

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:13-cv-01337-ESH**

MIDWEST FASTENER CORP. et al v. SEBELIUS et al
Assigned to: Judge Ellen S. Huvelle
Cause: 42:2000 Religion

Date Filed: 09/05/2013
Date Terminated: 10/16/2013
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

MIDWEST FASTENER CORP

represented by **Bryan H. Beuman**
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TERMINATED: 12/01/2014
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Plaintiff

**HENRY DEVRIES REVOCABLE
TRUST**

represented by **John R. Garza**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

**ROBERT DANIEL DEVRIES
LIVING TRUST**

represented by **John R. Garza**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

KATHLEEN SEBELIUS

represented by **Benjamin Leon Berwick**
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Jacek Pruski
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LEAD ATTORNEY
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Defendant

THOMAS E. PEREZ

represented by **Benjamin Leon Berwick**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jacek Pruski
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

JACOB J. LEW

represented by **Benjamin Leon Berwick**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jacek Pruski
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

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

represented by **Benjamin Leon Berwick**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jacek Pruski
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**UNITED STATES DEPARTMENT
OF LABOR**

represented by **Benjamin Leon Berwick**
(See above for address)

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jacek Pruski
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**UNITED STATES DEPARTMENT
OF THE TREASURY**

represented by **Benjamin Leon Berwick**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jacek Pruski
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/05/2013	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-3456251) filed by THE HENRY DEVRIES REVOCABLE TRUST, MIDWEST FASTENER CORP, THE ROBERT DANIEL DEVRIES LIVING TRUST. (Attachments: # <u>1</u> Summons, # <u>2</u> Civil Cover Sheet)(Garza, John) (Entered: 09/05/2013)
09/05/2013		Case Assigned to Judge Ellen S. Huvelle. (md,) (Entered: 09/06/2013)
09/06/2013		SUMMONS NOT ISSUED (6) as to JACOB LEW, THOMAS PEREZ, KATHLEEN SEBELIUS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY (md,) (Entered: 09/06/2013)
09/11/2013	<u>2</u>	NOTICE <i>Notice of Corrected Civil Cover Sheet</i> by HENRY DEVRIES REVOCABLE TRUST, MIDWEST FASTENER CORP, ROBERT DANIEL DEVRIES LIVING TRUST (Garza, John) (Entered: 09/11/2013)
09/11/2013	<u>3</u>	COMPLAINT <i>with addresses</i> against All Defendants (Fee Status:Filing Fee Waived) filed by HENRY DEVRIES REVOCABLE TRUST, MIDWEST FASTENER CORP, ROBERT DANIEL DEVRIES LIVING TRUST.(Garza, John) (Entered: 09/11/2013)
09/11/2013	<u>4</u>	NOTICE by HENRY DEVRIES REVOCABLE TRUST, MIDWEST FASTENER CORP, ROBERT DANIEL DEVRIES LIVING TRUST (Attachments: # <u>1</u> Summons Atty General, # <u>2</u> Summons Dept Health, # <u>3</u> Summons Dept of Treas, # <u>4</u> Summons Lew, # <u>5</u> Summons Machen, # <u>6</u> Summons Perez, # <u>7</u> Summons Sebelius, # <u>8</u> Summons Dept of Labor)(Garza, John) (Entered: 09/11/2013)
09/11/2013	<u>5</u>	ELECTRONIC SUMMONS ISSUED (8) as to JACOB LEW, THOMAS PEREZ, KATHLEEN SEBELIUS, 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 (Attachments: # <u>1</u> Summons 2nd, # <u>2</u> Summons 3rd, # <u>3</u> Summons 4th, # <u>4</u> Summons 5th, # <u>5</u> Summons 6th, # <u>6</u> Summons 7th, # <u>7</u> Summons 8th, # <u>8</u> Notice of Consent, # <u>9</u> Consent Form)(md,) (Entered: 09/11/2013)
10/01/2013	<u>6</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Robb Stuart Krueger, :Firm- Kreis, Enderle, Hudgins & Borsos, P.C., :Address- 8225 Moorsbridge, P.O. Box 4010, Kalamazoo, MI 49003-4010. Phone No. - 269-324-3000. Fax No. - 269-324-3010 by HENRY DEVRIES REVOCABLE TRUST, MIDWEST FASTENER CORP, ROBERT DANIEL DEVRIES LIVING TRUST (Garza, John) (Entered: 10/01/2013)
10/02/2013		MINUTE ORDER granting <u>6</u> Unopposed Motion for Leave to Appear Pro Hac Vice: upon consideration of the motion, it is hereby ORDERED that Robb Stuart Krueger is admitted pro hac vice for the purpose of appearing in the above-captioned matter.

		Signed by Judge Ellen S. Huvelle on October 2, 2013. (AG) (Entered: 10/02/2013)
10/08/2013	<u>7</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Jason Charles Miller, :Firm– Miller Johnson, :Address– 250 Monroe Avenue NW, Suite 800, Grand Rapids, MI 49503. Phone No. – 616–831–1794. Fax No. – 616–988–1794 by HENRY DEVRIES REVOCABLE TRUST, MIDWEST FASTENER CORP, ROBERT DANIEL DEVRIES LIVING TRUST (Garza, John) (Entered: 10/08/2013)
10/08/2013	<u>8</u>	MOTION for Preliminary Injunction by HENRY DEVRIES REVOCABLE TRUST, MIDWEST FASTENER CORP, ROBERT DANIEL DEVRIES LIVING TRUST (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Text of Proposed Order)(Garza, John) (Entered: 10/08/2013)
10/08/2013		MINUTE ORDER granting <u>7</u> plaintiff's Motion for Leave to Appear Pro Hac Vice: it is hereby ORDERED that the Motion for Leave to Appear Pro Hac Vice is GRANTED; and it is further ORDERED that Jason Charles Miller is admitted pro hac vice for the purpose of appearing in the above-captioned case. Signed by Judge Ellen S. Huvelle on October 8, 2013. (AG) (Entered: 10/08/2013)
10/09/2013	<u>9</u>	NOTICE of Appearance by Jacek Pruski on behalf of All Defendants (Pruski, Jacek) (Entered: 10/09/2013)
10/09/2013	<u>10</u>	MOTION to Stay by JACOB LEW, THOMAS E. PEREZ, KATHLEEN SEBELIUS, 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)(Pruski, Jacek) (Entered: 10/09/2013)
10/09/2013	<u>11</u>	OPPOSITION to motion re <u>10</u> MOTION to Stay filed by HENRY DEVRIES REVOCABLE TRUST, MIDWEST FASTENER CORP, ROBERT DANIEL DEVRIES LIVING TRUST. (Garza, John) Modified on 10/9/2013 (jf,). (Entered: 10/09/2013)
10/15/2013	<u>12</u>	NOTICE of Non–Opposition to Plaintiffs' Motion for Preliminary Injunction by JACOB LEW, THOMAS E. PEREZ, KATHLEEN SEBELIUS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY re <u>8</u> MOTION for Preliminary Injunction (Pruski, Jacek) (Entered: 10/15/2013)
10/16/2013	<u>13</u>	ORDER granting <u>8</u> plaintiffs' unopposed Motion for Preliminary Injunction and <u>10</u> defendants' unopposed Motion to Stay until 30 days after issuance of the mandate in Gilardi v. U.S. Dep't of Health & Human Servs., No. 13–5069 (D.C. Cir.). Clerk is directed to administratively close this case. See order for details. Signed by Judge Ellen S. Huvelle on October 16, 2013. (AG) (Entered: 10/16/2013)
10/16/2013	<u>14</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Bryan H. Bauman, :Firm– Sturgill, Turner, Barker & Moloney, PLLC, :Address– 333 West Vine Street Suite 1400 Lexington, Kentucky 40507. Phone No. – 8592558581. Fax No. – 859–231–0851 by HENRY DEVRIES REVOCABLE TRUST, MIDWEST FASTENER CORP, ROBERT DANIEL DEVRIES LIVING TRUST (Garza, John) (Entered: 10/16/2013)
10/18/2013		MINUTE ORDER granting <u>14</u> Motion for Leave to Appear Pro Hac Vice: It is hereby ORDERED that Bryan H. Bauman is granted leave to appear pro hac vice in the above-captioned case. Signed by Judge Ellen S. Huvelle on October 18, 2013. (AG) (Entered: 10/18/2013)
09/10/2014	<u>15</u>	Joint MOTION to Continue Stay and Preliminary Injunction re <u>13</u> Order on Motion for Preliminary Injunction, Order on Motion to Stay,, by JACOB J. LEW, THOMAS E. PEREZ, KATHLEEN SEBELIUS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY (Pruski, Jacek) (Entered: 09/10/2014)
09/12/2014	<u>16</u>	NOTICE of Proposed Order by JACOB J. LEW, THOMAS E. PEREZ, KATHLEEN SEBELIUS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES

		DEPARTMENT OF THE TREASURY re <u>15</u> Joint MOTION to Continue Stay and Preliminary Injunction re <u>13</u> Order on Motion for Preliminary Injunction, Order on Motion to Stay,, (Pruski, Jacek) (Entered: 09/12/2014)
09/16/2014		MINUTE ORDER granting <u>15</u> Motion to Continue Stay and Preliminary Injunction: Upon consideration of the parties' Joint Motion to Continue Stay and Preliminary Injunction, it is hereby ORDERED that the motion is GRANTED; and it is FURTHER ORDERED that this case is stayed until October 6, 2014; and it is further ORDERED that the preliminary injunction previously entered in favor of plaintiffs (ECF No. 13) is extended until October 20, 2014; and it is further ORDERED that the parties shall submit a joint status report on or before October 6, 2014. Signed by Judge Ellen S. Huvelle on September 16, 2014. (AG) (Entered: 09/16/2014)
09/17/2014		Set/Reset Deadlines: Joint Status Report due by 10/6/2014. (zmm,) (Entered: 09/17/2014)
10/07/2014	<u>17</u>	ENTERED IN ERROR.....MEET AND CONFER STATEMENT. (Miller, Jason) Modified on 10/7/2014 (jf,). (Entered: 10/07/2014)
10/07/2014	<u>18</u>	STATUS REPORT <i>Joint Status Report</i> by HENRY DEVRIES REVOCABLE TRUST, MIDWEST FASTENER CORP, ROBERT DANIEL DEVRIES LIVING TRUST. (Miller, Jason) (Entered: 10/07/2014)
10/17/2014	<u>19</u>	NOTICE of Objection to the Court's Proposed Order by JACOB J. LEW, THOMAS E. PEREZ, KATHLEEN SEBELIUS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(Pruski, Jacek) (Entered: 10/17/2014)
10/23/2014	<u>20</u>	RESPONSE to Defendant's Objection to the Court's Proposed Order filed by HENRY DEVRIES REVOCABLE TRUST, MIDWEST FASTENER CORP, ROBERT DANIEL DEVRIES LIVING TRUST. (Miller, Jason) (Entered: 10/23/2014)
10/24/2014	<u>21</u>	ORDER AND JUDGMENT. See Order for details. Signed by Judge Ellen S. Huvelle on October 24, 2014. (lcesh2) (Entered: 10/24/2014)
12/01/2014	<u>22</u>	MOTION to Withdraw as Attorney by HENRY DEVRIES REVOCABLE TRUST, MIDWEST FASTENER CORP, ROBERT DANIEL DEVRIES LIVING TRUST (Miller, Jason) (Entered: 12/01/2014)
12/01/2014		MINUTE ORDER granting <u>22</u> Motion to Withdraw as Attorney. Attorney Jason Charles Miller terminated. Signed by Judge Ellen S. Huvelle on December 1, 2014. (AG,) (Entered: 12/01/2014)
12/03/2014	<u>23</u>	Joint MOTION for Extension of Time to <i>File Plaintiffs' Motion for Attorney's Fees and Costs</i> by JACOB J. LEW, THOMAS E. PEREZ, KATHLEEN SEBELIUS, 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)(Pruski, Jacek) (Entered: 12/03/2014)
12/04/2014		MINUTE ORDER granting <u>23</u> Joint Motion for Extension of Time: Upon consideration of the parties' Joint Motion for Extension of Deadline for Plaintiffs' Motion for Attorney's Fees and Costs, it is hereby ORDERED that the motion is GRANTED; and it is FURTHER ORDERED that the deadline for plaintiffs to submit any motion for attorney's fees and costs is extended until January 7, 2014. Signed by Judge Ellen S. Huvelle on December 4, 2014. (AG) (Entered: 12/04/2014)
12/04/2014		Set/Reset Deadlines: Motion for attorneys' fees due by 1/7/2015. (zmm,) (Entered: 12/04/2014)
03/27/2015	<u>24</u>	NOTICE of Appearance by Benjamin Leon Berwick on behalf of All Defendants (Berwick, Benjamin) (Entered: 03/27/2015)