

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:11-cv-01989-JEB**

BELMONT ABBEY COLLEGE v. SEBELIUS et al
Assigned to: Judge James E. Boasberg
Case in other court: 12-05291
Cause: 05:0706 Judicial Review of Agency Actions

Date Filed: 11/10/2011
Date Terminated: 07/19/2012
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

BELMONT ABBEY COLLEGE

represented by **Mark L. Rienzi**
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LIBERTY
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TERMINATED: 03/16/2012

V.

Defendant

KATHLEEN SEBELIUS
*Secretary of the United States Department
of Health and Human Services*

represented by **Michelle Renee Bennett**
U.S. DEPARTMENT OF JUSTICE
Civil Division
20 Massachusetts Avenue, NW
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

**UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES**

represented by **Michelle Renee Bennett**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

HILDA SOLIS
*Secretary of the United States Department
of Labor*

represented by **Michelle Renee Bennett**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

**UNITED STATES DEPARTMENT OF
LABOR**

represented by **Michelle Renee Bennett**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

TIMOTHY F. GEITHNER
*Secretary of the United States Department
of the Treasury*

represented by **Michelle Renee Bennett**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

**UNITED STATES DEPARTMENT OF
THE TREASURY**

represented by **Michelle Renee Bennett**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
11/10/2011	<u>1</u>	COMPLAINT against TIMOTHY GEITHNER, KATHLEEN SEBELIUS, HILDA SOLIS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY (Filing fee \$ 350, receipt number 4616043664) filed by BELMONT ABBEY COLLEGE. (Attachments: # <u>1</u> Civil Cover Sheet)(dr) (Entered: 11/14/2011)
11/10/2011		SUMMONS (8) Issued as to TIMOTHY GEITHNER, KATHLEEN SEBELIUS, HILDA SOLIS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY, U.S. Attorney and U.S. Attorney General (dr) (Entered: 11/14/2011)
01/03/2012	<u>2</u>	Case randomly reassigned to Judge James E. Boasberg. Judge Gladys Kessler no longer assigned to the case. (ds) (Entered: 01/03/2012)
01/04/2012	<u>3</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 11/14/2011. (Rassbach, Eric) (Entered: 01/04/2012)
01/04/2012	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 11/14/2011. Answer due for ALL FEDERAL DEFENDANTS by 1/13/2012. (Rassbach, Eric) (Entered: 01/04/2012)
01/04/2012	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. KATHLEEN SEBELIUS served on 11/14/2011 (Rassbach, Eric) (Entered: 01/04/2012)

		01/04/2012)
01/04/2012	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 11/14/2011 (Rassbach, Eric) (Entered: 01/04/2012)
01/04/2012	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. HILDA SOLIS served on 11/15/2011 (Rassbach, Eric) (Entered: 01/04/2012)
01/04/2012	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF LABOR served on 11/15/2011 (Rassbach, Eric) (Entered: 01/04/2012)
01/04/2012	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. TIMOTHY GEITHNER served on 11/14/2011 (Rassbach, Eric) (Entered: 01/04/2012)
01/04/2012	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF THE TREASURY served on 11/14/2011 (Rassbach, Eric) (Entered: 01/04/2012)
01/06/2012	<u>11</u>	NOTICE of Appearance by Michelle Renee Bennett on behalf of All Defendants (Bennett, Michelle) (Entered: 01/06/2012)
01/06/2012	<u>12</u>	Unopposed MOTION for Extension of Time to <i>Respond to the Complaint</i> by TIMOTHY GEITHNER, KATHLEEN SEBELIUS, HILDA SOLIS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Text of Proposed Order)(Bennett, Michelle) (Entered: 01/06/2012)
01/06/2012		MINUTE ORDER granting Defendants' unopposed <u>12</u> Motion for Extension of Time to Respond to the Complaint. The Court ORDERS that Defendants shall file a responsive pleading or motion by January 31, 2012. Signed by Judge James E. Boasberg on 1/6/2012. (lcjeb2) (Entered: 01/06/2012)
01/09/2012		Set/Reset Deadlines: Defendants shall file a responsive pleading or motion by 1/31/2012. (ad) (Entered: 01/09/2012)
01/27/2012	<u>13</u>	MOTION for Extension of Time to <i>Respond to the Complaint</i> by TIMOTHY GEITHNER, KATHLEEN SEBELIUS, HILDA SOLIS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Text of Proposed Order)(Bennett, Michelle) (Entered: 01/27/2012)
01/27/2012		MINUTE ORDER granting <u>13</u> Motion for Extension of Time to Respond to the Complaint. The Court ORDERS that Defendants shall file a responsive pleading or motion by February 16, 2012. Signed by Judge James E. Boasberg on 1/27/2012. (lcjeb2) (Entered: 01/27/2012)
01/27/2012		Set/Reset Deadlines: Defendants shall file a responsive pleading or motion by 2/16/2012. (ad) (Entered: 01/27/2012)
02/13/2012	<u>14</u>	NOTICE of Appearance by Eric Nieuwenhuis Kniffin on behalf of BELMONT ABBEY COLLEGE (Kniffin, Eric) (Entered: 02/13/2012)
02/16/2012	<u>15</u>	MOTION to Dismiss for Lack of Jurisdiction by TIMOTHY GEITHNER, KATHLEEN SEBELIUS, HILDA SOLIS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Bennett, Michelle) (Entered: 02/16/2012)
02/29/2012	<u>16</u>	NOTICE of Appearance by Shannen W. Coffin on behalf of All Plaintiffs (Coffin, Shannen) (Entered: 02/29/2012)
03/02/2012	<u>17</u>	MOTION for Extension of Time to File Response/Reply as to <u>15</u> MOTION to Dismiss for Lack of Jurisdiction by BELMONT ABBEY COLLEGE

		(Attachments: # <u>1</u> Text of Proposed Order)(Rassbach, Eric) (Entered: 03/02/2012)
03/02/2012		MINUTE ORDER granting <u>17</u> Plaintiff's Motion for an Extension of Time. Plaintiff's Opposition shall now be due by March 19, 2012. Signed by Judge James E. Boasberg on 3/2/2012. (lcjeb2) (Entered: 03/02/2012)
03/02/2012		Set/Reset Deadlines: Plaintiff's Opposition shall now be due by 3/19/2012. (ad) (Entered: 03/02/2012)
03/16/2012	<u>18</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to BELMONT ABBEY COLLEGE. Attorney Shannen W. Coffin terminated. (Coffin, Shannen) (Entered: 03/16/2012)
03/19/2012	<u>19</u>	NOTICE of Appearance by Mark L. Rienzi on behalf of BELMONT ABBEY COLLEGE (Rienzi, Mark) (Entered: 03/19/2012)
03/19/2012	<u>20</u>	MOTION to Amend/Correct <u>1</u> Complaint, by BELMONT ABBEY COLLEGE (Attachments: # <u>1</u> Exhibit Amended Complaint, # <u>2</u> Text of Proposed Order)(Rienzi, Mark) (Entered: 03/19/2012)
03/19/2012	<u>21</u>	Memorandum in opposition to re <u>15</u> MOTION to Dismiss for Lack of Jurisdiction filed by BELMONT ABBEY COLLEGE. (Attachments: # <u>1</u> Text of Proposed Order)(Rienzi, Mark) (Entered: 03/19/2012)
03/20/2012		MINUTE ORDER granting <u>20</u> Plaintiff's Motion to Amend Complaint. The Amended Complaint is deemed FILED, and Defendants' <u>15</u> Motion to Dismiss is DENIED WITHOUT PREJUDICE as moot. Signed by Judge James E. Boasberg on 3/20/2012. (lcjeb2) (Entered: 03/20/2012)
03/20/2012	<u>22</u>	AMENDED COMPLAINT against TIMOTHY GEITHNER, KATHLEEN SEBELIUS, HILDA SOLIS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY filed by BELMONT ABBEY COLLEGE.(td,) Modified date filed on 3/20/2012 (td,). (Entered: 03/20/2012)
04/05/2012	<u>23</u>	MOTION to Dismiss for Lack of Jurisdiction <i>the First Amended Complaint</i> by TIMOTHY GEITHNER, KATHLEEN SEBELIUS, HILDA SOLIS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Bennett, Michelle) (Entered: 04/05/2012)
04/23/2012	<u>24</u>	Memorandum in opposition to re <u>23</u> MOTION to Dismiss for Lack of Jurisdiction <i>the First Amended Complaint</i> filed by BELMONT ABBEY COLLEGE. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 1-A, # <u>3</u> Exhibit 1-B, # <u>4</u> Exhibit 1-C, # <u>5</u> Text of Proposed Order)(Rienzi, Mark) (Entered: 04/23/2012)
05/03/2012	<u>25</u>	REPLY to opposition to motion re <u>23</u> MOTION to Dismiss for Lack of Jurisdiction <i>the First Amended Complaint</i> filed by TIMOTHY GEITHNER, KATHLEEN SEBELIUS, HILDA SOLIS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY. (Bennett, Michelle) (Entered: 05/03/2012)
06/22/2012	<u>26</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by TIMOTHY GEITHNER, KATHLEEN SEBELIUS, HILDA SOLIS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Exhibit A)(Bennett, Michelle) (Entered: 06/22/2012)
06/26/2012	<u>27</u>	RESPONSE re <u>26</u> NOTICE OF SUPPLEMENTAL AUTHORITY, filed by BELMONT ABBEY COLLEGE. (Rienzi, Mark) (Entered: 06/26/2012)
07/18/2012	<u>28</u>	VACATED pursuant to the Minute Order filed on 8/19/2013.....ORDER granting Defendants' <u>23</u> Motion to Dismiss for Lack of Jurisdiction and dismissing the case without prejudice. Signed by Judge James E. Boasberg on 7/18/2012. (lcjeb3) Modified on 8/19/2013 (ad). (Entered: 07/18/2012)

07/18/2012	<u>29</u>	VACATED pursuant to the Minute Order filed on 8/19/2013.....MEMORANDUM OPINION regarding <u>28</u> Order granting Defendants' Motion to Dismiss. Signed by Judge James E. Boasberg on 7/18/2012. (lcjeb3) Modified on 8/19/2013 (ad). (Entered: 07/18/2012)
07/23/2012	<u>30</u>	MOTION for Reconsideration re <u>29</u> Memorandum & Opinion by BELMONT ABBEY COLLEGE (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8)(Rienzi, Mark) (Entered: 07/23/2012)
08/07/2012	<u>31</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by BELMONT ABBEY COLLEGE (Attachments: # <u>1</u> Exhibit A)(Rienzi, Mark) (Entered: 08/07/2012)
08/09/2012	<u>32</u>	Memorandum in opposition to re <u>30</u> MOTION for Reconsideration re <u>29</u> Memorandum & Opinion filed by TIMOTHY GEITHNER, KATHLEEN SEBELIUS, HILDA SOLIS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY. (Bennett, Michelle) (Entered: 08/09/2012)
08/16/2012	<u>33</u>	REPLY to opposition to motion re <u>30</u> MOTION for Reconsideration re <u>29</u> Memorandum & Opinion filed by BELMONT ABBEY COLLEGE. (Rienzi, Mark) (Entered: 08/16/2012)
08/27/2012	<u>34</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by TIMOTHY GEITHNER, KATHLEEN SEBELIUS, HILDA SOLIS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Wheaton College Decision)(Bennett, Michelle) (Entered: 08/27/2012)
08/31/2012	<u>35</u>	RESPONSE re <u>34</u> NOTICE OF SUPPLEMENTAL AUTHORITY, filed by BELMONT ABBEY COLLEGE. (Attachments: # <u>1</u> Declaration)(Rienzi, Mark) (Entered: 08/31/2012)
09/05/2012	<u>36</u>	MEMORANDUM OPINION and ORDER denying <u>30</u> Motion for Reconsideration. Signed by Judge James E. Boasberg on 9/5/12. (lcjeb4) (Entered: 09/05/2012)
09/14/2012	<u>37</u>	NOTICE OF APPEAL TO DC CIRCUIT COURT as to <u>28</u> Order on Motion to Dismiss/Lack of Jurisdiction, <u>36</u> Memorandum & Opinion by BELMONT ABBEY COLLEGE. Filing fee \$ 455, receipt number 0090-3068080. Fee Status: Fee Paid. Parties have been notified. (Rienzi, Mark) (Entered: 09/14/2012)
09/18/2012	<u>38</u>	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid this date re <u>37</u> Notice of Appeal to DC Circuit Court. (rdj) (Entered: 09/18/2012)
10/11/2012		USCA Case Number 12-5291 for <u>37</u> Notice of Appeal to DC Circuit Court, filed by BELMONT ABBEY COLLEGE. (td,) (Entered: 10/11/2012)
12/18/2012	<u>39</u>	ORDER of USCA as to (37 in 1:11-cv-01989-JEB) Notice of Appeal to DC Circuit Court, filed by BELMONT ABBEY COLLEGE, (23 in 1:12-cv-01169-ESH) Notice of Appeal to DC Circuit Court, filed by WHEATON COLLEGE ; USCA Case Number 12-5273. ORDERED, that in reliance upon the Departments binding representations, this court will hold these cases in abeyance, subject to regular status reports to be filed by the government with this court every 60 days from the date of this order. (kb) (Entered: 12/20/2012)
08/13/2013	<u>40</u>	ORDER of USCA (certified copy) as to <u>37</u> Notice of Appeal to DC Circuit Court, filed by BELMONT ABBEY COLLEGE; ORDERED that these consolidated cases be remanded to the United States District Court for the District of Columbia with instructions to vacate their judgements and to dismiss the complaints as moot. USCA Case Number 12-5273. (md,) (Entered: 08/16/2013)
08/19/2013		MINUTE ORDER: As required by the Court of Appeals upon remand, this Court ORDERS that: 1) The judgment is VACATED; and 2) The Complaint is DISMISSED as moot. Signed by Judge James E. Boasberg on 8/19/13. (lcjeb4)

		(Entered: 08/19/2013)
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