

TERMED

**U.S. District Court – District of Colorado
District of Colorado (Denver)
CIVIL DOCKET FOR CASE #: 1:13-cv-02611-WJM-BNB**

Little Sisters of the Poor Home for the Aged, Denver, Colorado
et al v. Kathleen Sebelius et al
Assigned to: Judge William J. Martinez
Referred to: Magistrate Judge Boyd N. Boland
Case in other court: USCA, 13-01540
Cause: 42:2000bb Religious Freedom Restoration Act.

Date Filed: 09/24/2013
Date Terminated: 05/29/2018
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

**Little Sisters of the Poor Home for the
Aged, Denver, Colorado**
a Colorado non-profit corporation

represented by **Mark Leonard Rienzi**
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Plaintiff

Little Sisters of the Poor, Baltimore, Inc.
a Maryland non-profit corporation, by themselves and on behalf of all others similarly situated,

represented by **Mark Leonard Rienzi**
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LEAD ATTORNEY
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Daniel Howard Blomberg
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Seth Michael Roberts
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Plaintiff

Christian Brothers Services
a New Mexico non-profit corporation

represented by **Mark Leonard Rienzi**
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Plaintiff

Christian Brothers Employee Benefit Trust

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Seth Michael Roberts
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ATTORNEY TO BE NOTICED

V.

Defendant

Kathleen Sebelius
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Department of Health and Human
Services*

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Defendant

**United States Department of Health
and Human Services**

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Michelle Renee Bennett
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ATTORNEY TO BE NOTICED

Defendant

Thomas E. Perez
*Secretary of the United States
Department of Labor*

represented by **Bradley Philip Humphreys**
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ATTORNEY TO BE NOTICED

Michelle Renee Bennett
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

United States Department of Labor

represented by **Bradley Philip Humphreys**
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ATTORNEY TO BE NOTICED

Michelle Renee Bennett
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ATTORNEY TO BE NOTICED

Defendant

Jacob J. Lew
*Secretary of the United States
Department of the Treasury*

represented by **Bradley Philip Humphreys**
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ATTORNEY TO BE NOTICED

Michelle Renee Bennett
(See above for address)
ATTORNEY TO BE NOTICED

Defendant**United States Department of the Treasury**represented by **Bradley Philip Humphreys**
(See above for address)
ATTORNEY TO BE NOTICED**Michelle Renee Bennett**
(See above for address)
ATTORNEY TO BE NOTICED**Amicus****American Civil Liberties Union**represented by **Brigitte Adrienne Amiri**
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Date Filed	#	Docket Text
09/24/2013	<u>1</u>	COMPLAINT against Jacob J. Lew, Kathleen Sebelius, Thomas E. Perez, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury (Filing fee \$ 400, Receipt Number 1082–3547495), filed by Christian Brothers Services, Little Sisters of the Poor, Baltimore, Inc., Christian Brothers Employee Benefit Trust, Little Sisters of the Poor Home for the Aged, Denver, Colorado. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Summons Kathleen Sebelius, Secretary of the United States Department of Health and Human Services, # <u>11</u> Summons United States Department of Health and Human Services, # <u>12</u> Summons Thomas E. Perez, Secretary of the United States Department of Labor, # <u>13</u> Summons United States Department of Labor, # <u>14</u> Summons Jacob J. Lew, Secretary of the United States Department of the Treasury, # <u>15</u> Summons United States Department of the Treasury, # <u>16</u> Summons Civil Process Clerk, US Attorney's Office for the District of Colorado, # <u>17</u> Summons Eric Holder, United States Attorney General)(Scherz, Carl) (Entered: 09/24/2013)
09/24/2013	<u>2</u>	CORPORATE DISCLOSURE STATEMENT. (Scherz, Carl) (Entered: 09/24/2013)
09/24/2013	<u>3</u>	NOTICE of RELATED CASES by Plaintiffs Christian Brothers Employee Benefit Trust, Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc. (Scherz, Carl) (Entered: 09/24/2013)
09/24/2013	4	Case assigned to Judge William J. Martinez and drawn to Magistrate Judge Boyd N. Boland. Text Only Entry (dbera,) (Entered: 09/24/2013)
09/24/2013	<u>5</u>	SUMMONS issued by Clerk. Magistrate Judge Consent Form attached. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons, # <u>7</u> Summons, # <u>8</u> Magistrate Judge Consent Form) (dbera,) (Entered: 09/24/2013)
09/25/2013	6	ORDER REFERRING CASE to Magistrate Judge Boyd N. Boland. Magistrate Judge Boland is designated to conduct NDISPO proceedings pursuant to 28 U.S.C. § 636(b)(1)(A) and (B) and Fed.R.Civ.P. 72(a) and (b). ALSO ORDERED that unless service has otherwise been completed or arranged, Plaintiffs' counsel is directed to effect service of the summons and complaint pursuant to Rule 4 of the Federal Rules of Civil Procedure no later than 30 days from the date of this Referral Order, in order for the initial scheduling conference to be held promptly. Court sponsored alternative dispute resolution is governed by D.C.COLO.LCivR 16.6. On the recommendation or informal request of the Magistrate Judge or on the request of the parties by motion, the

		court may direct the parties to engage in an early neutral evaluation, a settlement conference, or another alternative dispute resolution proceeding. SO ORDERED by Judge William J. Martinez on 09/25/2013. Text Only Entry (wjmsc,) (Entered: 09/25/2013)
10/01/2013	<u>7</u>	NOTICE OF NON ADMITTED ATTORNEYS. Mark L. Rienzi has entered appearance as attorney in this case based on signing the complaint. Pursuant to D.C.COLO.LCivR 11.1A, an attorney must be a member of the court's bar to enter an appearance. The attorney records of the court do not reflect that counsel is a member of the bar. Unless an application for admission to the bar of the court or a motion to withdraw in this case is received within 20 days of the date of this entry, further action may be taken by the court. Text Only Entry (mjfsl,) (Entered: 10/01/2013)
10/07/2013	<u>8</u>	DEMAND for Trial by Jury by Plaintiffs Christian Brothers Employee Benefit Trust, Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc.. (Rienzi, Mark) (Entered: 10/07/2013)
10/15/2013	<u>9</u>	NOTICE of Entry of Appearance by Carl C. Scherz on behalf of Christian Brothers Employee Benefit Trust, Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc. (Scherz, Carl) (Entered: 10/15/2013)
10/15/2013	<u>10</u>	NOTICE of Entry of Appearance by Seth Michael Roberts on behalf of Christian Brothers Employee Benefit Trust, Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc. (Roberts, Seth) (Entered: 10/15/2013)
10/17/2013	<u>11</u>	ORDER Scheduling Conference set for 1/13/2014 10:30 AM in Courtroom A 401 before Magistrate Judge Boyd N. Boland, by Magistrate Judge Boyd N. Boland on 10/16/2013. (ervsl,) (Entered: 10/17/2013)
10/17/2013	<u>12</u>	NOTICE of Entry of Appearance by Bradley Philip Humphreys on behalf of All Defendants (Humphreys, Bradley) (Entered: 10/17/2013)
10/21/2013	<u>13</u>	NOTICE of Entry of Appearance by Daniel Howard Blomberg on behalf of All Plaintiffs (Blomberg, Daniel) (Entered: 10/21/2013)
10/22/2013	<u>14</u>	NOTICE of Entry of Appearance by Adle Auxier Keim on behalf of All Plaintiffs (Keim, Adle) (Entered: 10/22/2013)
10/24/2013	<u>15</u>	MOTION for Preliminary Injunction by Plaintiffs Christian Brothers Employee Benefit Trust, Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc.. (Attachments: # <u>1</u> Exhibit I_Mother Loraine Decl., # <u>2</u> Exhibit J_Brother Quirk Decl., # <u>3</u> Exhibit K_O Centro Injunction, # <u>4</u> Exhibit L_USCCB Directives)(Blomberg, Daniel) (Entered: 10/24/2013)
10/24/2013	<u>16</u>	NOTICE of Delivery of Process to U.S. Attorney's Office by Plaintiffs Christian Brothers Employee Benefit Trust, Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc. (Roberts, Seth) (Entered: 10/24/2013)
10/24/2013	<u>17</u>	SUMMONS Returned Executed by All Plaintiffs. United States Department of Health and Human Services served on 10/17/2013, answer due 11/7/2013. (Roberts, Seth) (Entered: 10/24/2013)
10/24/2013	<u>18</u>	ORDER: This matter is before the Court on <u>15</u> Plaintiffs' Motion for Preliminary Injunction. To permit the Court adequate time to address the Motion in advance of the January 1, 2014 deadline, the Court SETS the following briefing schedule: Defendants shall respond to the Motion no later than November 8, 2013, and Plaintiffs may reply by November 15, 2013. After reviewing the briefing, the Court will determine whether a hearing on the Motion is necessary. SO ORDERED by Judge William J. Martinez on 10/24/2013. Text Only Entry (wjmlc1,) (Entered: 10/24/2013)
10/29/2013	<u>19</u>	MOTION to Certify Class and Memdorandum in Support by Plaintiffs Christian Brothers Employee Benefit Trust, Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc..

		(Attachments: # <u>1</u> Exhibit M, # <u>2</u> Exhibit N, # <u>3</u> Exhibit O, # <u>4</u> Exhibit P)(Roberts, Seth) (Entered: 10/29/2013)
10/31/2013	<u>20</u>	SUMMONS Returned Executed by All Plaintiffs. (Roberts, Seth) (Entered: 10/31/2013)
10/31/2013	<u>21</u>	SUMMONS Returned Executed by All Plaintiffs. Jacob J. Lew served on 10/10/2013, answer due 10/31/2013. (Roberts, Seth) (Entered: 10/31/2013)
10/31/2013	<u>22</u>	SUMMONS Returned Executed by All Plaintiffs. Thomas E. Perez served on 10/7/2013, answer due 10/28/2013. (Roberts, Seth) (Entered: 10/31/2013)
10/31/2013	<u>23</u>	SUMMONS Returned Executed by All Plaintiffs. Kathleen Sebelius served on 10/8/2013, answer due 10/29/2013. (Roberts, Seth) (Entered: 10/31/2013)
10/31/2013	<u>24</u>	SUMMONS Returned Executed by All Plaintiffs. United States Department of Labor served on 10/7/2013, answer due 10/28/2013. (Roberts, Seth) (Entered: 10/31/2013)
10/31/2013	<u>25</u>	NOTICE of Delivery of Process to Eric Holder, United States Attorney General by Plaintiffs Christian Brothers Employee Benefit Trust, Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc. (Roberts, Seth) (Entered: 10/31/2013)
11/07/2013	<u>26</u>	MOTION for Leave to File Excess Pages by Defendants Jacob J. Lew, Kathleen Sebelius, Thomas E. Perez, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury. (Bennett, Michelle) (Entered: 11/07/2013)
11/07/2013	<u>27</u>	ORDER denying Defendants' Motion for Extension of Page Limits <u>26</u> . Defendants' Motion is DENIED. This Court's Revised Practice Standard III.B requires " <i>All requests for the Court to take any action... must be contained in a separate, written motion[.]</i> " Furthermore, this District's Local Rule D.C.COLO.LCivR. 7.1(c) specifically states that " <i>A motion shall not be included in a response or reply... [and] shall be made in a separate paper.</i> " Therefore, Defendants' Motion is DENIED because the relief sought by said Motion is contrary to this Court's Revised Practice Standards as well as this District's Local Rules. SO ORDERED by Judge William J. Martinez on 11/7/2013. Text Only Entry(wjmsec,) (Entered: 11/07/2013)
11/08/2013	<u>28</u>	NOTICE of Filing of Certified Administrative Record by Defendants Jacob J. Lew, Kathleen Sebelius, Thomas E. Perez, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury (Attachments: # <u>1</u> Index of Administrative Record, # <u>2</u> Certification of Administrative Record)(Bennett, Michelle) (Entered: 11/08/2013)
11/08/2013	<u>29</u>	BRIEF in Opposition to <u>15</u> MOTION for Preliminary Injunction filed by Defendants Jacob J. Lew, Kathleen Sebelius, Thomas E. Perez, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury. (Bennett, Michelle) (Entered: 11/08/2013)
11/08/2013	<u>30</u>	MOTION to Dismiss , MOTION for Summary Judgment by Defendants Jacob J. Lew, Kathleen Sebelius, Thomas E. Perez, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury. (Bennett, Michelle) (Entered: 11/08/2013)
11/08/2013	<u>31</u>	MOTION to File Amicus Brief by Amicus American Civil Liberties Union. (Amiri, Brigitte) (Entered: 11/08/2013)
11/12/2013	<u>32</u>	ORDER: This matter is before the Court on <u>31</u> the American Civil Liberties Union and American Civil Liberties Union of Colorado's Motion to Participate as <i>Amici Curiae</i> and Brief in Opposition to Plaintiffs' Motion for Preliminary Injunction <u>15</u> and in Support of Defendants' Motion to Dismiss or, in the Alternative, for Summary Judgment <u>30</u> . The Motion to Participate as <i>Amici Curiae</i> is GRANTED. <i>Amici's</i> Brief in Opposition to Plaintiffs' Motion for Preliminary Injunction and in Support of Defendants' Motion to Dismiss or, in the Alternative, for Summary Judgment is ACCEPTED as filed. SO ORDERED by Judge William J. Martinez on 11/12/2013. Text Only Entry(wjmsec,) (Entered: 11/12/2013)

11/12/2013	34	Conventionally Filed ADMINISTRATIVE RECORD (Text Only Entry – Available in other format at the Clerk's Office) by Defendants Jacob J. Lew, Kathleen Sebelius, Thomas E. Perez, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury.(3 CD's placed in oversized documents) (ervsl,) (Modified on 11/14/2013 Conventionally filed documents)(ervsl,). (Entered: 11/13/2013)
11/13/2013	33	ORDER: This matter is before the Court on Defendants' <u>30</u> Motion to Dismiss or, in the Alternative, for Summary Judgment. To permit the Court to consider the merits of the Motion to Dismiss in conjunction with Plaintiff's Motion for Preliminary Injunction, the Court hereby SETS the following briefing schedule: Plaintiff's response to the Motion shall be filed by November 22, 2013, Defendants may reply no later than November 29, 2013. SO ORDERED by Judge William J. Martinez on 11/13/2013. Text Only Entry (wjmlc1,) (Entered: 11/13/2013)
11/15/2013	<u>35</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>19</u> MOTION to Certify Class <i>and Memorandum in Support</i> by Defendants Jacob J. Lew, Kathleen Sebelius, Thomas E. Perez, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury. (Bennett, Michelle) (Entered: 11/15/2013)
11/15/2013	36	ORDER granting <u>35</u> Defendants' Unopposed Motion for Extension of Time to Respond to Plaintiffs' Motion for Class Certification <u>19</u> . The Defendants' Motion is GRANTED for good cause shown. Defendants' deadline to file their Response to Plaintiffs' Motion is extended up to and including sixty days after the Court resolves Plaintiffs' pending Motion for Preliminary Injunction <u>15</u> and Defendants' pending Motion to Dismiss, or in the Alternative, for Summary Judgment <u>30</u> . SO ORDERED by Judge William J. Martinez on 11/15/2013. Text Only Entry(wjmsec,) (Entered: 11/15/2013)
11/15/2013	<u>37</u>	REPLY IN SUPPORT of <u>15</u> Motion for Preliminary Injunction by Plaintiffs Christian Brothers Employee Benefit Trust, Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc.. (Attachments: # <u>1</u> Exhibit M Mother Loraine Supplemental Declaration, # <u>2</u> Exhibit N Brother Quirk Supplemental Declaration, # <u>3</u> Exhibit O Self-Certification Form)(Rienzi, Mark) (Modified on 11/18/2013 edited the title of the text to reflect the title of the document filed) (ervsl,). (Entered: 11/15/2013)
11/22/2013	<u>38</u>	Motion for Leave to File Supplemental Authority in Support of re: <u>15</u> MOTION for Preliminary Injunction by Plaintiffs Christian Brothers Employee Benefit Trust, Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc. (Attachments: # <u>1</u> Exhibit Zubik v. Sebelius)(Rienzi, Mark) Modified on 11/22/2013 to correct event and title (dkals,). (Entered: 11/22/2013)
11/22/2013	39	ORDER denying without prejudice Plaintiffs' Motion for Leave to File Supplement Authority in Support of their Motion for Preliminary Injunction <u>38</u> . Plaintiffs' Motion is DENIED for failure meaningfully to comply with D.C.COLO.LCivR 7.1A. See <i>Hoelzel v. First Select Corp.</i> , 214 F.R.D. 634 (D. Colo. 2003). SO ORDERED by Judge William J. Martinez on 11/22/2013. Text Only Entry(wjmsec,) (Entered: 11/22/2013)
11/22/2013	<u>40</u>	Unopposed MOTION for Leave to file Supplemental Authority in Support of <u>15</u> Motion for Preliminary Injunction by Plaintiffs Christian Brothers Employee Benefit Trust, Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc. (Attachments: # <u>1</u> Exhibit Zubik v. Sebelius)(Rienzi, Mark) (Modified on 11/25/2013 edited the title of the text to reflect that this is a motion)(ervsl,). (Entered: 11/22/2013)
11/22/2013	<u>41</u>	OBJECTIONS to <u>30</u> MOTION to Dismiss MOTION for Summary Judgment <i>PLAINTIFFS' RULE 56(d) MOTION</i> by Plaintiffs Christian Brothers Employee Benefit Trust, Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc.. (Attachments: # <u>1</u> Exhibit 1 – Declaration of Mark Rienzi, # <u>2</u> Exhibit Exh. A to Declaration of Mark Rienzi, # <u>3</u> Exhibit Exh. B to Declaration of Mark Rienzi, # <u>4</u> Exhibit Exh. C to Declaration of Mark Rienzi, # <u>5</u> Exhibit Exh. D to Declaration of Mark Rienzi, # <u>6</u> Exhibit 2 – Second Supplemental Declaration of Brother Michael Quirk, # <u>7</u> Exhibit

		Exh. A to Second Supplemental Declaration of Brother Michael Quirk)(Scherz, Carl) (Entered: 11/22/2013)
11/22/2013	<u>42</u>	BRIEF in Opposition to <u>30</u> MOTION to Dismiss MOTION for Summary Judgment filed by Plaintiffs Christian Brothers Employee Benefit Trust, Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc.. (Attachments: # <u>1</u> Affidavit Rienzi Authentication Decl., # <u>2</u> Exhibit P_Robertson & Collins Survey, # <u>3</u> Exhibit Q_Cohen Deposition Excerpt, # <u>4</u> Exhibit R_Brother Quirk MSJ Suppl. Decl.)(Blomberg, Daniel) (Entered: 11/22/2013)
11/25/2013	43	ORDER granting <u>40</u> Plaintiffs' Unopposed Motion for Leave to File Supplemental Authority in Support of their Motion for Preliminary Injunction. The Plaintiffs' Motion is GRANTED for good cause shown. The Court will consider the referenced supplemental authority [40-1] when it rules on Plaintiffs' Motion for Preliminary Injunction. SO ORDERED by Judge William J. Martinez on 11/25/2013. Text Only Entry(wjmsec,) (Entered: 11/25/2013)
11/27/2013	<u>44</u>	REPLY to Response to <u>30</u> MOTION to Dismiss MOTION for Summary Judgment filed by Defendants Jacob J. Lew, Kathleen Sebelius, Thomas E. Perez, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury. (Bennett, Michelle) (Entered: 11/27/2013)
12/06/2013	<u>45</u>	RESPONSE to <u>41</u> Objections,,, <i>Defendants' Opposition to Plaintiffs' Rule 56(d) Motion</i> by Defendants Jacob J. Lew, Kathleen Sebelius, Thomas E. Perez, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury. (Bennett, Michelle) (Entered: 12/06/2013)
12/17/2013	<u>46</u>	MOTION for Leave to <i>File Supplemental Authority In Support of</i> <u>15</u> MOTION for Preliminary Injunction by Plaintiffs Christian Brothers Employee Benefit Trust, Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc.. (Attachments: # <u>1</u> Exhibit)(Rienzi, Mark) (Entered: 12/17/2013)
12/18/2013	47	ORDER granting <u>46</u> Plaintiffs' Motion for Leave to File Supplemental Authority in Support of their Motion for Preliminary Injunction. The Plaintiffs' Motion is GRANTED for good cause shown. The Court will consider the referenced supplemental authority [46-1] when it rules on Plaintiffs' Motion for Preliminary Injunction. SO ORDERED by Judge William J. Martinez on 12/18/2013. Text Only Entry(wjmsec,) (Entered: 12/18/2013)
12/18/2013	<u>48</u>	MOTION for Leave to <i>File Supplemental Authority In Support of</i> <u>15</u> MOTION for Preliminary Injunction by Plaintiffs Christian Brothers Employee Benefit Trust, Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc.. (Attachments: # <u>1</u> Exhibit)(Rienzi, Mark) (Entered: 12/18/2013)
12/18/2013	49	ORDER: This matter is before the Court <i>sua sponte</i> . The Court is aware that Plaintiff's counsel is challenging the ACA's exemption for "eligible organizations" in courts across the country, as evidenced by the repeated submission of supplemental authority [40-1] [46-1]. The Court has reviewed the supplemental authority received thus far and will consider it in ruling on the pending motions. However, the Court finds that additional supplemental authority is not necessary and will no longer be accepted. The parties are advised that the Court will issue a ruling on the pending motions shortly. SO ORDERED by Judge William J. Martinez on 12/18/2013. Text Only Entry (wjmlc1,) (Entered: 12/18/2013)
12/18/2013	50	ORDER denying Plaintiffs' <u>48</u> Motion for Leave to File Supplemental Authority. Plaintiffs' Motion is DENIED based on this Court's Order of today which states that "additional supplemental authority is not necessary and will no longer be accepted."(ECF No. 49). SO ORDERED by Judge William J. Martinez on 12/18/2013. Text Only Entry(wjmsec,) (Entered: 12/18/2013)
12/20/2013	<u>51</u>	REPLY to Response to <u>30</u> MOTION to Dismiss MOTION for Summary Judgment -- <i>PLAINTIFFS' REPLY IN SUPPORT OF RULE 56(D) MOTION (DKT 41)</i> filed by Plaintiffs Christian Brothers Employee Benefit Trust, Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the

		Poor, Baltimore, Inc.. (Attachments: # <u>1</u> Exhibit 1)(Scherz, Carl) (Entered: 12/20/2013)
12/27/2013	<u>52</u>	ORDER Plaintiffs Motion for Preliminary Injunction ECF No. <u>15</u> is DENIED; Defendants Motion to Dismiss, or in the alternative, for Summary Judgment ECF No. <u>30</u> is DENIED to the extent it seeks dismissal of this case for lack of standing. The Court RESERVES RULING on the remainder of the issues raised in the Motion to Dismiss, by Judge William J. Martinez on 12/27/2013.(ervsl,) (Entered: 12/27/2013)
12/27/2013	<u>53</u>	NOTICE OF APPEAL as to <u>52</u> Order on Motion to Dismiss., Order on Motion for Preliminary Injunction, by Plaintiffs Christian Brothers Employee Benefit Trust, Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc. (Filing fee \$ 505, Receipt Number 1082-3675045) (Blomberg, Daniel) (Entered: 12/27/2013)
12/27/2013	<u>55</u>	LETTER Transmitting Notice of Appeal to all counsel advising of the transmittal of the <u>53</u> Notice of Appeal, filed by Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc., Christian Brothers Employee Benefit Trust to the U.S. Court of Appeals. (Retained Counsel, Fee paid,) (Attachments: # <u>1</u> Docket Sheet, # <u>2</u> Preliminary Record)(dbrow,) (Entered: 12/30/2013)
12/27/2013	<u>56</u>	USCA Case Number 13-1540 for <u>53</u> Notice of Appeal, filed by Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc., Christian Brothers Employee Benefit Trust. (dbrow,) (Entered: 12/30/2013)
12/28/2013	<u>54</u>	MOTION for Preliminary Injunction <i>Pending Appeal</i> by Plaintiffs Christian Brothers Employee Benefit Trust, Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc.. (Roberts, Seth) (Modified on 1/7/2014 Motion re-instated pursuant to the Request from the Magistrate Judge chambers)(ervsl,). (Entered: 12/28/2013)
12/28/2013	<u>57</u>	ORDER of USCA as to <u>53</u> Notice of Appeal, filed by Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc., Christian Brothers Employee Benefit Trust. Appellees shall file a response to the motion no later than 12:00 P.M. (noon) MST on Monday, December 30, 2013. (USCA Case No. 13-1540) (dbrow,) (Entered: 12/30/2013)
12/31/2013	<u>58</u>	BRIEF in Opposition to <u>54</u> MOTION for Preliminary Injunction <i>Pending Appeal</i> filed by Defendants Jacob J. Lew, Kathleen Sebelius, Thomas E. Perez, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury. (Bennett, Michelle) (Entered: 12/31/2013)
12/31/2013	<u>59</u>	Unopposed MOTION for Leave to <i>File Supplemental Authority re: 58</i> Brief in Opposition to Motion, by Defendants Jacob J. Lew, Kathleen Sebelius, Thomas E. Perez, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury. (Attachments: # <u>1</u> Little Sisters of the Poor v. Sebelius (10th Cir.))(Bennett, Michelle) (Entered: 12/31/2013)
12/31/2013	60	ORDER granting <u>59</u> Defendants' Unopposed Motion for Leave to File Supplemental Authority in Opposition to Plaintiffs' Motion for Injunction Pending Appeal <u>54</u> . The Defendants' Motion is GRANTED for good cause shown. The Court will consider the referenced supplemental authority [59-1] when it rules on Plaintiffs' Motion for Preliminary Injunction Pending Appeal. SO ORDERED by Judge William J. Martinez on 12/31/2013. Text Only Entry(wjmsec,) (Entered: 12/31/2013)
12/31/2013	<u>61</u>	USCA ORDER denying Appellate Emergency Motion for Preliminary Injunction filed in the Appellate Court pending appeal on 12/31/13.(dbrow,) (Modified on 1/7/2014 Edited the text to reflect the Motion was filed in the Appellate Court)(ervsl,). (Entered: 01/02/2014)
01/06/2014	<u>62</u>	RESPONSE <i>PLAINTIFFS' AND DEFENDANTS' JOINT FILING IN RESPONSE TO ORDER SETTING RULE 16(B) SCHEDULING CONFERENCE</i> by Plaintiffs Christian Brothers Employee Benefit Trust, Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor,

		Baltimore, Inc.. (Scherz, Carl) (Entered: 01/06/2014)
01/07/2014	<u>63</u>	ORDER By an Order Doc. # <u>11</u> entered on October 11, 2013, I set this matter for a scheduling conference on January VACATED ; The plaintiffs shall file a status report on or before the earlier of the following: (i) a ruling by the district judge on Plaintiffs Motion for Injunction Pending Appeal Doc. # <u>54</u> ; or (ii) April 7, 2014, by Magistrate Judge Boyd N. Boland on 1/7/2014. (ervsl,) (Entered: 01/07/2014)
01/14/2014	<u>64</u>	TRANSCRIPT ORDER FORM re <u>53</u> Notice of Appeal, by Plaintiffs Christian Brothers Employee Benefit Trust, Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc. (Blomberg, Daniel) (Entered: 01/14/2014)
01/14/2014	65	LETTER TO USCA and all counsel certifying the record is complete as to <u>53</u> Notice of Appeal, filed by Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc., Christian Brothers Employee Benefit Trust. A transcript order form was filed stating that a transcript is not necessary. (Appeal No. 13-1540) Text Only Entry (dbrow,) (Entered: 01/14/2014)
01/14/2014	<u>66</u>	REPLY to Response to <u>54</u> MOTION for Preliminary Injunction <i>Pending Appeal PLAINTIFFS' REPLY IN SUPPORT OF THEIR MOTION FOR INJUNCTION PENDING APPEAL</i> filed by Plaintiffs Christian Brothers Employee Benefit Trust, Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc.. (Scherz, Carl) (Entered: 01/14/2014)
01/29/2014	<u>67</u>	Letter (Order) from Supreme Court of the United States re <u>54</u> MOTION for Preliminary Injunction Pending Appeal. (evana,) (Entered: 01/29/2014)
01/30/2014	68	ORDER: This matter is before the Court on <u>54</u> Plaintiffs' Motion for Injunction Pending Appeal. The United States Supreme Court has ordered that Defendants are enjoined from enforcing the Mandate if Plaintiffs submit a written statement indicating that they hold themselves out as religious organizations and have religious objections to providing coverage for contraceptive services. The Supreme Court's Order explicitly states that Plaintiffs will not be required to use the form prescribed by the Government, and are not required to submit their written notice to any third party. Because the Supreme Court has effectively granted Plaintiffs the injunctive relief they seek in the instant Motion, the Court DENIES the Motion for Injunction Pending Appeal AS MOOT. SO ORDERED by Judge William J. Martinez on 1/30/2014. Text Only Entry(wjmlc1,) (Entered: 01/30/2014)
01/30/2014	69	ORDER: This matter is before the Court on <u>53</u> Notice of Appeal. Plaintiffs have appealed to the United States Court of Appeals for the Tenth Circuit this Court's denial of Plaintiffs' Motion for Preliminary Injunction. Pursuant to D.C.COLO.LCivR 41.2., the Court ORDERS that the above-captioned case be ADMINISTRATIVELY CLOSED. The parties may seek leave to reopen this case, for good cause shown, once the pending appeal has been resolved. SO ORDERED by Judge William J. Martinez on 1/30/2014. Text Only Entry (wjmlc1,) (Entered: 01/30/2014)
01/30/2014	70	Civil Case Terminated pursuant to the Order 69 Administratively Closing case on 1/30/2013. Text Only Entry (evana,) (Entered: 01/30/2014)
03/31/2014	<u>71</u>	ORDER of USCA as to <u>53</u> Notice of Appeal, filed by Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc., Christian Brothers Employee Benefit Trust. ORDER denying the government's motion to consolidate appeals. Appeal numbers 14-6026 and 14-6028 will brief separately and will have separate appendices. The separate briefing will apply to the opening briefs, the response brief, and the optional reply brief. Likewise, the appeals will not be joined for a single oral argument hearing. The court will decide at a later date whether the same panel of judges will hear the matters, and will also determine how and when oral argument will proceed. Those issues remain for consideration. (USCA Case No. 13-1540) (dbrow,) (Entered: 04/01/2014)
12/09/2014	<u>72</u>	ORDER of USCA as to <u>53</u> Notice of Appeal: These matters are before the 10th Circuit, motions from two members of the media seeking access to the oral argument recording from the hearing held on 12/8/2014. Upon consideration, the motions are granted. (USCA Case No. 13-1540) (alowe,) (Entered: 12/09/2014)

07/14/2015	<u>73</u>	USCA Opinion as to <u>53</u> Notice of Appeal, filed by Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc., Christian Brothers Employee Benefit Trust : Affirmed and Reversed (USCA Case No. 13-1540) (This document is not the Mandate) (cthom,) (Entered: 07/14/2015)
07/14/2015	<u>74</u>	VACATED USCA Judgment as to <u>53</u> Notice of Appeal, filed by Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc., Christian Brothers Employee Benefit Trust : (USCA Case No. 13-1540) (This document is not the Mandate) (cthom,) (Modified on 6/17/2016 Vacated pursuant to the <u>78</u> Order of 6/17/2016)(evana,). (Entered: 07/14/2015)
07/24/2015	<u>75</u>	Letter from U.S. Supreme Court regarding Petition for Writ of Certiorari re <u>53</u> Notice of Appeal, ; assigned Supreme Court No. 15-105 (Appeal No. 13-1540) (cthom,) (Entered: 07/24/2015)
11/10/2015	<u>76</u>	Letter from U.S. Supreme Court regarding Petition for Writ of Certiorari re <u>53</u> Notice of Appeal, ; assigned Supreme Court No. 15-105 (Appeal No. 13-1540) (cthom,) (Entered: 11/10/2015)
02/09/2016	<u>77</u>	Letter from U.S. Supreme Court regarding Petition for Writ of Certiorari re <u>53</u> Notice of Appeal, ; assigned Supreme Court No. 15-105 (Appeal No. 13-1540) (cthom,) (Entered: 02/09/2016)
06/17/2016	<u>78</u>	ORDER of USCA as to <u>53</u> Notice of Appeal, filed by Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc., Christian Brothers Employee Benefit Trust. The Supreme Court of the United States entered a judgment on May 16, 2016 reversing the judgment of this court and remanding the cause for further proceedings. Upon further consideration, the judgment of this court filed July 14, 2015 is vacated. Counsel will be notified if this court desires further briefing prior to disposition of this appeal upon remand. (USCA Case No. 13-1540) (evana,) (Entered: 06/17/2016)
05/14/2018	<u>79</u>	ORDER of USCA as to <u>53</u> Notice of Appeal, filed by Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc., Christian Brothers Employee Benefit Trust. (USCA Case No. 13-1540) (angar,) (Entered: 05/16/2018)
05/16/2018	<u>80</u>	Unopposed MOTION to Reopen Case <i>and for Entry of Permanent Injunction and Declaratory Relief</i> by Plaintiffs Christian Brothers Employee Benefit Trust, Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc.. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Rienzi, Mark) (Entered: 05/16/2018)
05/18/2018	<u>81</u>	RESPONSE to <u>80</u> Unopposed MOTION to Reopen Case <i>and for Entry of Permanent Injunction and Declaratory Relief</i> filed by Defendants Jacob J. Lew, Kathleen Sebelius, Thomas E. Perez, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury. (Bennett, Michelle) (Entered: 05/18/2018)
05/29/2018	<u>82</u>	ORDER REOPENING CASE AND GRANTING PERMANENT INJUNCTION. ORDERED: 1. Plaintiffs' Unopposed Motion to Reopen Proceedings and for Entry of Permanent Injunction and Declaration <u>80</u> is GRANTED. 2. This case is REOPENED pursuant to D.C.COLO.LCivR 41.2. 3.The Court issues the following PERMANENT INJUNCTION: Defendants, their agents, officers, employees, and all successors in office are enjoined and restrained from any effort to apply or enforce the substantive requirements of 42 U.S.C. § 300gg-13(a)(4) and any implementing regulations as those requirements relate to the provision of sterilization or contraceptive drugs, devices, or procedures and related education and counseling to which Plaintiffs have sincerely-held religious objections, and are enjoined and restrained from pursuing, charging, or assessing penalties, fines, assessments, or other enforcement actions for noncompliance related thereto, including those in 26 U.S.C. §§ 4980D and 4980H, and 29 U.S.C. §§ 1132 and 1185d, and including, but not limited to, penalties for failure to offer or facilitate access to religiously-objectionable sterilization or contraceptive drugs, devices, or procedures, and related education and counseling, against Plaintiffs, all current and future participating employers in the Christian Brothers Employee Benefit Trust Plan, and any-third party administrators acting on behalf of these

		entities with respect to the Christian Brothers Employee Benefit Trust Plan, including Christian Brothers Services. Defendants remain free to enforce 26 U.S.C. § 4980H for any purpose other than to require Plaintiffs, other employers participating in the Christian Brother Employee Benefit Trust Plan, and third-party administrators acting on their behalf, to provide or facilitate the provision of sterilization or contraceptive drugs, devices, or procedures, and related education and counseling, or to punish them for failing to do so. 4. The Clerk shall enter judgment in favor of Plaintiffs and against Defendants, and shall terminate this case. Plaintiffs shall have their costs upon compliance with D.C.COLO.LCivR 54.1., by Judge William J. Martinez on 5/29/2018. (dhans,) (Entered: 05/29/2018)
05/29/2018	<u>83</u>	FINAL JUDGMENT. re: <u>82</u> , by clerk on 5/29/2018. (dhans,) (Entered: 05/29/2018)
06/11/2018	<u>84</u>	Unopposed MOTION for Extension of Time to <i>File a Bill of Costs and Motion for Attorney's Fees</i> by Plaintiffs Christian Brothers Employee Benefit Trust, Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc.. (Rienzi, Mark) (Entered: 06/11/2018)
06/12/2018	<u>85</u>	ORDER granting Plaintiffs' Unopposed Motion to Extend Deadlines for Bill of Costs and Motion for Attorney's Fees <u>84</u> . Plaintiffs are granted leave, for good cause shown, to file their Bill of Costs and Motion for Attorney's Fees on or before July 3, 2018 . SO ORDERED by Judge William J. Martinez on 6/12/2018. Text Only Entry (wjmsecc,) (Entered: 06/12/2018)
06/26/2018	<u>86</u>	Unopposed MOTION for Extension of Time to <i>file Bill of Costs and Motion for Attorney's Fees</i> by Plaintiffs Christian Brothers Employee Benefit Trust, Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc.. (Rienzi, Mark) (Entered: 06/26/2018)
06/26/2018	<u>87</u>	ORDER granting Plaintiffs' Unopposed Motion to Extend Deadlines for Bill of Costs and Motion for Attorney's Fees <u>86</u> . Plaintiffs are granted leave, for good cause shown, to file their Bill of Costs and Motion for Attorney's Fees on or before July 31, 2018 . SO ORDERED by Judge William J. Martinez on 6/26/2018. Text Only Entry (wjmsecc,) (Entered: 06/26/2018)
06/26/2018	<u>88</u>	ORDER of USCA as to <u>53</u> Notice of Appeal, filed by Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc., Christian Brothers Employee Benefit Trust. (USCA Case No. 13-1540) (angar,) (Entered: 06/27/2018)
06/26/2018	<u>89</u>	MANDATE of USCA as to <u>53</u> Notice of Appeal, filed by Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc., Christian Brothers Employee Benefit Trust : (USCA Case No. 13-1540) (angar,) (Entered: 06/27/2018)
07/26/2018	<u>90</u>	Unopposed MOTION for Extension of Time to <i>file Bill of Costs and motion for attorney's fees</i> by Plaintiffs Christian Brothers Employee Benefit Trust, Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc.. (Rienzi, Mark) (Entered: 07/26/2018)
07/27/2018	<u>91</u>	ORDER granting Unopposed Motion to Extend Deadlines for Bill of Costs and Motion for Attorney's Fees <u>90</u> . Plaintiffs are granted leave, for good cause shown, to file said Response on or before August 31, 2018 . SO ORDERED by Judge William J. Martinez on 7/27/2018. Text Only Entry (wjmsecc,) (Entered: 07/27/2018)
08/22/2018	<u>92</u>	Unopposed MOTION for Extension of Time to <i>file a Bill of Costs and Motion for Attorney's Fees</i> by Plaintiffs Christian Brothers Employee Benefit Trust, Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc.. (Rienzi, Mark) (Entered: 08/22/2018)
08/23/2018	<u>93</u>	ORDER granting Plaintiffs' Unopposed Motion to Extend Deadlines for Bill of Costs and Motion for Attorney's Fees <u>92</u> . Plaintiffs are granted leave, for good cause shown, to file their Bill of Costs and Motion for Attorney's Fees on or before October 1, 2018 . SO ORDERED by Judge William J. Martinez on 8/22/2018. Text Only Entry (wjmsecc,) (Entered: 08/23/2018)
09/27/2018	<u>94</u>	Unopposed MOTION for Extension of Time to <i>File Motion for Bill of Costs and for Attorney's Fees</i> by Plaintiffs Christian Brothers Employee Benefit Trust, Christian

		Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc.. (Rienzi, Mark) (Entered: 09/27/2018)
09/27/2018	<u>95</u>	ORDER granting Plaintiffs' Unopposed Motion to Extend Deadlines for Bill of Costs and Motion for Attorney's Fees <u>94</u> . Plaintiffs are granted leave, for good cause shown, to file their Bill of Costs and Motion for Attorney's Fees on or before <u>November 30, 2018</u> . SO ORDERED by Judge William J. Martinez on 9/27/2018. Text Only Entry (wjmsec,) (Entered: 09/27/2018)
11/27/2018	<u>96</u>	Unopposed MOTION for Extension of Time to <i>file Bill of Costs and Motion for Attorney's Fees</i> by Plaintiffs Christian Brothers Employee Benefit Trust, Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc.. (Rienzi, Mark) (Entered: 11/27/2018)
11/27/2018	<u>97</u>	ORDER granting Plaintiffs' Unopposed Motion to Extend Deadlines for Bill of Costs and Motion for Attorney's Fees <u>96</u> . Plaintiffs are granted leave, for good cause shown, to file their Bill of Costs and Motion for Attorney's Fees on or before <u>January 29, 2019. NO FURTHER EXTENSIONS OF THESE DEADLINES WILL BE GRANTED.</u> SO ORDERED by Judge William J. Martinez on 11/27/2018. Text Only Entry (wjmsec,) (Entered: 11/27/2018)
01/28/2019	<u>98</u>	NOTICE by Plaintiffs Christian Brothers Employee Benefit Trust, Christian Brothers Services, Little Sisters of the Poor Home for the Aged, Denver, Colorado, Little Sisters of the Poor, Baltimore, Inc. (Rienzi, Mark) (Entered: 01/28/2019)