

**General Docket  
United States Court of Appeals for the Fifth Circuit**

**Court of Appeals Docket #:** 14-31167

**Docketed:** 10/09/2014

**Nature of Suit:** 2440 Other Civil Rights

**Termed:** 01/05/2018

Louisiana College v. Eric Hargan, et al

**Appeal From:** Western District of Louisiana, Alexandria

**Fee Status:** United States

**Case Type Information:**

- 1) Civil Rights
- 2) United States
- 3)

**Originating Court Information:**

**District:** 0536-1 : [1:12-CV-463](#)

**Originating Judge:** Dee D. Drell, U.S. District Judge

**Date Filed:** 02/18/2012

**Date NOA Filed:**

10/08/2014

**Date Rec'd COA:**

10/08/2014

**Prior Cases:**

None

**Current Cases:**

	<b>Lead</b>	<b>Member</b>	<b>Start</b>	<b>End</b>
Related				
	<a href="#">14-20112</a>	14-31167	12/01/2014	
	14-31167	<a href="#">14-10241</a>	12/09/2014	
	14-31167	<a href="#">14-40212</a>	12/09/2014	
	<a href="#">15-40031</a>	<a href="#">14-10241</a>	01/23/2015	
	<a href="#">15-40031</a>	<a href="#">14-10661</a>	01/23/2015	
	<a href="#">15-40031</a>	<a href="#">14-20112</a>	01/23/2015	
	<a href="#">15-40031</a>	14-31167	01/23/2015	
	<a href="#">15-40031</a>	<a href="#">14-40212</a>	01/23/2015	

**Panel Assignment:** Not available

LOUISIANA COLLEGE  
Plaintiff - Appellee

Gregory Baylor  
Direct: 202-393-8690  
Email:  
[gbaylor@alliancedefendingfreedom.org](mailto:gbaylor@alliancedefendingfreedom.org)  
Fax: 202-347-3622  
[COR LD NTC Retained]  
Alliance Defending Freedom  
Suite 600

440 1st Street, N.W.  
Washington, DC 20001

James Michael Johnson, Esq.  
Direct: 318-658-9456  
Email: mjohnsonlegal@gmail.com  
Fax: 318-658-9605  
[NTC Retained]  
Kitchens Law Firm, A.P.L.C.  
Suite 248  
2250 Hospital Drive  
Bossier City, LA 71111

Kevin Hayden Theriot  
Direct: 480-444-0020  
Email: ktheriot@adflegal.org  
Fax: 480-444-0028  
[COR NTC Retained]  
Alliance Defending Freedom  
15100 N. 90th Street  
Scottsdale, AZ 85260

v.

THOMAS PRICE, SECRETARY, U.S.  
DEPARTMENT OF HEALTH AND  
HUMAN SERVICES, in his official capacity  
as Secretary of the U.S. Dept. of Health &  
Human Services

**Terminated:** 10/04/2017

Defendant - Appellant

DON WRIGHT, ACTING SECRETARY,  
U.S. DEPARTMENT OF HEALTH AND  
HUMAN SERVICES, in his official capacity  
as Secretary of the U.S. Dept. of Health &  
Human Services

**Terminated:** 10/19/2017

Defendant - Appellant

ERIC D. HARGAN, ACTING  
SECRETARY, U.S. DEPARTMENT OF  
HEALTH AND HUMAN SERVICES, in his  
official capacity as Secretary of the U.S. Dept.

Joshua Marc Salzman  
Direct: 202-532-4747  
Email: joshua.m.salzman@usdoj.gov  
[COR LD NTC Government]  
U.S. Department of Justice

of Health & Human Services  
Defendant - Appellant

Civil Division, Appellate Section  
Room 7258  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

Megan Barbero, Esq.  
Email: [megan.barbero@mail.house.gov](mailto:megan.barbero@mail.house.gov)  
[COR NTC Government]  
U.S. Department of Justice  
Civil Division, Appellate Section  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

Bradley Philip Humphreys  
Email: [bradley.p.humphreys@usdoj.gov](mailto:bradley.p.humphreys@usdoj.gov)  
[NTC Government]  
U.S. Department of Justice  
Civil Division Federal Programs Branch  
20 Massachusetts Avenue, N.W.  
Washington, DC 20530

Adam Craig Jed  
Email: [adam.c.jed@usdoj.gov](mailto:adam.c.jed@usdoj.gov)  
[COR NTC Government]  
U.S. Department of Justice  
Civil Division, Appellate Section  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

Alisa Beth Klein, Esq.  
Email: [alisa.klein@usdoj.gov](mailto:alisa.klein@usdoj.gov)  
[COR NTC Government]  
U.S. Department of Justice  
Civil Division, Appellate Section  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

SYLVIA MATHEWS BURWELL,  
SECRETARY, DEPARTMENT OF  
HEALTH AND HUMAN SERVICES, in her  
official capacity as Secretary of the U.S. Dept.  
of Health & Human Services  
**Terminated:** 02/10/2017  
Defendant - Appellant

THOMAS E. PEREZ, SECRETARY,  
DEPARTMENT OF LABOR, in his official  
capacity as Secretary of the U.S. Dept. of  
Labor

**Terminated:** 04/28/2017

Defendant - Appellant

R. ALEXANDER ACOSTA, SECRETARY,  
DEPARTMENT OF LABOR, in his official  
capacity as Secretary of the U.S. Dept. of  
Labor

Defendant - Appellant

Joshua Marc Salzman  
Direct: 202-532-4747  
[COR LD NTC Government]  
(see above)

Megan Barbero, Esq.  
[COR NTC Government]  
(see above)

Bradley Philip Humphreys  
[NTC Government]  
(see above)

Adam Craig Jed  
[COR NTC Government]  
(see above)

Alisa Beth Klein, Esq.  
[COR NTC Government]  
(see above)

JACOB J. LEW, SECRETARY,  
DEPARTMENT OF TREASURY, in his  
official capacity as Secretary of the U.S. Dept.  
of Treasury

**Terminated:** 02/14/2017

Defendant - Appellant

STEVEN T. MNUCHIN, SECRETARY, U.S.  
DEPARTMENT OF TREASURY, in his  
official capacity as Secretary of the U.S. Dept.  
of Treasury

Defendant - Appellant

Joshua Marc Salzman  
Direct: 202-532-4747  
[COR LD NTC Government]  
(see above)

Megan Barbero, Esq.  
[COR NTC Government]  
(see above)

Bradley Philip Humphreys

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES  
Defendant - Appellant

[NTC Government]  
(see above)

Adam Craig Jed  
[COR NTC Government]  
(see above)

Alisa Beth Klein, Esq.  
[COR NTC Government]  
(see above)

Joshua Marc Salzman  
Direct: 202-532-4747  
[COR LD NTC Government]  
(see above)

Megan Barbero, Esq.  
[COR NTC Government]  
(see above)

Bradley Philip Humphreys  
[NTC Government]  
(see above)

Adam Craig Jed  
[COR NTC Government]  
(see above)

Alisa Beth Klein, Esq.  
[COR NTC Government]  
(see above)

UNITED STATES DEPARTMENT OF  
LABOR  
Defendant - Appellant

Joshua Marc Salzman  
Direct: 202-532-4747  
[COR LD NTC Government]  
(see above)

Megan Barbero, Esq.  
[COR NTC Government]  
(see above)

Bradley Philip Humphreys  
[NTC Government]  
(see above)

UNITED STATES DEPARTMENT OF  
TREASURY

Defendant - Appellant

Adam Craig Jed  
[COR NTC Government]  
(see above)

Alisa Beth Klein, Esq.  
[COR NTC Government]  
(see above)

Joshua Marc Salzman  
Direct: 202-532-4747  
[COR LD NTC Government]  
(see above)

Megan Barbero, Esq.  
[COR NTC Government]  
(see above)

Bradley Philip Humphreys  
[NTC Government]  
(see above)

Adam Craig Jed  
[COR NTC Government]  
(see above)

Alisa Beth Klein, Esq.  
[COR NTC Government]  
(see above)

LOUISIANA COLLEGE,

Plaintiff - Appellee

v.

ERIC D. HARGAN, ACTING SECRETARY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, in his official capacity as Secretary of the U.S. Dept. of Health & Human Services; R. ALEXANDER ACOSTA, SECRETARY, DEPARTMENT OF LABOR, in his official capacity as Secretary of the U.S. Dept. of Labor; STEVEN T. MNUCHIN, SECRETARY, U.S. DEPARTMENT OF TREASURY, in his official capacity as Secretary of the U.S. Dept. of Treasury; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; UNITED STATES DEPARTMENT OF LABOR; UNITED STATES DEPARTMENT OF TREASURY,

Defendants - Appellants

10/09/2014



3 pg, 36.92 KB

CIVIL RIGHTS CASE docketed. NOA filed by Appellants Ms. Sylvia Matthews Burwell, Secretary, Department of Health and Human Services, Mr. Jacob J. Lew, Secretary, Department of

Treasury, Mr. Thomas E. Perez, Secretary, Department of Labor, HHS, LABR and TREA [14-31167] (RLL) [Entered: 10/09/2014 09:49 AM]

10/15/2014



4 pg, 180.72 KB

INITIAL CASE CHECK by Attorney Advisor complete, Action: Case OK to Process. [7753685-2] Initial AA Check Due satisfied.. Transcript order due on 10/30/2014 for Appellants Sylvia Matthews Burwell, Secretary, Department of Health and Human Services, Jacob J. Lew, Secretary, Department of Treasury, Thomas E. Perez, Secretary, Department of Labor, United States Department Of Health And Human Services, United States Department of Labor and United States Department of Treasury [14-31167] (RLL) [Entered: 10/15/2014 03:43 PM]

10/28/2014

Attorney Joshua M. Salzman added as counsel of record for Appellants HHS, LABR, TREA, Jacob J. Lew, Secretary, Department of Treasury, Thomas E. Perez, Secretary, Department of Labor and Sylvia Matthews Burwell, Secretary, Department of Health and Human Services in 14-31167 [14-31167] (SBS) [Entered: 10/28/2014 03:44 PM]

10/28/2014



2 pg, 31.65 KB

TRANSCRIPT ORDER received from Appellants Ms. Sylvia Matthews Burwell, Secretary, Department of Health and Human Services, Mr. Jacob J. Lew, Secretary, Department of Treasury, Mr. Thomas E. Perez, Secretary, Department of Labor, HHS, LABR and TREA advising transcript unnecessary for appeal purposes. Date of Service: 10/28/2014 via US mail - Attorney for Appellant: Humphreys; email - Attorney for Appellant: Salzman; Attorney for Appellee: Johnson [14-31167] REVIEWED AND/OR EDITED. Advising transcript unnecessary for appeal purposes. Transcript Order ddl satisfied. Electronic ROA due on 11/12/2014. [14-31167] (Joshua Marc Salzman ) [Entered: 10/28/2014 04:42 PM]

10/31/2014

APPEARANCE FORM FILED by Attorney Joshua Marc Salzman for Appellant TREA in 14-31167, Attorney Joshua Marc Salzman for Appellant LABR in 14-31167, Attorney Joshua Marc Salzman for Appellant HHS in 14-31167, Attorney Joshua Marc Salzman for Appellant Jacob J. Lew, Secretary, Department of Treasury in 14-31167, Attorney Joshua Marc Salzman for Appellant Thomas E. Perez, Secretary, Department of Labor in 14-31167, Attorney Joshua Marc Salzman for Appellant Sylvia Matthews Burwell, Secretary, Department of Health and Human Services in 14-31167 [14-31167] (MAC) [Entered: 10/31/2014 10:05 AM]


10/31/2014


APPEARANCE FORM FILED by Attorney(s) Adam Craig Jed for party(s) Appellant HHS Appellant TREA Appellant LABR

Appellant Jacob J. Lew, Secretary, Department of Treasury  
Appellant Sylvia Matthews Burwell, Secretary, Department of  
Health and Human Services Appellant Thomas E. Perez, Secretary,  
Department of Labor, in case 14-31167 [14-31167] (RLL)  
[Entered: 10/31/2014 01:02 PM]

11/04/2014 APPEARANCE FORM FILED by Attorney(s) Alisa Beth Klein  
for party(s) Appellant HHS Appellant TREA Appellant LABR  
Appellant Jacob J. Lew, Secretary, Department of Treasury  
Appellant Sylvia Matthews Burwell, Secretary, Department of  
Health and Human Services Appellant Thomas E. Perez, Secretary,  
Department of Labor, in case 14-31167 [14-31167] (AJV)  
[Entered: 11/04/2014 03:59 PM]


11/17/2014 ELECTRONIC RECORD ON APPEAL FILED. Exhibits on File  
in District Court? No. Electronic ROA deadline satisfied. [14-  
31167] (SMH) [Entered: 11/17/2014 10:58 AM]

11/17/2014  4 pg, 91.34 KB BRIEFING NOTICE ISSUED A/Pet's Brief Due on 12/29/2014  
for Appellants Sylvia Matthews Burwell, Secretary, Department of  
Health and Human Services, Jacob J. Lew, Secretary, Department  
of Treasury, Thomas E. Perez, Secretary, Department of Labor,  
United States Department Of Health And Human Services, United  
States Department of Labor and United States Department of  
Treasury. [14-31167] (SMH) [Entered: 11/17/2014 10:58 AM]

11/26/2014  4 pg, 91.48 KB UNOPPOSED MOTION filed by Appellants Ms. Sylvia Matthews  
Burwell, Secretary, Department of Health and Human Services,  
Mr. Jacob J. Lew, Secretary, Department of Treasury, Mr. Thomas  
E. Perez, Secretary, Department of Labor, HHS, LABR and TREA  
to stay further proceedings in this court. Reason: Identical legal  
questions are already being addressed by this Court in East Texas  
Baptist University v. Burwell, No. 14-20112 & cases consolidated  
with same. Date of service: 11/26/2014 via email - Attorney for  
Appellants: Jed, Klein, Salzman; Attorney for Appellee: Johnson  
[14-31167] (Joshua Marc Salzman ) [Entered: 11/26/2014 02:37  
PM]

12/08/2014 APPEARANCE FORM FILED by Attorney(s) Gregory S. Baylor  
for party(s) Appellee Louisiana College, in case 14-31167 [14-  
31167] (RLL) [Entered: 12/08/2014 10:40 AM]

12/09/2014 APPEARANCE FORM FILED by Attorney(s) Kevin Hayden  
Theriot for party(s) Appellee Louisiana College, in case 14-31167  
[14-31167] (MAS) [Entered: 12/09/2014 10:22 AM]

12/12/2014  3 pg, 83.24 KB COURT ORDER granting motion to stay further proceedings in  
this court filed by Appellants LABR, TREA, HHS, Mr. Jacob J.



Lew, Secretary, Department of Treasury, Mr. Thomas E. Perez, Secretary, Department of Labor and Ms. Sylvia Mathews Burwell, Secretary, Department of Health and Human Services, pending resolution by this Court in appeal nos. 14-20112, 14-10661, and 14-40212. [[7785905-2](#)] Stay Follow-up Due on 03/12/2015. Judge(s): JLD. [14-31167] (SEP) [Entered: 12/12/2014 01:51 PM]

12/19/2014



2 pg, 82.7 KB

LETTER OF ADVISEMENT. Reason: Updated Caption [14-31167] (ST) [Entered: 12/19/2014 10:26 AM]

05/23/2016

APPEARANCE FORM *Megan Barbero* for the court's review. Lead Counsel? No.. THE IMAGE FOR THIS FILING WILL NOT BE VIEWABLE AS IT CONTAINS SENSITIVE INFORMATION. [14-31167] (Megan Barbero ) [Entered: 05/23/2016 01:49 PM]

05/23/2016



15 pg, 182.37 KB

LETTER filed advising that the Supreme Court issued a per curiam opinion in *Zublik v. Burwell* and other cases pending before it "vacating the judgments below and remanding to the respective United States Courts of Appeals. Pursuant to Supreme Court Rule 45, the Supreme Court's judgment or mandate will not issue for at least twenty-five days after the Court's opinion. Counsel is studying the *Zublik* opinion and the remand orders and will file a status report in 30 days. [14-31167] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: LETTER filed by Appellants Ms. Sylvia Mathews Burwell, Secretary, Department of Health and Human Services, Mr. Jacob J. Lew, Secretary, Department of Treasury, Mr. Thomas E. Perez, Secretary, Department of Labor, HHS, LABR and TREA Notifying Court of pertinent Supreme Court orders. Date of Service: 05/23/2016 via email - Attorney for Appellants: Humphreys, Jed, Klein, Salzman; Attorney for Appellees: Baylor, Johnson, Theriot [14-31167] (Joshua Marc Salzman ) [Entered: 05/23/2016 02:53 PM]

05/24/2016

APPEARANCE FORM FILED by Attorney(s) Megan Barbero for party(s) Appellant HHS Appellant Sylvia Mathews Burwell, Secretary, Department of Health and Human Services Appellant Jacob J. Lew, Secretary, Department of Treasury Appellant LABR Appellant TREA Appellant Thomas E. Perez, Secretary, Department of Labor, in case 14-31167 [14-31167] (SBS) [Entered: 05/24/2016 09:17 AM]

05/24/2016



11 pg, 288.13 KB

SUPPLEMENTAL AUTHORITIES (FRAP 28j) FILED by Appellee Louisiana College Date of Service: 05/24/2016 via email - Attorney for Appellants: Barbero, Jed, Klein, Salzman; Attorney for Appellees: Baylor, Johnson, Theriot; US mail - Attorney for

Appellant: Humphreys [14-31167] (Gregory Baylor ) [Entered: 05/24/2016 04:02 PM]

06/22/2016



3 pg, 85.25 KB

STATUS REPORT advising the U.S. Supreme Court issued its judgment on 06/17/16, vacating the the judgments below and remanding the cases to the respective United States Courts of Appeals. Case is stayed pending resolution by this Court in appeal nos. 14-20112, 14-10661 and 14-40212. Stay Follow-up deadline updated to 07/22/2016. [14-31167] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: STATUS REPORT from Appellants Ms. Sylvia Mathews Burwell, Secretary, Department of Health and Human Services, Mr. Jacob J. Lew, Secretary, Department of Treasury, Mr. Thomas E. Perez, Secretary, Department of Labor, HHS, LABR and TREA Date of Service: 06/22/2016 via email - Attorney for Appellants: Barbero, Jed, Klein, Salzman; Attorney for Appellees: Baylor, Johnson, Theriot [14-31167] (Joshua Marc Salzman ) [Entered: 06/22/2016 12:57 PM]

06/27/2016



2 pg, 6.97 KB

STATUS REPORT advising that on 06/17/2016, the Supreme Court issued judgments in Zubik v. Burwell, 136 S. Ct. 1557 (2016), and related cases, vacating and remanding the cases to their respective Courts of Appeals. the Supreme Court "anticipate[d] that the Courts of Appeals w[ould] allow the parties sufficient time to resolve any outstanding issues between them." Consistent with that understanding, we are continuing to study the Zubik opinion and the remand orders. [14-31167] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: STATUS REPORT from Appellee Louisiana College Date of Service: 06/27/2016 via email - Attorney for Appellants: Barbero, Jed, Klein, Salzman; Attorney for Appellees: Baylor, Johnson, Theriot; US mail - Attorney for Appellant: Humphreys [14-31167] (Gregory Baylor ) [Entered: 06/27/2016 12:42 PM]

07/22/2016



8 pg, 124.26 KB

OPPOSED MOTION for this court to issue an order that is materially identical to the remand orders issued by the Supreme Court in Zubik, 136 S. Ct. at 1560-61; [8264024-2] UNOPPOSED MOTION to allow the government 65 days in which to submit its next status report. [8264024-2] Date of service: 07/22/2016. Response/Opposition due on 08/04/2016. [14-31167] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: OPPOSED MOTION filed by Appellants Ms. Sylvia Mathews Burwell, Secretary, Department of Health and Human Services, Mr. Jacob J. Lew, Secretary, Department of Treasury, Mr. Thomas E. Perez, Secretary, Department of Labor, HHS, LABR and TREA to extend time to file brief of appellee until

09/27/2016 at 05:00 pm [8264024-2]. Date of service: 07/22/2016 via email - Attorney for Appellants: Barbero, Jed, Klein, Salzman; Attorney for Appellees: Baylor, Johnson, Theriot; US mail - Attorney for Appellant: Humphreys [14-31167] (Megan Barbero ) [Entered: 07/22/2016 02:26 PM]

07/28/2016

RESPONSE DUE to motion for this court to issue an order that is materially identical to the remand orders issued by the Supreme Court in Zubik, 136 S. Ct. at 1560-61; [8264024-2] motion to allow the government 65 days in which to submit its next status report [8264024-3] filed by Appellants LABR, TREA, HHS, Mr. Jacob J. Lew, Secretary, Department of Treasury, Mr. Thomas E. Perez, Secretary, Department of Labor and Ms. Sylvia Mathews Burwell, Secretary, Department of Health and Human Services in 14-31167. Response/Opposition deadline updated to 08/15/2016. [14-31167] (SEP) [Entered: 07/28/2016 01:49 PM]

08/15/2016



3 pg, 72.81 KB

UNOPPOSED MOTION to extend the time to file a response to the motion of the government for a Zubik order [8264024-3] filed by Appellants LABR, TREA, HHS, Mr. Jacob J. Lew, Secretary, Department of Treasury, Mr. Thomas E. Perez, Secretary, Department of Labor and Ms. Sylvia Mathews Burwell, Secretary, Department of Health and Human Services in 14-31167 until 08/29/2016 [8283765-2]. [14-31167]  
REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: UNOPPOSED LEVEL 1 EXTENSION REQUESTED by Appellee Louisiana College for filing Reply to Appellants Opposed Motion until 08/29/2016 at 11:59 pm. [14-31167] (Gregory Baylor ) [Entered: 08/15/2016 12:57 PM]

08/16/2016



1 pg, 52.99 KB

CLERK ORDER granting motion to extend time to file a response filed by Appellee Louisiana College to the motion to issue an order that is materially identical to the remand order issued by the Supreme Court in Zubik, 136 S. Ct. at 1560-61. The response is due by 08/29/2016. [8283765-2] [14-31167] (CB) [Entered: 08/16/2016 07:55 AM]

08/16/2016

RESPONSE DUE to motion for for this court to issue an order that is materially identical to the remand orders issued by the Supreme Court in Zubik, 136 S. Ct. at 1560-61 filed by Appellants LABR, TREA, HHS, Mr. Jacob J. Lew, Secretary, Department of Treasury, Mr. Thomas E. Perez, Secretary, Department of Labor and Ms. Sylvia Mathews Burwell, Secretary, Department of Health and Human Services in 14-31167 [8264024-2], motion to allow the government 65 days in which to submit its next status report filed by Appellants LABR, TREA, HHS, Mr. Jacob J. Lew, Secretary, Department of Treasury, Mr. Thomas E. Perez, Secretary,

Department of Labor and Ms. Sylvia Mathews Burwell, Secretary, Department of Health and Human Services in 14-31167 [[8264024-3](#)] [[8269375-2](#)] Response/Opposition deadline updated to 08/29/2016 [14-31167] (CB) [Entered: 08/16/2016 08:02 AM]

08/29/2016



9 pg, 296.62 KB

RESPONSE/OPPOSITION filed by Louisiana College [8296056-1] to the motion for extraordinary relief filed by Appellants LABR, TREA, HHS, Mr. Jacob J. Lew, Secretary, Department of Treasury, Mr. Thomas E. Perez, Secretary, Department of Labor and Ms. Sylvia Mathews Burwell, Secretary, Department of Health and Human Services in 14-31167 [[8264024-2](#)], motion for extraordinary relief filed by Appellants LABR, TREA, HHS, Mr. Jacob J. Lew, Secretary, Department of Treasury, Mr. Thomas E. Perez, Secretary, Department of Labor and Ms. Sylvia Mathews Burwell, Secretary, Department of Health and Human Services in 14-31167 [[8264024-3](#)] Date of Service: 08/29/2016 via email - Attorney for Appellants: Barbero, Jed, Klein, Salzman; Attorney for Appellees: Baylor, Johnson, Theriot; US mail - Attorney for Appellant: Humphreys. [14-31167] (Gregory Baylor ) [Entered: 08/29/2016 06:09 PM]

09/07/2016



10 pg, 117.91 KB

REPLY filed by Appellants Ms. Sylvia Mathews Burwell, Secretary, Department of Health and Human Services, Mr. Jacob J. Lew, Secretary, Department of Treasury, Mr. Thomas E. Perez, Secretary, Department of Labor, HHS, LABR and TREA [8303055-1] to the response/opposition filed by Appellee Louisiana College in 14-31167 [[8296056-2](#)], to the motion for extraordinary relief filed by Appellants LABR, TREA, HHS, Mr. Jacob J. Lew, Secretary, Department of Treasury, Mr. Thomas E. Perez, Secretary, Department of Labor and Ms. Sylvia Mathews Burwell, Secretary, Department of Health and Human Services in 14-31167 [[8264024-2](#)], to the motion for extraordinary relief filed by Appellants LABR, TREA, HHS, Mr. Jacob J. Lew, Secretary, Department of Treasury, Mr. Thomas E. Perez, Secretary, Department of Labor and Ms. Sylvia Mathews Burwell, Secretary, Department of Health and Human Services in 14-31167 [[8264024-3](#)]. Date of Service: 09/07/2016 via email - Attorney for Appellants: Barbero, Jed, Klein, Salzman; Attorney for Appellees: Baylor, Johnson, Theriot; US mail - Attorney for Appellant: Humphreys. [14-31167] (Megan Barbero ) [Entered: 09/07/2016 02:11 PM]

09/07/2016



56 pg, 388.99 KB

EXHIBITS IN SUPPORT of Reply to response/opposition [[8303055-2](#)] filed by Appellants Ms. Sylvia Mathews Burwell, Secretary, Department of Health and Human Services, Mr. Jacob J. Lew, Secretary, Department of Treasury, Mr. Thomas E. Perez,

Secretary, Department of Labor, HHS, LABR and TREA. Date of Service: 09/07/2016. [14-31167] (SEP) [Entered: 09/07/2016 02:30 PM]

09/14/2016



13 pg, 176.32 KB

SUPPLEMENTAL AUTHORITIES (FRAP 28j) FILED by Appellants Ms. Sylvia Mathews Burwell, Secretary, Department of Health and Human Services, Mr. Jacob J. Lew, Secretary, Department of Treasury, Mr. Thomas E. Perez, Secretary, Department of Labor, HHS, LABR and TREA Date of Service: 09/14/2016 via email - Attorney for Appellants: Barbero, Jed, Klein, Salzman; Attorney for Appellees: Baylor, Johnson, Theriot; US mail - Attorney for Appellant: Humphreys [14-31167] (Megan Barbero ) [Entered: 09/14/2016 01:09 PM]

09/20/2016



6 pg, 103.88 KB

SUPPLEMENTAL AUTHORITIES (FRAP 28j) FILED by Appellants Ms. Sylvia Mathews Burwell, Secretary, Department of Health and Human Services, Mr. Jacob J. Lew, Secretary, Department of Treasury, Mr. Thomas E. Perez, Secretary, Department of Labor, HHS, LABR and TREA Date of Service: 09/20/2016 via email - Attorney for Appellants: Barbero, Jed, Klein, Salzman; Attorney for Appellees: Baylor, Johnson, Theriot; US mail - Attorney for Appellant: Humphreys [14-31167] (Megan Barbero ) [Entered: 09/20/2016 01:07 PM]

09/26/2016



3 pg, 99.61 KB

STATUS REPORT advising that the Departments issued a Request for Information on 07/22/2016. Comment period closed on 09/20/2016. The Departments are evaluating the information submitted to determine whether changes to the current accomodation regulations should be made, and, if so, to inform the nature of those changes. Stay Follow-up deadline updated to 10/26/2016. [14-31167] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: STATUS REPORT from Appellants Ms. Sylvia Mathews Burwell, Secretary, Department of Health and Human Services, Mr. Jacob J. Lew, Secretary, Department of Treasury, Mr. Thomas E. Perez, Secretary, Department of Labor, HHS, LABR and TREA Date of Service: 09/26/2016 via email - Attorney for Appellants: Barbero, Jed, Klein, Salzman; Attorney for Appellees: Baylor, Johnson, Theriot; US mail - Attorney for Appellant: Humphreys [14-31167] (Megan Barbero ) [Entered: 09/26/2016 01:55 PM]

10/05/2016



8 pg, 262.7 KB

SUPPLEMENTAL AUTHORITIES (FRAP 28j) FILED by Appellants Ms. Sylvia Mathews Burwell, Secretary, Department of Health and Human Services, Mr. Jacob J. Lew, Secretary, Department of Treasury, Mr. Thomas E. Perez, Secretary, Department of Labor, HHS, LABR and TREA Date of Service: 10/05/2016 via email - Attorney for Appellants: Barbero, Jed,

Klein, Salzman; Attorney for Appellees: Baylor, Johnson, Theriot; US mail - Attorney for Appellant: Humphreys [14-31167] (Megan Barbero ) [Entered: 10/05/2016 09:48 AM]

11/14/2016



3 pg, 96.8 KB

COURT ORDER granting motion for this court to issue an order that is materially identical to the orders issued by the Supreme Court in Zubik v. Burwell, 136 S.Ct. 1557, 1560 (2016) filed by Appellants LABR, TREA, HHS, Mr. Jacob J. Lew, Secretary, Department of Treasury, Mr. Thomas E. Perez, Secretary, Department of Labor and Ms. Sylvia Mathews Burwell, Secretary, Department of Health and Human Services; [8264024-2] granting unopposed motion for an extension of time to file a status report for 65 days filed by Appellants LABR, TREA, HHS, Mr. Jacob J. Lew, Secretary, Department of Treasury, Mr. Thomas E. Perez, Secretary, Department of Labor and Ms. Sylvia Mathews Burwell, Secretary, Department of Health and Human Services. (IN DETAIL). Stay Follow Up Deadline updated to 01/18/2017. [8264024-3] Judge(s): EHJ, JES and JLD. [14-31167] (SEP) [Entered: 11/14/2016 10:01 AM]

01/10/2017



3 pg, 86.43 KB

STATUS REPORT. [14-31167]  
REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: STATUS REPORT from Appellants Ms. Sylvia Mathews Burwell, Secretary, Department of Health and Human Services, Mr. Jacob J. Lew, Secretary, Department of Treasury, Mr. Thomas E. Perez, Secretary, Department of Labor, HHS, LABR and TREA Date of Service: 01/10/2017 via email - Attorney for Appellants: Barbero, Humphreys, Jed, Klein, Salzman; Attorney for Appellees: Baylor, Johnson, Theriot [14-31167] (Megan Barbero ) [Entered: 01/10/2017 01:50 PM]

01/10/2017



5 pg, 158.18 KB

DOCUMENT RECEIVED - NO ACTION TAKEN. No action will be taken at this time on the request for an extension of 60 days to file another status letter received from Appellants Ms. Sylvia Mathews Burwell, Secretary, Department of Health and Human Services, Mr. Jacob J. Lew, Secretary, Department of Treasury, Mr. Thomas E. Perez, Secretary, Department of Labor, HHS, LABR and TREA because any request for permission to file another status report in 60 days must be done by filing a formal motion. We will allow the filing only as to the status of the case. [14-31167] (CB) [Entered: 01/10/2017 02:31 PM]

02/15/2017



3 pg, 79.84 KB

STATUS REPORT requesting that the Court take no action at this time, to allow incoming leadership personnel adequate time to consider the issues. (Previously the Departments issued a Request for Information. On January 9, 2017, the Departments issued a response to a Frequently Asked Question.) Stay Follow-up



deadline updated to 03/17/2017. [14-31167] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: STATUS REPORT from Appellants Mr. Steven T. Mnuchin, Secretary, U.S. Department of Treasury, Mr. Thomas E. Perez, Secretary, Department of Labor, Mr. Thomas Price, Secretary, U.S. Department of Health and Human Services, HHS, LABR and TREA Date of Service: 02/15/2017 via email - Attorney for Appellants: Barbero, Jed, Klein, Salzman; Attorney for Appellees: Baylor, Johnson, Theriot [14-31167] (Joshua Marc Salzman ) [Entered: 02/15/2017 11:31 AM]

03/17/2017



3 pg, 79.38 KB

STATUS REPORT advising that the Court take no action at this time, to allow incoming leadership personnel adequate time to consider the issues. Stay Follow-up deadline updated to 04/17/2017. [14-31167] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: STATUS REPORT from Appellants Mr. Steven T. Mnuchin, Secretary, U.S. Department of Treasury, Mr. Thomas E. Perez, Secretary, Department of Labor, Mr. Thomas Price, Secretary, U.S. Department of Health and Human Services, HHS, LABR and TREA Date of Service: 03/17/2017 via email - Attorney for Appellants: Barbero, Jed, Klein, Salzman; Attorney for Appellees: Baylor, Johnson, Theriot [14-31167] (Joshua Marc Salzman ) [Entered: 03/17/2017 12:18 PM]

04/17/2017



3 pg, 79.42 KB

STATUS REPORT advising that the Court take no action at this time, to allow leadership personnel adequate time to consider the issues. Stay Follow-up deadline updated to 05/17/2017. [14-31167] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: STATUS REPORT from Appellants Mr. Steven T. Mnuchin, Secretary, U.S. Department of Treasury, Mr. Thomas E. Perez, Secretary, Department of Labor, Mr. Thomas Price, Secretary, U.S. Department of Health and Human Services, HHS, LABR and TREA Date of Service: 04/17/2017 via email - Attorney for Appellants: Barbero, Jed, Klein, Salzman; Attorney for Appellees: Baylor, Johnson, Theriot [14-31167] (Joshua Marc Salzman ) [Entered: 04/17/2017 02:19 PM]

05/24/2017



3 pg, 79.82 KB

STATUS REPORT advising that the Court take no action at this time, to allow leadership personnel adequate time to consider the issues. Stay Follow-up deadline updated to 06/23/2017. [14-31167] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: STATUS REPORT from Appellants Mr. R. Alexander Acosta, Secretary, Department of Labor, Mr. Steven T. Mnuchin, Secretary, U.S. Department of Treasury, Mr. Thomas Price, Secretary, U.S. Department of Health and Human Services,

HHS, LABR and TREA Date of Service: 05/24/2017 via email - Attorney for Appellants: Barbero, Jed, Klein, Salzman; Attorney for Appellees: Baylor, Johnson, Theriot [14-31167] (Joshua Marc Salzman ) [Entered: 05/24/2017 03:22 PM]

06/23/2017



3 pg, 80.1 KB

STATUS REPORT advising that the new Administration has been analyzing the legal and policy issues presented by the regulations at issue here and has now initiated the rulemaking process. That process is ongoing. Stay Follow-up deadline updated to 07/24/2017. [14-31167] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: STATUS REPORT from Appellants Mr. R. Alexander Acosta, Secretary, Department of Labor, Mr. Steven T. Mnuchin, Secretary, U.S. Department of Treasury, Mr. Thomas Price, Secretary, U.S. Department of Health and Human Services, HHS, LABR and TREA Date of Service: 06/23/2017 via email - Attorney for Appellants: Barbero, Jed, Klein, Salzman; Attorney for Appellees: Baylor, Johnson, Theriot [14-31167] (Joshua Marc Salzman ) [Entered: 06/23/2017 03:26 PM]

07/24/2017



3 pg, 80.48 KB

STATUS REPORT. The new administration has been analyzing the legal and policy issues presented by the regulations at issue here and has now initiated the rulemaking process. That process is ongoing. Stay Follow-up deadline updated to 08/23/2017. [14-31167] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: STATUS REPORT from Appellants Mr. R. Alexander Acosta, Secretary, Department of Labor, Mr. Steven T. Mnuchin, Secretary, U.S. Department of Treasury, Mr. Thomas Price, Secretary, U.S. Department of Health and Human Services, HHS, LABR and TREA Date of Service: 07/24/2017 via email - Attorney for Appellants: Barbero, Jed, Klein, Salzman; Attorney for Appellees: Baylor, Johnson, Theriot [14-31167] (Joshua Marc Salzman ) [Entered: 07/24/2017 03:23 PM]

08/23/2017



3 pg, 80.13 KB

STATUS REPORT. The new administration has been analyzing the legal and policy issues presented by the regulations at issue here and has now initiated the rulemaking process. That process is ongoing. Stay Follow-up deadline updated to 09/22/2017 [14-31167]  
REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: STATUS REPORT from Appellants Mr. R. Alexander Acosta, Secretary, Department of Labor, Mr. Steven T. Mnuchin, Secretary, U.S. Department of Treasury, Mr. Thomas Price, Secretary, U.S. Department of Health and Human Services, HHS, LABR and TREA Date of Service: 08/23/2017 via email - Attorney for Appellants: Barbero, Jed, Klein, Salzman; Attorney



for Appellees: Baylor, Johnson, Theriot [14-31167] (Joshua Marc Salzman ) [Entered: 08/23/2017 03:52 PM]

09/22/2017 

3 pg, 93.43 KB

STATUS REPORT. The new administration has been analyzing the legal and policy issues presented by the regulations at issue here and has now initiated the rule-making process. That process is ongoing. Stay Follow-up deadline updated to 10/23/2017. [14-31167] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: STATUS REPORT from Appellants Mr. R. Alexander Acosta, Secretary, Department of Labor, Mr. Steven T. Mnuchin, Secretary, U.S. Department of Treasury, Mr. Thomas Price, Secretary, U.S. Department of Health and Human Services, HHS, LABR and TREA Date of Service: 09/22/2017 via email - Attorney for Appellants: Barbero, Humphreys, Jed, Klein, Salzman; Attorney for Appellees: Baylor, Johnson, Theriot [14-31167] (Joshua Marc Salzman ) [Entered: 09/22/2017 03:56 PM]

10/05/2017 


2 pg, 132.59 KB

LETTER OF ADVISEMENT. Reason: Advising parties of the updating caption that should be used in all future filings. [14-31167] (SEP) [Entered: 10/05/2017 08:31 AM]

10/19/2017 

2 pg, 132.6 KB

LETTER OF ADVISEMENT. Reason: Advising parties of the updated caption that should be used in all future filings. [14-31167] (SEP) [Entered: 10/19/2017 12:47 PM]

10/23/2017 

3 pg, 89.47 KB

STATUS REPORT advising that on October 6, 2017, the Departments issued new regulations that modify the regulations at issue in this litigation. The parties are discussing an appropriate resolution of these appeals. We therefore ask that the Court maintain the existing abeyance in these cases. Stay Follow-up deadline updated to 11/22/2017. [14-31167] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: STATUS REPORT from Appellants Mr. R. Alexander Acosta, Secretary, Department of Labor, Mr. Eric D. Hargan, Acting Secretary, U.S. Department of Health and Human Services, Mr. Steven T. Mnuchin, Secretary, U.S. Department of Treasury, HHS, LABR and TREA Date of Service: 10/23/2017 via email - Attorney for Appellants: Barbero, Humphreys, Jed, Klein, Salzman; Attorney for Appellees: Baylor, Johnson, Theriot [14-31167] (Joshua Marc Salzman ) [Entered: 10/23/2017 04:31 PM]

11/22/2017 

3 pg, 80.27 KB

STATUS REPORT. On October 6, 2017, the Departments issued new regulations that modify the regulations at issue in this litigation. The parties are discussing an appropriate resolution of these appeals. We therefore ask that the Court maintain the existing abeyance in these cases. Stay Follow-up deadline updated to 12/22/2017. [14-31167]

REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: STATUS REPORT from Appellants Mr. R. Alexander Acosta, Secretary, Department of Labor, Mr. Eric D. Hargan, Acting Secretary, U.S. Department of Health and Human Services, Mr. Steven T. Mnuchin, Secretary, U.S. Department of Treasury, HHS, LABR and TREA Date of Service: 11/22/2017 via email - Attorney for Appellants: Barbero, Jed, Klein, Salzman; Attorney for Appellees: Baylor, Johnson, Theriot [14-31167] (Joshua Marc Salzman ) [Entered: 11/22/2017 08:09 AM]

12/22/2017



2 pg, 66.03 KB

STATUS REPORT advising that the parties are continuing to discuss an appropriate resolution of these appeals. Stay Follow-up deadline updated to 01/22/2018. [14-31167] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: STATUS REPORT from Appellants Mr. R. Alexander Acosta, Secretary, Department of Labor, Mr. Eric D. Hargan, Acting Secretary, U.S. Department of Health and Human Services, Mr. Steven T. Mnuchin, Secretary, U.S. Department of Treasury, HHS, LABR and TREA Date of Service: 12/22/2017 via email - Attorney for Appellants: Barbero, Jed, Klein, Salzman; Attorney for Appellees: Baylor, Johnson, Theriot [14-31167] (Joshua Marc Salzman ) [Entered: 12/22/2017 03:07 PM]

01/05/2018



3 pg, 69.19 KB

UNOPPOSED MOTION filed by Appellants Mr. R. Alexander Acosta, Secretary, Department of Labor, Mr. Eric D. Hargan, Acting Secretary, U.S. Department of Health and Human Services, Mr. Steven T. Mnuchin, Secretary, U.S. Department of Treasury, HHS, LABR and TREA to dismiss appeal pursuant to Fed. R. App. P. 42 [8672983-2]. Date of service: 01/05/2018 via email - Attorney for Appellants: Barbero, Jed, Klein, Salzman; Attorney for Appellees: Baylor, Johnson, Theriot [14-31167] (Joshua Marc Salzman ) [Entered: 01/05/2018 11:25 AM]

01/05/2018



3 pg, 213.64 KB

CLERK ORDER granting motion to dismiss appeal pursuant to Fed. R. App. P. 42 filed by Appellants LABR, TREA, HHS, Mr. Steven T. Mnuchin, Secretary, U.S. Department of Treasury, Mr. R. Alexander Acosta, Secretary, Department of Labor and Mr. Eric D. Hargan, Acting Secretary, U.S. Department of Health and Human Services. [[8672983-2](#)] [14-31167] (SEP) [Entered: 01/05/2018 02:30 PM]