

**U.S. District Court
Western District of Virginia (Lynchburg)
CIVIL DOCKET FOR CASE #: 6:10-cv-00015-NKM**

Liberty University, Inc. et al v. Geithner et al
Assigned to: Judge Norman K. Moon
Case in other court: Case Manager Donna Lett, 10-02347
Cause: 28:2201 Constitutionality of State Statute(s)

Date Filed: 03/23/2010
Date Terminated: 11/07/2011
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Plaintiff

Plaintiff

Liberty University, Inc.
a Virginia Nonprofit corporation

represented by **Anita L. Staver**
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Plaintiff

Martha A. Neal
TERMINATED: 07/30/2010

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Plaintiff

Michele G. Waddell

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Plaintiff

David Stein
M.D.

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Plaintiff

Pausanias Alexander
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Plaintiff

Mary T. Bendorf
TERMINATED: 07/30/2010

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Plaintiff

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Plaintiff

Delegate Kathy Byron

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Plaintiff

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V.

Defendant

Timothy Geithner
Secretary of the Treasury of the United States, in his official capacity

represented by **Ethan Price Davis**
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Defendant

Kathleen Sebelius
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official capacity*

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Joel L. McElvain
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ATTORNEY TO BE NOTICED

Defendant

Hilda L. Solis
*Secretary of the United States Department
of Labor, in her official capacity*

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joel L. McElvain
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ATTORNEY TO BE NOTICED

Defendant

Eric Holder
*Attorney General of the United States, in
his official capacity*

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LEAD ATTORNEY
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Joel L. McElvain
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/23/2010	<u>1</u>	COMPLAINT against Timothy Geithner, Kathleen Sebelius, Hilda L. Solis, Eric Holder (Filing fee \$ 350.00 Receipt #0423000000001082959), filed by Mary T. Bendorf, Joanne V. Merrill, Kathy Byron, Jeff Helgeson, Liberty University, Inc., Martha A. Neal, Michele G. Waddell, David Stein, Pausanias Alexander. 100 Day Notice due by 7/2/2010 120 Day Service due by 7/22/2010 (Attachments: # <u>1</u> Civil Cover Sheet)(jcf) (Entered: 03/24/2010)
03/23/2010	<u>2</u>	MOTION to Appear Pro Hac Vice as to Mathew D. Staver by Mary T. Bendorf, Joanne V. Merrill, Kathy Byron, Jeff Helgeson, Liberty University, Inc., Martha A. Neal, Michele G. Waddell, David Stein, Pausanias Alexander. (Attachments: # <u>1</u> Text of Proposed Order)(jcf) (Entered: 03/24/2010)
03/23/2010	<u>3</u>	MOTION to Appear Pro Hac Vice as to Anita L. Staver by Mary T. Bendorf, Joanne V. Merrill, Kathy Byron, Jeff Helgeson, Liberty University, Inc., Martha A. Neal, David Stein, Pausanias Alexander. (Attachments: # <u>1</u> Text of Proposed Order)(jcf) (Entered: 03/24/2010)

03/24/2010	<u>4</u>	ORDER granting <u>2</u> MOTION for Mathew D. Staver to Appear Pro Hac Vice. Signed by Judge Norman K. Moon on March 24, 2010. (jcf)
03/24/2010	<u>5</u>	ORDER granting <u>3</u> MOTION for Anita L. Staver to Appear Pro Hac Vice. Signed by Judge Norman K. Moon on March 24, 2010. (jcf)
03/26/2010	<u>6</u>	Negative Corporate Disclosure Statement by Mary T. Bendorf, Joanne V. Merrill, Kathy Byron, Jeff Helgeson, Liberty University, Inc., Martha A. Neal, Michele G. Waddell, David Stein, Pausanias Alexander. (McAlister, Mary)
04/14/2010	<u>7</u>	AMENDED COMPLAINT <i>FIRST</i> against Timothy Geithner, Kathleen Sebelius, Hilda L. Solis, Eric Holder, filed by Mary T. Bendorf, Joanne V. Merrill, Kathy Byron, Jeff Helgeson, Liberty University, Inc., Martha A. Neal, Michele G. Waddell, David Stein, Pausanias Alexander.(McAlister, Mary)
04/14/2010	<u>8</u>	Proposed Summons by Mary T. Bendorf, Joanne V. Merrill, Kathy Byron, Jeff Helgeson, Liberty University, Inc., Martha A. Neal, Michele G. Waddell, David Stein, Pausanias Alexander as to Timothy Geithner.(McAlister, Mary)
04/14/2010	<u>9</u>	Proposed Summons by Mary T. Bendorf, Joanne V. Merrill, Kathy Byron, Jeff Helgeson, Liberty University, Inc., Martha A. Neal, Michele G. Waddell, David Stein, Pausanias Alexander as to Kathleen Sebelius.(McAlister, Mary)
04/14/2010	<u>10</u>	Proposed Summons by Mary T. Bendorf, Joanne V. Merrill, Kathy Byron, Jeff Helgeson, Liberty University, Inc., Martha A. Neal, Michele G. Waddell, David Stein, Pausanias Alexander as to Hilda L. Solis.(McAlister, Mary)
04/14/2010	<u>11</u>	Proposed Summons by Mary T. Bendorf, Joanne V. Merrill, Kathy Byron, Jeff Helgeson, Liberty University, Inc., Martha A. Neal, Michele G. Waddell, David Stein, Pausanias Alexander as to Eric Holder.(McAlister, Mary)
04/15/2010	<u>12</u>	Summons Issued as to Timothy Geithner, Kathleen Sebelius, Hilda L. Solis, Eric Holder. (Amended Complaint)(jcf)
04/22/2010	<u>13</u>	AFFIDAVIT of Service for Summons <i>in Civil Action 6:10-cv-00015-nkm</i> served on Timothy Geithner on April 15, 2010, filed by Mary T. Bendorf, Joanne V. Merrill, Kathy Byron, Jeff Helgeson, Liberty University, Inc., Martha A. Neal, Michele G. Waddell, David Stein, Pausanias Alexander., SUMMONS Returned Executed by Mary T. Bendorf, Joanne V. Merrill, Kathy Byron, Jeff Helgeson, Liberty University, Inc., Martha A. Neal, Michele G. Waddell, David Stein, Pausanias Alexander. Timothy Geithner served on 4/15/2010, answer due 6/14/2010.(McAlister, Mary)
04/22/2010	<u>14</u>	AFFIDAVIT of Service for Summons <i>Civil Action 6:10-cv-00015-nkm</i> served on Kathleen Sebellius on 04/15/2010, filed by Mary T. Bendorf, Joanne V. Merrill, Kathy Byron, Jeff Helgeson, Liberty University, Inc., Martha A. Neal, Michele G. Waddell, David Stein., SUMMONS Returned Executed by Mary T. Bendorf, Joanne V. Merrill, Kathy Byron, Jeff Helgeson, Liberty University, Inc., Martha A. Neal, Michele G. Waddell, David Stein. Kathleen Sebelius served on 4/15/2010, answer due 6/14/2010.(McAlister, Mary)
04/22/2010	<u>15</u>	AFFIDAVIT of Service for Summons <i>Civil Action 6:10-cv-00015-nkm</i> served on Hilda L. Solis on 04/15/2010, filed by Mary T. Bendorf, Joanne V. Merrill, Kathy Byron, Jeff Helgeson, Liberty University, Inc., Martha A. Neal, Michele G. Waddell, David Stein, Pausanias Alexander., SUMMONS Returned Executed by Mary T. Bendorf, Joanne V. Merrill, Kathy Byron, Jeff Helgeson, Liberty University, Inc., Martha A. Neal, Michele G. Waddell, David Stein, Pausanias Alexander. Hilda L. Solis served on 4/15/2010, answer due 6/14/2010.(McAlister, Mary)
04/22/2010	<u>16</u>	AFFIDAVIT of Service for Summons <i>Civil Action 6:10-cv-00015-nkm</i> served on Eric Holder on 04/15/2010, filed by Mary T. Bendorf, Joanne V. Merrill, Kathy Byron, Jeff Helgeson, Liberty University, Inc., Martha A. Neal, Michele G. Waddell, David Stein, Pausanias Alexander., SUMMONS Returned Executed by Mary T. Bendorf, Joanne V. Merrill, Kathy Byron, Jeff Helgeson, Liberty University, Inc., Martha A. Neal, Michele G. Waddell, David Stein, Pausanias Alexander. Eric Holder served on 4/15/2010, answer due 6/14/2010.(McAlister, Mary)
07/02/2010	<u>17</u>	100 Day Notice Letter. (jcf)

07/02/2010	18	Notice of Correction: Document #17 was deleted & resubmitted. Deputy Clerk had wrong date on notice. (jcf)
07/09/2010	<u>19</u>	AFFIDAVIT of Service for First Amended Complaint <i>dated April 14, 2010</i> served on Defendants Geithner, Sebelius, Solis, and Holder on May 26, 2010, filed by Mary T. Bendorf, Joanne V. Merrill, Kathy Byron, Jeff Helgeson, Liberty University, Inc., Martha A. Neal, Michele G. Waddell, David Stein, Pausanias Alexander., ACKNOWLEDGEMENT OF SERVICE Executed <i>May 26, 2010</i> Acknowledgement filed by Mary T. Bendorf, Joanne V. Merrill, Kathy Byron, Jeff Helgeson, Liberty University, Inc., Martha A. Neal, Michele G. Waddell, David Stein, Pausanias Alexander.(McAlister, Mary)
07/19/2010	<u>20</u>	MOTION for Extension of Time to File Response/Reply as to <u>7</u> Amended Complaint, by Timothy Geithner, Kathleen Sebelius, Hilda L. Solis, Eric Holder. (Attachments: # <u>1</u> Text of Proposed Order)(Davis, Ethan)
07/20/2010	<u>21</u>	ORDER granting <u>20</u> Motion for Extension of Time to File Response/Reply. Responses due by 8/9/2010. Signed by Judge Norman K. Moon on July 20, 2010. (jcf)
07/30/2010	<u>22</u>	Consent MOTION for Leave to File <i>Second Amended Complaint</i> by Joanne V. Merrill, Kathy Byron, Jeff Helgeson, Liberty University, Inc., Michele G. Waddell, David Stein. (Attachments: # <u>1</u> Text of Proposed Order Granting Motion for Leave to File Second Amended Complaint)(McAlister, Mary)
07/30/2010	<u>23</u>	ORDER granting <u>22</u> Motion for Leave to File Second Amended Complaint. Signed by Judge Norman K. Moon on July 30, 2010. (sfc)
07/30/2010	<u>24</u>	AMENDED COMPLAINT <i>SECOND</i> against all defendants, filed by Joanne V. Merrill, Kathy Byron, Jeff Helgeson, Liberty University, Inc., Michele G. Waddell, David Stein.(McAlister, Mary)
08/13/2010	<u>25</u>	MOTION to Dismiss by Timothy Geithner, Kathleen Sebelius, Hilda L. Solis, Eric Holder. (Davis, Ethan)
08/13/2010	<u>26</u>	Brief / Memorandum in Support re <u>25</u> MOTION to Dismiss. filed by Timothy Geithner, Kathleen Sebelius, Hilda L. Solis, Eric Holder. (Davis, Ethan)
08/16/2010	<u>27</u>	CERTIFICATE OF SERVICE by Timothy Geithner, Kathleen Sebelius, Hilda L. Solis, Eric Holder re <u>26</u> Brief / Memorandum in Support (Davis, Ethan)
08/17/2010	<u>28</u>	Magistrate's Notice to counsel. (jcf)
08/18/2010	<u>29</u>	PRETRIAL ORDER; ORDER REFERRING CASE to Magistrate Judge Michael F. UrbanskiMotions referred to Michael F. Urbanski. Signed by Judge Norman K. Moon on August 18, 2010. (jcf)
08/30/2010	<u>30</u>	NOTICE by Kathy Byron, Jeff Helgeson, Liberty University, Inc., Joanne V. Merrill, David Stein, Michele G. Waddell <i>OF AGREED SCHEDULING ORDER</i> (McAlister, Mary)
08/31/2010	<u>31</u>	AGREED SCHEDULING ORDER. Signed by Judge Norman K. Moon on August 31, 2010. (sfc)
09/03/2010	<u>32</u>	Brief / Memorandum in Opposition re <u>25</u> MOTION to Dismiss. filed by Kathy Byron, Jeff Helgeson, Liberty University, Inc., Joanne V. Merrill, David Stein, Michele G. Waddell. (McAlister, Mary)
09/07/2010	<u>33</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>25</u> MOTION to Dismiss by Timothy Geithner, Eric Holder, Kathleen Sebelius, Hilda L. Solis.Motions referred to Michael F. Urbanski. (Attachments: # <u>1</u> Text of Proposed Order)(Davis, Ethan)
09/08/2010	<u>34</u>	ORDER granting <u>33</u> Motion for Extension of Time to File Reply re <u>25</u> MOTION to Dismiss. Reply due by 9/22/2010. Signed by Magistrate Judge Michael F. Urbanski on September 7, 2010. (sfc)
09/21/2010	<u>35</u>	NOTICE of Hearing on Motion <u>25</u> MOTION to Dismiss : Motion Hearing set for 10/22/2010 10:00 AM in Lynchburg before Judge Norman K. Moon. (hnw)

09/22/2010	<u>36</u>	REPLY to Response to Motion re <u>25</u> MOTION to Dismiss. filed by Timothy Geithner, Eric Holder, Kathleen Sebelius, Hilda L. Solis. (Davis, Ethan)
10/18/2010	<u>37</u>	ORDER regarding oral argument scheduled for 10/22/2010 as to MOTION to Dismiss <u>25</u> . Signed by Judge Norman K. Moon on October 18, 2010. (sfc)
10/19/2010	<u>38</u>	NOTICE of Appearance by Joel L. McElvain on behalf of Timothy Geithner, Eric Holder, Kathleen Sebelius, Hilda L. Solis (McElvain, Joel)
10/19/2010	<u>39</u>	NOTICE by Timothy Geithner, Eric Holder, Kathleen Sebelius, Hilda L. Solis re <u>25</u> MOTION to Dismiss <i>Notice of Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit Exhibit A: Thomas More Law Center v Obama, # <u>2</u> Exhibit Exhibit B: State of Florida v HHS)(McElvain, Joel)
10/19/2010	<u>40</u>	NOTICE by Timothy Geithner, Eric Holder, Kathleen Sebelius, Hilda L. Solis re <u>25</u> MOTION to Dismiss <i>CORRECTED Notice of Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit Exhibit A: Thomas More Law Center v Obama, # <u>2</u> Exhibit Exhibit B: State of Florida v HHS)(McElvain, Joel)
10/22/2010	<u>41</u>	Minute Entry for proceedings held before Judge Norman K. Moon: Motion Hearing held on 10/22/2010 re <u>25</u> MOTION to Dismiss filed by Kathleen Sebelius, Timothy Geithner, Eric Holder, Hilda L. Solis. (Court Reporter Sonia Ferris) (jcf)
10/27/2010	<u>42</u>	TRANSCRIPT REQUEST by Joel McElvain for proceedings held on 10-22-2010 before Judge Norman K. Moon. (Sonia Ferris, OCR) (jfs)
11/03/2010	<u>44</u>	TRANSCRIPT of Proceedings: Motions Hearing held on October 22, 2010 before Judge Norman K. Moon. Court Reporter/Transcriber Sonia Ferris, Telephone number SoniaF@vawd.uscourts.gov. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) calendar 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 www.vawd.uscourts.gov 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 11/24/2010. Redacted Transcript Deadline set for 12/6/2010. Release of Transcript Restriction set for 2/1/2011. (sf)
11/30/2010	<u>45</u>	MEMORANDUM OPINION. Signed by Judge Norman K. Moon on November 30, 2010. (sfc)
11/30/2010	<u>46</u>	ORDER granting <u>25</u> Motion to Dismiss. The case shall be dismissed from the docket. Signed by Judge Norman K. Moon on November 30, 2010. (sfc)
12/01/2010	<u>47</u>	NOTICE OF APPEAL as to <u>45</u> Memorandum Opinion, <u>46</u> Order on Motion to Dismiss by Liberty University, Inc., Joanne V. Merrill, Michele G. Waddell. Filing fee \$ 455, receipt number 0423-1213479. (McAlister, Mary)
12/02/2010	<u>48</u>	Transmittal of Notice of Appeal to 4CCA re <u>47</u> Notice of Appeal NOTE: The Docketing Statement, Transcript Order Form and CJA-24(s) forms (if you are court appointed counsel) are available on the 4th Circuit Court of Appeals website at www.ca4.uscourts.gov. If CJA24(s) are applicable, complete items 1-14, 18 for each court reporter from whom you wish to order a transcript, and file each one separately in <u>this case</u> with the event <i>Appeal Transcript - Proposed CJA 24</i>. The CJA-24 forms will then be processed by the U.S. District Court Clerk's Office. (sfc)
12/03/2010	<u>49</u>	NOTICE of Docketing Record on Appeal from USCA re <u>47</u> Notice of Appeal filed by Joanne V. Merrill, Liberty University, Inc., Michele G. Waddell. USCA Case Number 10-2347, Case Manager Donna Lett. (sfc)
02/22/2011	<u>50</u>	Appeal Remark re <u>47</u> Notice of Appeal : USCA Order granting motion to withdraw counsel. (sfc)
09/08/2011	<u>51</u>	USCA Memorandum Opinion from 4th Circuit re <u>47</u> Notice of Appeal remanding (decided on 9/8/2011) (sfc)
09/08/2011	<u>52</u>	USCA JUDGMENT as to <u>47</u> Notice of Appeal filed by Joanne V. Merrill, Liberty University, Inc., Michele G. Waddell (sfc)

10/31/2011	<u>53</u>	MANDATE of USCA as to <u>47</u> Notice of Appeal filed by Joanne V. Merrill, Liberty University, Inc., Michele G. Waddell (sfc)
11/07/2011	<u>54</u>	Order Vacating <u>46</u> Order on Motion to Dismiss after remand from USCA. Case is dismissed for lack of jurisdiction. Signed by Judge Norman K. Moon on November 7, 2011. (sfc)
08/13/2012	<u>55</u>	Appeal Remark re <u>47</u> Notice of Appeal : USCA Order denying motion to stay mandate (sfc)
07/11/2013	<u>56</u>	USCA Memorandum Opinion from 4th Circuit Affirmed by published opinion decided: July 11, 2013(hnw)
07/11/2013	<u>57</u>	USCA JUDGMENT(hnw)
08/06/2013	<u>58</u>	Appeal Remark re <u>47</u> Notice of Appeal : STAY OF MANDATE Under Fed.R.App.P.41(d)(1) (hnw)
09/03/2013	<u>59</u>	MANDATE of USCA as to <u>47</u> Notice of Appeal filed by Joanne V. Merrill, Liberty University, Inc., Michele G. Waddell (sfc)