

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:09-cv-11156-JLT**

Commonwealth of Massachusetts v. United States Department of Health and Human Services et al
Assigned to: Judge Joseph L. Tauro
related Case: 1:09-cv-10309-JLT
Case in other court: First Circuit, 10-02204
Supreme Court, 12-00015
Supreme Court, 12-00097
Cause: 28:1331 Fed. Question

Date Filed: 07/08/2009
Date Terminated: 08/12/2010
Jury Demand: None
Nature of Suit: 950 Constitutional – State Statute
Jurisdiction: Federal Question

Plaintiff

Commonwealth of Massachusetts

represented by **Christopher K. Barry-Smith**
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V.

Defendant

**United States Department of Health
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Defendant

Kathleen Sebelius
*in her official capacity as the Secretary of
the United States Department of Health
and Human Services*

represented by **Christopher R. Hall**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Steven Y. Bressler
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Defendant

**United States Department of Veterans
Affairs**

represented by **Christopher R. Hall**
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Steven Y. Bressler
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Defendant

Eric K. Shinseki
*in his official capacity as the Secretary of
the United States Department of Veterans
Affairs*

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Steven Y. Bressler
 (See above for address)
TERMINATED: 05/03/2010
LEAD ATTORNEY
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Defendant

United States of America

represented by **Christopher R. Hall**
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Steven Y. Bressler
 (See above for address)
TERMINATED: 05/03/2010
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Intervenor Defendant

Representative Lamar Smith
TERMINATED: 01/19/2011

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Movant

Mark Thomas
TERMINATED: 06/16/2010

represented by **Mark Thomas**
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 PRO SE

Date Filed	#	Docket Text
07/08/2009	<u>1</u>	COMPLAINT <i>Payment will be delivered</i> against all defendants, filed by Commonwealth of Massachusetts. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Civil Cover Sheet, # <u>6</u> Civil Cover Sheet)(Miller, Jonathan) (Entered: 07/08/2009)
07/08/2009		ELECTRONIC NOTICE of Case Assignment. Judge Joseph L. Tauro assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Robert B. Collings (Cummings, Mary) (Entered: 07/08/2009)
07/08/2009	<u>2</u>	General Order 09-1, dated January 6, 2009 regarding the E-Government Act and Personal Identifiers entered. (Cummings, Mary) (Entered: 07/08/2009)
07/08/2009	<u>3</u>	Summons Issued as to United States Department of Health and Human Services, Kathleen Sebelius, United States Department of Veterans Affairs, Eric K. Shinseki, United States of America. Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (Cummings, Mary) (Entered: 07/08/2009)
07/08/2009		Letter sent to Attorney David Friedman advising of inactive status in the Bar of this Court. Notice, reregistration and ECF application included. (Abaid, Kimberly) (Entered: 07/08/2009)

07/09/2009		Filing fee/payment: \$ 350.00, receipt number BST011613 for <u>1</u> Complaint (Russo, Patricia) (Entered: 07/09/2009)
09/02/2009	<u>4</u>	NOTICE of Appearance by Steven Y. Bressler on behalf of United States Department of Health and Human Services, Kathleen Sebelius, United States Department of Veterans Affairs, Eric K. Shinseki, United States of America (Bressler, Steven) (Entered: 09/02/2009)
09/04/2009	<u>5</u>	SUMMONS Returned Executed by Commonwealth of Massachusetts. United States Department of Health and Human Services served on 8/13/2009, answer due 10/13/2009. (Miller, Jonathan) (Entered: 09/04/2009)
09/04/2009	<u>6</u>	SUMMONS Returned Executed by Commonwealth of Massachusetts. Kathleen Sebelius served on 8/13/2009, answer due 10/13/2009. (Miller, Jonathan) (Entered: 09/04/2009)
09/04/2009	<u>7</u>	SUMMONS Returned Executed by Commonwealth of Massachusetts. United States Department of Veterans Affairs served on 8/13/2009, answer due 10/13/2009. (Miller, Jonathan) (Entered: 09/04/2009)
09/04/2009	<u>8</u>	SUMMONS Returned Executed by Commonwealth of Massachusetts. Eric K. Shinseki served on 8/13/2009, answer due 10/13/2009. (Miller, Jonathan) (Entered: 09/04/2009)
09/04/2009	<u>9</u>	SUMMONS Returned Executed by Commonwealth of Massachusetts. United States of America served on 8/13/2009, answer due 10/13/2009. (Miller, Jonathan) (Entered: 09/04/2009)
09/17/2009	<u>10</u>	MOTION to Intervene or MOTION for Leave to File Amicus Brief (Responses due by 10/1/2009) by Mark Thomas.(Abaid, Kimberly) (Entered: 09/17/2009)
09/17/2009	<u>11</u>	AFFIDAVIT by Mark Thomas. (Abaid, Kimberly) (Entered: 09/17/2009)
10/01/2009	<u>12</u>	RESPONSE to Motion re <u>10</u> MOTION to Intervene MOTION for Leave to File filed by Commonwealth of Massachusetts. (Attachments: # <u>1</u> Exhibit)(Miller, Jonathan) (Entered: 10/01/2009)
10/01/2009	<u>13</u>	RESPONSE to Motion re <u>10</u> MOTION to Intervene MOTION for Leave to File filed by United States Department of Health and Human Services, Kathleen Sebelius, United States Department of Veterans Affairs, Eric K. Shinseki, United States of America. (Bressler, Steven) (Entered: 10/01/2009)
10/07/2009	<u>14</u>	Assented to MOTION for Extension of Time to October 30, 2009 to Respond to Plaintiff's Complaint by United States Department of Health and Human Services, Kathleen Sebelius, United States Department of Veterans Affairs, Eric K. Shinseki, United States of America.(Bressler, Steven) (Entered: 10/07/2009)
10/08/2009	<u>15</u>	MOTION for Leave to Clarify Motion of September 17, 2009 by Mark Thomas.(Abaid, Kimberly) (Entered: 10/08/2009)
10/09/2009		Judge Joseph L. Tauro: Electronic ORDER entered granting <u>14</u> Motion for Extension of Time (Lovett, Zita) (Entered: 10/09/2009)
10/30/2009	<u>16</u>	MOTION to Dismiss by United States Department of Health and Human Services, Kathleen Sebelius, United States Department of Veterans Affairs, Eric K. Shinseki, United States of America.(Bressler, Steven) (Entered: 10/30/2009)
10/30/2009	<u>17</u>	MEMORANDUM in Support re <u>16</u> MOTION to Dismiss filed by United States Department of Health and Human Services, Kathleen Sebelius, United States Department of Veterans Affairs, Eric K. Shinseki, United States of America. (Bressler, Steven) (Entered: 10/30/2009)
10/30/2009	<u>18</u>	Assented to MOTION for Leave to File Excess Pages in <i>Defendants' Memorandum of Law in Support of Defendants' Motion to Dismiss (Docket Entry No. 17)</i> by United States Department of Health and Human Services, Kathleen Sebelius, United States Department of Veterans Affairs, Eric K. Shinseki, United States of America.(Bressler, Steven) (Entered: 10/30/2009)

11/02/2009	<u>19</u>	Letter from Maura T. Healey. (Abaid, Kimberly) (Entered: 11/03/2009)
11/17/2009	<u>20</u>	STIPULATION <i>And Proposed Order Regarding Schedule</i> by Commonwealth of Massachusetts. (Healey, Maura) (Entered: 11/17/2009)
11/19/2009	<u>21</u>	Judge Joseph L. Tauro: ENDORSEMENT re <u>20</u> Stipulation filed by Commonwealth of Massachusetts – APPROVED AND SO ORDERED. (Abaid, Kimberly) (Entered: 11/19/2009)
11/19/2009		Set/Reset Deadlines as to <u>16</u> MOTION to Dismiss. Responses due by 2/1/2010 Replies due by 3/29/2010. (Abaid, Kimberly) (Entered: 11/19/2009)
01/26/2010	<u>22</u>	NOTICE of Withdrawal of Appearance for David Friedman (Miller, Jonathan) Modified on 1/26/2010 (Abaid, Kimberly). (Entered: 01/26/2010)
01/29/2010	<u>23</u>	Assented to MOTION for Extension of Time to Respond to Defendants' Motion to Dismiss to February 18, 2010 by Commonwealth of Massachusetts. (Attachments: # <u>1</u> Exhibit)(Miller, Jonathan) (Entered: 01/29/2010)
01/29/2010		Judge Joseph L. Tauro: Electronic ORDER entered granting <u>23</u> Motion for Extension of Time to respond to February 18, 2010. (Lovett, Zita) (Entered: 01/29/2010)
01/29/2010		Judge Joseph L. Tauro: Electronic ORDER entered finding as moot <u>18</u> Motion for Leave to File Excess Pages (Lovett, Zita) (Entered: 01/29/2010)
02/01/2010		Set/Reset Deadlines as to <u>16</u> MOTION to Dismiss. Responses due by 2/18/2010 (Johnson, Jay) (Entered: 02/01/2010)
02/11/2010	<u>24</u>	MOTION to Intervene and File Motion to Dismiss by Mark Thomas.(Abaid, Kimberly) (Entered: 02/12/2010)
02/17/2010	<u>25</u>	MOTION for Leave to File Excess Pages <i>for Memorandum of Law in Opposition to Defendants' Motion to Dismiss and in Support of Plaintiff's Motion for Summary Judgment</i> by Commonwealth of Massachusetts.(Miller, Jonathan) (Entered: 02/17/2010)
02/18/2010	<u>26</u>	MOTION for Summary Judgment by Commonwealth of Massachusetts.(Miller, Jonathan) (Entered: 02/18/2010)
02/18/2010	<u>27</u>	STATEMENT of facts re <u>26</u> MOTION for Summary Judgment. (Miller, Jonathan) (Entered: 02/18/2010)
02/18/2010	<u>28</u>	MEMORANDUM in Support re <u>26</u> MOTION for Summary Judgment filed by Commonwealth of Massachusetts. (Miller, Jonathan) (Entered: 02/18/2010)
02/18/2010	<u>29</u>	MEMORANDUM in Opposition re <u>16</u> MOTION to Dismiss filed by Commonwealth of Massachusetts. (Miller, Jonathan) (Entered: 02/18/2010)
02/18/2010	<u>30</u>	AFFIDAVIT of Robin Callahan re <u>26</u> MOTION for Summary Judgment by Commonwealth of Massachusetts. (Miller, Jonathan) (Entered: 02/18/2010)
02/18/2010	<u>31</u>	AFFIDAVIT of William Walls re <u>26</u> MOTION for Summary Judgment by Commonwealth of Massachusetts. (Miller, Jonathan) (Entered: 02/18/2010)
02/18/2010	<u>32</u>	AFFIDAVIT of Kevin McHugh re <u>26</u> MOTION for Summary Judgment by Commonwealth of Massachusetts. (Miller, Jonathan) (Entered: 02/18/2010)
02/18/2010	<u>33</u>	AFFIDAVIT of Dolores Mitchell re <u>26</u> MOTION for Summary Judgment by Commonwealth of Massachusetts. (Miller, Jonathan) (Entered: 02/18/2010)
02/18/2010	<u>34</u>	AFFIDAVIT of Stanley Nyberg re <u>26</u> MOTION for Summary Judgment by Commonwealth of Massachusetts. (Miller, Jonathan) (Entered: 02/18/2010)
02/18/2010	<u>35</u>	AFFIDAVIT of Michael Lamb re <u>26</u> MOTION for Summary Judgment by Commonwealth of Massachusetts. (Miller, Jonathan) (Entered: 02/18/2010)
02/18/2010	<u>36</u>	AFFIDAVIT of Gary Segura re <u>26</u> MOTION for Summary Judgment by Commonwealth of Massachusetts. (Miller, Jonathan) (Entered: 02/18/2010)

02/18/2010	<u>37</u>	AFFIDAVIT of Gregory Herek re <u>26</u> MOTION for Summary Judgment by Commonwealth of Massachusetts. (Miller, Jonathan) (Entered: 02/18/2010)
02/18/2010	<u>38</u>	AFFIDAVIT of George Chauncey re <u>26</u> MOTION for Summary Judgment by Commonwealth of Massachusetts. (Miller, Jonathan) (Entered: 02/18/2010)
02/18/2010	<u>39</u>	AFFIDAVIT of Nancy Cott re <u>26</u> MOTION for Summary Judgment by Commonwealth of Massachusetts. (Miller, Jonathan) (Entered: 02/18/2010)
02/18/2010	<u>40</u>	AFFIDAVIT of Jonathan Miller re <u>26</u> MOTION for Summary Judgment by Commonwealth of Massachusetts. (Miller, Jonathan) (Entered: 02/18/2010)
02/23/2010	<u>41</u>	RESPONSE to Motion re <u>24</u> MOTION to Intervene filed by Commonwealth of Massachusetts. (Healey, Maura) (Entered: 02/23/2010)
02/25/2010	<u>42</u>	RESPONSE to Motion re <u>24</u> MOTION to Intervene filed by United States Department of Health and Human Services, Kathleen Sebelius, United States Department of Veterans Affairs, Eric K. Shinseki, United States of America. (Bressler, Steven) (Entered: 02/25/2010)
03/04/2010	<u>43</u>	AFFIDAVIT of Robin Callahan re <u>26</u> MOTION for Summary Judgment (<i>with signature</i>) by Commonwealth of Massachusetts. (Miller, Jonathan) (Entered: 03/04/2010)
03/09/2010		ELECTRONIC NOTICE of Hearing :Motion Hearing set for 5/26/2010 02:15 PM in Courtroom 22 before Judge Joseph L. Tauro. (Lovett, Zita) (Entered: 03/09/2010)
03/24/2010		Judge Joseph L. Tauro: ELECTRONIC ORDER entered granting <u>10</u> Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Lovett, Zita) (Entered: 03/24/2010)
03/24/2010		Judge Joseph L. Tauro: ELECTRONIC ORDER entered granting <u>25</u> Motion for Leave to File Excess Pages ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Lovett, Zita) (Entered: 03/24/2010)
03/25/2010	<u>44</u>	MEMORANDUM in Support re <u>26</u> MOTION for Summary Judgment filed by Commonwealth of Massachusetts. (Miller, Jonathan) (Entered: 03/25/2010)
04/22/2010	<u>45</u>	Judge Joseph L. Tauro:ORDER entered. DENIED <u>10</u> Motion to Intervene or Motion for Leave to File Amicus Brief; DENIED <u>15</u> Motion for Leave to Clarify Motion of September 17, 2009; DENIED <u>24</u> Motion for Leave to Intervene and File a Motion to Dismiss. (Geraldino–Karasek, Clarilde) (Entered: 04/23/2010)
04/30/2010	<u>46</u>	NOTICE of Appearance by Christopher R. Hall on behalf of Kathleen Sebelius, Eric K. Shinseki, United States Department of Health and Human Services, United States Department of Veterans Affairs, United States of America (Hall, Christopher) (Entered: 04/30/2010)
04/30/2010	<u>47</u>	REPLY to Response to <u>16</u> MOTION to Dismiss <i>and Consolidated Memorandum in Opposition to Plaintiff's Motion for Summary Judgment</i> filed by Kathleen Sebelius, Eric K. Shinseki, United States Department of Health and Human Services, United States Department of Veterans Affairs, United States of America. (Attachments: # <u>1</u> Response to Plaintiff's Statement of Material Facts Not in Dispute)(Hall, Christopher) (Entered: 04/30/2010)
04/30/2010	<u>48</u>	Response by United States of America to <u>27</u> Statement of facts. (Abaid, Kimberly) (Entered: 05/03/2010)
05/18/2010	<u>49</u>	NOTICE of Appearance by Jessica M. Lindemann on behalf of Commonwealth of Massachusetts (Lindemann, Jessica) (Entered: 05/18/2010)

05/19/2010	<u>50</u>	REPLY to Response to <u>26</u> MOTION for Summary Judgment filed by Commonwealth of Massachusetts. (Miller, Jonathan) (Entered: 05/19/2010)
05/26/2010		ELECTRONIC Clerk's Notes for proceedings held before Judge Joseph L. Tauro: taking under advisement <u>26</u> Motion for Summary Judgment; taking under advisement <u>16</u> Motion to Dismiss; Motion Hearing held on 5/26/2010 re <u>16</u> MOTION to Dismiss filed by United States Department of Health and Human Services, Kathleen Sebelius, Eric K. Shinseki, United States of America, United States Department of Veterans Affairs, <u>26</u> MOTION for Summary Judgment filed by Commonwealth of Massachusetts. (Court Reporter: Helana Kline at 508-525-7769.)(Attorneys present: Healy,Miller,Lindeman,pltf;Hall,deft.) (Lovett, Zita) (Entered: 05/27/2010)
06/07/2010	<u>51</u>	Transcript of Motion Hearing held on May 26, 2010, before Judge Joseph L. Tauro. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Helena Kline at 508-525-7769 Redaction Request due 6/28/2010. Redacted Transcript Deadline set for 7/8/2010. Release of Transcript Restriction set for 9/7/2010. (Scalfani, Deborah) (Main Document 51 replaced on 6/9/2010) (Scalfani, Deborah). (Entered: 06/07/2010)
06/07/2010	<u>52</u>	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, a copy of which is attached to this entry.. (Scalfani, Deborah) (Entered: 06/07/2010)
06/14/2010	<u>53</u>	MOTION to Leave to Intervene and MOTION to Compel Ruling pursuant to 28 U.S.C.A. § 1652; Rule 24 (b) United States Constitution Article IV § 4 and 14th Amendment by Mark A. Thomas.(Geraldino-Karasek, Clarilde) (Entered: 06/15/2010)
06/16/2010	<u>54</u>	RESPONSE to Motion re <u>53</u> MOTION to Intervene filed by Commonwealth of Massachusetts. (Lindemann, Jessica) (Entered: 06/16/2010)
06/16/2010	<u>55</u>	Judge Joseph L. Tauro: ORDER entered DENIED IN PART and DENIED IN PART AS MOOT re <u>53</u> Motion to Leave to Intervene and Motion to Compel Ruling pursuant to 28 U.S.C.A. § 1652; Rule 24 (b) United States Constitution Article IV § 4 and 14th Amendment by Mark A. Thomas. (Geraldino-Karasek, Clarilde) (Entered: 06/16/2010)
06/24/2010	<u>56</u>	RESPONSE and AFFIDAVIT of Applicant-Intervenor filed by Mark Thomas re <u>55</u> . (Geraldino-Karasek, Clarilde) Modified to create document association on 6/25/2010 (Geraldino-Karasek, Clarilde). (Entered: 06/24/2010)
07/08/2010	<u>57</u>	Judge Joseph L. Tauro: ORDER entered. Defendant's Motion to Dismiss re 16 is DENIED and Plaintiff's Motion for Summary Judgment re 26 is ALLOWED. IT IS ORDERED. (Main Document 57 replaced to correct docket entry on 7/8/2010) (Geraldino-Karasek, Clarilde). (Entered: 07/08/2010)
07/08/2010	<u>58</u>	Judge Joseph L. Tauro: MEMORANDUM AND ORDER entered. Defendant's Motion to Dismiss re 16 is DENIED and Plaintiff's Motion for Summary Judgment re 26 is ALLOWED. AN ORDER HAS ISSUED.(Main Document 58 replaced on 7/8/2010 to correct docket entry) (Geraldino-Karasek, Clarilde). (Entered: 07/08/2010)
07/19/2010	<u>59</u>	MOTION for Leave to Intervene and MOTION to Amend, Revise, or Vacate Judgment pursuant to Rule 24 (b); Rule 59 (e) and 14th Amendment Due Process Clause by Mark Thomas.(Geraldino-Karasek, Clarilde) (Entered: 07/20/2010)
07/23/2010	<u>60</u>	Opposition re <u>59</u> MOTION for Leave to File filed by Commonwealth of Massachusetts. (Miller, Jonathan) (Entered: 07/23/2010)
07/26/2010	<u>61</u>	MOTION for Leave to File Clarifying Points of Law to Movant's Rule 24(b) and 59 (e) Motions by Mark Thomas.(Geraldino-Karasek, Clarilde) (Entered: 07/26/2010)
07/29/2010	<u>62</u>	Judge Joseph L. Tauro: ORDER entered. After reviewing the Parties' written submissions, this court hereby orders that: MOTION for Leave to Intervene and

		MOTION to Amend, Revise, or Vacate Judgment, re <u>59</u> IS DENIED and MOTION for Leave to File Clarifying Points of Law to Movant's Motion to Amend, Revise or Vacate Judgment re <u>61</u> IS DENIED. See Order for details. IT IS SO ORDERED. (Geraldino–Karasek, Clarilde) (Entered: 07/29/2010)
08/12/2010	<u>63</u>	Judge Joseph L. Tauro: JUDGMENT ORDER entered. (Geraldino–Karasek, Clarilde) (Entered: 08/12/2010)
08/12/2010		Civil Case Terminated. (Geraldino–Karasek, Clarilde) (Entered: 08/12/2010)
08/19/2010	<u>64</u>	Assented to MOTION to Stay re <u>63</u> Judgment <i>for Stay of Injunctive Relief Pending Appeal</i> by Kathleen Sebelius, Eric K. Shinseki, United States Department of Health and Human Services, United States Department of Veterans Affairs, United States of America. (Attachments: # <u>1</u> Text of Proposed Order)(Simpson, W.) (Entered: 08/19/2010)
08/24/2010	<u>65</u>	Judge Joseph L. Tauro: ORDER entered ALLOWED <u>64</u> Motion to Stay of Injunctive Relief Pending Appeal. (Geraldino–Karasek, Clarilde) (Entered: 08/25/2010)
08/24/2010	<u>66</u>	Judge Joseph L. Tauro: ORDER entered <u>64</u> . The Defendants' is GRANTED, and the injunctive relief entered as part of the judgment is this action is stayed pending the disposition of any appeal filed by the Defendants. (Geraldino–Karasek, Clarilde) (Entered: 08/25/2010)
10/05/2010	<u>67</u>	MOTION to Intervene by Lamar Smith. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Proposed Notice of Appeal)(Moran, Philip) (Entered: 10/05/2010)
10/05/2010	<u>68</u>	MEMORANDUM in Support re <u>67</u> MOTION to Intervene filed by Lamar Smith. (Moran, Philip) (Entered: 10/05/2010)
10/05/2010	<u>69</u>	NOTICE of Appearance by Philip D. Moran on behalf of Lamar Smith (Moran, Philip) (Entered: 10/05/2010)
10/05/2010	<u>70</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Brian W. Raum, Byron J. Babione, Dale Schowengerdt Filing fee: \$ 150, receipt number 0101–3096097 by Lamar Smith. (Attachments: # <u>1</u> Certificate of Brian W. Raum for Leave to Appear Pro Hac Vice, # <u>2</u> Certificate of Byron J. Babione for Leave to Appear Pro Hac Vice, # <u>3</u> Certificate of Dale Schowengerdt for Leave to Appear Pro Hac Vice, # <u>4</u> Proposed Order)(Moran, Philip) (Entered: 10/05/2010)
10/12/2010	<u>71</u>	<i>Defendants'</i> NOTICE OF APPEAL as to <u>63</u> Judgment, <u>57</u> Memorandum & ORDER, <u>58</u> Order, by Kathleen Sebelius, Eric K. Shinseki, United States Department of Health and Human Services, United States Department of Veterans Affairs, United States of America Fee Status: US Government. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Counsel shall register for a First Circuit CM/ECF Appellate Filer Account at http://pacer.psc.uscourts.gov/cmecf. Counsel shall also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at http://www.ca1.uscourts.gov/efiling.htm. US District Court Clerk to deliver official record to Court of Appeals by 11/1/2010. (Hall, Christopher) (Entered: 10/12/2010)
10/12/2010	<u>72</u>	Certified and Transmitted Abbreviated Electronic Record on Appeal to US Court of Appeals re <u>71</u> Notice of Appeal, (Ramos, Jeanette) (Entered: 10/12/2010)
10/13/2010		USCA Case Number 10–2204 for <u>71</u> Notice of Appeal, filed by United States Department of Health and Human Services, Kathleen Sebelius, Eric K. Shinseki, United States of America, United States Department of Veterans Affairs. (Ramos, Jeanette) (Entered: 10/13/2010)
10/18/2010	<u>73</u>	NOTICE of Withdrawal re <u>67</u> MOTION to Intervene by Lamar Smith (Moran, Philip) (Modified on 10/20/2010 to correct docket entry Geraldino–Karasek, Clarilde). (Entered: 10/18/2010) (Entered: 10/18/2010)

10/18/2010		E-Mail Notice re <u>73</u> originally issued on 10/18/2010 returned as undeliverable. Name of Addressee: Jessica Lindemann. The ECF Help Desk has contacted the law firm on record, who advised that the attorney is no longer employed by that firm. The attorneys email address has been removed from the database to prevent the return of additional undeliverable email notices. (Burgos, Sandra) (Entered: 10/18/2010)
01/19/2011		Judge Joseph L. Tauro: ELECTRONIC ORDER entered FINDING AS MOOT <u>67</u> Motion to Intervene; FINDING AS MOOT <u>70</u> Motion for Leave to Appear Pro Hac Vice pursuant to <u>73</u> Notice of Withdrawal Motion. (Geraldino-Karasek, Clarilde) (Entered: 01/19/2011)
07/07/2011	<u>74</u>	NOTICE of Withdrawal of Appearance by Jessica M. Lindemann (Lindemann, Jessica) (Entered: 07/07/2011)
05/31/2012	<u>75</u>	USCA Judgment as to <u>71</u> Notice of Appeal, filed by United States Department of Health and Human Services, Kathleen Sebelius, Eric K. Shinseki, United States of America, United States Department of Veterans Affairs. Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The judgment of the district court is affirmed. The mandate is stayed, maintaining the district court's stay of its injunctive judgment, pending further order of this court. The parties will bear their own costs on these appeals. Judgment issued in the USCA 5/31/2012 (Ramos, Jeanette) (Entered: 05/31/2012)
05/31/2012	<u>76</u>	OPINION of USCA as to <u>71</u> Notice of Appeal, filed by United States Department of Health and Human Services, Kathleen Sebelius, Eric K. Shinseki, United States of America, United States Department of Veterans Affairs. Opinion issued in the USCA 5/31/2012 (Ramos, Jeanette) (Entered: 05/31/2012)
07/09/2012	<u>77</u>	Case Appealed to Supreme Court, Case Number 12-15. The petition for a writ of certiorari in the above entitled case was filed on July 3, 2012. (Ramos, Jeanette) (Entered: 07/09/2012)
07/31/2012	<u>78</u>	Case Appealed to Supreme Court, Case Number 12-97. The petition for a writ of certiorari in the above entitled case was filed on July 20, 2012 (Ramos, Jeanette) (Entered: 07/31/2012)