

**United States District Court
Southern District of West Virginia (Charleston)
CIVIL DOCKET FOR CASE #: 2:13-cv-15487**

Holland et al v. United States Department of Health and Human Services et al
Assigned to: Judge Thomas E. Johnston
Cause: 42:1983 Civil Rights Act
Date Filed: 06/24/2013
Date Terminated: 12/10/2013
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

Joseph B. Holland, Jr.
and

represented by **Allen R. Prunty**
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Plaintiff

Joe Holland Chevrolet, Inc.
a West Virginia Corporation

represented by **Allen R. Prunty**
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Brian E. Calabrese
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William C. Porth
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V.

Defendant

**The United States Department of
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Defendant

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

represented by **Benjamin L. Berwick**
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LEAD ATTORNEY
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Michelle Renee Bennett
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Stephen M. Horn
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Defendant

**The United States Department of
Labor**

represented by **Benjamin L. Berwick**
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Defendant

Seth D. Harris
*in his official capacity as Acting
Secretary of the United States
Department of Labor*

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Defendant

**The United States Department of the
Treasury**
and

represented by **Benjamin L. Berwick**
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*LEAD ATTORNEY
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Defendant

Jacob J. Lew
*in his official capacity as Secretary of the
United States Department of the Treasury
TERMINATED: 07/26/2013*

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Defendant

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

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Amicus**The American Civil Liberties Union of
West Virginia Foundation**

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ATTORNEY TO BE NOTICED

Jennifer Lee
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Sarah Austin Rogers
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/24/2013	<u>1</u>	VERIFIED COMPLAINT. Filing Fee \$400.00. Receipt # 0425-2494946. (Attachment: # <u>1</u> Civil Cover Sheet) (jap) (Entered: 06/25/2013)
06/24/2013	<u>2</u>	MOTION by Joseph B. Holland, Jr, and Joe Holland Chevrolet, Inc. for Temporary Restraining Order and Preliminary Injunction. (Attachment: # <u>1</u> Affidavit of Joseph B. Holland, Jr.) (jap) (Entered: 06/25/2013)
06/24/2013	<u>3</u>	MEMORANDUM by Joseph B. Holland, Jr. , Joe Holland Chevrolet, Inc. in support of <u>2</u> MOTION for Temporary Restraining Order and Preliminary Injunction. (jap) (Entered: 06/25/2013)

06/24/2013		CASE assigned to Judge Thomas E. Johnston. (ras) (Entered: 06/25/2013)
06/25/2013	<u>4</u>	STANDING ORDER IN RE: ASSIGNMENT AND REFERRAL OF CIVIL ACTIONS AND MATTERS TO MAGISTRATE JUDGES ENTERED APRIL 8, 2013. Discovery referred to Magistrate Judge Tinsley. (cc:attys; any unrepresented party) (jap)
06/25/2013	<u>5</u>	ORDER Telephone Conference concerning <u>2</u> motion for a temporary restraining order set for 6/26/2013 at 10:00 AM in Charleston before Judge Thomas E. Johnston. Signed by Judge Thomas E. Johnston on 6/25/2013. (cc: attys; any unrepresented party) (tmr)
06/25/2013	<u>6</u>	EMAIL NOTIFICATION to Hiram S. Sasser, III and Jeffrey C. Mateer with Notice from Teresa L. Deppner, Clerk, Re: Electronic filing requirements. (Attachments: # <u>1</u> Clerk's Notice) (jkk) (Entered: 06/26/2013)
06/26/2013	<u>7</u>	EMAIL NOTIFICATION to Brian E. Calabrese with Notice from Teresa L. Deppner, Clerk, Re: Electronic filing requirements. (Attachments: # <u>1</u> Clerk's Notice) (jkk)
06/26/2013	<u>8</u>	TELEPHONE STATUS CONFERENCE held by Judge Thomas E. Johnston on 6/26/2013; (slw)
06/28/2013	<u>9</u>	MOTION 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 to File Overlength Brief in Opposition to Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction (Bennett, Michelle)
06/28/2013	<u>10</u>	CORPORATE DISCLOSURE STATEMENT by Joe Holland Chevrolet, Inc. (Prunty, Allen)
06/28/2013	<u>11</u>	SUMMONS SUBMITTED by Joseph B. Holland, Jr, Joe Holland Chevrolet, Inc. for 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, re: <u>1</u> Complaint (Prunty, Allen)
07/01/2013	<u>12</u>	ELECTRONIC SUMMONS ISSUED as to United States Department of Health and Human Services, Kathleen Sebelius, United States Department of Labor, Seth D. Harris, United States Department of the Treasury, Jacob J. Lew, re: <u>1</u> Verified Complaint. Summons returnable 60 days. Instructions to Counsel: This is your electronic summons. Please print as many copies of the Summons and Complaint as are necessary to effectuate service under Fed. R. Civ. P. 4. See Proof of Service page of this Summons form for filing a return of service if required by Fed. R. Civ. P. 4(l). (Attachments: # <u>1</u> Summons – Kathleen Sebelius, # <u>2</u> Summons – U.S. Department of Labor, # <u>3</u> Summons – Seth Harris, # <u>4</u> Summons – U.S. Department of the Treasury, # <u>5</u> Summons – Jacob J. Lew) (skh)
07/01/2013	<u>13</u>	ORDER upon hearing held 06/26/2013; directing that the Defendants' shall respond to any motion no later than 7/9/2013, and any reply will be due no later than 7/19/2013; the Court will hold a preliminary injunction hearing on 7/23/2013 at 1:30 p.m. Signed by Judge Thomas E. Johnston on 7/1/2013. (cc: attys; any unrepresented party) (tmh)
07/01/2013	<u>14</u>	STATEMENT OF VISITING ATTORNEY from Jeffrey C. Mateer on behalf of Joseph B. Holland, Jr, Joe Holland Chevrolet, Inc. Local counsel: Allen R. Prunty. Fee \$50.00. Receipt # 0425-2511968. (Prunty, Allen)
07/01/2013	<u>15</u>	STATEMENT OF VISITING ATTORNEY from Hiram S. Sasser, III on behalf of Joseph B. Holland, Jr, Joe Holland Chevrolet, Inc. Local counsel: Allen R. Prunty. Fee \$50.00. Receipt # 0425-2512018. (Prunty, Allen)
07/03/2013	<u>16</u>	ORDER granting defendants' <u>2</u> MOTION for Leave to File Excess Pages; plaintiffs will be permitted to file any reply brief that is twenty-five pages or fewer without further motion. Signed by Judge Thomas E. Johnston on 7/3/2013. (cc: attys; any unrepresented party) (tmr)
07/05/2013	<u>17</u>	ORDER Telephonic Status Conference set for 7/5/2013 01:30 PM in Charleston before Judge Thomas E. Johnston. Signed by Judge Thomas E. Johnston on 7/5/2013. (cc: attys; any unrepresented party) (tmr)

07/05/2013	<u>18</u>	TELEPHONE CONFERENCE held by Judge Thomas E. Johnston on 7/5/2013. (slw) (Entered: 07/09/2013)
07/09/2013	<u>19</u>	MEMORANDUM 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 in opposition to <u>2</u> MOTION by Joseph B. Holland, Jr, Joe Holland Chevrolet, Inc. for Temporary Restraining Order and Preliminary Injunction (Bennett, Michelle)
07/10/2013	<u>20</u>	STATEMENT OF VISITING ATTORNEY from Daniel Mach on behalf of The American Civil Liberties Union, The American Civil Liberties Union of West Virginia Foundation. Local counsel: Sarah Rogers. Fee \$50.00. Receipt # 0425-2533792. (Rogers, Sarah) (Modified on 7/10/2013 to remove and replace image to correct state bar number) (skh).
07/10/2013	<u>21</u>	STATEMENT OF VISITING ATTORNEY from Jennifer Lee on behalf of The American Civil Liberties Union, The American Civil Liberties Union of West Virginia Foundation. Local counsel: Sarah Rogers. Fee \$50.00. Receipt # 0425-2533942. (Rogers, Sarah)
07/10/2013	<u>22</u>	BRIEF OF <i>AMICI CURIAE</i> by The American Civil Liberties Union, The American Civil Liberties Union of West Virginia Foundation in Opposition to <u>2</u> MOTION by Joseph B. Holland, Jr, and Joe Holland Chevrolet, Inc. for Temporary Restraining Order and Preliminary Injunction (Rogers, Sarah) (Modified on 7/10/2013 to add link to #2 motion) (skh).
07/10/2013		NOTICE OF DOCKET CORRECTION re: <u>20</u> Statement of Visiting Attorney from Daniel Mach. ERROR: Image contained the incorrect state bar number of local counsel. CORRECTION: Image corrected and replaced. (skh)
07/11/2013	<u>23</u>	MOTION by The American Civil Liberties Union, The American Civil Liberties Union of West Virginia Foundation for Leave to File Amicus Curiae Brief (Rogers, Sarah)
07/11/2013	<u>24</u>	MEMORANDUM by The American Civil Liberties Union, The American Civil Liberties Union of West Virginia Foundation in support of <u>23</u> MOTION by The American Civil Liberties Union, The American Civil Liberties Union of West Virginia Foundation for Leave to File Amicus Curiae Brief (Rogers, Sarah)
07/12/2013	<u>25</u>	NOTICE of <i>Supplemental Authority</i> 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> Mersino Mgmt. Opinion, # <u>2</u> Liberty Opinion)(Bennett, Michelle)
07/22/2013	<u>26</u>	MOTION by Joseph B. Holland, Jr, Joe Holland Chevrolet, Inc. to Withdraw <u>2</u> MOTION by Joseph B. Holland, Jr, Joe Holland Chevrolet, Inc. for Temporary Restraining Order and Preliminary Injunction (Prunty, Allen)
07/22/2013	<u>27</u>	ORDER granting the plaintiff's <u>26</u> MOTION to withdraw; withdrawing the <u>2</u> MOTION for temporary restraining order and preliminary injunction; and cancelling the preliminary injunction hearing scheduled for 7/23/2013. Signed by Judge Thomas E. Johnston on 7/22/2013. (cc: attys; any unrepresented party) (taq)
07/26/2013	<u>28</u>	AMENDED COMPLAINT by Joseph B. Holland, Jr. and Joe Holland Chevrolet, Inc. against United States Department of Health and Human Services, Kathleen Sebelius, United States Department of Labor, Seth D. Harris, United States Department of the Treasury, Jacob Lew. (skh)
07/29/2013	<u>29</u>	SUMMONS RETURNED EXECUTED for Seth D. Harris, Jacob Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, re: <u>1</u> Verified Complaint. Defendants served on 7/8/2013, answer due 9/6/2013. Person Served: Booth Goodwin/United States Attorney. Return Receipt Cards signed by agents on behalf of each defendant and on behalf of the U.S. Attorney General on 7/10/2013 and 7/16/2013. (Prunty, Allen)
08/12/2013	<u>30</u>	EMAIL NOTIFICATION to Daniel Mach and Jennifer Lee with Notice from Teresa L. Deppner, Clerk, Re: Electronic filing requirements. (Attachments: # <u>1</u> Clerk's

		Notice) (jkk)
08/23/2013	<u>31</u>	MOTION by Seth D. Harris, Jacob Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury to Dismiss <u>28</u> Amended Complaint (Bennett, Michelle) (Modified on 8/23/2013 to add link to #28 amended complaint and to remove memorandum in support (attachment #1) and file it as entry #32) (skh).
08/23/2013	<u>32</u>	MEMORANDUM by Seth D. Harris, Jacob Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury in support of <u>31</u> MOTION by Seth D. Harris, Jacob Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury to Dismiss <u>28</u> Amended Complaint. (skh)
08/23/2013		NOTICE OF DOCKET CORRECTION re: <u>31</u> Motion by Defendants to Dismiss <u>28</u> Amended Complaint. ERROR: Memorandum in support attached. CORRECTION: Memorandum removed and filed using the event Memorandum In Support, entry #32. (skh)
08/26/2013	<u>33</u>	MOTION by Joseph B. Holland, Jr, Joe Holland Chevrolet, Inc. for Extension of Time to File Response to <u>31</u> MOTION by Seth D. Harris, Jacob Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury to Dismiss <u>28</u> Amended Complaint to Sept. 13, 2013 (Prunty, Allen) (Modified on 8/26/2013 to remove link to #32 memorandum) (skh).
09/08/2013	<u>34</u>	RESPONSE by Joseph B. Holland, Jr, Joe Holland Chevrolet, Inc. in opposition to <u>31</u> MOTION by Seth D. Harris, Jacob Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury to Dismiss <u>28</u> Amended Complaint (Prunty, Allen) (Modified on 9/9/2013 to remove link to #32 memorandum) (skh).
09/16/2013	<u>35</u>	REPLY by Seth D. Harris, Jacob Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury to <u>34</u> Response In Opposition. (Bennett, Michelle) (Modified on 9/16/2013 to remove terminated filer) (skh).
09/18/2013	<u>36</u>	NOTICE of Supplemental Authority by Seth D. Harris, Jacob Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury re: <u>31</u> MOTION by Seth D. Harris, Jacob Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury to Dismiss <u>28</u> Amended Complaint (Attachment: # <u>1</u> Exhibit – Autocam Decision)(Bennett, Michelle)
10/02/2013	<u>37</u>	ORDER granting the American Civil Liberties Union and the American Civil Liberties Union of West Virginia's <u>23</u> MOTION to file an amicus brief; and granting plaintiffs' <u>33</u> MOTION for an extension of time to file a response to defendant's <u>31</u> motion to dismiss. Signed by Judge Thomas E. Johnston on 10/2/2013. (cc: attys; any unrepresented party) (taq)
10/11/2013	<u>38</u>	NOTICE of Supplemental Authority by Joseph B. Holland, Jr, Joe Holland Chevrolet, Inc. re: <u>34</u> Response In Opposition (Attachment: # <u>1</u> Exhibit 1)(Prunty, Allen)
11/06/2013	<u>39</u>	NOTICE of Supplemental Authority by Joseph B. Holland, Jr, Joe Holland Chevrolet, Inc. re: <u>31</u> MOTION by Seth D. Harris, Jacob Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury to Dismiss <u>28</u> Amended Complaint (Attachment: # <u>1</u> Exhibit 1)(Prunty, Allen)
11/14/2013	<u>40</u>	NOTICE of Supplemental Authority by Joseph B. Holland, Jr, Joe Holland Chevrolet, Inc. re: <u>31</u> MOTION by Seth D. Harris, Jacob Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury to Dismiss <u>28</u> Amended Complaint (Attachment: # <u>1</u> Exhibit 1)(Prunty, Allen)

11/26/2013	<u>41</u>	NOTICE of Supplemental Authority by Seth D. Harris, Jacob Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury (Bennett, Michelle)
12/03/2013	<u>42</u>	ORDER the court will hold a telephonic Status Conference on 12/10/2013 at 02:00 PM. Signed by Judge Thomas E. Johnston on 12/3/2013. (cc: attys; any unrepresented party) (tmh)
12/04/2013	<u>43</u>	NOTICE OF ATTORNEY APPEARANCE by Benjamin L. Berwick on behalf of Seth D. Harris, Jacob Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury. (Berwick, Benjamin)
12/10/2013	<u>44</u>	ORDER the Court STAYS this case pending the Supreme Court's decision in Sebelius v. Hobby Lobby Stores, Inc., No. 13354, 2013 WL 5297798 (U.S. Nov. 26, 2013); and REMOVES this case from the Court's active docket. Signed by Judge Thomas E. Johnston on 12/10/2013. (cc: attys; any unrepresented party) (taq)
12/10/2013	<u>45</u>	TELEPHONE CONFERENCE held by Judge Thomas E. Johnston on 12/10/2013. (slw) (Entered: 12/13/2013)
06/30/2014	<u>46</u>	NOTICE of Supplemental Authority by Joseph B. Holland, Jr, Joe Holland Chevrolet, Inc. (Attachment: # <u>1</u> Exhibit 1)(Prunty, Allen)
07/02/2014	<u>47</u>	ORDER the Court will hold a telephonic status conference on 7/7/2014 at 9:30 AM in Charleston before Judge Thomas E. Johnston. Signed by Judge Thomas E. Johnston on 7/2/2014. (cc: attys; any unrepresented party) (taq)
07/07/2014	<u>48</u>	TELEPHONE CONFERENCE held by Judge Thomas E. Johnston on 7/7/2014. (slw)
07/15/2014	<u>49</u>	PROPOSED ORDER Consent Order Granting Preliminary Injunction by Joseph B. Holland, Jr, Joe Holland Chevrolet, Inc., Seth D. Harris, Jacob Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury (Prunty, Allen) (Modified on 7/15/2014 to add party filers) (skh).
07/23/2014	<u>50</u>	CONSENT ORDER GRANTING PRELIMINARY INJUNCTION directing that defendants, their employees, agents, and successors in office are preliminarily ENJOINED until further order of the Court and as directed and set forth more fully herein; no bond is required. Signed by Judge Thomas E. Johnston on 7/23/2014. (cc: attys; any unrepresented party) (taq)
12/09/2014	<u>51</u>	JOINT MOTION by Seth D. Harris, Jacob Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, Joseph B. Holland, Jr, Joe Holland Chevrolet, Inc. for Entry of Injunction and Judgment (Attachment: # <u>1</u> Proposed Order)(Bennett, Michelle) (Modified on 12/9/2014 to add party filers) (skh).
05/29/2015	<u>52</u>	INJUNCTION AND JUDGMENT ORDER; directing that judgment is entered in favor of plaintiffs and against defendants on plaintiffs claim under the Religious Freedom Restoration Act, 42 U.S.C. §§ 2000bb; directing that all other claims against Defendants are DISMISSED; and it is further ORDERED that any petition by plaintiffs for attorneys fees or costs shall be submitted on or before 60 days; directing that this Injunction and Judgment does not apply with respect to any changes in statute or regulation that are enacted or promulgated after this date, and nothing herein prevents plaintiffs from filing a new civil action to challenge any such future changes. Signed by Judge Thomas E. Johnston on 5/28/2015. (cc: attys; any unrepresented party) (tmr)
07/22/2015	<u>53</u>	JOINT MOTION by Joseph B. Holland, Jr, Joe Holland Chevrolet, Inc., Seth D. Harris, Jacob Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury for Extension of Time to File Plaintiffs' Petition for Attorney's Fees & Costs to 09/28/2015 (Prunty, Allen)
07/28/2015	<u>54</u>	ORDER granting the parties' <u>53</u> JOINT MOTION for Extension of Time to File Plaintiffs' Petition for Attorney's Fees and Costs to 09/28/2015; directing that the deadline for Plaintiffs to file a petition for attorneys fees and costs is extended to

		9/28/2015. Signed by Judge Thomas E. Johnston on 7/28/2015. (cc: counsel of record; any unrepresented party) (tmh)
09/28/2015	<u>55</u>	JOINT MOTION by Joseph B. Holland, Jr, Joe Holland Chevrolet, Inc., Seth D. Harris, Jacob Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury for Extension of Time to File Plaintiffs' Petition for Attorney's Fees & Costs to 10/12/2015 (Prunty, Allen) (Modified on 9/28/2015 to add party filers) (skh).
10/07/2015	<u>56</u>	ORDER granting the parties' <u>55</u> JOINT MOTION for Extension of Time within which plaintiffs may submit to the Court a petition for attorney's fees and costs; plaintiffs may file their petition for attorney's fees and costs by 10/12/2015. Signed by Judge Thomas E. Johnston on 10/7/2015. (cc: counsel of record; any unrepresented party) (taq)
10/28/2015	<u>57</u>	JOINT NOTICE OF SETTLEMENT by Joseph B. Holland, Jr, Joe Holland Chevrolet, Inc., Seth D. Harris, Jacob Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury (Prunty, Allen) (Modified on 10/29/2015 to add party filers) (skh).
10/30/2015	<u>58</u>	DISMISSAL ORDER pursuant to the parties' <u>57</u> Joint Notice of Settlement; all issues in controversy between the parties have been fully resolved; the Court LIFTS the stay in this case; DISMISSES this action WITH PREJUDICE, subject to reopening on motion of any party for good cause shown within 90 days; and directing this case removed from the Court's docket. The parties need not submit any additional proposed dismissal or other final order unless it is required by law or is necessary under the terms of any agreement resolving this civil action. Signed by Judge Thomas E. Johnston on 10/30/2015. (cc: counsel of record; any unrepresented party) (taq)