

**U.S. District Court  
Eastern District of New York (Brooklyn)  
CIVIL DOCKET FOR CASE #: 1:12-cv-02542-BMC**

Roman Catholic Archdiocese of New York et al v. Sebelius et al Date Filed: 05/21/2012  
Assigned to: Judge Brian M. Cogan Date Terminated: 10/19/2017  
Cause: 05:702 Administrative Procedure Act Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Roman Catholic Archdiocese of New York**

represented by **Charles Michael Carberry**  
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**Plaintiff**

**Catholic Health Care System**

represented by **Charles Michael Carberry**  
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**Patrick J. Smith**  
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**Toni-Ann Citera**  
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**Plaintiff**

**Roman Catholic Diocese of Rockville  
Centre, New York**

represented by **Charles Michael Carberry**  
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**Patrick J. Smith**  
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**Toni-Ann Citera**  
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**Plaintiff**

**Catholic Charities of the Diocese of  
Rockville Centre**  
*TERMINATED: 12/05/2012*

represented by **Charles Michael Carberry**  
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*LEAD ATTORNEY*  
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**Patrick J. Smith**  
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**Toni–Ann Citera**  
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**Plaintiff**

**Catholic Health Services of Long  
Island**

represented by **Charles Michael Carberry**  
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**Patrick J. Smith**  
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**Toni–Ann Citera**  
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**Plaintiff**

**Cardinal Spellman High School**

represented by **Todd R. Geremia**  
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*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Monsignor Farrell High School**

represented by **Todd R. Geremia**  
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*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Kathleen Sebelius**  
*in her official capacity as Secretary of the  
U.S. Department of Health and Human  
Services*

represented by **Benjamin Berwick**  
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**Defendant**

**Hilda Solis**  
*in her official capacity as Secretary of the  
U.S. Department of Labor*

represented by **Benjamin Berwick**  
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*LEAD ATTORNEY  
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**Emily S. Newton**  
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**Defendant**

**Timothy Geithner**  
*in his official capacity as Secretary of the  
U.S. Department of Treasury*

represented by **Benjamin Berwick**  
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*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Emily S. Newton**  
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*LEAD ATTORNEY  
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**Defendant**

**U.S. Department of Health and Human  
Services**

represented by **Benjamin Berwick**  
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**Emily S. Newton**  
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**Defendant**

**U.S. Department of Labor**

represented by **Benjamin Berwick**  
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**Emily S. Newton**  
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**Defendant**

**U.S. Department of Treasury**

represented by **Benjamin Berwick**  
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**Emily S. Newton**  
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**Amicus**

**American Center for Law & Justice**

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**Amicus**

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Date Filed	#	Docket Text
05/21/2012	<u>1</u>	COMPLAINT against All Defendants Disclosure Statement on Civil Cover Sheet completed –yes,, filed by Roman Catholic Diocese of Rockville Centre, New York, Catholic Charities of the Diocese of Rockville Centre, Catholic Health Services of Long Island, Roman Catholic Archdiocese of New York, Catholic Health Care System. (Attachments: # <u>1</u> Civil Cover Sheet) (Bowens, Priscilla) (Entered: 05/21/2012)
05/21/2012	<u>2</u>	DISCLOSURE of Interested Parties by Catholic Health Services of Long Island. (Bowens, Priscilla) (Entered: 05/21/2012)
05/21/2012	<u>3</u>	DISCLOSURE of Interested Parties by Roman Catholic Diocese of Rockville Centre, New York. (Bowens, Priscilla) (Entered: 05/21/2012)
05/21/2012	<u>4</u>	DISCLOSURE of Interested Parties by Catholic Health Care System. (Bowens, Priscilla) (Entered: 05/21/2012)
05/21/2012	<u>5</u>	DISCLOSURE of Interested Parties by Roman Catholic Archdiocese of New York. (Bowens, Priscilla) (Entered: 05/21/2012)
05/21/2012	<u>6</u>	DISCLOSURE of Interested Parties by Catholic Charities of the Diocese of Rockville Centre. (Bowens, Priscilla) (Entered: 05/21/2012)
05/21/2012		Summons Issued as to All Defendants, U.S. Attorney and U.S. Attorney General (Bowens, Priscilla) (Entered: 05/21/2012)
05/21/2012		FILING FEE: \$ 350, receipt number 4653044123 (Bowens, Priscilla) (Entered: 05/21/2012)
05/21/2012	<u>7</u>	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that <i>if</i> all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically <b>only if all</b> parties wish to consent. The form may also be accessed at the following link: <a href="http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf">http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf</a> . <b>You may withhold your consent without adverse substantive consequences. Do NOT return</b>

		<b>or file the consent unless all parties have signed the consent.</b> (Bowens, Priscilla) (Entered: 05/21/2012)
05/21/2012	<u>8</u>	Notice of MOTION for Leave to Appear Pro Hac Vice <i>for Jennifer M. Bradley</i> Filing fee \$ 25, receipt number 0207-5496012. by Catholic Charities of the Diocese of Rockville Centre, Catholic Health Care System, Catholic Health Services of Long Island, Roman Catholic Archdiocese of New York, Roman Catholic Diocese of Rockville Centre, New York. (Attachments: # <u>1</u> Declaration in Support, # <u>2</u> Proposed Order) (Geremia, Todd) (Entered: 05/21/2012)
05/21/2012		Email Notification Test – DO NOT REPLY. (Lee, Tiffeny) (Entered: 05/21/2012)
05/21/2012		ORDER granting <u>8</u> Motion for Jennifer M. Bradley to appear pro hac vice as counsel for plaintiffs. Ordered by Judge Brian M. Cogan on 5/21/2012. (Weisberg, Peggy) (Entered: 05/21/2012)
05/22/2012		SCHEDULING ORDER: Counsel for all parties are directed to appear before the Honorable Brian M. Cogan for an Initial Status Conference on 6/28/2012 at 10:00 am in Chambers 704S. Principal trial counsel must appear at this and all subsequent conferences. Plaintiffs' counsel is directed to notify all attorneys in this action of the conference schedule in writing. Counsel is directed to review Judge Cogan's Individual Practices, which may be obtained on the Court's website at <a href="http://www.nyed.uscourts.gov/pub/rules/BMC-MLR.pdf">http://www.nyed.uscourts.gov/pub/rules/BMC-MLR.pdf</a> . Requests for adjournment of the conference will be considered only if made in writing and otherwise in accordance with Judge Cogan's rules. Ordered by Judge Brian M. Cogan on 5/22/2012. (Weisberg, Peggy) (Entered: 05/22/2012)
05/31/2012	<u>9</u>	SUMMONS Returned Executed by Roman Catholic Diocese of Rockville Centre, New York, Catholic Charities of the Diocese of Rockville Centre, Catholic Health Services of Long Island, Roman Catholic Archdiocese of New York, Catholic Health Care System. Hilda Solis served on 5/25/2012, answer due 7/24/2012. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2) (Rosselot, Julie) (Entered: 05/31/2012)
05/31/2012	<u>10</u>	SUMMONS Returned Executed by Roman Catholic Diocese of Rockville Centre, New York, Catholic Charities of the Diocese of Rockville Centre, Catholic Health Services of Long Island, Roman Catholic Archdiocese of New York, Catholic Health Care System. Kathleen Sebelius served on 5/25/2012, answer due 7/24/2012. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2) (Rosselot, Julie) (Entered: 05/31/2012)
05/31/2012	<u>11</u>	SUMMONS Returned Executed by Roman Catholic Diocese of Rockville Centre, New York, Catholic Charities of the Diocese of Rockville Centre, Catholic Health Services of Long Island, Roman Catholic Archdiocese of New York, Catholic Health Care System. U.S. Department of Health and Human Services served on 5/25/2012, answer due 7/24/2012. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2) (Rosselot, Julie) (Entered: 05/31/2012)
05/31/2012	<u>12</u>	AFFIDAVIT of Service for Summons and Complaint served on Civil Process Clerk, U.S. Attorney's Office on 5/24/2012, filed by Catholic Charities of the Diocese of Rockville Centre, Catholic Health Care System, Catholic Health Services of Long Island, Roman Catholic Archdiocese of New York, Roman Catholic Diocese of Rockville Centre, New York. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2) (Rosselot, Julie) (Entered: 05/31/2012)
06/12/2012	<u>13</u>	SUMMONS Returned Executed by Roman Catholic Diocese of Rockville Centre, New York, Catholic Charities of the Diocese of Rockville Centre, Catholic Health Services of Long Island, Roman Catholic Archdiocese of New York, Catholic Health Care System. U.S. Department of Labor served on 6/1/2012, answer due 7/31/2012. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2) (Rosselot, Julie) (Entered: 06/12/2012)
06/12/2012	<u>14</u>	AFFIDAVIT of Service for Summons and Complaint served on Eric H. Holder, Jr., Attorney General of the United States on 5/29/2012, filed by Catholic Charities of the Diocese of Rockville Centre, Catholic Health Care System, Catholic Health Services of Long Island, Roman Catholic Archdiocese of New York, Roman Catholic Diocese of Rockville Centre, New York. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2) (Rosselot, Julie) (Entered: 06/12/2012)

06/26/2012	<u>15</u>	NOTICE of Appearance by Benjamin Berwick on behalf of All Defendants (aty to be noticed) (Berwick, Benjamin) (Entered: 06/26/2012)
06/28/2012		Minute Entry for Initial Status Conference held before Judge Brian M. Cogan on June 28, 2012. Defendants' proposed motion to dismiss the complaint is due by August 6, 2012. If plaintiffs wish to file opposition papers addressing defendants' motion to stay discovery pending this Court's adjudication of defendants' motion to dismiss, plaintiffs' opposition papers regarding the stay are due by August 10, 2012. Opposition to defendants' motion to dismiss is due by August 27, 2012; defendants' reply is due within 28 days of plaintiffs' opposition. (Viglietta, Emily) (Entered: 06/28/2012)
08/06/2012	<u>16</u>	MOTION to Dismiss for Lack of Jurisdiction by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury. Responses due by 8/27/2012 (Attachments: # <u>1</u> Memorandum in Support) (Berwick, Benjamin) (Entered: 08/06/2012)
08/10/2012	<u>17</u>	Letter <i>Brief in Opposition to Defendants' Request for a Stay of Discovery</i> by Catholic Charities of the Diocese of Rockville Centre, Catholic Health Care System, Catholic Health Services of Long Island, Roman Catholic Archdiocese of New York, Roman Catholic Diocese of Rockville Centre, New York (Smith, Patrick) (Entered: 08/10/2012)
08/12/2012		ORDER regarding <u>16</u> Motion to Dismiss for Lack of Jurisdiction. Defendants' request to stay discovery pending determination of their motion is denied. At this stage, the Court cannot conclude that defendants have made the required showing for such relief. Ordered by Judge Brian M. Cogan on 8/12/2012. (Cogan, Brian) (Entered: 08/12/2012)
08/20/2012	<u>18</u>	Corporate Disclosure Statement by American Center for Law & Justice (Merkl, Neil) (Entered: 08/20/2012)
08/20/2012	<u>19</u>	MOTION for Leave to File <i>Amici Curiae Brief</i> by American Center for Law & Justice. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Cecilia D. Noland-Heil, # <u>3</u> Proposed Amici Curiae Brief, # <u>4</u> Proposed Order) (Merkl, Neil) (Entered: 08/20/2012)
08/20/2012		ORDER granting <u>19</u> Motion for Leave to File Amicus Brief. Ordered by Judge Brian M. Cogan on 8/20/2012. (Cogan, Brian) (Entered: 08/20/2012)
08/21/2012	<u>20</u>	NOTICE by American Center for Law & Justice <i>Amici Curiae Brief in Support of Plaintiffs Filed by the American Center for Law &amp; Justice and Seventy-Nine (79) Members of the United States Congress</i> (Merkl, Neil) (Entered: 08/21/2012)
08/21/2012	<u>21</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 25, receipt number 0207-5679435. by American Center for Law & Justice. (Attachments: # <u>1</u> Affidavit in Support, # <u>2</u> Exhibit Certificate of Good Standing CA, # <u>3</u> Exhibit Certificate of Good Standing TN, # <u>4</u> Exhibit Certificate of Good Standing MO, # <u>5</u> Proposed Order) (Noland-Heil, Cecilia) (Entered: 08/21/2012)
08/21/2012		ORDER granting <u>21</u> Motion for Cecilia Noland-Heil to appear pro hac vice as counsel or advocate for amici curiae, The American Center for Law & Justice. Ordered by Judge Brian M. Cogan on 8/21/2012. (Weisberg, Peggy) (Entered: 08/21/2012)
08/27/2012	<u>22</u>	MEMORANDUM in Opposition re <u>16</u> MOTION to Dismiss for Lack of Jurisdiction filed by All Plaintiffs. (Rosselot, Julie) (Entered: 08/27/2012)
08/27/2012	<u>23</u>	AFFIDAVIT/DECLARATION in Opposition re <u>16</u> MOTION to Dismiss for Lack of Jurisdiction filed by Roman Catholic Archdiocese of New York. (Rosselot, Julie) (Entered: 08/27/2012)
08/27/2012	<u>24</u>	AFFIDAVIT/DECLARATION in Opposition re <u>16</u> MOTION to Dismiss for Lack of Jurisdiction filed by Catholic Health Care System. (Attachments: # <u>1</u> Exhibit A) (Rosselot, Julie) (Entered: 08/27/2012)
08/27/2012	<u>25</u>	AFFIDAVIT/DECLARATION in Opposition re <u>16</u> MOTION to Dismiss for Lack of Jurisdiction filed by Catholic Health Services of Long Island. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Rosselot, Julie) (Entered: 08/27/2012)

08/27/2012	<u>26</u>	AFFIDAVIT/DECLARATION in Opposition re <u>16</u> MOTION to Dismiss for Lack of Jurisdiction filed by Catholic Charities of the Diocese of Rockville Centre, Roman Catholic Diocese of Rockville Centre, New York. (Rosselot, Julie) (Entered: 08/27/2012)
09/11/2012	<u>27</u>	SUMMONS Returned Executed by Roman Catholic Diocese of Rockville Centre, New York, Catholic Charities of the Diocese of Rockville Centre, Catholic Health Services of Long Island, Roman Catholic Archdiocese of New York, Catholic Health Care System. U.S. Department of Treasury served on 5/25/2012, answer due 7/24/2012. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2) (Rosselot, Julie) (Entered: 09/11/2012)
09/11/2012	<u>28</u>	SUMMONS Returned Executed by Roman Catholic Diocese of Rockville Centre, New York, Catholic Charities of the Diocese of Rockville Centre, Catholic Health Services of Long Island, Roman Catholic Archdiocese of New York, Catholic Health Care System. Timothy Geithner served on 5/25/2012, answer due 7/24/2012. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2) (Rosselot, Julie) (Entered: 09/11/2012)
09/18/2012	<u>29</u>	Letter MOTION for Leave to File Excess Pages by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury. (Berwick, Benjamin) (Entered: 09/18/2012)
09/19/2012		ORDER granting <u>29</u> Motion to file a reply brief in excess of 10 page limit, not to exceed 15 pages. Ordered by Judge Brian M. Cogan on 9/19/2012. (Weisberg, Peggy) (Entered: 09/19/2012)
09/24/2012	<u>30</u>	REPLY in Support re <u>16</u> MOTION to Dismiss for Lack of Jurisdiction filed by All Defendants. (Berwick, Benjamin) (Entered: 09/24/2012)
10/08/2012	<u>31</u>	NOTICE of Appearance by Toni–Ann Citera on behalf of All Plaintiffs (aty to be noticed) (Citera, Toni–Ann) (Entered: 10/08/2012)
10/16/2012	<u>32</u>	REPORT of Rule 26(f) Planning Meeting (Geremia, Todd) (Entered: 10/16/2012)
11/13/2012	<u>33</u>	NOTICE by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury re <u>16</u> MOTION to Dismiss for Lack of Jurisdiction <i>Supplemental Authority</i> (Berwick, Benjamin) (Entered: 11/13/2012)
11/19/2012	<u>34</u>	NOTICE by Catholic Charities of the Diocese of Rockville Centre, Catholic Health Care System, Catholic Health Services of Long Island, Roman Catholic Archdiocese of New York, Roman Catholic Diocese of Rockville Centre, New York re <u>33</u> Notice(Other), <i>Response to Defendants Notice of Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Geremia, Todd) (Entered: 11/19/2012)
11/27/2012	<u>35</u>	NOTICE by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury re <u>16</u> MOTION to Dismiss for Lack of Jurisdiction <i>Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit Catholic Diocese of Nashville v. Sebelius) (Berwick, Benjamin) (Entered: 11/27/2012)
11/29/2012	<u>36</u>	NOTICE by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury re <u>16</u> MOTION to Dismiss for Lack of Jurisdiction <i>Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit Zubik v. Sebelius) (Berwick, Benjamin) (Entered: 11/29/2012)
12/05/2012	<u>37</u>	MEMORANDUM DECISION AND ORDER: Defendants' motion to dismiss for lack of jurisdiction <u>16</u> is granted in part and denied in part. The claims of the Diocese and Catholic Charities are dismissed for lack of standing. Defendants' motion is otherwise denied. So Ordered by Judge Brian M. Cogan on 12/4/2012. (Lee, Tiffeny) (Entered: 12/05/2012)
12/06/2012	<u>38</u>	Letter MOTION for Extension of Time to File <i>Motion to Reconsider</i> by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury. (Berwick, Benjamin) (Entered: 12/06/2012)



12/06/2012		ORDER as to <u>38</u> defendants' motion for an extension of time to file their motion for reconsideration. The Court grants the motion and waives the pre-motion letter and conference requirement. Defendants shall submit their motion for reconsideration by January 11, 2013. Ordered by Judge Brian M. Cogan on 12/6/2012. (Weisberg, Peggy) (Entered: 12/06/2012)
12/26/2012	<u>39</u>	Letter <i>Requesting Conference Pursuant to Fed. R. Civ. P. 26(f)</i> by Catholic Health Care System, Catholic Health Services of Long Island, Roman Catholic Archdiocese of New York (Geremia, Todd) (Entered: 12/26/2012)
12/26/2012		SCHEDULING ORDER: re <u>39</u> Letter filed by plaintiffs.Discovery conference set for 1/2/2013 11:30 AM in Chambers. Ordered by Judge Brian M. Cogan on 12/26/2012. (Cogan, Brian) (Entered: 12/26/2012)
12/27/2012	<u>40</u>	Letter MOTION to Adjourn Conference <i>until the week of January 7, 2013</i> by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury. (Berwick, Benjamin) (Entered: 12/27/2012)
12/27/2012		ORDER granting <u>40</u> Motion to Adjourn Conference to 1/7/13 at 4:30 pm. Ordered by Judge Brian M. Cogan on 12/27/2012. (Cogan, Brian) (Entered: 12/27/2012)
01/08/2013		MINUTE ENTRY for Status Conference held before Judge Brian M. Cogan on January 7, 2013. Both sides present. Plaintiffs may take the the deposition of the designated deponent of the U.S. Department of Health and Human Services ("HHS") on or after March 25, 2013. Defendants shall produce the non-privileged documents used or referred to prepare that witness on the topics agreed to by the parties by March 15, 2013. Defendants shall produce documents on a rolling basis and shall complete document production by June 7, 2013. To the extent that defendants claim the deliberative process privilege over any requested documents, defendants shall produce a privilege log detailing at least some of their deliberative process claims no later than April 30, 2013. Depositions, other than the deposition of HHS's designated witness, may be taken at plaintiffs' request at any time between March 25, 2013 and August 9, 2013. The parties' motions for summary judgment, if they chose to file them, shall be submitted by August 16, 2013, with opposition briefs filed by September 16, 2013, and reply briefs filed by September 30, 2013. If the parties agree to a different discovery and/or briefing schedule, they may jointly submit any proposed schedule to the Court for approval. (Weisberg, Peggy) (Entered: 01/08/2013)
01/11/2013	<u>41</u>	MOTION for Reconsideration re <u>37</u> Order on Motion to Dismiss/Lack of Jurisdiction, <i>or, In the Alternative, for Certification Under 28 U.S.C. Section 1292(b) Permitting Immediate Appeal</i> by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Gary M. Cohen, # <u>3</u> Exhibit Wheaton College v. Sebelius, # <u>4</u> Exhibit Catholic Diocese of Biloxi v. Sebelius) (Berwick, Benjamin) (Entered: 01/11/2013)
01/23/2013	<u>42</u>	Letter MOTION for Extension of Time to File Response/Reply <i>to Defendants' Motion for Reconsideration</i> by Catholic Health Care System, Catholic Health Services of Long Island, Roman Catholic Archdiocese of New York. (Geremia, Todd) (Entered: 01/23/2013)
01/23/2013		ORDER granting <u>42</u> Motion. Plaintiffs' response to defendants' motion for reconsideration due by 2/1/13; defendants' reply due by 2/8/13. Ordered by Judge Brian M. Cogan on 1/23/2013. (Weisberg, Peggy) (Entered: 01/23/2013)
02/01/2013	<u>43</u>	MEMORANDUM in Opposition re <u>41</u> MOTION for Reconsideration re <u>37</u> Order on Motion to Dismiss/Lack of Jurisdiction, <i>or, In the Alternative, for Certification Under 28 U.S.C. Section 1292(b) Permitting Immediate Appeal</i> filed by All Plaintiffs. (Geremia, Todd) (Entered: 02/01/2013)
02/04/2013	<u>44</u>	EXHIBIT A by Catholic Health Care System, Catholic Health Services of Long Island, Roman Catholic Archdiocese of New York. Related document: <u>43</u> Memorandum in Opposition, filed by Catholic Health Services of Long Island, Roman Catholic Diocese of Rockville Centre, New York, Catholic Health Care System, Roman Catholic Archdiocese of New York, Catholic Charities of the Diocese of Rockville Centre. (Geremia, Todd) (Entered: 02/04/2013)

02/08/2013	<u>45</u>	REPLY in Support re <u>41</u> MOTION for Reconsideration re <u>37</u> Order on Motion to Dismiss/Lack of Jurisdiction, <i>or, In the Alternative, for Certification Under 28 U.S.C. Section 1292(b) Permitting Immediate Appeal</i> filed by All Defendants. (Attachments: # <u>1</u> Exhibit Bishop Conlon v. Sebelius) (Berwick, Benjamin) (Entered: 02/08/2013)
02/26/2013	<u>46</u>	NOTICE by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury re <u>41</u> MOTION for Reconsideration re <u>37</u> Order on Motion to Dismiss/Lack of Jurisdiction, <i>or, In the Alternative, for Certification Under 28 U.S.C. Section 1292(b) Permitting Immediate Appeal Supplemental Authority</i> (Berwick, Benjamin) (Entered: 02/26/2013)
03/03/2013	<u>47</u>	Letter MOTION for Extension of Time to Complete Discovery <i>Production of Documents Used To Prepare Deponent</i> by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury. (Berwick, Benjamin) (Entered: 03/03/2013)
03/04/2013	<u>48</u>	NOTICE by Catholic Health Care System, Catholic Health Services of Long Island, Roman Catholic Archdiocese of New York re <u>46</u> Notice(Other), <i>Response to Defendants' Notice of Supplemental Authority</i> (Geremia, Todd) (Entered: 03/04/2013)
03/05/2013	<u>49</u>	NOTICE by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury re <u>46</u> Notice(Other), <u>48</u> Notice(Other) <i>Defendants' Reply to Plaintiffs' Response to Notice of Supplemental Authority</i> (Berwick, Benjamin) (Entered: 03/05/2013)
03/05/2013	<u>50</u>	Letter <i>Requesting Expedited Consideration of Defendants' Motion for Reconsideration or, in the Alternative, for Certification Under 28 U.S.C. Section 1292(b) Permitting Immediate Appeal</i> by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury (Berwick, Benjamin) (Entered: 03/05/2013)
03/06/2013	<u>51</u>	RESPONSE in Opposition re <u>47</u> Letter MOTION for Extension of Time to Complete Discovery <i>Production of Documents Used To Prepare Deponent</i> filed by Catholic Health Care System, Catholic Health Services of Long Island, Roman Catholic Archdiocese of New York. (Geremia, Todd) (Entered: 03/06/2013)
03/07/2013	<u>52</u>	Letter <i>Regarding Parties' Resolution of Dispute Over Extension of Time to Produce Documents and Withdrawal of 47 Letter Motion</i> by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury (Berwick, Benjamin) (Entered: 03/07/2013)
03/11/2013	<u>53</u>	Letter re <u>50</u> Letter <i>Requesting Expedited Consideration of Defendants' Motion for Reconsideration or, in the Alternative, for Certification Under 28 U.S.C. Section 1292(b) Permitting Immediate Appeal</i> by Catholic Health Care System, Catholic Health Services of Long Island, Roman Catholic Archdiocese of New York (Geremia, Todd) (Entered: 03/11/2013)
03/15/2013	<u>54</u>	ANSWER to <u>1</u> Complaint, by All Defendants. (Berwick, Benjamin) (Entered: 03/15/2013)
03/25/2013	<u>55</u>	Letter <i>Regarding Discovery Dispute</i> by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury (Berwick, Benjamin) (Entered: 03/25/2013)
03/25/2013		ORDER as to <u>55</u> Letter. Plaintiffs' motion to compel is denied and defendants' motion for a protective order is granted. Plaintiffs' request for the Secretary's deposition is premature, if it is even appropriate at all. To the extent the Secretary's motivation may become significant, plaintiffs' discovery should initially focus on the facts of who said what to whom and when, including statements made to and by the Secretary, which are likely to elicit such motivational information. In addition to documentary evidence, other witnesses can testify about the Secretary's public and internal statements as well as her participation in the events at issue. After that discovery is exhausted, the Court may reconsider whether there remains any need for the Secretary's examination. But, at this stage, the Court is not prepared to find that the motivation of the Secretary justifies the deposition of the head of a cabinet-level department. Ordered by Judge Brian M. Cogan on 3/25/2013. (Weisberg, Peggy) (Entered: 03/25/2013)

03/25/2013	<u>56</u>	NOTICE by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury re <u>41</u> MOTION for Reconsideration re <u>37</u> Order on Motion to Dismiss/Lack of Jurisdiction, <i>or, In the Alternative, for Certification Under 28 U.S.C. Section 1292(b) Permitting Immediate Appeal Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit Wenski v. Sebelius) (Berwick, Benjamin) (Entered: 03/25/2013)
04/05/2013	<u>57</u>	NOTICE by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury re <u>41</u> MOTION for Reconsideration re <u>37</u> Order on Motion to Dismiss/Lack of Jurisdiction, <i>or, In the Alternative, for Certification Under 28 U.S.C. Section 1292(b) Permitting Immediate Appeal Supplemental Authority</i> (Berwick, Benjamin) (Entered: 04/05/2013)
04/05/2013	<u>58</u>	NOTICE by Catholic Health Care System, Catholic Health Services of Long Island, Roman Catholic Archdiocese of New York re <u>57</u> Notice(Other), <u>56</u> Notice(Other), <i>Response to Defendants' Notices of Supplemental Authority</i> (Geremia, Todd) (Entered: 04/05/2013)
04/17/2013	<u>59</u>	NOTICE by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury re <u>41</u> MOTION for Reconsideration re <u>37</u> Order on Motion to Dismiss/Lack of Jurisdiction, <i>or, In the Alternative, for Certification Under 28 U.S.C. Section 1292(b) Permitting Immediate Appeal Supplemental Authority</i> (Berwick, Benjamin) (Entered: 04/17/2013)
04/24/2013	<u>60</u>	Letter <i>EMERGENCY MOTION to Halt Proceedings and Dismiss Case</i> by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury (Attachments: # <u>1</u> Exhibit 1 – Cohen Declaration, # <u>2</u> Exhibit 2 – Lyons Declaration, # <u>3</u> Exhibit 3 – Williams Declaration, # <u>4</u> Exhibit 4 – Cantwell Declaration, # <u>5</u> Exhibit 5 – Melcher Declaration, # <u>6</u> Exhibit 6 – Stein Declaration, # <u>7</u> Exhibit 7 – Craig Declaration, # <u>8</u> Exhibit 8 – Berwick Declaration, # <u>9</u> Exhibit 9 – Plaintiffs' RFPs, # <u>10</u> Exhibit 10 – Plaintiffs' Interrogatories, # <u>11</u> Exhibit 11 – Plaintiffs' RFAs) (Berwick, Benjamin) (Entered: 04/24/2013)
04/24/2013		ORDER re <u>60</u> defendants' emergency motion to halt proceedings. The motion is granted in part. All proceedings and discovery are stayed pending the completion of the agency defendants' current rulemaking proceedings. Defendants shall provide the Court with a written update on the status of the rulemaking every 60 days. The Court will consider the representations made by defendants in this motion as to the non-enforceability of the current regulations against plaintiffs in the context of its consideration of defendants motion for reconsideration or certification of an interlocutory appeal. Ordered by Judge Brian M. Cogan on 4/24/2013. (Palmieri, Michael) (Entered: 04/24/2013)
04/25/2013	<u>61</u>	Letter <i>Response to Emergency Motion to Halt Proceedings and Dismiss Case</i> by Catholic Health Care System, Catholic Health Services of Long Island, Roman Catholic Archdiocese of New York (Geremia, Todd) (Entered: 04/25/2013)
06/24/2013	<u>62</u>	STATUS REPORT by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury (Berwick, Benjamin) (Entered: 06/24/2013)
07/01/2013	<u>63</u>	Letter <i>regarding promulgation of Final Rules</i> by Catholic Health Care System, Catholic Health Services of Long Island, Roman Catholic Archdiocese of New York (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Geremia, Todd) (Entered: 07/01/2013)
07/01/2013		ORDER as to <u>63</u> plaintiffs' letter regarding the promulgation of Final Rules. Both sides are directed to file a letter of no more than 3 pages by 7/12/2013 advising the Court of how they intend to proceed in light of the newly-promulgated Final Rules. The stay in this matter will remain in place through 7/12/2013. Ordered by Judge Brian M. Cogan on 7/1/2013. (Weisberg, Peggy) (Entered: 07/01/2013)
07/12/2013	<u>64</u>	Letter by Catholic Health Care System, Catholic Health Services of Long Island, Roman Catholic Archdiocese of New York (Geremia, Todd) (Entered: 07/12/2013)

07/12/2013	<u>65</u>	Letter by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury (Berwick, Benjamin) (Entered: 07/12/2013)
07/12/2013		ORDER as to <u>64</u> <u>65</u> plaintiffs' and defendants' letter. Missing from plaintiffs' request is any indication as to whether defendants have been consulted and consent to the amendment and proposed schedule. The Court cannot rule on this without knowing defendants' position. It is the Court's preference to allow plaintiffs to file an amended complaint and have the briefing schedule that they have proposed, but if defendants would rather argue futility in the context of Rule 15 (which, despite plaintiffs assertion, the Court believes could be raised against a proposed amended complaint) rather than lack of plausibility or viability under Rule 12(b) (the former standard seems at least technically more difficult for defendants), then the Court is not going to allow the amendment ex parte without hearing from defendants. If defendants oppose the amendment, plaintiffs are granted leave to move to amend along the lines they suggest, anticipating, as does their letter, defendants' futility argument. Ordered by Judge Brian M. Cogan on 7/12/2013. (Weisberg, Peggy) (Entered: 07/12/2013)
07/24/2013	<u>66</u>	Letter in Joint Submission Regarding Parties' Proposed Schedule by Catholic Charities of the Diocese of Rockville Centre, Catholic Health Care System, Catholic Health Services of Long Island, Timothy Geithner, Roman Catholic Archdiocese of New York, Roman Catholic Diocese of Rockville Centre, New York, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury (Smith, Patrick) (Entered: 07/24/2013)
07/25/2013	<u>67</u>	ORDER: re <u>66</u> . The schedule is approved, with the understanding that the Court cannot commit to meet the parties' preferred schedule for a decision, although it will attempt to. In addition, the Court assumes that neither party is requesting an evidentiary hearing or discovery on the preliminary injunction motion and both parties consent to the determination of that motion on the papers that will be submitted. Finally, it seems that defendants' pending motion for reconsideration should be denied as moot, without prejudice to challenging standing (or raising any other available defenses) under the amended complaint in their motion to dismiss or for summary judgment. If that is not the case, defendants should advise the Court now. Ordered by Judge Brian M. Cogan on 7/25/2013. (Siegfried, Evan) (Entered: 07/25/2013)
07/25/2013	<u>68</u>	Letter by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury (Berwick, Benjamin) (Entered: 07/25/2013)
07/25/2013		ORDER denying <u>41</u> Motion for Reconsideration as moot without prejudice. Ordered by Judge Brian M. Cogan on 7/25/2013. (Weisberg, Peggy) (Entered: 07/25/2013)
08/14/2013	<u>69</u>	AMENDED COMPLAINT against All Defendants, filed by Roman Catholic Diocese of Rockville Centre, New York, Catholic Health Services of Long Island, Roman Catholic Archdiocese of New York, Catholic Health Care System, Cardinal Spellman High School, Monsignor Farrell High School. (Geremia, Todd) (Entered: 08/14/2013)
08/14/2013	<u>70</u>	Corporate Disclosure Statement by Cardinal Spellman High School (Geremia, Todd) (Entered: 08/14/2013)
08/14/2013	<u>71</u>	Corporate Disclosure Statement by Monsignor Farrell High School (Geremia, Todd) (Entered: 08/14/2013)
08/14/2013	<u>72</u>	Notice of MOTION for Preliminary Injunction by Cardinal Spellman High School, Catholic Health Care System, Catholic Health Services of Long Island, Monsignor Farrell High School, Roman Catholic Archdiocese of New York, Roman Catholic Diocese of Rockville Centre, New York. (Geremia, Todd) (Entered: 08/14/2013)
08/14/2013	<u>73</u>	MEMORANDUM in Support re <u>72</u> Notice of MOTION for Preliminary Injunction filed by Cardinal Spellman High School, Catholic Health Care System, Catholic Health Services of Long Island, Monsignor Farrell High School, Roman Catholic Archdiocese of New York, Roman Catholic Diocese of Rockville Centre, New York. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F) (Geremia, Todd) (Entered: 08/14/2013)

08/14/2013	<u>74</u>	AFFIDAVIT/DECLARATION in Support re <u>72</u> Notice of MOTION for Preliminary Injunction filed by Cardinal Spellman High School, Catholic Health Care System, Catholic Health Services of Long Island, Monsignor Farrell High School, Roman Catholic Archdiocese of New York, Roman Catholic Diocese of Rockville Centre, New York. (Attachments: # <u>1</u> Exhibit 1) (Geremia, Todd) (Entered: 08/14/2013)
08/28/2013	<u>75</u>	Letter by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury (Berwick, Benjamin) (Entered: 08/28/2013)
08/28/2013	<u>76</u>	Joint MOTION for Leave to File Excess Pages by Cardinal Spellman High School, Catholic Charities of the Diocese of Rockville Centre, Catholic Health Care System, Catholic Health Services of Long Island, Timothy Geithner, Monsignor Farrell High School, Roman Catholic Archdiocese of New York, Roman Catholic Diocese of Rockville Centre, New York, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury. (Berwick, Benjamin) (Entered: 08/28/2013)
08/28/2013		ORDER re <u>75</u> Letter filed by defendants. The request not to file the entire administrative record on line is granted in part. Defendants shall file a CD Rom containing the record with the Clerk and courtesy copy of the CD-Rom shall be delivered to Chambers. In addition, defendants shall confer with plaintiffs and file on ECF an Appendix containing all materials cited by either party in their briefs. If the timing of filing the briefs requires it, a supplemental appendix or appendices shall be filed on ECF so that all citations to the administrative record contained in the briefs are online. Each appendix or supplemental appendix shall have a table of contents and each page shall be numbered consecutively. In other words, do what you would do with a record on appeal. Ordered by Judge Brian M. Cogan on 8/28/2013. (Cogan, Brian) (Entered: 08/28/2013)
08/30/2013	<u>77</u>	NOTICE by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury of <i>Filing of Administrative Record</i> (Attachments: # <u>1</u> Exhibit Certification of Administrative Record, # <u>2</u> Exhibit Index of Administrative Record) (Berwick, Benjamin) (Entered: 08/30/2013)
08/30/2013		ORDER granting <u>76</u> Joint Motion for Leave to File Excess Pages. Ordered by Judge Brian M. Cogan on 8/28/2013. (Clarke, Melonie) (Entered: 08/30/2013)
09/11/2013	<u>78</u>	Letter <i>requesting clarification regarding appendix</i> by Cardinal Spellman High School, Catholic Health Care System, Catholic Health Services of Long Island, Timothy Geithner, Monsignor Farrell High School, Roman Catholic Archdiocese of New York, Roman Catholic Diocese of Rockville Centre, New York, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury (Attachments: # <u>1</u> Exhibit A) (Rosselot, Julie) (Entered: 09/11/2013)
09/11/2013		ORDER re <u>78</u> Joint Letter. Defendants' interpretation of the Order is correct in context, but since plaintiffs' approach will make it easier for the Court, the Court adopts plaintiffs' approach, which is of course without prejudice to defendants' contention that materials outside the administrative record should not be considered. Ordered by Judge Brian M. Cogan on 9/11/2013. (Cogan, Brian) (Entered: 09/11/2013)
09/11/2013	<u>79</u>	MEMORANDUM in Opposition re <u>72</u> Notice of MOTION for Preliminary Injunction filed by All Defendants. (Berwick, Benjamin) (Entered: 09/11/2013)
09/11/2013	<u>80</u>	Motion to Dismiss for Failure to State a Claim <i>or, in the Alternative, for Summary Judgment</i> by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Rule 56.1 Statement) (Berwick, Benjamin) (Entered: 09/11/2013)
09/11/2013	<u>81</u>	NOTICE by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury of <i>Filing of Joint Appendix</i> (Attachments: # <u>1</u> Appendix Part 1 (Pages 1-609), # <u>2</u> Appendix Part 2 (Pages 610-1100)) (Berwick, Benjamin) (Entered: 09/11/2013)

09/13/2013	<u>82</u>	Corporate Disclosure Statement by American Civil Liberties Union Foundation (Lee, Jennifer) (Entered: 09/13/2013)
09/13/2013	<u>83</u>	MOTION for Leave to File <i>Amicus Curiae Brief</i> by American Civil Liberties Union Foundation. (Attachments: # <u>1</u> Memorandum in Support Memorandum in Support of Motion for Leave to Participate as Amici Curiae, # <u>2</u> Affidavit in Support Affirmation of Jennifer Lee, # <u>3</u> Memorandum in Opposition Amicus Curiae Brief, # <u>4</u> Proposed Judgment Proposed Order) (Lee, Jennifer) (Entered: 09/13/2013)
09/23/2013	<u>84</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 25, receipt number 0207-6447940. by American Civil Liberties Union Foundation. (Attachments: # <u>1</u> Affidavit in Support Affidavit of Daniel Mach in Support of Motion to Admit Counsel Pro Hac Vice, # <u>2</u> Proposed Order) (Lee, Jennifer) (Entered: 09/23/2013)
09/23/2013		ORDER granting <u>84</u> Motion for Daniel Mach to appear Pro Hac Vice as counsel for amici curiae, The American Civil Liberties Union Foundation and the New York Civil Liberties Union Foundation. Ordered by Judge Brian M. Cogan on 9/23/2013. (Weisberg, Peggy) (Entered: 09/23/2013)
09/25/2013	<u>85</u>	MOTION for Summary Judgment by Cardinal Spellman High School, Catholic Charities of the Diocese of Rockville Centre, Catholic Health Care System, Catholic Health Services of Long Island, Monsignor Farrell High School, Roman Catholic Archdiocese of New York, Roman Catholic Diocese of Rockville Centre, New York. (Geremia, Todd) (Entered: 09/25/2013)
09/25/2013	<u>86</u>	RULE 56.1 STATEMENT re <u>85</u> MOTION for Summary Judgment filed by Cardinal Spellman High School, Catholic Charities of the Diocese of Rockville Centre, Catholic Health Care System, Catholic Health Services of Long Island, Monsignor Farrell High School, Roman Catholic Archdiocese of New York, Roman Catholic Diocese of Rockville Centre, New York. (Geremia, Todd) (Entered: 09/25/2013)
09/25/2013	<u>87</u>	RULE 56.1 STATEMENT re <u>80</u> Motion to Dismiss for Failure to State a Claim <i>or, in the Alternative, for Summary Judgment Response to Defendants' Rule 56.1 Statement</i> filed by All Plaintiffs. (Geremia, Todd) (Entered: 09/25/2013)
09/26/2013	<u>88</u>	MEMORANDUM in Support re <u>72</u> Notice of MOTION for Preliminary Injunction , <u>85</u> MOTION for Summary Judgment <i>and In Opposition to Defendants' Motion for Summary Judgment</i> filed by All Plaintiffs. (Geremia, Todd) (Entered: 09/26/2013)
09/26/2013	<u>89</u>	NOTICE by Cardinal Spellman High School, Catholic Health Care System, Catholic Health Services of Long Island, Monsignor Farrell High School, Roman Catholic Archdiocese of New York re <u>88</u> Memorandum in Support of <i>Filing of Supplemental Appendix Vol. I</i> (Geremia, Todd) (Entered: 09/26/2013)
09/26/2013	<u>90</u>	NOTICE by Cardinal Spellman High School, Catholic Health Care System, Catholic Health Services of Long Island, Monsignor Farrell High School, Roman Catholic Archdiocese of New York re <u>88</u> Memorandum in Support of <i>Filing of Supplemental Appendix Vol. II</i> (Geremia, Todd) (Entered: 09/26/2013)
09/26/2013	<u>91</u>	NOTICE by Cardinal Spellman High School, Catholic Health Care System, Catholic Health Services of Long Island, Monsignor Farrell High School, Roman Catholic Archdiocese of New York re <u>88</u> Memorandum in Support of <i>Filing of Supplemental Appendix Vol. III</i> (Geremia, Todd) (Entered: 09/26/2013)
09/26/2013	<u>92</u>	NOTICE by Cardinal Spellman High School, Catholic Health Care System, Catholic Health Services of Long Island, Monsignor Farrell High School, Roman Catholic Archdiocese of New York of <i>Filing of Supplemental Appendix Vol. IV</i> (Geremia, Todd) (Entered: 09/26/2013)
09/26/2013	<u>93</u>	NOTICE by Cardinal Spellman High School, Catholic Health Care System, Catholic Health Services of Long Island, Monsignor Farrell High School, Roman Catholic Archdiocese of New York of <i>Filing of Supplemental Appendix Vol. V</i> (Geremia, Todd) (Entered: 09/26/2013)
09/26/2013	<u>94</u>	NOTICE by Cardinal Spellman High School, Catholic Health Care System, Catholic Health Services of Long Island, Monsignor Farrell High School, Roman Catholic Archdiocese of New York of <i>filing Corrected Supplemental Appendix Index (Vol. I)</i> (Gorla, Julie) (Entered: 09/26/2013)

10/01/2013	<u>95</u>	Letter MOTION to Stay <i>All Briefing Deadlines Pending Restoration of Appropriations</i> by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury. (Berwick, Benjamin) (Entered: 10/01/2013)
10/01/2013	<u>96</u>	Letter <i>Response to Motion to Stay</i> by Cardinal Spellman High School, Catholic Health Care System, Catholic Health Services of Long Island, Monsignor Farrell High School, Roman Catholic Archdiocese of New York, Roman Catholic Diocese of Rockville Centre, New York (Geremia, Todd) (Entered: 10/01/2013)
10/04/2013		ORDER granting <u>83</u> Motion for leave to file Amicus Curiae Brief and <u>95</u> Motion to Stay All Briefing Deadlines Pending Restoration of Appropriations. The ACLU is granted leave to file its brief as Amicus Curiae. All outstanding briefing deadlines are hereby stayed until appropriations are restored. Plaintiffs' motion for a preliminary injunction at <u>72</u> is fully briefed and thus not subject to this Order. Ordered by Judge Brian M. Cogan on 10/4/2013. (Weisberg, Peggy) (Entered: 10/04/2013)
10/07/2013	<u>97</u>	NOTICE by American Civil Liberties Union Foundation <i>Brief of Amici Curiae ACLU and NYCLU in Opposition to Plaintiffs' Motion for Preliminary Injunction and in Support of Defendants' Motion to Dismiss or, in the Alternative, for Summary Judgment</i> (Lee, Jennifer) (Entered: 10/07/2013)
10/17/2013	<u>98</u>	Letter <i>Regarding Restoration of Appropriations</i> by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury (Berwick, Benjamin) (Entered: 10/17/2013)
10/18/2013		ORDER re <u>98</u> Letter. The revised briefing schedule proposed by the parties is acceptable. However, since both sides intend to move for summary judgment, they might consider whether to use their Local Rule 56.1 statements, either separately or combined upon consultation, as a basis for a submitted trial on stipulated facts (reserving their right to argue that certain stipulated facts, though true, are not relevant or material). In other words, the Court could deem the submissions on their motions for summary judgment to constitute a trial on stipulated facts, thus eliminating some procedural issues that might arise in the context of motions for summary judgment, but the Court would of course only do that if the parties mutually agree to it. The parties need not notify the Court if they want to do this until after submission of the final set of papers; the Court will assume they do not mutually agree unless it hears otherwise. Ordered by Judge Brian M. Cogan on 10/18/2013. (Weisberg, Peggy) (Entered: 10/18/2013)
11/01/2013	<u>99</u>	MEMORANDUM in Opposition re <u>85</u> MOTION for Summary Judgment filed by All Defendants. (Attachments: # <u>1</u> Rule 56.1 Statement Response) (Berwick, Benjamin) (Entered: 11/01/2013)
11/01/2013	<u>100</u>	REPLY in Support re <u>80</u> Motion to Dismiss for Failure to State a Claim <i>or, in the Alternative, for Summary Judgment</i> filed by All Defendants. (Berwick, Benjamin) (Entered: 11/01/2013)
11/15/2013	<u>101</u>	REPLY in Support re <u>85</u> MOTION for Summary Judgment filed by All Plaintiffs. (Gorla, Julie) (Entered: 11/15/2013)
11/15/2013	<u>102</u>	AFFIDAVIT/DECLARATION in Support re <u>85</u> MOTION for Summary Judgment of <i>Bishop Gerald Walsh</i> filed by Roman Catholic Archdiocese of New York. (Gorla, Julie) (Entered: 11/15/2013)
11/15/2013	<u>103</u>	AFFIDAVIT/DECLARATION in Support re <u>85</u> MOTION for Summary Judgment of <i>Most Reverend Robert J. Brennan</i> filed by Roman Catholic Diocese of Rockville Centre, New York. (Gorla, Julie) (Entered: 11/15/2013)
11/15/2013	<u>104</u>	AFFIDAVIT/DECLARATION in Support re <u>85</u> MOTION for Summary Judgment of <i>Monsignor Gregory Mustaciuolo</i> filed by Catholic Health Care System. (Gorla, Julie) (Entered: 11/15/2013)
11/15/2013	<u>105</u>	AFFIDAVIT/DECLARATION in Support re <u>85</u> MOTION for Summary Judgment of <i>Richard J.J. Sullivan, Jr.</i> filed by Catholic Health Services of Long Island. (Gorla, Julie) (Entered: 11/15/2013)

11/15/2013	<u>106</u>	AFFIDAVIT/DECLARATION in Support re <u>85</u> MOTION for Summary Judgment of <i>Father Trevor Nicholls</i> filed by Cardinal Spellman High School. (Gorla, Julie) (Entered: 11/15/2013)
11/15/2013	<u>107</u>	AFFIDAVIT/DECLARATION in Support re <u>85</u> MOTION for Summary Judgment of <i>Monsignor Edmund J. Whalen</i> filed by Monsignor Farrell High School. (Gorla, Julie) (Entered: 11/15/2013)
11/18/2013	<u>108</u>	Letter MOTION for Leave to File <i>Sur-Reply and Motion to Dismiss</i> by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury. (Berwick, Benjamin) (Entered: 11/18/2013)
11/18/2013	<u>109</u>	RESPONSE to Motion re <u>108</u> Letter MOTION for Leave to File <i>Sur-Reply and Motion to Dismiss</i> filed by All Plaintiffs. (Geremia, Todd) (Entered: 11/18/2013)
11/19/2013		ORDER granting in part defendants' <u>108</u> Motion for Leave to File <i>Sur-Reply</i> . Defendants' brief, of no more than three pages, will be filed by 11/22/2013; plaintiffs' three page response to the <i>sur-reply</i> is due 11/27/2013. Because defendants state that they do not wish to brief the issue, the Court deems defendants' letter as amending their motion to dismiss to apply the standing arguments from their Reply to plaintiffs ArchCare and CHSLI. Ordered by Judge Brian M. Cogan on 11/19/2013. (Weisberg, Peggy) (Entered: 11/19/2013)
11/22/2013	<u>110</u>	NOTICE by Cardinal Spellman High School, Catholic Health Care System, Catholic Health Services of Long Island, Monsignor Farrell High School, Roman Catholic Archdiocese of New York of <i>Supplemental Authority</i> (Geremia, Todd) (Entered: 11/22/2013)
11/22/2013	<u>111</u>	REPLY in Opposition re <u>85</u> MOTION for Summary Judgment , REPLY in Support re <u>80</u> Motion to Dismiss for Failure to State a Claim <i>or, in the Alternative, for Summary Judgment</i> filed by All Defendants. (Berwick, Benjamin) (Entered: 11/22/2013)
11/26/2013	<u>112</u>	REPLY in Support re <u>85</u> MOTION for Summary Judgment , REPLY in Opposition re <u>80</u> Motion to Dismiss for Failure to State a Claim <i>or, in the Alternative, for Summary Judgment , RESPONSE to Defendants' Sur-Reply</i> , filed by All Plaintiffs. (Geremia, Todd) (Entered: 11/26/2013)
12/05/2013	<u>113</u>	NOTICE by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury re <u>110</u> Notice(Other) <i>Response to Plaintiffs' Notice of Supplemental Authority</i> (Berwick, Benjamin) (Entered: 12/05/2013)
12/10/2013	<u>114</u>	Letter <i>Requesting Temporary Restraining Order</i> by Cardinal Spellman High School, Catholic Health Care System, Catholic Health Services of Long Island, Roman Catholic Archdiocese of New York, Roman Catholic Diocese of Rockville Centre, New York (Geremia, Todd) (Entered: 12/10/2013)
12/11/2013	<u>115</u>	Letter <i>Defendants' Response to Plaintiffs' Request for Temporary Restraining Order</i> by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury (Berwick, Benjamin) (Entered: 12/11/2013)
12/16/2013	<u>116</u>	<b>MEMORANDUM DECISION AND ORDER</b> granting in part and denying in part <u>80</u> <u>85</u> Motions for Summary Judgment. Ordered by Judge Brian M. Cogan on 12/16/2013. (Cogan, Brian) (Entered: 12/16/2013)
12/16/2013	<u>117</u>	<b>FINAL JUDGMENT AND INJUNCTION.</b> Ordered by Judge Brian M. Cogan on 12/16/2013. (Cogan, Brian) (Entered: 12/16/2013)
02/11/2014	<u>118</u>	NOTICE OF APPEAL <u>116</u> Memo and Order <u>117</u> Judgment by Timothy Geithner, Kathleen Sebelius, Hilda Solis, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of Treasury. Service done electronically. (Berwick, Benjamin) Modified on 2/12/2014 (McGee, Mary Ann). (Entered: 02/11/2014)
02/12/2014		Electronic Index to Record on Appeal sent to US Court of Appeals. <u>118</u> Notice of Appeal, Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be



		made available to you. (McGee, Mary Ann) (Entered: 02/12/2014)
03/28/2014		NOTICE re <u>118</u> Notice of Appeal. Case Manger at USCA contacted Attorney Julie Gorla, requesting that the District Court note on the Docket Sheet revisions pertaining to Roman Catholic Diocese of Rockville Center. The Amended Complaint filed on 8/14/2013, Doc. 69, names this party as a plaintiff again. The date of the revision 3/13/14 and confirmation of action was pursuant to Docketing Supervisor for EDNY. (McGee, Mary Ann) (Entered: 03/28/2014)
07/30/2015	<u>119</u>	NOTICE of Appearance by Emily S. Newton on behalf of All Defendants (aty to be noticed) (Newton, Emily) (Entered: 07/30/2015)
09/11/2015	<u>120</u>	MANDATE of USCA as to <u>118</u> Notice of Appeal, filed by U.S. Department of Treasury, Hilda Solis, Kathleen Sebelius, Timothy Geithner, U.S. Department of Labor, U.S. Department of Health and Human Services. IT IS HEREBY ORDERED, ADJUDGED and DECREED that the judgment of the District Court is REVERSED in relevant part. Issued as Mandate: 9/11/15. (McGee, Mary Ann) (Entered: 09/11/2015)
09/14/2015	<u>121</u>	ORDER of USCA as to <u>118</u> Notice of Appeal, filed by U.S. Department of Treasury, Hilda Solis, Kathleen Sebelius, Timothy Geithner, U.S. Department of Labor, U.S. Department of Health and Human Services A mandate issued in error on in the above-referenced case. IT IS HEREBY ORDERED that the mandate in this case is recalled. Certified Copy issued: 9/14/15. (McGee, Mary Ann) (Entered: 09/14/2015)
10/17/2017	<u>122</u>	MANDATE of USCA as to <u>118</u> Notice of Appeal, filed by U.S. Department of Treasury, Hilda Solis, Kathleen Sebelius, Timothy Geithner, U.S. Department of Labor, U.S. Department of Health and Human Services The parties in the above-referenced case have filed a stipulation withdrawing this appeal pursuant to FRAP 42. The stipulation is hereby "So Ordered". Issued as Mandate: 10/17/17. USCA #14-427. (McGee, Mary Ann) (Entered: 10/17/2017)
10/19/2017		Civil Case Terminated. Ordered by Judge Brian M. Cogan on 10/19/2017. (Cogan, Brian) (Entered: 10/19/2017)