

APPEAL,CLOSED,JURY,TYPE-L

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:12-cv-01169-ESH**

WHEATON COLLEGE v. SEBELIUS et al
Assigned to: Judge Ellen S. Huvelle
Case in other court: 12-05273
Cause: 42:2000 Religion

Date Filed: 07/18/2012
Date Terminated: 08/24/2012
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

WHEATON COLLEGE

represented by **Eric Nieuwenhuis Kniffin**
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V.

Defendant

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

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

Date Filed	#	Docket Text
07/18/2012	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 350 receipt number 0090-3006350) filed by WHEATON COLLEGE. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons Kathleen Sebelius, # <u>3</u> Summons US Department of Health and Human Services, # <u>4</u> Summons Hilda Solis, # <u>5</u> Summons US Department of Labor, # <u>6</u> Summons Timothy Geithner, # <u>7</u> Summons US Department of the Treasury)(Kniffin, Eric) (Entered: 07/18/2012)
07/18/2012		Case Assigned to Judge Ellen S. Huvelle. (sth,) (Entered: 07/18/2012)
07/18/2012	<u>2</u>	Electronic Summons (6) 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. (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)(sth,) (Entered: 07/18/2012)
07/23/2012	<u>3</u>	NOTICE of Appearance by Mark L. Rienzi on behalf of WHEATON COLLEGE (Rienzi, Mark) (Entered: 07/23/2012)
08/01/2012	<u>4</u>	MOTION for Preliminary Injunction by WHEATON COLLEGE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F)(Rienzi, Mark) (Entered: 08/01/2012)

08/02/2012	<u>5</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– S. Kyle Duncan, :Firm– The Becket Fund, :Address– 3000 K St. NW, Ste. 220, Washington, DC 20007. Phone No. – 202–349–7209. Fax No. – 202–955–0090 by WHEATON COLLEGE (Attachments: # <u>1</u> Declaration)(Kniffin, Eric) (Entered: 08/02/2012)
08/03/2012		MINUTE ORDER: it is hereby ORDERED that <u>5</u> Motion for Leave to Appear Pro Hac Vice is GRANTED; and it is further ORDERED that S. Kyle Duncan is admitted pro hac vice for the purpose of appearing in open court in the above–captioned case subject to his applying for admission to the Bar of this Court upon the granting of his pending application for admission to the District of Columbia Bar. Signed by Judge Ellen S. Huvelle on August 3, 2012. (AG) (Entered: 08/03/2012)
08/03/2012	<u>6</u>	SCHEDULING ORDER: Defendants' motion is due by 8/10/2012 at 12 p.m., plaintiff's opposition is due by 8/16/2012, and defendants' reply is due by 8/20/2012. Motion hearing set for 8/23/2012 at 2:30 p.m. in Courtroom 23A before Judge Ellen S. Huvelle. Signed by Judge Ellen S. Huvelle on August 3, 2012. (lcesh1) (Entered: 08/03/2012)
08/03/2012		Minute Entry for proceedings held before Judge Ellen S. Huvelle: Telephone Conference held in Chambers on 8/3/2012. (gdf) (Entered: 08/03/2012)
08/07/2012	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. KATHLEEN SEBELIUS served on 7/24/2012 (Kniffin, Eric) (Entered: 08/07/2012)
08/07/2012	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 7/24/2012 (Kniffin, Eric) (Entered: 08/07/2012)
08/07/2012	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. HILDA SOLIS served on 7/24/2012 (Kniffin, Eric) (Entered: 08/07/2012)
08/07/2012	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF LABOR served on 7/24/2012 (Kniffin, Eric) (Entered: 08/07/2012)
08/07/2012	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. TIMOTHY GEITHNER served on 7/25/2012 (Kniffin, Eric) (Entered: 08/07/2012)
08/07/2012	<u>12</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF THE TREASURY served on 7/25/2012 (Kniffin, Eric) (Entered: 08/07/2012)
08/07/2012	<u>13</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/24/2012. Answer due for ALL FEDERAL DEFENDANTS by 9/22/2012. (Kniffin, Eric) (Entered: 08/07/2012)
08/07/2012	<u>14</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 07/24/2012. (Kniffin, Eric) (Entered: 08/07/2012)
08/09/2012	<u>15</u>	NOTICE of Appearance by Lori H. Windham on behalf of WHEATON COLLEGE (Windham, Lori) (Entered: 08/09/2012)
08/10/2012	<u>16</u>	NOTICE of Appearance by Michelle Renee Bennett on behalf of All Defendants (Bennett, Michelle) (Entered: 08/10/2012)
08/10/2012	<u>17</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> Declaration of Michael Hash, # <u>3</u> Exhibit 1 to Hash Declaration, # <u>4</u> Text of Proposed Order)(Bennett, Michelle) (Entered: 08/10/2012)
08/16/2012	<u>18</u>	Memorandum in opposition to re <u>17</u> MOTION to Dismiss for Lack of Jurisdiction filed by WHEATON COLLEGE. (Attachments: # <u>1</u> Exhibit A)(Rienzi, Mark) (Entered: 08/16/2012)

08/20/2012	<u>19</u>	REPLY to opposition to motion re <u>17</u> MOTION to Dismiss for Lack of Jurisdiction 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. (Attachments: # <u>1</u> Exhibit A)(Bennett, Michelle) (Entered: 08/20/2012)
08/23/2012		Minute Entry for Proceedings held before Judge Ellen S. Huvelle: Motion Hearing held on 8/23/2012 re: <u>17</u> MOTION to Dismiss for Lack of Jurisdiction. Motion was Heard and Taken Under Advisement. (Court Reporter: Scott Wallace) (jth) (Entered: 08/23/2012)
08/24/2012	<u>20</u>	MEMORANDUM OPINION re <u>17</u> defendants' motion to dismiss. Signed by Judge Ellen S. Huvelle on August 24, 2012. (lcesh1) (Entered: 08/24/2012)
08/24/2012	<u>21</u>	VACATED PER ORDER FILED 8/19/2013.....ORDER granting <u>17</u> defendants' motion to dismiss, and denying as moot <u>4</u> plaintiff's motion for a preliminary injunction. Signed by Judge Ellen S. Huvelle on August 24, 2012. (lcesh1) (Entered: 08/24/2012)
08/29/2012	<u>22</u>	ENTERED IN ERROR.....NOTICE of Appeal by WHEATON COLLEGE re <u>21</u> Order on Motion for Preliminary Injunction, Order on Motion to Dismiss/Lack of Jurisdiction, <u>20</u> Memorandum & Opinion (Rienzi, Mark) Modified on 8/29/2012 (jf,). (Entered: 08/29/2012)
08/29/2012		NOTICE OF CORRECTED DOCKET ENTRY: Document No. re <u>22</u> NOTICE of Appeal was entered in error and counsel was instructed to refile said pleading under the correct category (Appeal Documents Event). (jf,) (Entered: 08/29/2012)
08/29/2012	<u>23</u>	NOTICE OF APPEAL TO DC CIRCUIT COURT as to <u>21</u> Order on Motion for Preliminary Injunction, Order on Motion to Dismiss/Lack of Jurisdiction, <u>20</u> Memorandum & Opinion by WHEATON COLLEGE. Filing fee \$ 455, receipt number 0090-3052669. Fee Status: Fee Paid. Parties have been notified. (Rienzi, Mark) (Entered: 08/29/2012)
08/30/2012	<u>24</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>23</u> Notice of Appeal to DC Circuit Court., (jf,) (Entered: 08/30/2012)
08/30/2012	<u>25</u>	**CORRECTED**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>23</u> Notice of Appeal to DC Circuit Court., (jf,) (Entered: 08/30/2012)
09/07/2012		USCA Case Number 12-5273 for <u>23</u> Notice of Appeal to DC Circuit Court, filed by WHEATON COLLEGE. (jf,) (Entered: 09/07/2012)
09/12/2012	<u>26</u>	ORDER of USCA as to <u>23</u> Notice of Appeal to DC Circuit Court, filed by WHEATON COLLEGE; ORDERED that the motion be granted. USCA Case Number 12-5273. (md,) (Entered: 09/14/2012)
12/18/2012	<u>27</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>28</u>	ORDER of USCA (certified copy) as to <u>23</u> Notice of Appeal to DC Circuit Court, filed by WHEATON 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	<u>29</u>	ORDER vacating <u>21</u> judgment of August 24, 2012, and dismissing case as moot per <u>28</u> USCA Order of August 13, 2013. Signed by Judge Ellen S. Huvelle on August 19, 2013. (AG) (Entered: 08/19/2013)