

**U.S. District Court  
Middle District of Louisiana (Baton Rouge)  
CIVIL DOCKET FOR CASE #: 3:15-cv-00565-JWD-RLB**

Planned Parenthood Gulf Coast, Inc. et al v. Kliebert  
Assigned to: Judge John W. deGravelles  
Referred to: Magistrate Judge Richard L. Bourgeois, Jr  
Related Case: 3:16-cv-00444-BAJ-RLB  
Case in other court: 5th Circuit, 15-30987  
Cause: 42:1983 Civil Rights Act

Date Filed: 08/25/2015  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Planned Parenthood Gulf Coast, Inc.**

represented by **William E. Rittenberg**  
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**Plaintiff**

**Jane Doe #1**

represented by **William E. Rittenberg**  
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**Carrie Y. Flaxman**  
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**Melissa Cohen**  
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**Plaintiff**

**Jane Doe #2**

represented by

**William E. Rittenberg**  
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**Carrie Y. Flaxman**  
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**Plaintiff**

**Jane Doe #3**

represented by **William E. Rittenberg**  
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**Melissa Cohen**  
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V.

**Defendant**

**Kathy Kliebert**  
*Secretary, Louisiana Department of  
Health and Hospitals*

represented by **Stephen Robert Russo**  
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**Interested Party**

**United States**

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Date Filed	#	Docket Text
08/25/2015	<u>1</u>	COMPLAINT for Injunctive and Declaratory Relief against Kathy Kliebert (Filing fee \$ 400 receipt number 053N-1279437.), filed by Planned Parenthood Gulf Coast, Inc.. (Attachments: # <u>1</u> Attachment Civil Cover Sheet, # <u>2</u> Attachment Corporate Disclosure Statement, # <u>3</u> Attachment Summons to Defendant Kathy Kliebert)(Rittenberg, William) Modified to edit text on 8/26/2015 (BCL). (Entered: 08/25/2015)

08/25/2015	<u>2</u>	MOTION for Carrie Y. Flaxman to Appear Pro Hac Vice (Filing fee \$100.00, Receipt Number 053N-1279491) by Planned Parenthood Gulf Coast, Inc.. (Attachments: # <u>1</u> Attachment Declaration of Carrie Y. Flaxman, # <u>2</u> Attachment Certificate of Good Standing, # <u>3</u> Attachment Proposed order)(Rittenberg, William) (Entered: 08/25/2015)
08/25/2015	<u>3</u>	MOTION for Melissa Cohen to Appear Pro Hac Vice (Filing fee \$100.00, Receipt Number 053N-1279522) by Planned Parenthood Gulf Coast, Inc.. (Attachments: # <u>1</u> Attachment Declaration of Melissa Cohen, # <u>2</u> Attachment Certificate of Good Standing, # <u>3</u> Proposed Order)(Rittenberg, William) (Entered: 08/25/2015)
08/25/2015	<u>4</u>	MOTION for Temporary Restraining Order and Preliminary Injunction by All Plaintiffs. (Attachments: # <u>1</u> Attachment Memorandum in Support, # <u>2</u> Attachment Declaration of Melaney Linton, # <u>3</u> Attachment Declaration of Jane Doe #1, # <u>4</u> Attachment Declaration of Jane Doe #2, # <u>5</u> Attachment Declaration of Jane Doe #3, # <u>6</u> Attachment Proposed Order Granting TRO, # <u>7</u> Attachment Proposed Order Granting PI)(Rittenberg, William) Modified to edit text on 8/26/2015 (BCL). Modified on 9/3/2015 to replace attachment 2 in accordance with record document 17 (NLT). (Entered: 08/25/2015)
08/25/2015	<u>5</u>	MOTION for Protective Order by All Plaintiffs. (Attachments: # <u>1</u> Attachment Memorandum in Support, # <u>2</u> Attachment Declaration of Jane Doe #1, # <u>3</u> Attachment Declaration of Jane Doe #2, # <u>4</u> Attachment Declaration of Jane Doe #3, # <u>5</u> Attachment Proposed Order)(Rittenberg, William) (Entered: 08/25/2015)
08/25/2015	<u>6</u>	ORDER granting <u>2</u> Motion to Admit Carrie Y. Flaxman Pro Hac Vice and granting <u>3</u> Motion to Admit Melissa Cohen Pro Hac Vice. Carrie Y. Flaxman and Melissa Cohen added as attorneys pro hac vice for Planned Parenthood Gulf Coast, Inc. Signed by Magistrate Judge Stephen C. Riedlinger on 8/25/2015. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (Riedlinger, Stephen) Modified on 8/25/2015 to edit the text (NLT). (Entered: 08/25/2015)
08/25/2015		MOTION(S) REFERRED: <u>5</u> MOTION for Protective Order . This motion is now pending before the USMJ. (NLT) (Entered: 08/25/2015)
08/25/2015	<u>7</u>	Minute Entry for proceedings held before Judge John W. deGravelles: Telephone Status Conference held on 8/25/2015: Briefs shall be filed by Defendant in response to <u>4</u> Motion for Temporary Restraining Order on or before Thursday, August 27, 2015. Plaintiffs may file a reply brief on or before Monday, August 31, 2015. Motion Hearing set for 9/2/2015 at 01:30 PM in Courtroom 1 before Judge John W. deGravelles for <u>4</u> Motion for Temporary Restraining Order. (BCL) (Entered: 08/25/2015)
08/25/2015		Set/Reset Deadlines (BCL) (Entered: 08/25/2015)
08/26/2015		MOTION(S) REFERRED: <u>5</u> MOTION for Protective Order . This motion is now pending before the USMJ. (NLT) (Entered: 08/26/2015)
08/26/2015	<u>8</u>	Letter to Attorney William Rittenberg regarding Charles M. Samuel who is Co-Counsel for party Planned Parenthood Gulf Coast, Inc., Jane Doe #1, Jane Doe #2, Jane Doe #3. Attorney is not admitted to practice in LAMD. (BCL) (Entered: 08/26/2015)
08/26/2015	<u>9</u>	Summons Issued as to Kathy Kliebert. (NOTICE: Counsel shall print and serve both the summons and all attachments in accordance with Federal Rule of Civil Procedure 4.) (BCL) Modified to replace document on 8/28/2015 (BCL). (Entered: 08/26/2015)
08/26/2015	<u>10</u>	MOTION for Leave of Court by All Defendants. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Proposed Order)(Romero, Ryan) Modified to edit text on 8/26/2015 (BCL). (Entered: 08/26/2015)
08/26/2015	<u>11</u>	PROTECTIVE ORDER. Signed by Magistrate Judge Stephen C. Riedlinger on 8/26/2015. (BCL) (Entered: 08/26/2015)
08/27/2015	<u>12</u>	ORDER granting <u>10</u> MOTION for Leave to file brief in excess of the 10 page length limitation set forth in Local Civil Rule 7(g). Signed by Judge John W. deGravelles on 08/27/2015. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (KDC) (Entered: 08/27/2015)

08/27/2015	<u>13</u>	MEMORANDUM in Opposition <u>4</u> Motion for Temporary Restraining Order and Preliminary Injunction filed by Kathy Kliebert. (Attachments: # <u>1</u> Declaration, # <u>2</u> Declaration)(Sullivan, Kimberly) Modified to edit text on 8/28/2015 (BCL). (Entered: 08/27/2015)
08/27/2015	<u>14</u>	SEALED Notice of Identities of Jane Doe Plaintiffs . (Rittenberg, William) Modified on 8/31/2015 to edit the text to match the document. (NLT). (Entered: 08/27/2015)
08/28/2015	<u>15</u>	WAIVER OF SERVICE Returned Executed by Planned Parenthood Gulf Coast, Inc.. Kathy Kliebert waiver sent on 8/26/2015, answer due 10/26/2015. (Rittenberg, William) (Entered: 08/28/2015)
08/28/2015	<u>16</u>	MOTION for Leave to File Substitution by All Plaintiffs. (Attachments: # <u>1</u> Proposed Pleading; Proposed Order Granting Motion for Substitution, # <u>2</u> Attachment Corrected Declaration of Melaney Linton)(Rittenberg, William) (Entered: 08/28/2015)
08/31/2015	<u>17</u>	ORDER granting <u>16</u> MOTION for Leave to File Substitution of a corrected version of the Declaration of Melaney Linton filed by Jane Doe #2, Jane Doe #1, Planned Parenthood Gulf Coast, Inc., Jane Doe #3. Signed by Judge John W. deGravelles on 08/31/2015. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (KDC) (Entered: 08/31/2015)
08/31/2015	<u>18</u>	MOTION for Leave to file overlength memorandum. by All Plaintiffs. (Attachments: # <u>1</u> Attachment Memorandum in Support, # <u>2</u> Attachment Proposed Order)(Rittenberg, William) (Entered: 08/31/2015)
08/31/2015	<u>19</u>	NOTICE to Counsel: In regard to the hearing on the merits of the Motion for TRO for September 2, 2015, at 2:00 p.m., this Court asks the Parties to be prepared not only to discuss any and all issues explicated therein but also to address the nonexclusive matters herein. (BCL) (Entered: 08/31/2015)
08/31/2015	<u>20</u>	NOTICE of Appearance by United States (Gaupp, John) (Entered: 08/31/2015)
08/31/2015	<u>21</u>	ORDER granting <u>18</u> MOTION for Leave to file overlength memorandum. Signed by Judge John W. deGravelles on 08/31/2015. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (KDC) (Entered: 08/31/2015)
08/31/2015	<u>22</u>	REPLY MEMORANDUM in Support of <u>4</u> MOTION for Temporary Restraining Order MOTION for Preliminary Injunction filed by All Plaintiffs. (Rittenberg, William) Modified on 9/1/2015 to edit text (LLH). (Entered: 08/31/2015)
08/31/2015	<u>23</u>	MOTION for Leave to File Excess Pages by United States. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit Proposed Order)(Crowley, Megan) (Entered: 08/31/2015)
08/31/2015	<u>24</u>	Brief regarding <i>Statement of Interest of the United States</i> . (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Crowley, Megan) (Entered: 08/31/2015)
09/01/2015	<u>25</u>	Notice to Counsel: Telephone Conference set for 9/1/2015 at 12:30 PM Central Time before Judge John W. deGravelles. Counsel for Plaintiff shall coordinate the call to the Court with all parties on one phone line.(This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.)(KDC) (Entered: 09/01/2015)
09/01/2015	<u>26</u>	ORDER granting <u>23</u> Motion for Leave to File a Statement of Interest that is in excess of the 10 page limitation set forth in Local Civil Rule 7(g). Signed by Judge John W. deGravelles on 09/01/2015. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (KDC) (Entered: 09/01/2015)
09/01/2015	<u>28</u>	Minute Entry for proceedings held before Judge John W. deGravelles: Telephone Conference held on 9/1/2015. The Court called this conference to discuss an oral motion to continue Wednesday's hearing submitted by the Defendant. For oral reasons assigned, the Court will hear arguments as previously set on Wednesday, 9/2/2015 at 1:30pm. Briefs in response to Statement of Interest filed by the United States shall be filed on or before 5:00 pm on Friday, 9/4/2015. After agreement by all counsel, the Louisiana Department of Health and Hospitals agrees not terminate any of the Medicaid Provider agreements between Planned Parenthood Gulf Coast, Inc. and the State of Louisiana at issue in this matter until close of business on Tuesday 9/15/2015. This allows the Court until 9/15/2015 to issue a ruling on the pending <u>4</u> Motion for

		Temporary Restraining Order and Preliminary Injunction. (LLH) (Entered: 09/02/2015)
09/02/2015	<u>27</u>	Letter dated 9/2/2015 from Stephen Russo to William E. Rittenberg Re: Telephone Status Conference 9/1/2015. (LLH) (Entered: 09/02/2015)
09/02/2015	<u>30</u>	Minute Entry for proceedings held before Judge John W. deGravelles: Motion Hearing held on 9/2/2015 re <u>4</u> MOTION for Temporary Restraining Order and Preliminary Injunction. Counsel presented arguments. The brief deadline for Defendant to file a response to the Statement of Interest filed by the United States was previously set for 5:00 pm on Friday, September 4, 2015. The Plaintiff is now given until 5:00 pm on Wednesday, September 9, 2015 to file a reply. (Court Reporter Gina Delatte-Richard.) (BCL) (Entered: 09/03/2015)
09/03/2015	<u>29</u>	TRANSCRIPT REQUEST by Jane Doe #1, Jane Doe #2, Jane Doe #3, Planned Parenthood Gulf Coast, Inc. for proceedings held on 9/2/2015 before Judge Judge John W. deGravelles.. (Flaxman, Carrie) Modified to flatten doucment on 9/4/2015 (BCL). (Entered: 09/03/2015)
09/04/2015	<u>31</u>	Reply to U.S. Department of Justice's Statement of Interest filed by Kathy Kliebert. (Attachments: # <u>1</u> Declaration)(Sullivan, Kimberly) Modified to edit text on 9/8/2015 (BCL). (Entered: 09/04/2015)
09/04/2015	<u>32</u>	MOTION of Leave of Court to Amend Papers <u>13</u> MEMORANDUM in Opposition <i>TO PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER</i> by Kathy Kliebert. (Attachments: # <u>1</u> Proposed Pleading; Proposed Order)(Romero, Ryan) Modified on 9/8/2015 to edit text (LLH). (Entered: 09/04/2015)
09/08/2015	<u>33</u>	ORDER: as to <u>32</u> MOTION to Amend <u>13</u> MEMORANDUM in Opposition <i>to Plaintiff's MOTION for TEMPORARY RESTRAINING ORDER</i> filed by Kathy Kliebert. Because the motion is opposed in part and because the proposed substituted and amending pleadings are not attached to the motion, the matter is set for telephone conference on Wednesday, 9/9/2015 at 1:30 p.m. so that the Court and all parties may have the opportunity to view the proposed pleadings and argument can be heard. The Court directs the Defendant to file the proposed filings no later than 5 p.m. on 9/8/2015. Signed by Judge John W. deGravelles on 9/8/2015. (LLH) (Entered: 09/08/2015)
09/08/2015	<u>34</u>	Amended MEMORANDUM in Opposition to <u>4</u> MOTION for Temporary Restraining Order MOTION for Preliminary Injunction filed by Kathy Kliebert. (Attachments: # <u>1</u> Redacted Exhibit, # <u>2</u> Declaration)(Sullivan, Kimberly) (Attachment 1 replaced on 9/10/2015 per Order #36) (JDL). (Additional attachment(s) added on 9/10/2015: # <u>3</u> Unredacted Exhibit) (JDL). (Entered: 09/08/2015)
09/09/2015	<u>35</u>	MOTION for Leave to Seal Record and Substitute Paper by Kathy Kliebert. (Attachments: # <u>1</u> Attachment Redacted Attachment 1, # <u>2</u> Proposed Pleading; Proposed Order)(Romero, Ryan) (Entered: 09/09/2015)
09/09/2015	<u>37</u>	Minute Entry for proceedings held before Judge John W. deGravelles: Hearing (by phone) held on 9/9/2015 re <u>32</u> Motion for Leave of Court to Amend Papers to Memorandum in Opposition to Plaintiffs Motion for Temporary Restraining Order. Counsel for the Defendant advised Court the Defendant will no longer seek to terminate the four Medicaid provider agreements with Planned Parenthood Gulf Coast, Inc. pursuant to Louisiana Revised Statues§ 46:437.11 (D)(1), and that it will file a formal document so declaring on or before Monday, September 14, 2015. For reasons stated on the record, Defendant's <u>32</u> Motion of Leave of Court to Amend Papers to Memorandum in Opposition to Plaintiff's Motion for Temporary Restraining Order is granted. As such, the Court permitted the Defendant to amend, but not to substitute the attachments included with record document 13. (BCL) (Entered: 09/11/2015)
09/10/2015	<u>36</u>	ORDER granting <u>35</u> MOTION for Leave to Seal Record and Substitute Paper. CM/ECF Document 34-1 filed on 9/8/2015 be SEALED pursuant to FRCP 5.2(e)(2), prohibiting remote electronic access to the filing by a non-party. FURTHER ORDERED that leave of court for defendant to substitute a redacted version of CM/ECF Document 34-1 for the public record is GRANTED. Signed by Judge John W. deGravelles on 9/10/2015. (JDL) (Entered: 09/10/2015)

09/15/2015	<u>38</u>	NOTICE of Letter to Court by Kathy Kliebert dated 09/14/2015...The Court has received and files into the record Defendant's letter of September 14, 2015. In light of Defendant's representations made therein, Plaintiffs are given 21 days to respond and show cause, if any, why Plaintiffs' action should not be dismissed, without prejudice, as moot. (KDC) (Entered: 09/15/2015)
10/06/2015	<u>39</u>	Memorandum in RESPONSE to <u>38</u> Notice, <i>Showing Cause Why this Action is Not Moot</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit A – Termination Letters)(Flaxman, Carrie) Modified on 10/7/2015 to edit text (LLH). (Entered: 10/06/2015)
10/07/2015	40	Notice to Counsel: Telephone Conference set for 10/7/2015 at 2:30 PM before Judge John W. deGravelles. Counsel for Plaintiff will circulate dial-in information for the conference call.(This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.)(KDC) (Entered: 10/07/2015)
10/07/2015	<u>41</u>	Unopposed MOTION to Amend <u>1</u> Complaint, by All Plaintiffs. (Attachments: # <u>1</u> Proposed Pleading; First Amended Complaint, # <u>2</u> Attachment Proposed Order)(Flaxman, Carrie) (Entered: 10/07/2015)
10/07/2015	42	ORDER granting <u>41</u> Plaintiffs' Unopposed Motion for Leave to File Amended Complaint. The clerk of court will file the [41-1] First Amended Complaint for Injunctive and Declaratory Relief -- Class Action submitted with the motion.Signed by Magistrate Judge Stephen C. Riedlinger on 10/7/2015. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (Riedlinger, Stephen) (Entered: 10/07/2015)
10/07/2015	<u>43</u>	First AMENDED COMPLAINT for Injunctive and Declaratory Relief–Class Action against Kathy Kliebert filed by Planned Parenthood Gulf Coast, Inc., Jane Doe #3, Jane Doe #2, Jane Doe #1.(BCL) (Entered: 10/08/2015)
10/07/2015	<u>44</u>	Minute Entry for proceedings held before Judge John W. deGravelles: Telephone Conference held on 10/7/2015. Opposition to the <u>4</u> MOTION for Temporary Restraining Order MOTION for Preliminary Injunction shall be filed on or before 5:0 pm on Wednesday, 10/14/2015. The Court granted leave to parties to not comply with LR 7(g) when filing briefs to motion. Motion Hearing set for 10/16/2015 at 08:30 AM in Courtroom 1 before Judge John W. deGravelles. (LLH) (Entered: 10/08/2015)
10/09/2015	<u>45</u>	RENEWED MOTION for Temporary Restraining Order and Preliminary Injunction by All Plaintiffs. (Attachments: # <u>1</u> Attachment Proposed Order – Temporary Restraining Order, # <u>2</u> Attachment Proposed Order – Preliminary Injunction)(Flaxman, Carrie) Modified on 10/13/2015 (ELW). Added MOTION for Preliminary Injunction on 10/13/2015 (ELW). (Entered: 10/09/2015)
10/09/2015	<u>46</u>	MEMORANDUM of Law in Support of <u>45</u> Renewed MOTION for Temporary Restraining Order and Preliminary Injunction filed by All Plaintiffs. (Attachments: # <u>1</u> Attachment Declaration of Melaney Linton, # <u>2</u> Exhibit A – Root Email 3/11/2014, # <u>3</u> Exhibit B – Watkins Email 7/25/2014, # <u>4</u> Exhibit C – Hearing Transcript, # <u>5</u> Exhibit D – Bordlee Email 3/15/2013, # <u>6</u> Exhibit E – Bordlee Emails 7/10/2013, # <u>7</u> Exhibit F – Bordlee Emails 7/24 – 7/25/2013, # <u>8</u> Exhibit G – Legislative Resolutions, # <u>9</u> Exhibit H – Arkansas Prelim. Inj. Order, # <u>10</u> Exhibit I – Utah Temporary Restraining Order)(Flaxman, Carrie) Modified on 10/13/2015 to edit text (ELW). (Entered: 10/09/2015)
10/09/2015	<u>47</u>	MOTION for Limited Expedited Written Discovery by All Plaintiffs. (Attachments: # <u>1</u> Attachment Proposed Order Granting Mot. for Expedited Discovery)(Flaxman, Carrie) Modified on 10/13/2015 to edit text (ELW). (Entered: 10/09/2015)
10/09/2015	<u>48</u>	MEMORANDUM in Support of <u>47</u> MOTION for Limited Expedited Written Discovery filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit A – Consolidated Discovery Requests, # <u>2</u> Exhibit B – Letter from Cohen to Hwang, # <u>3</u> Exhibit C – DHH Initial Response, # <u>4</u> Exhibit D – Letter Narrowing Requests 6–7)(Flaxman, Carrie) Modified on 10/13/2015 to edit text(ELW). (Entered: 10/09/2015)
10/09/2015	<u>49</u>	MOTION to Certify Class by All Plaintiffs. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Attachment Proposed Order Granting Mot. to Certify Class)(Flaxman, Carrie) (Entered: 10/09/2015)

10/09/2015		Set/Reset Deadlines as to <u>45</u> MOTION for Temporary Restraining Order and MOTION for Preliminary Injunction. Defendants response due by 5:00 PM on 10/14/2015. Motion Hearing set for 10/16/2015 at 08:30 AM in Courtroom 1 before Judge John W. deGravelles. (JDL) (Entered: 10/13/2015)
10/12/2015	<u>50</u>	MOTION to Enroll Jimmy R. Faircloth, Jr. and Brook Landry Villa as Additional Attorney by All Defendants. (Attachments: # <u>1</u> Proposed Pleading; Order)(Romero, Ryan) (Entered: 10/12/2015)
10/13/2015	<u>51</u>	ORDER granting <u>50</u> Motion to Enroll Co-Counsel. Added attorneys Jimmy R. Faircloth, Jr., and Brook L. Villa for Kathy Kliebert. Signed by Magistrate Judge Stephen C. Riedlinger on 10/13/2015. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (Riedlinger, Stephen) (Entered: 10/13/2015)
10/14/2015	<u>52</u>	Memorandum Regarding Availability of State Remedy (Attachments: # <u>1</u> Exhibit A, Russo Email 9/22/2015, # <u>2</u> Exhibit B, Louisiana State Medicaid Plan Section 4.2a)(Flaxman, Carrie) Modified to edit text on 10/15/2015 (BCL). (Entered: 10/14/2015)
10/14/2015	<u>53</u>	MOTION to Dismiss Complaint for Lack of Subject Matter Jurisdiction and Failure to State a Claim by Kathy Kliebert. (Attachments: # <u>1</u> Memorandum in Support)(Faircloth, Jimmy) Modified on 10/15/2015 to edit text (ELW). (Entered: 10/14/2015)
10/16/2015	<u>54</u>	NOTICE of Filing of <i>Settlement Agreement</i> by Jane Doe #1, Jane Doe #2, Jane Doe #3, Planned Parenthood Gulf Coast, Inc. (Attachments: # <u>1</u> Exhibit Exhibit A – Reynolds Settlement)(Cohen, Melissa) (Entered: 10/16/2015)
10/16/2015	<u>56</u>	Minute Entry for proceedings held before Judge John W. deGravelles: Hearing (by Telephone) held on 10/16/2015. Counsel presented arguments. For oral reasons assigned, Plaintiffs' <u>47</u> Motion for Limited Expedited Written Discovery(Doc. 47) is DENIED. Court advised the parties that it will rule on this matter before Monday, October 19, 2015. Any additional briefing shall be filed on or before 5:00 p.m. today, October 16, 2015. Parties shall also provide the Court with a copy of the settlement agreement in Reynolds v. Planned Parenthood Gulf Coast, No. 9:09-cv-124 (E.D. TX, Lufkin Div.)(July 25, 2013) before 5:00 p.m. today, October 16, 2015. (BCL) Modified on 10/20/2015 (NLT). (Entered: 10/19/2015)
10/18/2015	<u>55</u>	ORDER: Defendant's Motion to Dismiss <u>53</u> is DENIED. Plaintiffs' Renewed Motion for Temporary Restraining Order and for Preliminary Injunction <u>46</u> is GRANTED IN PART. The temporary restraining order will remain in force for fourteen (14) days from the date of its entry unless, pursuant to Rule 65(b)(2), the Court, for good cause shown or with the agreement of the Parties, extends it. A telephone status conference is set for Monday, October 19, 2015, at 2:30 p.m., for the purpose of discussing the extension of this order during discovery, setting a scheduling order for discovery, a hearing date for the preliminary injunction, and setting other appropriate cut-offs. Plaintiffs' Motion for Preliminary Injunction will be DEFERRED but remain pending and will be set for a date that will allow the parties adequate time for discovery. Signed by Judge John W. deGravelles on 10/18/2015. (KDC) (Entered: 10/18/2015)
10/18/2015		Set/Reset Hearings: Telephone Conference set for 10/19/2015 at 2:30 PM before Judge John W. deGravelles. (KDC) (Entered: 10/18/2015)
10/19/2015	<u>57</u>	TRANSCRIPT REQUEST by Jane Doe #1, Jane Doe #2, Jane Doe #3, Planned Parenthood Gulf Coast, Inc. for proceedings held on 10/16/2015 before Judge John W. deGravelles.. (Cohen, Melissa) Modified on 10/20/2015 to flatten and replace document (LLH). (Entered: 10/19/2015)
10/19/2015	<u>58</u>	Minute Entry for proceedings held before Judge John W. deGravelles: Telephone Status Conference held on 10/19/2015. Both parties stated for the record that there is no need for the taking and submitting of any additional evidence and the making of further arguments. Both sides declined to supplement or amend their prior filings prior to this Court issuing a preliminary injunction. Both sides had no objection to converting the temporary restraining order to a preliminary injunction. Court will consider issuing a ruling converting the temporary restraining order to a preliminary injunction. Counsel for the Defendant requested Court stay this matter. Plaintiffs requested additional time to determine if they agree to a stay in this matter. Court



		agreed to Plaintiffs' request for time to consider Defendant's request for a stay. Court instructed the parties to submit their positions in writing and for Defendant to file a motion if the parties could not agree. (BCL) (Entered: 10/19/2015)
10/19/2015	<u>59</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motion hearing before Judge John W. deGravelles held on 10/16/2015. Court Reporter: Gina Delatte–Richard.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have five (5) 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 <a href="http://www.lamd.uscourts.gov">www.lamd.uscourts.gov</a>.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Request due 11/6/2015. Redacted Transcript Deadline set for 11/16/2015. Release of Transcript Restriction set for 1/14/2016. (Delatte–Richard, Gina) (Entered: 10/19/2015)</p>
10/26/2015	60	Notice to Counsel:Telephone Conference set for 10/28/2015 at 2:30 PM (CENTRAL) before Judge John W. deGravelles. Counsel for Plaintiffs shall provide the parties and the Court with a call–in number for the conference call. Each party shall fax a letter to the Court by 5:00 PM on Tuesday, October 27, 2015, that summarizes what it believes the remaining issues to be, states its positions on each issue and specifies what it would like the Court do. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (KDC) (Entered: 10/26/2015)
10/28/2015	<u>61</u>	NOTICE of Supplemental Authority by Jane Doe #1, Jane Doe #2, Jane Doe #3, Planned Parenthood Gulf Coast, Inc. (Attachments: # <u>1</u> Exhibit A – Bentley Preliminary Injunction Order, # <u>2</u> Exhibit B – Bentley Preliminary Injunction Opinion)(Cohen, Melissa) (Entered: 10/28/2015)
10/28/2015	<u>62</u>	Minute Entry for proceedings held before Judge John W. deGravelles: Telephone Status Conference held on 10/28/2015. Parties agreed to: Neither side wants additional discovery, nor a hearing on the preliminary injunction. Parties agree that record is complete for issuance of a preliminary injunction. Court will issue preliminary injunction. Court addressed whether the Court needs to enter a separate judgment under Rule 58. Court addressed issues raised by Defendant for certification under 28 U.S.C. § 1292. Court advised parties that if Defendant wants certification under §1292, Defendant must file motion and notice and briefing schedule will be issued and the briefs would be considered before a ruling is issued. Defendants previously requested this matter be stayed to prevent the parties from moving forward with permanent injunction while case is on appeal. Should the Plaintiffs disagree with Defendants on issue, briefing schedule will be issued before a ruling is issued on the stay. If the parties agree, they are to submit a consent order. (BCL) (Entered: 10/29/2015)
10/29/2015	<u>63</u>	ORDER: Defendant's Motion to Dismiss Complaint for Lack of Subject Matter Jurisdiction and Failure to State a Claim (Doc. 53) is DENIED.Plaintiffs' Renewed Motion for Temporary Restraining Order and for Preliminary Injunction (Doc. 45) is GRANTED. Defendant, and all those acting in concert with her, are PRELIMINARILY ENJOINED from terminating any of its Medicaid provider agreements with Planned Parenthood Gulf Coast Inc., including, but not limited to, Provider Numbers 91338, 133689, 45802, and 133673. The preliminary injunction will remain in force until notified by this Court. Signed by Judge John W. deGravelles on 10/29/2015. (KDC) (Entered: 10/29/2015)
10/29/2015	<u>64</u>	ORDER ON DEFENDANTS MOTION TO DISMISS AND PLAINTIFFS' REQUEST FOR A PRELIMINARY INJUNCTION: In accordance with the opinion entered on this date, (Doc. 63), it is the ORDER of this Court as follows: (1) Defendant Kathy H. Kliebert's Motion to Dismiss (Doc. 53) is DENIED. (2) Plaintiffs' Renewed Motion for Temporary Restraining Order and for Preliminary Injunction (Doc. 45) is GRANTED. (3) Defendant, and all those acting in concert with her, are PRELIMINARILY ENJOINED from terminating any of its Medicaid provider agreements with Planned Parenthood Gulf Coast Inc., including, but not limited to, Provider Numbers 91338, 133689, 45802, and 133673. The preliminary injunction will remain in force until notified by this Court. Signed by Judge John W. deGravelles on

		10/29/2015. (KDC) (Entered: 10/29/2015)
11/02/2015	<u>65</u>	UNOPPOSED EX PARTE MOTION for Extension of Time Responsive pleadings by Kathy Kliebert. (Villa, Brook) Modified on 11/2/2015 to edit text (ELW). (Entered: 11/02/2015)
11/03/2015	66	ORDER granting <u>65</u> Unopposed Ex Parte Motion for Extension to file Responsive Pleadings. Defendant's response to the <u>43</u> First Amended Complaint for Injunctive and Declaratory Relief – Class Action due by 12/2/2015. A response to the original <u>1</u> Complaint for Injunctive and Declaratory Relief is not needed as the First Amended Complaint superseded the original Complaint. Signed by Magistrate Judge Stephen C. Riedlinger on 11/3/2015. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (Riedlinger, Stephen) (Entered: 11/03/2015)
11/04/2015	<u>67</u>	NOTICE OF APPEAL to the USCA for the 5th Circuit of <u>64</u> Order,,, by Kathy Kliebert. Filing fee \$ 505, receipt number 053N–1317265. (Villa, Brook) (Entered: 11/04/2015)
11/05/2015	<u>68</u>	TRANSCRIPT REQUEST by Kathy Kliebert for proceedings held on October 16, 2015 before Judge John deGravelles, re <u>67</u> Notice of Appeal to the USCA for the 5th Circuit (Villa, Brook) TRANSCRIPT IS ALREADY ON FILE IN CLERK'S OFFICE (Main Document 68 replaced on 11/5/2015) (ELW). Modified on 11/5/2015 to flatten file (ELW). Modified on 11/6/2015 (ELW). (Entered: 11/05/2015)
11/06/2015	<u>69</u>	Unopposed MOTION to Stay Proceedings by Kathy Kliebert. (Villa, Brook) Modified to edit text 11/6/2015 (BCL). Modified on 11/9/2015 to replace document as per Order #71 (LLH). (Entered: 11/06/2015)
11/06/2015	<u>70</u>	MOTION for Substitution by Kathy Kliebert. (Attachments: # <u>1</u> Exhibit Unopposed Motion to Stay Proceedings)(Villa, Brook) (Entered: 11/06/2015)
11/09/2015	<u>71</u>	ORDER granting <u>70</u> MOTION for Substitution. The corrected Unopposed Motion to Stay Proceedings shall be filed. Signed by Judge John W. deGravelles on 11/9/2015. (LLH) (Entered: 11/09/2015)
11/09/2015	<u>72</u>	ORDER granting <u>69</u> Motion to Stay Proceedings. All proceedings before this Court are stayed until the Fifth Circuit's final disposition of the appeal pertaining to the Court's 10/29/2015 <u>64</u> Order or until further orders of this Court. Signed by Judge John W. deGravelles on 11/9/2015. (LLH) (Entered: 11/09/2015)
11/24/2015	73	USCA Case Number 15–30987 for <u>67</u> Notice of Appeal to the USCA for the 5th Circuit filed by Kathy Kliebert. (TMR) (Entered: 11/24/2015)
12/04/2015	74	REQUEST by Kathy Kliebert for Record on Appeal regarding <u>67</u> Notice of Appeal to the USCA for the 5th Circuit. (Villa, Brook) (Entered: 12/04/2015)
12/08/2015		Record on Appeal #15–30987 Electronically Certified regarding <u>67</u> Notice of Appeal to the USCA for the 5th Circuit. US Court of Appeals notified of certification. (TMR) (Entered: 12/08/2015)
12/08/2015	75	Electronic Access to the Record on Appeal is now available through the Court of Appeals CM/ECF document filing system. Instructions for accessing the record can be found at <a href="http://www.ca5.uscourts.gov/attorneys/attorney-forms/eroa_downloads">www.ca5.uscourts.gov/attorneys/attorney-forms/eroa_downloads</a> . Request for paper exhibits in addition to the record on appeal and shipping information should be faxed to the clerks office at 225–389–3501. <b>The clerk of court will retain the responsibility of sending the record to the 5th Circuit upon their request.</b> (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (TMR) (Entered: 12/08/2015)
12/14/2015	76	Electronic Access to the Record on Appeal is now available to William E. Rittenberg through the Court of Appeals CM/ECF document filing system. Instructions for accessing the record can be found at <a href="http://www.ca5.uscourts.gov/attorneys/attorney-forms/eroa_downloads">www.ca5.uscourts.gov/attorneys/attorney-forms/eroa_downloads</a> . Request for paper exhibits in addition to the record on appeal and shipping information should be faxed to the clerks office at 225–389–3501. <b>The clerk of court will retain the responsibility of sending the record to the 5th Circuit upon their request.</b> (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (TMR)

		(Entered: 12/14/2015)
01/07/2016	77	NOTICE: Pursuant to General Order 2016-02, this case is reassigned from Magistrate Judge Stephen C. Riedlinger to Magistrate Judge Erin Wilder-Doomes. Signed by Chief Judge Brian A. Jackson on 1/4/2016. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.)(SGO) (Entered: 01/07/2016)
01/08/2016		Case reassigned to Magistrate Judge Richard L. Bourgeois, Jr.. Magistrate Erin Wilder-Doomes no longer assigned to the case. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (NLT) (Entered: 01/11/2016)
02/16/2016	<u>78</u>	Letter dated 2/12/2016 from Clerk of Court – USCA to Memorandum to Counsel or Parties Listed Re: The court has granted the motion to substitute Kathy Kliebert with Rebekah Gee in the above case. (LLH) (Entered: 02/16/2016)
02/22/2016	79	Electronic Access to the Record on Appeal is now available to Alisa Beth Klein and Mark Bernard Stern through the Court of Appeals CM/ECF document filing system. Instructions for accessing the record can be found at <a href="http://www.ca5.uscourts.gov/attorneys/attorney-forms/eroa_downloads">www.ca5.uscourts.gov/attorneys/attorney-forms/eroa_downloads</a> . Request for paper exhibits in addition to the record on appeal and shipping information should be faxed to the clerks office at 225-389-3501. <a href="#">The clerk of court will retain the responsibility of sending the record to the 5th Circuit upon their request.</a> (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (TMR) (Entered: 02/22/2016)
03/08/2016	80	Electronic Access to the Record on Appeal is now available to Attorney Martha Jane Perkins through the Court of Appeals CM/ECF document filing system. Instructions for accessing the record can be found at <a href="http://www.ca5.uscourts.gov/attorneys/attorney-forms/eroa_downloads">www.ca5.uscourts.gov/attorneys/attorney-forms/eroa_downloads</a> . Request for paper exhibits in addition to the record on appeal and shipping information should be faxed to the clerks office at 225-389-3501. <a href="#">The clerk of court will retain the responsibility of sending the record to the 5th Circuit upon their request.</a> (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (TMR) (Entered: 03/08/2016)
03/08/2016	81	Electronic Access to the Record on Appeal is now available to Attorney Mary Patricia Jones through the Court of Appeals CM/ECF document filing system. Instructions for accessing the record can be found at <a href="http://www.ca5.uscourts.gov/attorneys/attorney-forms/eroa_downloads">www.ca5.uscourts.gov/attorneys/attorney-forms/eroa_downloads</a> . Request for paper exhibits in addition to the record on appeal and shipping information should be faxed to the clerks office at 225-389-3501. <a href="#">The clerk of court will retain the responsibility of sending the record to the 5th Circuit upon their request.</a> (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (TMR) (Entered: 03/08/2016)
03/10/2016	82	Electronic Access to the Record on Appeal is now available through the Court of Appeals CM/ECF document filing system. Instructions for accessing the record can be found at <a href="http://www.ca5.uscourts.gov/attorneys/attorney-forms/eroa_downloads">www.ca5.uscourts.gov/attorneys/attorney-forms/eroa_downloads</a> . Request for paper exhibits in addition to the record on appeal and shipping information should be faxed to the clerks office at 225-389-3501. <a href="#">The clerk of court will retain the responsibility of sending the record to the 5th Circuit upon their request.</a> (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (TMR) (Entered: 03/10/2016)
03/10/2016	83	Electronic Access to the Record on Appeal is now available to Attorney Erwin Chemerinsky through the Court of Appeals CM/ECF document filing system. Instructions for accessing the record can be found at <a href="http://www.ca5.uscourts.gov/attorneys/attorney-forms/eroa_downloads">www.ca5.uscourts.gov/attorneys/attorney-forms/eroa_downloads</a> . Request for paper exhibits in addition to the record on appeal and shipping information should be faxed to the clerks office at 225-389-3501. <a href="#">The clerk of court will retain the responsibility of sending the record to the 5th Circuit upon their request.</a> (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (TMR) (Entered: 03/10/2016)

04/07/2016	<u>84</u>	NOTICE of Receipt of Record. (BLR) (Entered: 04/08/2016)
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