

20-1409, Maxwell Kadel v. N.C. State Health Plan

US Circuit Court of Appeals - 04th Circuit

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20-1409, Maxwell Kadel v. N.C. State Health Plan

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20-1409, Maxwell Kadel v. N.C. State Health Plan

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20-1409, Maxwell Kadel v. N.C. State Health Plan

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20-1409, Maxwell Kadel v. N.C. State Health Plan

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20-1409, Maxwell Kadel v. N.C. State Health Plan

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Additional Case

Additional Case Information

Civil Private - private

Appeal from: United States District Court for the Middle District of North Carolina at Greensboro

District: 0418 Division: 2 CaseNumber: 1:19-cv-00272-LCB-LPA DateFiled: 03/11/2019

Court Reporter: Keah Marsh , Court Reporter Coordinator

Presiding Judge: Loretta C. Biggs , U. S. District Court Judge

Judgement Date: 03/11/2020

Judgement EOD: 03/11/2020

Date NOA Filed: 04/08/2020

Proceedings

Date	#	Proceeding Text	Details
04/09/2020		Case docketed. Originating case number: 1:19-cv-00272-LCB-LPA. Case manager: CPoulsen. [20-1409] CP	
04/09/2020		DOCKETING NOTICE issued Re: case Originating case number: 1:19-cv-00272-	

20-1409, Maxwell Kadel v. N.C. State Health Plan

Date	#	Proceeding Text	Details
		LCB-LPA. Mailed to: David Brown, Alejandra L. Caraballo, J. Benjamin Garner, John G. Knepper, Noah E. Lewis, Deepika H. Ravi. [20-1409] CP	
04/13/2020		(ENTRY RESTRICTED) APPEARANCE OF COUNSEL by Tara L. Borelli for Michael D. Bunting, Jr., C.B., Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvanie and Connor Thonen-Fleck. [1000719820] [20-1409]--[Edited 04/16/2020 by CP-Corrected appearance filed at Dkt. Entry #12] Tara Borelli	
04/15/2020		DISCLOSURE STATEMENT by Maxwell Kadel. Was any question on Disclosure Form answered yes? No [1000722032] [20-1409] Tara Borelli	
04/15/2020		DISCLOSURE STATEMENT by Jason Fleck. Was any question on Disclosure Form answered yes? No [1000722042] [20-1409] Tara Borelli	
04/15/2020		DISCLOSURE STATEMENT by Connor Thonen-Fleck. Was any question on Disclosure Form answered yes? No [1000722044] [20-1409] Tara Borelli	
04/15/2020		DISCLOSURE STATEMENT by Julia McKeown. Was any question on Disclosure Form answered yes? No [1000722046] [20-1409] Tara Borelli	
04/15/2020		DISCLOSURE STATEMENT by Michael D. Bunting, Jr.. Was any question on Disclosure Form answered yes? No [1000722048] [20-1409] Tara Borelli	
04/15/2020		DISCLOSURE STATEMENT by C.B.. Was any question on Disclosure Form answered yes? No [1000722050] [20-1409] Tara Borelli	
04/15/2020		DISCLOSURE STATEMENT by Sam Silvanie. Was any question on Disclosure Form answered yes? No [1000722052] [20-1409] Tara Borelli	
04/15/2020		CERTIFICATE/SERVICE LIST by Michael D. Bunting, Jr., C.B., Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvanie and Connor Thonen-Fleck. Related documents: disclosure statement, disclosure statement, disclosure statement, disclosure statement, disclosure statement, disclosure statement, disclosure statement [20-1409] Tara Borelli	
04/15/2020		Corrected APPEARANCE OF COUNSEL by Tara L. Borelli for Michael D. Bunting, Jr., C.B., Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvanie and Connor Thonen-Fleck. [1000722069] [20-1409] Tara Borelli	

20-1409, Maxwell Kadel v. N.C. State Health Plan

Date	#	Proceeding Text	Details
04/16/2020		APPEARANCE OF COUNSEL by Amy E. Richardson for Michael D. Bunting, Jr., C.B., Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck. [1000722458] [20-1409] Amy Richardson	
04/16/2020		APPEARANCE OF COUNSEL by Lauren E. Snyder for Connor Thonen-Fleck, Sam Silvaine, Julia McKeown, Maxwell Kadel, Jason Fleck, C.B. and Michael D. Bunting, Jr.. [1000722463] [20-1409] Amy Richardson	
04/16/2020		APPEARANCE OF COUNSEL by Omar Gonzalez-Pagan for Michael D. Bunting, Jr., C.B., Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck. [1000722929] [20-1409] Omar Gonzalez-Pagan	
04/24/2020		DOCKETING STATEMENT by North Carolina State Health Plan for Teachers and State Employees. [20-1409] Mark Jones	
04/24/2020		DISCLOSURE STATEMENT by North Carolina State Health Plan for Teachers and State Employees. Was any question on Disclosure Form answered yes? No [1000727731] [20-1409] Mark Jones	
04/24/2020		APPEARANCE OF COUNSEL for North Carolina State Health Plan for Teachers and State Employees. [1000727735] [20-1409] Mark Jones	
04/24/2020		BRIEFING ORDER filed. Mailed to: J. Benjamin Garner, John G. Knepper. FILING OF PAPER COPIES OF BRIEFS/APPENDICES IS SUSPENDED PENDING FURTHER NOTICE FROM THE COURT. Opening Brief and Appendix due 06/03/2020. Response Brief due 07/06/2020 [20-1409] DL	
04/27/2020		APPEARANCE OF COUNSEL by Kevin G. Williams for North Carolina State Health Plan for Teachers and State Employees. [1000728734] [20-1409] Kevin Williams	
05/19/2020		MOTION by North Carolina State Health Plan for Teachers and State Employees to extend filing time for opening brief and appendix until June 30, 2020 (without objection).. Date and method of service: 05/19/2020 ecf. [1000741904] [20-1409] Mark Jones	
05/20/2020		ORDER filed granting Motion to extend filing time Number of days granted: 27. Opening brief and appendix due 06/30/2020. Response brief due 08/03/2020. FILING OF PAPER COPIES OF BRIEFS/APPENDICES IS SUSPENDED PENDING FURTHER NOTICE FROM THE COURT. Copies to all parties. [1000742248] [20-1409] DL	

20-1409, Maxwell Kadel v. N.C. State Health Plan

Date	#	Proceeding Text	Details
06/01/2020		APPEARANCE OF COUNSEL by David Brown for Michael D. Bunting, Jr., C.B., Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck. [1000749028] [20-1409] David Brown	
06/19/2020		MOTION by North Carolina State Health Plan for Teachers and State Employees to extend filing time for opening brief and appendix until July 30, 2020 (with Consent).. Date and method of service: 06/19/2020 ecf, US mail. [1000760437] [20-1409] Mark Jones	
06/19/2020		ORDER filed granting Motion to extend filing time Number of days granted: 30. Opening brief and appendix due 07/30/2020. Response brief due 08/31/2020. FILING OF PAPER COPIES OF BRIEFS/APPENDICES IS SUSPENDED PENDING FURTHER NOTICE FROM THE COURT. Copies to all parties. [1000760498] [20-1409] CP	
07/30/2020		APPEARANCE OF COUNSEL by John G. Knepper for North Carolina State Health Plan for Teachers and State Employees. [1000784363] [20-1409] John Knepper	
07/30/2020		BRIEF by North Carolina State Health Plan for Teachers and State Employees in electronic and paper format. Type of Brief: OPENING. [1000784753] [20-1409] Mark Jones	
07/30/2020		JOINT APPENDIX (electronic and paper form) by North Carolina State Health Plan for Teachers and State Employees. Digital media exhibit volume? No. [1000784754] [20-1409] Mark Jones	
07/30/2020		Receipt of paper copy of OPENING BRIEF filed at by North Carolina State Health Plan for Teachers and State Employees. Number of pages: [46]. Sufficient: Yes. Number of copies: [4]. Received by clerk date: 01/06/2021. [1000876932] [20-1409] KH	
07/30/2020		Receipt of paper copy of APPENDIX filed at by North Carolina State Health Plan for Teachers and State Employees. Total number of volumes (including any sealed): [1]. Total number of pages in all volumes: [245]. Total number of sealed volumes: 0. Sufficient? Yes. CD/DVD/Other exhibit? No. Number of copies: [4]. Received by clerk date: 01/06/2021. [1000876933] [20-1409] KH	
08/12/2020		MOTION by Michael D. Bunting, Jr., C.B., Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck to extend filing time for response brief until September 30, 2020 (with consent).. Date and method of service: 08/12/2020 ecf.	

20-1409, Maxwell Kadel v. N.C. State Health Plan

Date	#	Proceeding Text	Details
		[1000791964] [20-1409] Tara Borelli	
08/13/2020		ORDER filed granting Motion to extend filing time Number of days granted: 30. Response brief due 09/30/2020. Paper copy requirements are temporarily suspended unless the case is under pre-argument review or being scheduled for argument, in which case a total of four paper copies of formal briefs and appendices are required. Copies to all parties. [1000792022] [20-1409] DL	
08/20/2020		APPEARANCE OF COUNSEL by Carl Solomon Charles for Michael D. Bunting, Jr., Jason Fleck, C.B., Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck. [1000796343] [20-1409] Carl Charles	
09/26/2020		APPEARANCE OF COUNSEL by Samuel R. Bagenstos for Michael D. Bunting, Jr., C.B., Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck. [1000818153] [20-1409] Samuel Bagenstos	
09/30/2020		BRIEF by Michael D. Bunting, Jr., C.B., Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck in electronic and paper format. Type of Brief: RESPONSE. [1000821208] [20-1409] Amy Richardson	
09/30/2020		Receipt of paper copy of RESPONSE BRIEF filed at by Michael D. Bunting, Jr., C.B., Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck. Number of pages: [50]. Sufficient: YES. Number of Copies: [4]. Received by clerk date: 09/30/2020. [1000877694] [20-1409] AW	
10/07/2020		(ENTRY RESTRICTED) AMICUS CURIAE BRIEF by States of California, Colorado, Delaware, Hawaii, Illinois, Maine, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Washington, Wisconsin, and the District of Columbia in electronic and paper format. [1000825650] [20-1409]--[Edited 10/08/2020 by DL - SEE CORRECTED BRIEF @ ECF 38] Nicole Ries Fox	
10/07/2020		APPEARANCE OF COUNSEL by Nicole Ries Fox for Commonwealth of Massachusetts, District of Columbia, State of California, State of Colorado, State of Delaware, State of Hawaii, State of Illinois, State of Maine, State of Minnesota, State of Nevada, State of New Jersey, State of New Mexico, State of New York, State of Oregon, State of Rhode Island, State of Vermont,	

20-1409, Maxwell Kadel v. N.C. State Health Plan

Date	#	Proceeding Text	Details
		State of Washington and State of Wisconsin. [1000825729] [20-1409] DL	
10/07/2020		ORDER filed granting filing of amicus curiae brief. Disclosure Statement filed (if corporate amicus)? N/A. Appearance Form filed? Y. Copies to all parties. [1000825732] [20-1409] DL	
10/07/2020		MOTION by Nonprofit Civil Rights, Advocacy and Public Interest Organizations as Amicus Curiae Supporting Appellees for leave to file Brief Amicus Curiae in Support of Plaintiffs-Appellees Urging Affirmance. Date and method of service: 10/07/2020 ecf. [1000825773] [20-1409] Kevin Costello	
10/07/2020		Corrected AMICUS CURIAE BRIEF by States of California, Colorado, Delaware, Hawaii, Illinois, Maine, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Washington, Wisconsin, and the District of Columbia in electronic and paper format. [1000825820] [20-1409] Nicole Ries Fox	
10/07/2020		AMICUS CURIAE BRIEF by Equality North Carolina as Amicus Curiae Supporting Plaintiffs-Appellees in electronic and paper format. [1000825835] [20-1409] Michael Weaver	
10/07/2020		AMICUS CURIAE BRIEF by Nonprofit Civil Rights, Advocacy and Public Interests Organizations in electronic and paper format. Method of Filing Paper Copies: N/A. [1000825916] [20-1409] DL	
10/08/2020		DOCKETING FORMS FOLLOW-UP NOTICE ISSUED to Clearinghouse on Women's Issues, Feminist Majority Foundation, Gender Equality Law Center, Harvard Law School LGBTQ+Advocacy Clinic, Legal Voice, NARAL Pro-Choice America, National Center for Lesbian Rights, National Health Law Program, National Women's Law Center, North Carolina AIDS Action Network, Planned Parenthood South Atlantic, Women's Bar Association of the District of Columbia and Women's Bar Association of the State of New York re: filing of appearance form. Appearance form due on 10/13/2020 from Kevin Barry, Kevin Michael Costello and Maryanne Tomazic. [20-1409] DL	
10/08/2020		ORDER filed granting motion to file amicus curiae brief . Disclosure Statement filed (if corporate amicus)? Y. Appearance Form filed? N. Copies to all parties. [1000826155] [20-1409] DL	

20-1409, Maxwell Kadel v. N.C. State Health Plan

Date	#	Proceeding Text	Details
10/08/2020		APPEARANCE OF COUNSEL by Michael W. Weaver for Equality North Carolina. [1000826195] [20-1409] DL	
10/08/2020		APPEARANCE OF COUNSEL by Kevin Costello for Clearinghouse on Women's Issues, Feminist Majority Foundation, Gender Equality Law Center, Harvard Law School LGBTQ+Advocacy Clinic, Legal Voice, NARAL Pro-Choice America, National Center for Lesbian Rights, National Health Law Program, National Women's Law Center, North Carolina AIDS Action Network, Planned Parenthood South Atlantic, Women's Bar Association of the District of Columbia and Women's Bar Association of the State of New York. [1000826400] [20-1409] Kevin Costello	
10/21/2020		BRIEF by North Carolina State Health Plan for Teachers and State Employees in electronic and paper format. Type of Brief: REPLY. [1000833992] [20-1409] Mark Jones	
10/21/2020		Receipt of paper copy of REPLY BRIEF filed at by North Carolina State Health Plan for Teachers and State Employees. Number of pages: [21]. Sufficient: Yes. Number of Copies: [4]. Received by clerk date: 01/06/2021. [1000876934] [20-1409] KH	
01/04/2021		CASE TENTATIVELY CALENDARED for oral argument during the 3/8/21 - 3/12/21 argument session. Counsel shall file 4 paper copies of their briefs and appendices within 7 days. Notify Clerk's Office of any scheduling conflict by: 01/11/2021. [20-1409] JLC	
01/06/2021		NOTICE REGARDING CONFLICT WITH PROPOSED ARGUMENT DATES by Appellant North Carolina State Health Plan for Teachers and State Employees. Argument Session: 03/21. Days you are available: All. Identify any other cases you are tentatively scheduled to argue this session: No other cases tentatively scheduled.. [20-1409] Mark Jones	
01/07/2021		NOTICE REGARDING CONFLICT WITH PROPOSED ARGUMENT DATES by Appellees Michael D. Bunting, Jr., C.B., Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck. Argument Session: 03/21. Days you are available: March 8, 10, 11, and 12. Identify any other cases you are tentatively scheduled to argue this session: None. Other scheduling information: None. [20-1409] Tara Borelli	
01/21/2021		MOTION by Michael D. Bunting, Jr., C.B., Jason Fleck, Maxwell Kadel, Julia McKeown,	

20-1409, Maxwell Kadel v. N.C. State Health Plan

Date	#	Proceeding Text	Details
		Sam Silvaine and Connor Thonen-Fleck to withdraw/relieve/substitute counsel. Attorney or client motion? Attorney. Was a copy of the motion served on the defendant? Y.. Date and method of service: 01/21/2021 ecf. [1000885262] [20-1409] Tara Borelli	
01/22/2021		ORDER filed granting Motion to withdraw/relieve/substitute counsel Copies to all parties. [1000885403] [20-1409] DL	
01/22/2021		Amended NOTICE REGARDING CONFLICT WITH PROPOSED ARGUMENT DATES by Appellees Michael D. Bunting, Jr., C.B., Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck. Argument Session: 03/21. Days you are available: March 8, 9, 10, 11, and 12... [20-1409] Omar Gonzalez-Pagan	
01/27/2021		CASE CALENDARED for remote oral argument. Date: 03/11/2021. Argument Starting Time: 9:30 a.m.. Remote oral argument acknowledgment form due within 2 business days. [20-1409] JLC	
01/27/2021		ORAL ARGUMENT ACKNOWLEDGMENT FOR REMOTE ARGUMENT (restricted access) by Maxwell Kadel, Jason Fleck, Connor Thonen-Fleck, Julia McKeown, Michael D. Bunting, Jr., C.B. and Sam Silvaine. Counsel arguing: Omar Gonzalez-Pagan. Answering argument time: 20 minutes. [1000889075] [20-1409] Omar Gonzalez-Pagan	
01/28/2021		ORAL ARGUMENT ACKNOWLEDGMENT FOR REMOTE ARGUMENT (restricted access) by North Carolina State Health Plan for Teachers and State Employees. Counsel arguing: John G. Knepper. Opening argument time: 15 minutes. Rebuttal argument time: 5 minutes. [1000889347] [20-1409] John Knepper	
03/11/2021		ORAL ARGUMENT (Video Conference) heard before the Honorable Roger L. Gregory, G. Steven Agee and Albert Diaz. Attorneys arguing case: John Guyton Knepper for Appellant North Carolina State Health Plan for Teachers and State Employees and Omar Francisco Gonzalez-Pagan for Appellees C.B., Maxwell Kadel, Jason Fleck, Connor Thonen-Fleck, Julia McKeown, Michael D. Bunting, Jr. and Sam Silvaine. Courtroom Deputy: Anisha Walker. [1000914544] [20-1409] AW	
03/31/2021		APPEARANCE OF COUNSEL by Christopher Brook for Equality North Carolina. [1000926692] [20-1409] Christopher Brook	

20-1409, Maxwell Kadel v. N.C. State Health Plan

Date	#	Proceeding Text	Details
04/01/2021		MOTION by Equality North Carolina to withdraw/relieve/substitute counsel. Attorney or client motion? client. Was a copy of the motion served on the defendant? Y. Was the defendant advised of right to file response within 7 days? N. Date and method of service: 04/01/2021 ecf. [1000927408] [20-1409] Christopher Brook	
04/01/2021		ORDER filed granting Motion to withdraw/relieve/substitute counsel Copies to all parties. [1000927443] [20-1409] CP	
09/01/2021		PUBLISHED AUTHORED OPINION filed. Originating case number: 1:19-cv-00272-LCB-LPA. [1001015123]. [20-1409] CP	
09/01/2021		OPINION ATTACHMENTS. [20-1409] CP	
09/01/2021		JUDGMENT ORDER filed. Decision: Affirmed. Originating case number: 1:19-cv-00272-LCB-LPA. Entered on Docket Date: 09/01/2021. [1001015172] Copies to all parties and the district court/agency. [20-1409] CP	
09/23/2021		Mandate issued. Referencing: published authored Opinion , Opinion , Judgment Order. Originating case number: 1:19-cv-00272-LCB-LPA. [20-1409] CP	
11/05/2021		SUPREME COURT REMARK--petition for writ of certiorari filed. 11/02/2021. 21-674. [20-1409] EB	
12/02/2021		AMENDING ORDER filed. Copies to all parties. [1001068975] [20-1409] CP	
12/02/2021		AMENDED OPINION filed amending and superseding opinion dated September 1, 2021. Originating case number: 1:19-cv-00272-LCB-LPA. Copies to all parties. [1001068983] [20-1409] CP	
01/18/2022		SUPREME COURT REMARK--petition for writ of certiorari denied. 01/18/2022 [20-1409] EB	

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