMORANDUM OPINION AND ORDER – the Court DENIES MRC's Motion for Preliminary Injunction as to Counts I and II. Additionally, the Court DISMISSES Count I WITHOUT PREJUDICE for lack of jurisdiction. Signed by District Judge Gerald Bruce Lee on 3/7/14. (gwalk, ) (Entered: 07/03/2014)
07/03/2014	<u>43</u>	ORDER granting <u>40</u> Motion for Leave to File; ORDERED that Plaintiff shall file a supplemental brief relating solely to the impact of <i>Burwell v. Hobby Lobby Stores, Inc.</i> , No. 13–354, __ U.S. __, 2014 WL 2921709 (U.S. June 30, 2014) on the Court's resolution of Plaintiff's Motion for Preliminary Injunction (Doc. 5). Plaintiff's supplemental brief shall be filed no later than July 11, 2014 and shall not exceed 10 pages. IT IS LASTLY ORDERED that Defendant shall file any response to the brief by no later than July 18, 2014. Any response brief shall not exceed 10 pages. Signed by District Judge Gerald Bruce Lee on 07/03/2014. (jlan, ) (Entered: 07/07/2014)
07/07/2014		Notice of Correction: The filing user has been notified to file a Notice of Hearing Date or a Notice of Waiver of Oral Argument re <u>40</u> MOTION for Leave to File Motion for Leave to File Supplemental Briefing (jlan) (Entered: 07/07/2014)
07/11/2014	<u>44</u>	Brief in Support to <u>5</u> MOTION for Preliminary Injunction <i>Plaintiff's Motion for a Preliminary Injunction Supplemental Brief in Support of Motion for a Preliminary Injunction</i> filed by Media Research Center. (Warrington, David) (Entered: 07/11/2014)
07/18/2014	<u>45</u>	Memorandum in Opposition re <u>5</u> MOTION for Preliminary Injunction <i>Plaintiff's Motion for a Preliminary Injunction</i> filed by Jacob W. Lew, Thomas E. Perez, Kathleen Sebelius, United States Department Of Labor, United States Department of Health and Human Services, United States Department of Treasury. (Konkoly, Antonia) (Entered: 07/18/2014)
08/01/2014	<u>46</u>	ORDER. Accordingly, IT IS HEREBY ORDERED that the July 3, 2014 Memorandum Opinion and Order (Doc. 42) is VACATED and an amended Memorandum Opinion and Order shall be issued. (See Order For Details). Signed by District Judge Gerald Bruce Lee on 8/1/14. (nhall) (Entered: 08/04/2014)
08/01/2014	<u>47</u>	AMENDED MEMORANDUM OPINION AND ORDER, the Court DENIES MRC's Motion for Preliminary Injunction as to Counts I and II. Additionally, the Court DISMISSES Count I WITHOUT PREJUDICE for lack of jurisdiction. IT IS SO ORDERED. (See Order For Details). Signed by District Judge Gerald Bruce Lee on 8/1/14. (nhall ) (Entered: 08/04/2014)
08/12/2014	<u>48</u>	Joint MOTION to Stay by Jacob W. Lew, Thomas E. Perez, Kathleen Sebelius, United States Department Of Labor, United States Department of Health and Human Services, United States Department of Treasury. (Attachments: # <u>1</u> Proposed Order)(Konkoly, Antonia) (Entered: 08/12/2014)
08/12/2014	<u>49</u>	ORDER granting <u>48</u> Motion to Stay. (See Order For Details). Signed by District Judge Gerald Bruce Lee on 8/12/14. (nhall) (Entered: 08/12/2014)
09/11/2014		Reset Scheduling Order Deadlines: Final Pretrial Conference set for 10/16/2014 at 10:00 AM in Alexandria Courtroom 601 before District Judge Gerald Bruce Lee. (Per GBL Chambers 9/11/14) (nhall ) (Entered: 09/11/2014)
10/02/2014	<u>50</u>	STIPULATION of Dismissal <i>Stipulation of Dismissal Without Prejudice</i> by Media Research Center. (Warrington, David) (Entered: 10/02/2014)
10/14/2014	<u>51</u>	So Ordered re <u>50</u> Stipulation of Dismissal filed by Media Research Center. Signed by District Judge Gerald Bruce Lee on 10/14/14. (gwalk, ) (Entered: 10/14/2014)