

**U.S. District Court
Eastern District of Michigan (Detroit)
CIVIL DOCKET FOR CASE #: 2:17-cv-11184-DPH-RSW**

J.V., on behalf of herself and all others similarly situated v.
Lyon, in his official capacity only as Executive Director of the
Michigan Department of Health and Human Services
Assigned to: District Judge Denise Page Hood
Referred to: Magistrate Judge R. Steven Whalen
Cause: 28:1331 Fed. Question

Date Filed: 04/14/2017
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

**J.V., on behalf of herself and all others
similarly situated**

represented by **John M. Traylor**
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TERMINATED: 06/05/2018
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V.

Defendant

**Nick Lyon, in his official capacity only
as Executive Director of the Michigan
Department of Health and Human
Services**

represented by **Joshua S. Smith**
MI Department of Attorney General
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Date Filed	#	Docket Text
04/14/2017	<u>1</u>	COMPLAINT – <i>Class Action</i> filed by J.V., on behalf of herself and all others similarly situated against Nick Lyon, in his official capacity only as Executive Director of the Michigan Department of Health and Human Services with Jury Demand. Plaintiff requests summons issued. Fee Required – Fee Not Paid. County of 1st Plaintiff: Macomb – County Where Action Arose: Macomb – County of 1st Defendant: Macomb. [Previously dismissed case: No] [Possible companion case(s): None] (Burrell, Aaron) (Entered: 04/14/2017)
04/14/2017	<u>2</u>	MOTION <i>to Proceed Under A Pseudonym</i> by J.V., on behalf of herself and all others similarly situated. (Burrell, Aaron) (Entered: 04/14/2017)
04/17/2017	<u>3</u>	Notice of Filing Fee Not Paid. Correction due by 4/24/2017 (SOso) (Entered: 04/17/2017)
04/19/2017		FILING FEE Received in the amount of \$400.00 by All Plaintiffs – Receipt No. DET103030 [No Image Associated with this docket entry] (Huff, W.) (Entered: 04/19/2017)
04/19/2017	<u>4</u>	SUMMONS Issued for *Nick Lyon, in his official capacity only as Executive Director of the Michigan Department of Health and Human Services* (Huff, W.) (Entered: 04/19/2017)
04/21/2017	<u>5</u>	NOTICE OF HEARING on <u>2</u> MOTION <i>to Proceed Under A Pseudonym</i> . Motion Hearing set for 7/26/2017 02:30 PM before District Judge Denise Page Hood (LSau) (Entered: 04/21/2017)
04/27/2017	<u>6</u>	ATTORNEY APPEARANCE: Joshua S. Smith appearing on behalf of Nick Lyon, in his official capacity only as Executive Director of the Michigan Department of Health and Human Services (Smith, Joshua) (Entered: 04/27/2017)
04/27/2017	<u>7</u>	ATTORNEY APPEARANCE: Kelley Turnock McLean appearing on behalf of Nick Lyon, in his official capacity only as Executive Director of the Michigan Department of Health and Human Services (Turnock McLean, Kelley) (Entered: 04/27/2017)
05/08/2017	<u>8</u>	CERTIFICATE of Service/Summons Returned Executed. Nick Lyon, in his official capacity only as Executive Director of the Michigan Department of Health and Human Services served on 4/21/2017, answer due 5/12/2017. (Burrell, Aaron) (Entered: 05/08/2017)
05/08/2017	<u>9</u>	CERTIFICATE of Service/Summons Returned Executed.. (Burrell, Aaron) (Entered: 05/08/2017)
05/09/2017	<u>10</u>	STIPULATION AND ORDER to Extend Time for Defendant to File Responsive Pleadings and Response to Motion to Proceed Under A Pseudonym as to <u>2</u> :(Response due by 6/9/2017) Signed by District Judge Denise Page Hood. (LSau) (Entered: 05/09/2017)
05/19/2017	<u>11</u>	STIPULATED ORDER Granting Plaintiff's Motion to Proceed Under A Pseudonym. Signed by District Judge Denise Page Hood. (LSau) (Entered: 05/19/2017)
05/19/2017		TEXT-ONLY NOTICE: Motion Hearing on July 26, 2017 is Cancelled re <u>5</u> Notice of Hearing on Motion. (LSau) (Entered: 05/19/2017)
05/24/2017	<u>12</u>	NOTICE of Appearance by Robert P. Young, Jr on behalf of J.V., on behalf of herself and all others similarly situated. (Young, Robert) (Entered: 05/24/2017)

05/31/2017	<u>13</u>	STIPULATION AND ORDER to Extend Time for Defendant to File Responsive Pleadings re <u>1</u> Complaint, (Response due by 6/23/2017) Signed by District Judge Denise Page Hood. (LSau) (Entered: 05/31/2017)
06/06/2017	<u>14</u>	STIPULATION AND ORDER to Extend Page Limitations re <u>1</u> Complaint,, Set Motion and R&R Deadlines/Hearings as to <u>1</u> Complaint, :(Responsive Pleading due by 6/23/2017) Signed by District Judge Denise Page Hood. (TMcg) (Entered: 06/06/2017)
06/23/2017	<u>15</u>	MOTION to Dismiss <i>and/or for Summary Judgment</i> by Nick Lyon, in his official capacity only as Executive Director of the Michigan Department of Health and Human Services. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit 1 – Quarter Watch, # <u>3</u> Exhibit 2 – CEP Report, # <u>4</u> Exhibit 3 – Kabiri, et al., # <u>5</u> Exhibit 4 – Treatment Action Group v FDA–Complaint, # <u>6</u> Exhibit 5 – Annals of Internal Medicine–HCV, # <u>7</u> Exhibit 6 – Ahmed, et al., # <u>8</u> Exhibit 7 – Senate Finance Committee Executive Summary, # <u>9</u> Exhibit 8 – National Governors Assn, # <u>10</u> Exhibit 9 – SFC Report–Appendix F, # <u>11</u> Exhibit 10 – SFC Full Report, # <u>12</u> Exhibit 11 –SFC Report–Appendix A, # <u>13</u> Exhibit 12 – Express Scripts, # <u>14</u> Exhibit 13 – Neff Affidavit, # <u>15</u> Exhibit 14 – B.E. v Teeter, # <u>16</u> Exhibit 15 – Jackson Order Denying Mtn to Dismiss, # <u>17</u> Exhibit 16 – Jackson Docket Sheet, # <u>18</u> Exhibit 17 – CMS Release No. 172, # <u>19</u> Exhibit 18 – B.E. v Teeter Docket Sheet, # <u>20</u> Exhibit 19 – Cunningham v Birch, # <u>21</u> Exhibit 20 – J.E.M. v Tidball–Order, # <u>22</u> Exhibit 21 – Smith v Capots, # <u>23</u> Exhibit 22 – Chart of Private Insurance DAA Coverage, # <u>24</u> Exhibit 23 – Fernanders v Dept of Military and Vet Affairs, # <u>25</u> Exhibit 24 – MDHHS Prior Authorization Criteria, # <u>26</u> Exhibit 25 – Medicaid Provider Manual–Pharmacy, # <u>27</u> Exhibit 26 – Hepatitis C Prior Authorization Form, # <u>28</u> Exhibit 27 – Denial Letters) (Smith, Joshua) (Entered: 06/23/2017)
06/26/2017	<u>16</u>	NOTICE of Appearance by Randall L. Tatem on behalf of All Plaintiffs. (Tatem, Randall) (Entered: 06/26/2017)
07/07/2017	<u>17</u>	NOTICE OF HEARING on <u>15</u> MOTION to Dismiss <i>and/or for Summary Judgment</i> . Motion Hearing set for 9/6/2017 03:00 PM before District Judge Denise Page Hood (LSau) (Entered: 07/07/2017)
07/17/2017	<u>18</u>	STIPULATION AND ORDER to Extend Time to File Responsive Pleading to Defendant's <u>15</u> MOTION to Dismiss <i>and/or for Summary Judgment</i> and for Defendant to File a Reply Brief :(Response due by 8/25/2017, Reply due by 9/15/2017, Motion Hearing REset for 10/4/2017 at 3:30 PM before District Judge Denise Page Hood.) Signed by District Judge Denise Page Hood. (TMcg) (Entered: 07/17/2017)
08/25/2017	<u>19</u>	RESPONSE to <u>15</u> MOTION to Dismiss <i>and/or for Summary Judgment</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Index of Exhibits Index of Exhibits, # <u>2</u> Exhibit Exhibit 1, # <u>3</u> Exhibit Exhibit 2, # <u>4</u> Exhibit Exhibit 3, # <u>5</u> Exhibit Exhibit 4, # <u>6</u> Exhibit Exhibit 5, # <u>7</u> Exhibit Exhibit 6, # <u>8</u> Exhibit Exhibit 7, # <u>9</u> Exhibit Exhibit 8, # <u>10</u> Exhibit Exhibit 9, # <u>11</u> Exhibit Exhibit 10, # <u>12</u> Exhibit Exhibit 11, # <u>13</u> Exhibit Exhibit 12, # <u>14</u> Exhibit Exhibit 13, # <u>15</u> Exhibit Exhibit 14, # <u>16</u> Exhibit Exhibit 15, # <u>17</u> Exhibit Exhibit 16, # <u>18</u> Exhibit Exhibit 17, # <u>19</u> Exhibit Exhibit 18, # <u>20</u> Exhibit Exhibit 19, # <u>21</u> Exhibit Exhibit 20, # <u>22</u> Exhibit Exhibit 21) (Burrell, Aaron) (Entered: 08/25/2017)
09/15/2017	<u>20</u>	REPLY to Response re <u>15</u> MOTION to Dismiss <i>and/or for Summary Judgment</i> filed by Nick Lyon, in his official capacity only as Executive Director of the Michigan Department of Health and Human Services. (Smith, Joshua) (Entered: 09/15/2017)
10/04/2017		TEXT–ONLY NOTICE: Motion Hearing on October 4, 2017 is Cancelled. (LSau) (Entered: 10/04/2017)
10/05/2017	<u>21</u>	STIPULATION AND ORDER for Mediation and to Adjourn Oral Argument. Signed by District Judge Denise Page Hood. (LSau) (Entered: 10/05/2017)
10/05/2017	<u>22</u>	ORDER REFERRING OTHER MATTERS to Magistrate Judge Whalen : Settlement Conference. Signed by District Judge Denise Page Hood. (LSau) (Entered: 10/05/2017)
10/06/2017	<u>23</u>	NOTICE TO APPEAR: Settlement Conference set for 11/30/2017 at 01:30 PM before Magistrate Judge R. Steven Whalen. Please see Notice for additional information. (THac) (Entered: 10/06/2017)

11/29/2017		TEXT-ONLY NOTICE: Hearing on 11/30/2017 is Cancelled re <u>23</u> Notice to Appear – ***TO BE RESET*** (CCie) (Entered: 11/29/2017)
12/05/2017	<u>24</u>	AMENDED NOTICE TO APPEAR: Settlement Conference reset for 1/17/2018 at 01:30 PM before Magistrate Judge R. Steven Whalen. SEE NOTICE FOR ADDITIONAL INFORMATION. (THac) (Entered: 12/05/2017)
01/17/2018		Minute Entry for proceedings before Magistrate Judge R. Steven Whalen: Settlement Conference held on 1/17/2018 – Disposition: Settlement reached/Notice of Settlement will be submitted to District Judge. (Court Reporter: Digitally Recorded) (CCie) (Entered: 01/17/2018)
03/07/2018	<u>25</u>	STIPULATION AND ORDER for In-Person Status Conference, (Status Conference set for 3/29/2018 03:00 PM before District Judge Denise Page Hood) Signed by District Judge Denise Page Hood. (LSau) (Entered: 03/07/2018)
03/23/2018	<u>26</u>	ORDER Dismissing Motion Without Prejudice <u>15</u> . Signed by District Judge Denise Page Hood. (LSau) (Entered: 03/23/2018)
03/29/2018		Minute Entry for proceedings before District Judge Denise Page Hood: Status Conference held on 3/29/2018, [Motion for Preliminary Approval to be filed by 4/30/18] (LSau) (Entered: 03/29/2018)
04/16/2018	<u>27</u>	Joint MOTION to Certify Class , <i>Appoint Class Counsel, Approve Notice to Class Members, Grant Preliminary Approval of Proposed Class Action Settlement and Set Date for Fairness Hearing</i> by J.V., on behalf of herself and all others similarly situated. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A–Settlement and Release Agreement, # <u>3</u> Exhibit B–Proposed Settlement Notice, # <u>4</u> Exhibit C–Order for Notice to the Class, # <u>5</u> Exhibit D–Stipulated Order to Certify Class) (Burrell, Aaron) (Entered: 04/16/2018)
04/18/2018	<u>28</u>	NOTICE OF HEARING on <u>27</u> Joint MOTION to Certify Class , <i>Appoint Class Counsel, Approve Notice to Class Members, Grant Preliminary Approval of Proposed Class Action Settlement and Set Date for Fairness Hearing.</i> Motion Hearing set for 5/1/2018 03:30 PM before District Judge Denise Page Hood (LSau) (Entered: 04/18/2018)
04/18/2018	<u>29</u>	NOTICE TO APPEAR: Status Conference set for 5/1/2018 03:30 PM before District Judge Denise Page Hood (LSau) (Entered: 04/18/2018)
04/26/2018	<u>30</u>	NOTICE by J.V., on behalf of herself and all others similarly situated re <u>27</u> Joint MOTION to Certify Class , <i>Appoint Class Counsel, Approve Notice to Class Members, Grant Preliminary Approval of Proposed Class Action Settlement and Set Date for Fairness Hearing Notice of Corrected Exhibit</i> (Burrell, Aaron) (Entered: 04/26/2018)
04/27/2018		Set/Reset Deadlines as to <u>27</u> Joint MOTION to Certify Class , <i>Appoint Class Counsel, Approve Notice to Class Members, Grant Preliminary Approval of Proposed Class Action Settlement and Set Date for Fairness Hearing.</i> Motion Hearing set for 5/24/2018 03:00 PM before District Judge Denise Page Hood (LSau) (Entered: 04/27/2018)
04/27/2018		Set Deadlines/Hearings: Status Conference RESET for 5/24/2018 03:00 PM before District Judge Denise Page Hood (LSau) (Entered: 04/27/2018)
05/24/2018		Minute Entry for proceedings before District Judge Denise Page Hood: Motion Hearing held on 5/24/2018 re <u>27</u> Joint MOTION to Certify Class , <i>Appoint Class Counsel, Approve Notice to Class Members, Grant Preliminary Approval of Proposed Class Action Settlement and Set Date for Fairness Hearing</i> filed by J.V., on behalf of herself and all others similarly situated Disposition: Motion taken under advisement (Court Reporter: Cheryl Daniel) (LSau) (Entered: 05/24/2018)
05/29/2018	<u>31</u>	ORDER GRANTING Joint Motion to Certify Class, Appoint Class Counsel, Approve Notice to Class Members, Grant Preliminary Approval of Proposed Class Action Settlement and Set Date for Fairness Hearing <u>27</u> . Signed by District Judge Denise Page Hood. (KJac) (Entered: 05/29/2018)
05/30/2018	<u>32</u>	NOTICE TO APPEAR: Fairness Hearing set for 8/8/2018 03:00 PM before District Judge Denise Page Hood (LSau) (Entered: 05/30/2018)

06/04/2018	<u>33</u>	NOTICE of Withdrawal of Attorney Robert P. Young, Jr for on behalf of J.V., on behalf of herself and all others similarly situated. (Young, Robert) (Entered: 06/04/2018)
06/05/2018	<u>34</u>	ORDER of withdrawal of appearance of Attorney Robert P. Young, Jr. Signed by District Judge Denise Page Hood. (DPer) (Entered: 06/06/2018)
06/08/2018	<u>35</u>	STIPULATION AND ORDER to Substitute Class Representative. Signed by District Judge Denise Page Hood. (Attachments: # <u>1</u> Exhibit) (LSau) (Entered: 06/08/2018)
06/15/2018	<u>36</u>	NOTICE of Appearance by John M. Traylor on behalf of All Plaintiffs. (Traylor, John) (Entered: 06/15/2018)
06/15/2018	<u>37</u>	MOTION <i>for An Award of Attorneys' Fees and Reimbursemenet of Expenses</i> by All Plaintiffs. (Attachments: # <u>1</u> Index of Exhibits Index of Exhibits, # <u>2</u> Exhibit Exhibit A, # <u>3</u> Exhibit Exhibit B) (Burrell, Aaron) (Entered: 06/15/2018)
06/21/2018	<u>38</u>	NOTICE OF HEARING on <u>37</u> MOTION <i>for An Award of Attorneys' Fees and Reimbursemenet of Expenses</i> . Motion Hearing set for 8/8/2018 03:00 PM before District Judge Denise Page Hood (LSau) (Entered: 06/21/2018)
07/03/2018	<u>39</u>	Class Member 60's Erik Leaphart's OBJECTION in part to Class Action Settlement Agreement and Release.. (NAhm) (Entered: 07/05/2018)
07/03/2018	<u>41</u>	Letter from Lisa Ferrise. (NAhm) (Entered: 07/19/2018)
07/05/2018	<u>40</u>	Letter from Patricia Kelly. (NAhm) (Entered: 07/06/2018)
08/08/2018		Minute Entry for proceedings before District Judge Denise Page Hood: Motion Hearing held on 8/8/2018 re <u>37</u> MOTION <i>for An Award of Attorneys' Fees and Reimbursemenet of Expenses</i> filed by J.V., on behalf of herself and all others similarly situated Disposition: Motion taken under advisement (Court Reporter: Darlene May) (LSau) (Entered: 08/09/2018)
08/08/2018		Minute Entry for proceedings before District Judge Denise Page Hood: Fairness Hearing held on 8/8/2018. (Court Reporter: Darlene May) (LSau) (Entered: 08/09/2018)
08/15/2018	<u>42</u>	MOTION <i>for Final Approval of Class Settlement</i> by J.V., on behalf of herself and all others similarly situated. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A–Class Action Settlement Agreement and Release) (Burrell, Aaron) (Entered: 08/15/2018)
08/31/2018	<u>43</u>	ORDER Granting Final Approval of Class Settlement <u>42</u> and Addressing Objections. Signed by District Judge Denise Page Hood. (LSau) (Entered: 08/31/2018)
08/31/2018	<u>44</u>	ORDER Granting Plaintiff's Motion for an Award of Attorneys' Fees and Reimbursement of Expense <u>37</u> . Signed by District Judge Denise Page Hood. (LSau) (Entered: 08/31/2018)