

**General Docket
Seventh Circuit Court of Appeals**

Court of Appeals Docket #: 15-3648

Docketed: 11/30/2015

Nature of Suit: 2440 Other Civil Rights

Termed: 04/28/2017

Timothy Ozinga, et al v. Thomas E. Price, et al

Appeal From: Northern District of Illinois, Eastern Division

Fee Status: Paid

Case Type Information:

1) civil

2) us

3) -

Originating Court Information:

District: 0752-1 : [1:13-cv-03292](#)

Trial Judge: Thomas M. Durkin, District Court Judge

Date Filed: 05/01/2013

Date Order/Judgment:

09/30/2015

Date NOA Filed:

11/27/2015

Prior Cases:

None

Current Cases:

None

TIMOTHY OZINGA
Plaintiff - Appellant

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PAUL OZINGA
Plaintiff - Appellant

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AARON OZINGA
Plaintiff - Appellant

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JUSTIN OZINGA
Plaintiff - Appellant

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JEFFREY OZINGA
Plaintiff - Appellant

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v.

NORRIS W. COCHRAN, Acting Secretary of
the U.S. Department of Health and Human
Services

Terminated: 02/17/2017
Defendant - Appellee

THOMAS E. PRICE, Secretary of the U.S.
Department of Health and Human Services
Defendant - Appellee

Benjamin L. Berwick, Attorney
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SYLVIA MATHEWS BURWELL, In her
official capacity as Secretary of the U.S.
Department of Health and Human Services

Terminated: 02/02/2017
Defendant - Appellee

ADAM J. SZUBIN, Acting Secretary of the
Treasury

Terminated: 02/17/2017

Defendant - Appellee

STEVEN T. MNUCHIN, Secretary of the
Treasury

Defendant - Appellee

Benjamin L. Berwick, Attorney
[COR LD NTC Government Federal]
(see above)

Patrick Nemeroff, Attorney
[COR LD NTC Government Federal]
(see above)

Alisa B. Klein, Attorney
[NTC Government Federal]
(see above)

JACOB J. LEW, in his official capacity as
Secretary of the U.S. Department of Treasury

Terminated: 02/02/2017

Defendant - Appellee

EDWARD C. HUGLER, Acting Secretary of
Labor

Terminated: 05/04/2017

Defendant - Appellee

R. ALEXANDER ACOSTA, Secretary of
Labor

Defendant - Appellee

Benjamin L. Berwick, Attorney
[COR LD NTC Government Federal]
(see above)

Patrick Nemeroff, Attorney
[COR LD NTC Government Federal]
(see above)

Alisa B. Klein, Attorney
[NTC Government Federal]
(see above)

SETH D. HARRIS, in his official capacity as
Deputy Secretary of the U.S. Department of
Labor

Terminated: 02/02/2017

Defendant - Appellee

TIMOTHY OZINGA, et al.,
Plaintiffs - Appellants

v.

THOMAS E. PRICE, Secretary of the United States Department of Health & Human Services, et al.,
Defendants - Appellees

- 11/30/2015 [1](#)
28 pg, 974.99 KB U.S. civil case docketed. Fee paid. Docketing Statement due for Appellants Aaron Ozinga, Jeffrey Ozinga, Justin Ozinga, Paul Ozinga and Timothy Ozinga by 12/04/2015. Transcript information sheet due by 12/14/2015. Appellant's brief due on or before 01/11/2016 for Aaron Ozinga, Jeffrey Ozinga, Justin Ozinga, Paul Ozinga and Timothy Ozinga. [1] [6711270] [15-3648] (AP)
- 11/30/2015 2 THIS CAUSE CONSISTS OF MORE THAN 5 PARTIES FOR EITHER SIDE. The following are those parties to this cause as reflected on the District Court docket, yet are not reflected on the Appellate docket/caption for administrative purposes:
APPELLANTS: Ozinga Bros, Inc., Marty Ozinga IV, Martin Ozinga, III and Karl Ozinga. [2] [6711272] [15-3648] (AP)
- 12/03/2015 [3](#)
5 pg, 81.13 KB Docketing Statement filed by Appellants Aaron Ozinga, Jeffrey Ozinga, Justin Ozinga, Paul Ozinga and Timothy Ozinga. Prior or Related proceedings: No. [3] [6712269] [15-3648] (White, Kevin)
- 12/03/2015 [4](#)
2 pg, 39.4 KB Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Kevin Edward White for Appellants Aaron Ozinga, Jeffrey Ozinga, Justin Ozinga, Paul Ozinga and Timothy Ozinga. Additional Parties: Ozinga Bros., Inc.. [4] [6712273] (L-Yes; E-Yes; R-No) [15-3648] (White, Kevin)
- 12/03/2015 [5](#)
1 pg, 23.44 KB Filed Certificate of Service to Docketing Statement (No. 3-1) filed on 12/03/2015 by Appellants Aaron Ozinga, Jeffrey Ozinga, Justin Ozinga, Paul Ozinga and Timothy Ozinga. [5] [6712278] [15-3648] (White, Kevin)
- 12/10/2015 [6](#)
2 pg, 51.89 KB Appearance form filed by Attorney Patrick G. Nemeroff for Appellees Sylvia Mathews Burwell, Seth D. Harris and Jacob J. Lew. [6] [6713767] (L-Yes; E-Yes; R-No) [15-3648]--[Edited 12/10/2015 by FP to reflect that atty. Nemeroff and atty. Klein are added to the docket.] (Nemeroff, Patrick)
- 12/10/2015 [7](#)
2 pg, 51.88 KB Appearance form filed by Attorney Alisa B. Klein for Appellees Sylvia Mathews Burwell, Seth D. Harris and Jacob J. Lew. [7] [6713768] (L-No; E-Yes; R-No) [15-3648] (Nemeroff, Patrick)

12/11/2015	8 2 pg, 158.85 KB	Filed Seventh Circuit Transcript Information Sheet by Appellants Aaron Ozinga, Jeffrey Ozinga, Justin Ozinga, Paul Ozinga and Timothy Ozinga. [8] [6714304] [15-3648] (White, Kevin)
01/11/2016	9 1 pg, 8.55 KB	ENTRY REMOVED AS ENTERED IN ERROR. Supplemental record on appeal filed. Contents of record : 1 vol. of exhibits on DVD. [9] [6720251] [15-3648]--[Edited 01/11/2016 by JAD] (SK)
01/11/2016	10 73 pg, 2.01 MB	Submitted appellant brief by Kevin Edward White for Appellants Aaron Ozinga, Jeffrey Ozinga, Justin Ozinga, Paul Ozinga and Timothy Ozinga. [10] [6720559] [15-3648] (White, Kevin)
01/11/2016	11 3 pg, 98.51 KB	Brief deficiency letter sent to Appellants Aaron Ozinga, Jeffrey Ozinga, Justin Ozinga, Paul Ozinga and Timothy Ozinga. [11] [6720751] [15-3648] (SP)
01/11/2016	13 72 pg, 11.22 MB	Appellant's brief filed by Appellants Aaron Ozinga, Jeffrey Ozinga, Justin Ozinga, Paul Ozinga and Timothy Ozinga. Paper copies due on 01/21/2016. Appellee's brief due on or before 02/16/2016 for Sylvia Mathews Burwell, Seth D. Harris and Jacob J. Lew. Electronically Transmitted. [13] [6721346] [15-3648] (SP)
01/12/2016	12 73 pg, 1.74 MB	Re-Submitted appellant brief by Kevin Edward White for Appellants Aaron Ozinga, Jeffrey Ozinga, Justin Ozinga, Paul Ozinga and Timothy Ozinga. [12] [6720858] [15-3648] (White, Kevin)
01/21/2016	14 5 pg, 86.3 KB	Motion filed by Appellees Sylvia Mathews Burwell, Seth D. Harris and Jacob J. Lew for stay of appeal. [14] [6722974] [15-3648] (Nemeroff, Patrick)
01/25/2016	15 1 pg, 105.67 KB	ORDER re: MOTION TO HOLD APPEAL IN ABEYANCE PENDING THE SUPREME COURT'S DECISION IN ZUBIK v. BURWELL, NO. 1418. The appellants shall file a response to the motion by February 8, 2016. ZXT [15] [6723402] [15-3648] (CR)
01/26/2016	16 3 pg, 72.96 KB	Motion filed by Appellees Sylvia Mathews Burwell, Seth D. Harris and Jacob J. Lew to extend time to file appellee brief. [16] [6723835] [15-3648] (Nemeroff, Patrick)
01/26/2016	17 1 pg, 115.87 KB	Order issued GRANTING Unopposed motion for a 21-day extension of time to file appellees' brief [16] Appellees' brief due on or before 03/08/2016 for Sylvia Mathews Burwell, Seth D. Harris and Jacob J. Lew. Appellants' reply brief, if any, is due on or before 03/22/2016 for Appellants Aaron Ozinga, Jeffrey Ozinga, Justin Ozinga, Paul Ozinga and Timothy Ozinga. CMD [17] [6723972] [15-3648] (AP)

02/08/2016	18 23 pg, 160.05 KB	Filed Response in Opposition by Appellants Aaron Ozinga, Jeffrey Ozinga, Justin Ozinga, Paul Ozinga and Timothy Ozinga Attorney Kevin Edward White to Appellees' Motion to Hold Appeal in Abeyance Pending the Supreme Court's Decision in Zubik v. Burwell, No. 14-1418. [18][6727173] [15-3648] (White, Kevin)
02/09/2016	19 1 pg, 97.82 KB	ORDER re: Motion to hold appeal in abeyance pending the Supreme Court's decision in Zubik v. Burwell, No. 14-1418. Briefing in this appeal is SUSPENDED pending resolution of the appellees' Motion to Hold Appeal in Abeyance. ZXT [19] [6727498] [15-3648] (AP)
02/10/2016	20 2 pg, 864.95 KB	ORDER re: 1) Motion to Hold Appeal in Abeyance Pending the Supreme Court's Decision in Zubik V. Burwell, No. 14-1418. 14 2) Appellants' Opposition Response to Appellees' Motion to Hold Appeal in Abeyance. The appellees' motion is GRANTED to the extent that briefing in this appeal shall proceed as follows: 1. The appellants shall file a supplemental brief by July 15, 2016. The supplemental brief shall not exceed 5,000 words and shall address what effect, if any, the Supreme Court's pending case of Zubik v. Burwell, No. 14-1418 (cert. granted Nov. 6, 2015), has on this appeal. 2. The appellees' brief is due by August 15, 2016. 3. The appellants' reply brief, if any, is due by August 29, 2016. ZXT [20] [6727841] [15-3648] (AD)
07/15/2016	21 11 pg, 2.8 MB	Submitted supplemental brief by Kevin Edard White for Appellants Aaron Ozinga, Jeffrey Ozinga, Justin Ozinga, Paul Ozinga and Timothy Ozinga. [21] [6767527] [15-3648] (White, Kevin)
07/15/2016	22 2 pg, 98.59 KB	Brief deficiency letter sent to Appellants Aaron Ozinga, Jeffrey Ozinga, Justin Ozinga, Paul Ozinga and Timothy Ozinga. [22] [6767714] [15-3648] (AB)
07/15/2016	24 15 pg, 564.48 KB	Supplemental brief filed by Appellants Aaron Ozinga, Jeffrey Ozinga, Justin Ozinga, Paul Ozinga and Timothy Ozinga.... Paper copies due on 07/25/2016 Electronically Transmitted. [24] [6767982] [15-3648] (AB)
07/18/2016	23 15 pg, 544.47 KB	Re-Submitted supplemental brief by Kevin Edward White for Appellants Aaron Ozinga, Jeffrey Ozinga, Justin Ozinga, Paul Ozinga and Timothy Ozinga. [23] [6767925] [15-3648] (White, Kevin)
08/15/2016	25 22 pg, 131.04 KB	Submitted appellee brief by Patrick G. Nemeroff for Appellees Sylvia Mathews Burwell, Seth D. Harris and Jacob J. Lew. [25] [6775260] [15-3648] (Nemeroff, Patrick)

08/15/2016	26 22 pg, 136.61 KB	Appellee's brief filed by Appellees Sylvia Mathews Burwell, Seth D. Harris and Jacob J. Lew. Paper copies due on 08/22/2016 Electronically Transmitted. [26] [6775541] [15-3648] (MT)
08/26/2016	27 1 pg, 87.64 KB	Notice to the District Court to transmit the record on appeal. [27] [6778180] [15-3648] (MT)
08/29/2016	28 16 pg, 174.77 KB	Submitted appellant reply brief by Kevin Edward White for Appellants Aaron Ozinga, Jeffrey Ozinga, Justin Ozinga, Paul Ozinga and Timothy Ozinga. [28] [6778830] [15-3648] (White, Kevin)
08/29/2016	29 16 pg, 181.69 KB	Appellant's reply brief filed by Appellants Aaron Ozinga, Jeffrey Ozinga, Justin Ozinga, Paul Ozinga and Timothy Ozinga. Paper copies due on 09/06/2016 Electronically Transmitted. [29] [6778920] [15-3648] (MT)
08/31/2016	30 1140 pg, 95.8 MB	Original record on appeal filed electronically. Contents of record : 2 vol. of pleadings. [30] [6779317] [15-3648] (NR)
08/31/2016	31	Filed electronic transcript of proceedings held on 07/16/2013. [31] [6779318] THIS TRANSCRIPT IS FOR INTERNAL COURT USE ONLY. Remote electronic access to the transcript is ONLY available through the District Court's PACER system. [15-3648] (NR)
09/21/2016	32 4 pg, 138.95 KB	Argument set for Tuesday, November 1, 2016, at 9:30 a.m. in the Main Courtroom, Room 2721. Each side limited to 15 minutes. [32] [6784137] [15-3648] (NR)
09/28/2016	33 1 pg, 19.97 KB	Received argument confirmation from Patrick Nemeroff for Appellees Sylvia Mathews Burwell, Seth D. Harris and Jacob J. Lew. [33] [6786340] [15-3648] (Nemeroff, Patrick)
09/29/2016	34 1 pg, 95.52 KB	Received argument confirmation from Kevin Edward White for Appellants Aaron Ozinga, Jeffrey Ozinga, Justin Ozinga, Paul Ozinga and Timothy Ozinga. [34] [6786682] [15-3648] (White, Kevin)
09/29/2016	35 1 pg, 110.33 KB	Received argument confirmation from Kevin Edward White for Appellants Aaron Ozinga, Jeffrey Ozinga, Justin Ozinga, Paul Ozinga and Timothy Ozinga. [35] [6786685] [15-3648] (White, Kevin)
11/01/2016	36	Case heard and taken under advisement by panel: Frank H. Easterbrook, Circuit Judge; Ilana Diamond Rovner, Circuit Judge and Diane S. Sykes, Circuit Judge. [36] [6794578] [15-3648] (NR)

11/01/2016	37	Case argued by Mr. Kevin Edward White for Appellants Timothy Ozinga, Paul Ozinga, Aaron Ozinga, Justin Ozinga and Jeffrey Ozinga and Mr. Patrick Nemeroff for Appellees Seth D. Harris, Jacob J. Lew and Sylvia Mathews Burwell. [37] [6794585] [15-3648] (NR)
12/27/2016	38 0 pg, 0 KB	Filed opinion of the court by Judge Rovner. AFFIRMED. Frank H. Easterbrook, Circuit Judge; Ilana Diamond Rovner, Circuit Judge and Diane S. Sykes, Circuit Judge. [38] [6807289] [15-3648]--[Edited 12/27/2016 by JAD] - [Opinion WITHDRAWN per 12/27/2016 order.] (VG)
12/27/2016	39 0 pg, 0 KB	ORDER: Final judgment filed per opinion. With costs: yes. [39] [6807296] [15-3648--[Edited 12/27/2016 by JAD] - [Opinion WITHDRAWN per 12/27/2016 order.] (VG)
12/27/2016	40 0 pg, 0 KB	INTERNET CITATION NOTE: Material from decision with internet citation. ATTACHED. [40] [15-3648]--[Edited 12/27/2016 by JAD] - [Opinion WITHDRAWN per 12/27/2016 order.] (BF)
12/27/2016	41 1 pg, 62.36 KB	IT IT ORDERED that the opinion and judgment of this court issued 12/27/2016, are WITHDRAWN as erroneously issued. The appeal remains under consideration by the court. JD [41] [6807373] [15-3648] (JAD)
01/09/2017	43 1 pg, 96.69 KB	ORDER: The parties are directed to file supplemental briefs addressing the question whether this case became moot once the regulatory accommodation for religious employers was revised in July 2015 to include closely held, for-profit employers. Appellants shall file their initial supplemental brief no later than January 23, 2017. Appellees shall file their response no later than February 6, 2017. Appellants shall file their reply, if any, no later than February 13, 2017. [6809788] [15-3648] (AP)
01/19/2017	44 7 pg, 1.69 MB	Motion filed by Appellants Aaron Ozinga, Jeffrey Ozinga, Justin Ozinga, Paul Ozinga and Timothy Ozinga to extend time to file Appellants' Supplemental Memorandum and Cert of Service of same. [44] [6812705] [15-3648] (White, Kevin)
01/20/2017	45 1 pg, 95.77 KB	Order issued GRANTING motion to extend time to file supplemental brief. The motion is GRANTED. Appellants shall file their initial supplemental brief no later than January 30, 2017. Appellees shall file their response no later than February 13, 2017. Appellants shall file their reply, if any, no later than February 21, 2017. [44] EAH [45] [6813162] [15-3648] (FP)

01/30/2017	46 20 pg, 591.7 KB	Submitted supplemental brief by Kevin Edward White for Appellants Aaron Ozinga, Jeffrey Ozinga, Justin Ozinga, Paul Ozinga and Timothy Ozinga. [46] [6815232] [15-3648] (White, Kevin)
01/30/2017	47 20 pg, 602.37 KB	Supplemental brief filed by Appellants Aaron Ozinga, Jeffrey Ozinga, Justin Ozinga, Paul Ozinga and Timothy Ozinga. Paper copies due on 02/07/2017. Electronically Transmitted. [47] [6815289] [15-3648] (GW)
02/02/2017	48	Appellee Sylvia Mathews Burwell has been substituted by Appellee Norris W. Cochran; Appellee Jacob J. Lew has been substituted by Appellee Adam J. Szubin; and Appellees Thomas E. Perez and Seth D. Harris have been substituted by Appellee Edward C. Hugler in 13-3853, 14-1430, 14-1431 & 15-3648, pursuant to FRAP 43(c). [48] [6815901] [13-3853, 14-1430, 14-1431, 15-3648] (JR)
02/02/2017	49 4 pg, 79.17 KB	Motion filed by Appellees Norris W. Cochran, Edward C. Hugler and Adam J. Szubin to extend time to file supplemental brief. [49] [6815945] [15-3648] (Nemeroff, Patrick)
02/03/2017	50 1 pg, 98.6 KB	ORDER re: Unopposed motion for a four-day extension of time to file appellees' supplemental brief. IT IS ORDERED that the motion for an extension of time is GRANTED. Appellees shall file their supplemental brief on or before February 17, 2017. Appellants shall file their reply, if any, on or before February 24, 2017.[49]EAH [50] [6816114] [15-3648] (AP)
02/13/2017	51 2 pg, 94.08 KB	Brief deficiency letter sent to Appellants Aaron Ozinga, Jeffrey Ozinga, Justin Ozinga, Paul Ozinga and Timothy Ozinga. The Supplemental brief was electronically filed on 01/30/2017. The paper copies of this brief were due to be submitted to the Clerk's Office by 02/07/2017. The paper copies have not been received by this court. Paper copies due on 02/21/2017 or the court may issue a Rule of Show Cause order pursuant to Circuit Rule 31. [51] [6818352] [15-3648] (FI)
02/17/2017	52 0 pg, 0 KB	Submitted supplemental brief by Patrick G. Nemeroff for Appellees Thomas E. Price, Steven T. Mnuchin and Edward C. Hugler. [52] NOTE: Access to this entry is limited to counsel of record. Once the document is approved by the court, it will be filed onto the court's docket as a separate entry which will be open to the public. [6819696] [15-3648]--[Text updated 02/17/2017 by JR.] (Nemeroff, Patrick)
02/17/2017	53	Appellee Norris W. Cochran has been substituted by Appellee Thomas E. Price, and Adam J. Szubin has been substituted by

		Appellee Steven T. Mnuchin, in 13-3853, 14-1430, 14-1431 & 15-3648, pursuant to FRAP 43(c). [53] [6819848] [13-3853, 14-1430, 14-1431, 15-3648] (JR)
02/17/2017	54 10 pg, 104.86 KB	Supplemental brief filed by Appellees Edward C. Hugler, Steven T. Mnuchin and Thomas E. Price, per order. Paper copies due on 02/24/2017 Electronically Transmitted. [54] [6819868] [15-3648] (NR)
02/24/2017	55 0 pg, 0 KB	Submitted supplemental brief by Kevin Edward White for Appellants Aaron Ozinga, Jeffrey Ozinga, Justin Ozinga, Paul Ozinga and Timothy Ozinga. [55] NOTE: Access to this entry is limited to counsel of record. Once the document is approved by the court, it will be filed onto the court's docket as a separate entry which will be open to the public. [6821539] [15-3648] (White, Kevin)
02/24/2017	56 39 pg, 731.92 KB	Supplemental reply brief filed by Appellants Aaron Ozinga, Jeffrey Ozinga, Justin Ozinga, Paul Ozinga and Timothy Ozinga, per order. Paper copies due on 03/06/2017 Electronically Transmitted. [56] [6821553] [15-3648] (NR)
04/28/2017	57 12 pg, 117.75 KB	Filed opinion of the court by Judge Rovner. The judgment is VACATED and the case is REMANDED with directions to dismiss the case as moot. The district court retains authority to entertain Ozinga's request for an award of costs and attorney's fees. Frank H. Easterbrook, Circuit Judge; Ilana Diamond Rovner, Circuit Judge and Diane S. Sykes, Circuit Judge. [57] [6837439] [15-3648] (FP)
04/28/2017	58 1 pg, 87.63 KB	ORDER: Final judgment filed per opinion. The parties shall bear their own costs of appeal. [58] [6837449] [15-3648] (FP)
04/28/2017	59 16 pg, 1.18 MB	INTERNET CITATION NOTE: Material from decision with internet citation. ATTACHED. [59] [15-3648] (BF)
05/04/2017	60	Appellee/Respondent Edward C. Hugler & Thomas E. Perez have been substituted by Appellee/Respondent R. Alexander Acosta, as Secretary of Labor, in 13-3853, 14-1430, 14-1431, 15-3648, 16-4244, 17-1087, 17-1096, 17-1184, 17-1201, 17-1216, 17-1321, 17-1329 & 17-1555, pursuant to FRAP 43(c). [60] [6838781] [13-3853, 14-1430, 14-1431, 15-3648, 16-4244, 17-1087, 17-1096, 17-1184, 17-1201, 17-1216, 17-1321, 17-1329, 17-1555] (JR)
06/20/2017	61 2 pg, 89.99 KB	Mandate issued. No record to be returned. [61] [6848860] [15-3648] (CR)

06/20/2017



15 pg, 340.96 KB

FOR COURT USE ONLY: Certified copy of 04/28/2017 Opinion and Judgment with Mandate sent to the District Court Clerk. [6848865-2] [6848865] [15-3648] (CR)