

**U.S. District Court
District of Vermont (Rutland)
CIVIL DOCKET FOR CASE #: 5:11-cv-00017-cr**

Jimmo et al v. Health and Human Services Secretary
Assigned to: Chief Judge Christina Reiss
Cause: 42:1395 HHS: Adverse Reimbursement Review

Date Filed: 01/18/2011
Date Terminated: 01/25/2013
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: U.S. Government Defendant

Plaintiff

Glenda Jimmo
*on behalf of herself and all others
similarly situated*

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National Committee to Preserve Social Security and Medicare
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on behalf of themselves and all others similarly situated

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Plaintiff

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Plaintiff

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Plaintiff

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all others similarly situated
other
Mary Patricia Boitano's Revocable Trust

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Date Filed	#	Docket Text
01/18/2011	<u>1</u>	CLASS ACTION COMPLAINT for Declaratory, Injunctive and Mandamus Relief against Health and Human Services Secretary, Kathleen Sebelius filed by Glenda Jimmo, KR, Miriam Katz, Edith Masterman, Mary Patricia Boitano, National Committee to Preserve Social Security and Medicare, National Multiple Sclerosis Society, Parkinson's Action Network, Paralyzed Veterans of America, and American Academy of Physical Medicine and Rehabilitation. Summonses issued. (Attachments: # <u>1</u> Civil Cover Sheet)(pam) (Entered: 01/18/2011)
01/18/2011	<u>2</u>	MOTION to Seal Reference List by American Academy of Physical Medicine and Rehabilitation, Mary Patricia Boitano, Glenda Jimmo, KR, Miriam Katz, Edith Masterman, National Committee to Preserve Social Security and Medicare, National Multiple Sclerosis Society, Paralyzed Veterans of America, Parkinson's Action Network. (Attachments: # <u>1</u> Reference List)(Images are sealed) (pam) (Entered: 01/18/2011)
01/18/2011	<u>3</u>	MOTION for One Plaintiff to Proceed Under a Pseudonym by KR.(pam) (Entered: 01/18/2011)
01/18/2011	<u>4</u>	MOTION for Class Certification, MOTION for Appointment of Class Counsel by American Academy of Physical Medicine and Rehabilitation, Mary Patricia Boitano, Glenda Jimmo, KR, Miriam Katz, Edith Masterman, National Committee to Preserve Social Security and Medicare, National Multiple Sclerosis Society, Paralyzed Veterans of America, Parkinson's Action Network. (Attachments: # <u>1</u> Memorandum in Support)(pam) Text clarified on 1/19/2011 (jlh). (Entered: 01/18/2011)
01/18/2011	<u>5</u>	MOTION to File Oversized Brief in Support of <u>4</u> MOTION for Class Certification and MOTION for Appointment of Class Counsel by American Academy of Physical Medicine and Rehabilitation, Mary Patricia Boitano, Glenda Jimmo, KR, Miriam Katz, Edith Masterman, National Committee to Preserve Social Security and Medicare, National Multiple Sclerosis Society, Paralyzed Veterans of America, Parkinson's Action Network.(pam) (Entered: 01/18/2011)
01/31/2011	7	ORDER granting <u>5</u> Motion to Exceed Page Limit. Signed by Chief Judge Christina Reiss on 1/31/2011. (This is a text only Order.) (cle) (Entered: 01/31/2011)
02/02/2011	<u>8</u>	STIPULATED MOTION for Extension of Time to File Response/Reply as to <u>4</u> MOTION to Certify Class MOTION to Appoint Counsel, <u>3</u> MOTION for One Plaintiff to Proceed Under a Pseudonym by Health and Human Services Secretary. (Attachments: # <u>1</u> Certificate of Service)(Doyle, Kevin) (Entered: 02/02/2011)
02/04/2011	<u>9</u>	MOTION for Appearance Pro Hac Vice by American Academy of Physical Medicine and Rehabilitation, Mary Patricia Boitano, Glenda Jimmo, KR, Miriam Katz, Edith Masterman, National Committee to Preserve Social Security and Medicare, National Multiple Sclerosis Society, Paralyzed Veterans of America, Parkinson's Action Network. (Attachments: # <u>1</u> Affidavit of Judith Stein, # <u>2</u> Affidavit of Margaret Murphy, # <u>3</u> Affidavit of Nancy Gifford, # <u>4</u> Affidavit of Wey-Wey Kwok, # <u>5</u> Affidavit of Toby Edelman, # <u>6</u> Text of Proposed Order)(jlh) (Entered: 02/04/2011)
02/08/2011	10	ORDER granting <u>8</u> Motion for Extension of Time to File Response to pending motions. Signed by Chief Judge Christina Reiss on 2/3/2011. (This is a text only Order.) (cle) (Entered: 02/08/2011)

02/10/2011	<u>11</u>	ORDER granting <u>9</u> Motion for Admission Pro Hac Vice re: Judith A. Stein, Esq., Margaret Murphy, Esq., Nancy V. Gifford, Esq., Wey-Wey Kwok, Esq., and Toby S. Edelman, Esq. Signed by Chief Judge Christina Reiss on 2/8/2011. (This is a text only Order.) (cle) (Entered: 02/10/2011)
02/17/2011	<u>12</u>	MOTION for Admission of DOJ Trial Attorney Steven Bressler With Exemption From the Requirement That Applicant Be Admitted To Another Federal District Court by Health and Human Services Secretary. (Attachments: # <u>1</u> Declaration of Steven Bressler, # <u>2</u> Text of Proposed Order, # <u>3</u> Certificate of Service)(Doyle, Kevin) (Entered: 02/17/2011)
03/03/2011	<u>13</u>	AMENDED COMPLAINT against Health and Human Services Secretary filed by Paralyzed Veterans of America, American Academy of Physical Medicine and Rehabilitation, Miriam Katz, Parkinson's Action Network, Glenda Jimmo, KR, Mary Patricia Boitano, Edith Masterman, National Committee to Preserve Social Security and Medicare, National Multiple Sclerosis Society, Rosalie McGill, Alzheimer's Disease and Related Disorders Association, Inc., United Cerebral Palsy, Kenneth Roberts.(law) (Entered: 03/03/2011)
03/03/2011	<u>14</u>	MOTION to Certify Class, MOTION to Appoint Counsel by Alzheimer's Disease and Related Disorders Association, Inc., Rosalie McGill, United Cerebral Palsy. (Attachments: # <u>1</u> Memorandum in Support)(law) (Entered: 03/03/2011)
03/03/2011	<u>15</u>	MOTION to Seal Reference List re: <u>13</u> Amended Complaint by Alzheimer's Disease and Related Disorders Association, Inc., American Academy of Physical Medicine and Rehabilitation, Mary Patricia Boitano, Glenda Jimmo, KR, Miriam Katz, Edith Masterman, Rosalie McGill, National Committee to Preserve Social Security and Medicare, National Multiple Sclerosis Society, Paralyzed Veterans of America, Parkinson's Action Network, Kenneth Roberts, United Cerebral Palsy. (Attachments: # <u>1</u> Reference List (image is sealed))(law) (Entered: 03/03/2011)
03/04/2011	16	ORDER granting <u>15</u> Motion to Seal. Sealing relates to personal identifying information unrelated to the merits of the case. Signed by Chief Judge Christina Reiss on 3/4/2011. (This is a text only Order.) (cle) (Entered: 03/04/2011)
03/09/2011	17	ORDER granting <u>12</u> Motion for Admission of DOJ Trial Attorney Steven Bressler. Signed by Chief Judge Christina Reiss on 3/8/2011. (This is a text only Order.) (cle) (Entered: 03/09/2011)
03/10/2011	<u>18</u>	STIPULATED MOTION for Extension of Time to File Response/Reply as to <u>4</u> MOTION to Certify Class MOTION to Appoint Counsel, <u>14</u> MOTION to Certify Class MOTION to Appoint Counsel, <u>13</u> Amended Complaint, by Health and Human Services Secretary. (Attachments: # <u>1</u> Certificate of Service)(Doyle, Kevin) (Entered: 03/10/2011)
03/14/2011	19	ORDER granting <u>18</u> Motion for Extension of Time to File Response to <u>4</u> and <u>14</u> Motions to Certify Class and <u>13</u> Amended Complaint. Signed by Chief Judge Christina Reiss on 3/11/2011. (This is a text only Order.) (cle) (Entered: 03/14/2011)
03/18/2011	<u>20</u>	RESPONSE to <u>2</u> MOTION to Seal, <u>3</u> MOTION for One Plaintiff to Proceed Under a Pseudonym filed by Health and Human Services Secretary. (Bressler, Steven) (Entered: 03/18/2011)
03/22/2011	21	ORDER granting <u>3</u> Motion for One Plaintiff to Proceed Under a Pseudonym. Signed by Chief Judge Christina Reiss on 3/21/2011. (This is a text only Order.) (cle) (Entered: 03/22/2011)
03/23/2011	<u>22</u>	AFFIDAVIT of Service for summons and complaint served on Kathleen Sebelius on 1/19/2011 filed by Alzheimer's Disease and Related Disorders Association, Inc., American Academy of Physical Medicine and Rehabilitation, Mary Patricia Boitano, Glenda Jimmo, KR, Miriam Katz, Edith Masterman, Rosalie McGill, National Committee to Preserve Social Security and Medicare, National Multiple Sclerosis Society, Paralyzed Veterans of America, Parkinson's Action Network, Kenneth Roberts, United Cerebral Palsy. (Attachments: # <u>1</u> Certificate of Service)(Benvenuto, Michael) Date served corrected on 3/24/2011 (jlh). (Entered: 03/23/2011)

03/24/2011	<u>23</u>	NOTICE OF DOCKET ENTRY CORRECTION re: <u>22</u> Affidavit of Service. The document image has been broken apart and reattached to the docket. The corrected images are also attached to this entry. (Attachments: # <u>1</u> Return Receipts) (jlh) (Entered: 03/24/2011)
04/08/2011	<u>24</u>	UNOPPOSED MOTION for Leave to Exceed Page Limit re: Motion to Dismiss Amended Complaint by Health and Human Services Secretary.(Bressler, Steven) Text clarified on 4/11/2011 (jlh). (Entered: 04/08/2011)
04/11/2011	<u>25</u>	MOTION to Dismiss <i>the Amended Complaint for Lack of Subject Matter Jurisdiction or, in the Alternative, MOTION for Failure to State a Claim Upon Which Relief May Be Granted</i> by Health and Human Services Secretary. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2)(Bressler, Steven). Added MOTION relief on 6/8/2011 (jlh). (Entered: 04/11/2011)
04/11/2011	<u>26</u>	RESPONSE in Opposition re <u>4</u> MOTION to Certify Class MOTION to Appoint Counsel, <u>14</u> MOTION to Certify Class MOTION to Appoint Counsel filed by Health and Human Services Secretary. (Bressler, Steven) (Entered: 04/11/2011)
04/12/2011	27	ORDER granting <u>24</u> Motion to File Memorandum of Law in Excess of Page Limit. Signed by Chief Judge Christina Reiss on 4/12/2011. (This is a text only Order.) (cle) (Entered: 04/12/2011)
04/20/2011	<u>28</u>	UNOPPOSED MOTION for Extension of Time to File Response/Reply re: <u>4</u> Motion for Class Certification and for Appointment of Class Counsel and UNOPPOSED MOTION to Exceed Page Limit by Glenda Jimmo.(Deford, Gill). Added MOTION for Leave to Exceed Page Limit and link on 4/20/2011 (law). (Entered: 04/20/2011)
04/25/2011	29	ORDER granting <u>28</u> Unopposed Motion for Extension of Time to File Reply and Motion to Exceed Page Limit re: <u>4</u> Motion for Class Certification and for Appointment of Class Counsel . Signed by Chief Judge Christina Reiss on 4/25/2011. (This is a text only Order.) (cle) Link added on 4/26/2011 (law). (Entered: 04/25/2011)
05/13/2011	<u>30</u>	NOTICE of Hearing re: <u>25</u> MOTION to Dismiss <i>the Amended Complaint for Lack of Subject Matter Jurisdiction or, in the Alternative, for Failure to State a Claim Upon Which Relief May Be Granted</i> . Motion Hearing set for 7/14/2011 at 10:00 AM in Rutland Courtroom before Chief Judge Christina Reiss. (pam) (Entered: 05/13/2011)
05/16/2011	<u>31</u>	REPLY to Response to <u>4</u> MOTION to Certify Class MOTION to Appoint Counsel, <u>14</u> MOTION to Certify Class MOTION to Appoint Counsel <i>Reply Memorandum in Support of Plaintiff's Motion for Class Certification and Appointment of Class Counsel</i> filed by Glenda Jimmo. (Attachments: # <u>1</u> Affidavit of Judith A. Stein, # <u>2</u> Affidavit of Maureen L. Howard, # <u>3</u> Affidavit of Wey-Wey Kwok)(Deford, Gill) (Entered: 05/16/2011)
05/16/2011	<u>32</u>	RESPONSE in Opposition re <u>25</u> MOTION to Dismiss <i>the Amended Complaint for Lack of Subject Matter Jurisdiction or, in the Alternative, MOTION for Failure to State a Claim Upon Which Relief May Be Granted</i> filed by Glenda Jimmo. (Attachments: # <u>1</u> Affidavit of Devon J. Green)(Deford, Gill) Text clarified on 6/8/2011 (jlh). (Entered: 05/16/2011)
05/17/2011	<u>33</u>	UNOPPOSED MOTION for Leave to Exceed Page Limit re <u>25</u> MOTION to Dismiss <i>the Amended Complaint for Lack of Subject Matter Jurisdiction or, in the Alternative, for Failure to State a Claim Upon Which Relief May Be Granted Motion For Leave To File A Reply Memorandum of 20 Pages</i> , UNOPPOSED MOTION for Extension of Time to File <i>Defendant's Reply Memorandum</i> by Health and Human Services Secretary.(Bressler, Steven) (Entered: 05/17/2011)
05/18/2011	<u>34</u>	MOTION to Withdraw by Attorney Kevin J. Doyle, AUSA for Health and Human Services Secretary. (Attachments: # <u>1</u> Certificate of Service)(Doyle, Kevin) Text clarified on 5/20/2011 (jlh). (Entered: 05/18/2011)
05/23/2011	35	ORDER granting <u>34</u> Motion to Withdraw as Attorney re: Kevin J. Doyle, Esq. Signed by Chief Judge Christina Reiss on 5/23/2011. (This is a text only Order.) (cle) (Entered: 05/23/2011)

05/26/2011	36	ORDER granting <u>33</u> Unopposed Motion to Exceed Page Limit and granting <u>33</u> Unopposed Motion for Extension of Time to File Reply Memorandum. Signed by Chief Judge Christina Reiss on 5/26/2011. (This is a text only Order.) (cle) (Entered: 05/26/2011)
06/01/2011	<u>37</u>	SUGGESTION OF DEATH Upon the Record as to Plaintiffs' Statement Noting Death of Plaintiff Mary Patricia Boitano by Glenda Jimmo. (Deford, Gill) (Entered: 06/01/2011)
06/02/2011	<u>38</u>	MOTION to Substitute Party as to Plaintiff Mary Patricia Boitano filed by Glenda Jimmo(Deford, Gill) Text clarified on 6/3/2011 (law). (Entered: 06/02/2011)
06/06/2011	<u>39</u>	STATUS REPORT <i>Re: Opposition to <u>25</u> Motion to Dismiss</i> by Glenda Jimmo. (Attachments: # <u>1</u> Exhibit A and B)(Deford, Gill) Text clarified, link added on 6/7/2011 (jlh). (Attachment 1 replaced on 6/7/2011) (jlh). (Additional attachment(s) added on 6/7/2011: # <u>2</u> Exhibit B) (jlh). (Entered: 06/06/2011)
06/07/2011	<u>40</u>	CONSENTED-TO MOTION for Extension of Time to File Response/Reply as to <u>25</u> MOTION to Dismiss <i>the Amended Complaint for Lack of Subject Matter Jurisdiction or, in the Alternative, MOTION for Failure to State a Claim Upon Which Relief May Be Granted</i> filed by Health and Human Services Secretary(Bressler, Steven) Text clarified on 6/8/2011 (jlh). (Entered: 06/07/2011)
06/07/2011	<u>41</u>	NOTICE OF DOCKET ENTRY CORRECTION re: <u>39</u> Status Report filed by Glenda Jimmo. The attachments were docketed as one image; the image has been broken apart and reattached to the docket as separate images. The exhibits are now attached to <u>39</u> as well as this entry. (Attachments: # <u>1</u> Exhibit B) (jlh) (Entered: 06/07/2011)
06/08/2011	42	ORDER granting <u>40</u> Unopposed Motion for Extension of Time to File Reply as to <u>25</u> MOTION to Dismiss the Amended Complaint for Lack of Subject Matter Jurisdiction or, in the Alternative, MOTION for Failure to State a Claim Upon Which Relief May be Granted. Signed by Chief Judge Christina Reiss on 6/7/2011. (This is a text only Order.) (cle) Link added on 6/8/2011 (jlh). (Entered: 06/08/2011)
06/22/2011	43	ORDER granting <u>38</u> Motion to Substitute Party as to Plaintiff Mary Patricia Boitano. Signed by Chief Judge Christina Reiss on 6/22/2011. (This is a text only Order.) (cle) (Entered: 06/22/2011)
06/29/2011	<u>44</u>	SECOND STATUS REPORT <i>Re: Opposition to <u>25</u> Motion to Dismiss</i> by Glenda Jimmo. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Deford, Gill) Link added on 6/30/2011 (jlh). (Entered: 06/29/2011)
07/01/2011	<u>45</u>	REPLY to Response to <u>25</u> MOTION to Dismiss <i>the Amended Complaint for Lack of Subject Matter Jurisdiction or, in the Alternative, for Failure to State a Claim Upon Which Relief May Be Granted</i> MOTION for Failure to State a Claim Upon Which Relief May be Granted filed by Health and Human Services Secretary. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Certificate of Service)(Bressler, Steven) (Entered: 07/01/2011)
07/14/2011	46	MINUTE ENTRY for proceedings held before Chief Judge Christina Reiss: Motion Hearing re: <u>25</u> MOTION to Dismiss the Amended Complaint for Lack of Subject Matter Jurisdiction or, in the Alternative, for Failure to State a Claim Upon Which Relief May Be Granted held on 7/14/2011. G. Deford, Esq., D. Green, Esq., and M. Benvenuto, Esq. present for Pltfs., T. Moore, SAUSA present for dft. Counsel make statements and Court makes inquires. ORDERED: <u>25</u> MOTION to Dismiss the Amended Complaint taken under advisement. (Court Reporter: Anne Henry) (pam) Text clarified on 7/17/2011 (law). (Entered: 07/14/2011)
07/22/2011	<u>47</u>	MOTION for Leave to File <i>Sur-Reply on <u>25</u> Motion to Dismiss</i> filed by Glenda Jimmo (Attachments: # <u>1</u> Proposed Sur-Reply)(Deford, Gill) Text clarified on 7/25/2011 (law). (Entered: 07/22/2011)
07/28/2011	48	ORDER granting <u>47</u> Motion for Leave to File <i>Sur-Reply to <u>25</u> Motion to Dismiss the Amended Complaint</i> . Signed by Chief Judge Christina Reiss on 7/28/2011. (This is a text only Order.) (cle) (Entered: 07/28/2011)

08/02/2011	<u>49</u>	SURREPLY re <u>25</u> MOTION to Dismiss <i>the Amended Complaint for Lack of Subject Matter Jurisdiction or, in the Alternative, MOTION for Failure to State a Claim Upon Which Relief May be Granted</i> filed by Glenda Jimmo. (Deford, Gill) Text clarified on 8/3/2011 (jlh). (Entered: 08/02/2011)
08/04/2011	<u>50</u>	UNOPPOSED MOTION for Leave to File <i>a Response to Plaintiffs' Surreply</i> re: <u>25</u> MOTION to Dismiss the Amended Complaint for Lack of Subject Matter Jurisdiction or, in the Alternative, MOTION for Failure to State a Claim Upon Which Relief May Be Granted filed by Health and Human Services Secretary (Attachments: # <u>1</u> Proposed Response)(Bressler, Steven) Link added & description of attachment clarified on 8/5/2011 (law). (Entered: 08/04/2011)
08/05/2011	<u>51</u>	NOTICE of Recent Authority by Health and Human Services Secretary re <u>4</u> MOTION to Certify Class MOTION to Appoint Counsel, <u>14</u> MOTION to Certify Class MOTION to Appoint Counsel (Attachments: # <u>1</u> Wal-Mart Stores, Inc. v. Dukes, No. 10-277, 564 U.S. ----- (June 20, 2011))(Bressler, Steven) (Entered: 08/05/2011)
08/09/2011	52	ORDER granting <u>50</u> Unopposed Motion for Leave to File a Response to Plaintiff's Surreply re: <u>25</u> Motion to Dismiss. Signed by Chief Judge Christina Reiss on 8/9/2011. (This is a text only Order.) (pjl) (Entered: 08/09/2011)
08/09/2011	<u>53</u>	RESPONSE to Suppreply re <u>25</u> MOTION to Dismiss the Amended Complaint for Lack of Subject Matter Jurisdiction or, in the Alternative, MOTION for Failure to State a Claim Upon Which Relief May be Granted by Health and Human Services Secretary. (Attachments: # <u>1</u> Certificate of Service)(Moore, Tamra) Text clarified & link corrected on 8/9/2011 (law) (Entered: 08/09/2011)
09/12/2011	<u>54</u>	MOTION to <i>have Nancy V. Gifford, Esq. withdrawn as counsel for Plaintiffs</i> filed by Glenda Jimmo.(Deford, Gill) Modified on 9/13/2011 (jlh). (Entered: 09/12/2011)
09/13/2011	55	ORDER granting <u>54</u> Motion to Withdraw as Attorney re: Nancy V. Gifford. Signed by Chief Judge Christina Reiss on 9/13/2011. (This is a text only Order.) (cle) (Entered: 09/13/2011)
10/25/2011	<u>56</u>	OPINION AND ORDER denying in part and granting in part <u>25</u> Motion to Dismiss for Lack of Subject Matter Jurisdiction; and denying <u>25</u> Motion to Dismiss for Failure to State a Claim Upon Which Relief May be Granted. Signed by Chief Judge Christina Reiss on 10/25/2011. (pam) (Entered: 10/25/2011)
11/04/2011	<u>57</u>	MOTION for Partial Reconsideration re <u>56</u> Opinion and Order granting Motion to Dismiss the claims of Plaintiff Edith Masterman filed by Alzheimer's Disease and Related Disorders Association, Inc., American Academy of Physical Medicine and Rehabilitation, George Boitano, Mary Patricia Boitano, Glenda Jimmo, KR, Miriam Katz, Edith Masterman, Rosalie McGill, National Committee to Preserve Social Security and Medicare, National Multiple Sclerosis Society, Paralyzed Veterans of America, Parkinson's Action Network, Kenneth Roberts, United Cerebral Palsy. (Attachments: # <u>1</u> Memorandum in Support)(Deford, Gill) Text clarified on 11/6/2011 (law). (Entered: 11/04/2011)
11/08/2011	<u>58</u>	ANSWER to <u>13</u> Amended Complaint, by Health and Human Services Secretary.(Bressler, Steven) (Entered: 11/08/2011)
11/16/2011	<u>59</u>	RESPONSE in Opposition re <u>57</u> MOTION for Partial Reconsideration re <u>56</u> Opinion and Order granting Motion to Dismiss the Claims of Plaintiff Edith Masterman filed by Health and Human Services Secretary. (Attachments: # <u>1</u> Certificate of Service)(Bressler, Steven) Text clarified on 11/22/2011 (jlh). (Entered: 11/16/2011)
11/28/2011	<u>60</u>	REPLY MEMORANDUM to Response to <u>57</u> Motion for Partial Reconsideration re <u>56</u> Opinion and Order granting Motion to Dismiss the Claims of Plaintiff Edith Masterman by Glenda Jimmo. (Deford, Gill) Text clarified on 11/29/2011 (jlh). (Entered: 11/28/2011)
12/08/2011	<u>61</u>	NOTICE of Medicare Appeals Council Decision Denying Reopening for Plaintiff K.R. by KR. (Attachments: # <u>1</u> Supplement MAC Decision, # <u>2</u> Certificate of Service)(Green, Devon) (Entered: 12/08/2011)

12/21/2011	<u>62</u>	MOTION for Appearance Pro Hac Vice of Alice Bers, David J. Berger and Matthew R. Reed filed by Alzheimer's Disease and Related Disorders Association, Inc., American Academy of Physical Medicine and Rehabilitation, George Boitano, Glenda Jimmo, KR, Miriam Katz, Edith Masterman, Rosalie McGill, National Committee to Preserve Social Security and Medicare, National Multiple Sclerosis Society, Paralyzed Veterans of America, Parkinson's Action Network, Kenneth Roberts, United Cerebral Palsy. (Attachments: # <u>1</u> Affidavit of Alice Bers, # <u>2</u> Certificate of Good Standing of Alice Bers, # <u>3</u> Affidavit of David J. Berger, # <u>4</u> Certificate of Good Standing of David J. Berger, # <u>5</u> Affidavit of Matthew R. Reed, # <u>6</u> Certificate of Good Standing of Matthew R. Reed, # <u>7</u> Text of Proposed Order)(law) (Entered: 12/21/2011)
12/23/2011	63	ORDER granting <u>62</u> Motion for Admission Pro Hac Vice re: Alice Bers, Esq., David J. Berger, Esq., and Matthew R. Reed, Esq. Signed by Chief Judge Christina Reiss on 12/22/2011. (This is a text only Order.) (cle) (Entered: 12/23/2011)
12/23/2011	<u>64</u>	ORDER: denying <u>57</u> MOTION for Partial Reconsideration re <u>56</u> Opinion and Order granting Motion to Dismiss the Claims of Plaintiff Edith Masterman. Signed by Chief Judge Christina Reiss on 12/23/2011. (wjf) (Entered: 12/23/2011)
12/23/2011	<u>65</u>	PROPOSED Stipulated Discovery Schedule/Order by Alzheimer's Disease and Related Disorders Association, Inc., American Academy of Physical Medicine and Rehabilitation, George Boitano, Mary Patricia Boitano, Health and Human Services Secretary, Glenda Jimmo, KR, Miriam Katz, Edith Masterman, Rosalie McGill, National Committee to Preserve Social Security and Medicare, National Multiple Sclerosis Society, Paralyzed Veterans of America, Parkinson's Action Network, Kenneth Roberts, United Cerebral Palsy.(Deford, Gill) (Entered: 12/23/2011)
01/09/2012	<u>66</u>	STIPULATED DISCOVERY SCHEDULE/ORDER Discovery due by 7/9/2012. Motions due by 1/15/2013. Case to be trial ready no later than four months after the Court has ruled on Motions for Summary Judgment. Signed by Chief Judge Christina Reiss on 1/3/2012. (pam) (Entered: 01/09/2012)
01/09/2012	<u>67</u>	STIPULATED MOTION to Stay <i>Proceedings for 30 Days</i> filed by Health and Human Services Secretary. (Attachments: # <u>1</u> Certificate of Service)(Bressler, Steven) (Entered: 01/09/2012)
01/10/2012	68	ORDER granting <u>67</u> Stipulated Motion to Stay Case for 30 Days. Signed by Chief Judge Christina Reiss on 1/10/2012. (This is a text only Order.) (cle) (Entered: 01/10/2012)
02/08/2012	<u>69</u>	STIPULATED MOTION to Extend Stay of <i>Proceedings By 30 Additional Days</i> filed by Health and Human Services Secretary. (Attachments: # <u>1</u> Certificate of Service)(Bressler, Steven) Event modified on 2/8/2012 (law). (Entered: 02/08/2012)
02/09/2012	70	ORDER granting <u>69</u> Stipulated Motion to Extend Stay by 30 Additional Days. Signed by Chief Judge Christina Reiss on 2/9/2012. (This is a text only Order.) (cle) (Entered: 02/09/2012)
03/09/2012	<u>71</u>	STIPULATED MOTION to Extend Stay of <i>Proceedings by 60 Additional Days</i> filed by Health and Human Services Secretary.(Zee, M.) (Entered: 03/09/2012)
03/14/2012	72	ORDER granting <u>71</u> Stipulated Motion to Extend Stay of Proceedings by 60 Additional Days. Stay is extended for an additional 60 days as are all deadlines in the existing discovery schedule. A further stay is unlikely absent compelling circumstances. Signed by Chief Judge Christina Reiss on 3/14/2012. (This is a text only Order.) (cle) (Entered: 03/14/2012)
05/07/2012	<u>73</u>	JOINT MOTION to Extend Stay of <i>Proceedings to Permit the Parties to Continue Settlement Discussions and Request</i> , in the Alternative, REQUEST for a Status Conference filed by Alzheimer's Disease and Related Disorders Association, Inc., George Boitano, Mary Patricia Boitano, Health and Human Services Secretary, Glenda Jimmo, KR, Miriam Katz, Rosalie McGill, National Committee to Preserve Social Security and Medicare, National Multiple Sclerosis Society, Paralyzed Veterans of America, Parkinson's Action Network, Kenneth Roberts, United Cerebral Palsy. (Attachments: # <u>1</u> Certificate of Service)(Bressler, Steven) Added

		Motion on 5/7/2012 (law). (Entered: 05/07/2012)
05/10/2012	<u>74</u>	ORDER granting in part <u>73</u> Motion to Stay; and granting <u>73</u> Motion for Hearing. The court will continue the stay until such time as a status conference may be held at which the parties may appear in person, by video conference or by telephone as they so request. At the status conference, the court will inquire as to whether it is likely that there will be further requests for a stay and if so of what anticipated duration. The court is mindful that this case implicates individuals beyond the parties before the court but is concerned that delay pre-resolution be minimized in anticipation that a request for additional time to implement any resolution will also be requested. Signed by Chief Judge Christina Reiss on 5/9/2012. (This is a text only Order.) (cle) (Entered: 05/10/2012)
05/22/2012	<u>75</u>	NOTICE of Hearing: Status Conference set for 6/20/2012, 11:30 AM in Rutland Courtroom before Chief Judge Christina Reiss. (pj) (Entered: 05/22/2012)
06/20/2012	<u>76</u>	MINUTE ENTRY for proceedings held before Chief Judge Christina Reiss: Status Conference held on 6/20/2012. G. Deford, Esq. & M. Benvenuto, Esq. present for pltfs. AUSA M.A. Zee & S. Bressler, Esq. present by videoconference for dft. Court makes inquiries and counsel make statements regarding case status. Counsel states that they are working towards settlement and have set proposed deadlines for the settlement process. ORDERED: Parties are to inform the court by 7/20/2012 if there is a settlement in principle. The parties are to submit a written settlement document to the court by 10/1/2012. (Court Reporter: Linda O'Brien, O'Brien Court Reporting) (pj) (Entered: 06/20/2012)
07/20/2012	<u>77</u>	JOINT STATUS REPORT by Alzheimer's Disease and Related Disorders Association, Inc., American Academy of Physical Medicine and Rehabilitation, George Boitano, Mary Patricia Boitano, Health and Human Services Secretary, Glenda Jimmo, KR, Miriam Katz, Edith Masterman, Rosalie McGill, National Committee to Preserve Social Security and Medicare, National Multiple Sclerosis Society, Paralyzed Veterans of America, Parkinson's Action Network, Kenneth Roberts, United Cerebral Palsy. (Deford, Gill) (Entered: 07/20/2012)
10/01/2012	<u>78</u>	STIPULATED MOTION for Extension of Time to File <i>Settlement Agreement</i> filed by Health and Human Services Secretary. (Attachments: # <u>1</u> Certificate of Service)(Bressler, Steven) (Entered: 10/01/2012)
10/02/2012	<u>79</u>	ORDER granting <u>78</u> Stipulated Motion to Extend Deadline to Submit Written Settlement Agreement. Signed by Chief Judge Christina Reiss on 10/2/2012. (This is a text only Order.) (cle) (Entered: 10/02/2012)
10/10/2012	<u>80</u>	SECOND STIPULATED MOTION for Extension of Time to File <i>Settlement Agreement</i> filed by Health and Human Services Secretary. (Attachments: # <u>1</u> Certificate of Service)(Zee, M.) (Entered: 10/10/2012)
10/15/2012	<u>81</u>	ORDER granting <u>80</u> Second Stipulated Motion to Extend Deadline to Submit Written Settlement Document. Signed by Chief Judge Christina Reiss on 10/15/2012. (This is a text only Order.) (cle) (Entered: 10/15/2012)
10/16/2012	<u>82</u>	JOINT NOTICE <i>Regarding Settlement Agreement</i> by Glenda Jimmo et al, Health and Human Services Secretary (Attachments: # <u>1</u> Proposed Settlement Agreement, # <u>2</u> Certificate of Service)(Bressler, Steven) Text clarified on 10/16/2012 (law). (Entered: 10/16/2012)
11/13/2012	<u>83</u>	JOINT MOTION Preliminary Approval of Class Settlement and Notice Plan re <u>82</u> Notice of Settlement filed by Alzheimer's Disease and Related Disorders Association, Inc., American Academy of Physical Medicine and Rehabilitation, George Boitano, Mary Patricia Boitano, Glenda Jimmo, KR, Miriam Katz, Edith Masterman, Rosalie McGill, National Committee to Preserve Social Security and Medicare, National Multiple Sclerosis Society, Paralyzed Veterans of America, Parkinson's Action Network, Kenneth Roberts, United Cerebral Palsy. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A , # <u>3</u> Text of Proposed Order)(Bers, Alice) Attachment name clarified on 11/14/2012 (jlh). (Entered: 11/13/2012)

11/14/2012	<u>84</u>	ENTRY ORDER: The Joint Motion for Preliminary Approval of Class Settlement and Notice Plan (Doc. 83) and the proposed Order do not address the requirements for class certification under Fed. R. Civ. P. 23. <i>See Ortiz v. Fibreboard Corp.</i> , 527 U.S. 817, 858–59 (1999) ("A fairness hearing [cannot] swallow the... protective requirements of Rule 23"); <i>In re General Motors Corp. Pick-up Truck Fuel Tank Products Liability Litig.</i> , 55 F.3d 768, 792–93, 797 (3d Cir. 1995) (court may certify a class for settlement purposes only if it makes appropriate Rule 23 findings); 2 J. McLaughlin on Class Actions (3d ed. 2006) at 6.6 at 6–35 (in seeking preliminary approval, the "settling parties must demonstrate to the Court that (i) the proposed class meets all the requirements of [the] Rule other than the 'manageability' factor of Rule 23(b)(3)(D), and (ii) the settlement is within the range of reasonableness, so that it is worthwhile to notify class members of the proposed terms and conditions of the settlement, and schedule a formal fairness hearing."). The proposed notice to the class must contain the information required by Fed. R. Civ. P. 23(c)(2) or the parties must explain to the court why certain information may be omitted. Signed by Chief Judge Christina Reiss on 11/14/2012. (This is a text only Order.)(cle) (Entered: 11/14/2012)
11/19/2012	<u>85</u>	SUPPLEMENTAL MEMORANDUM by Alzheimer's Disease and Related Disorders Association, Inc., American Academy of Physical Medicine and Rehabilitation, George Boitano, Mary Patricia Boitano, Glenda Jimmo, KR, Miriam Katz, Edith Masterman, Rosalie McGill, National Committee to Preserve Social Security and Medicare, National Multiple Sclerosis Society, Paralyzed Veterans of America, Parkinson's Action Network, Kenneth Roberts, United Cerebral Palsy in support of <u>83</u> JOINT MOTION Preliminary Approval of Class Settlement and Notice Plan re <u>82</u> Notice of Settlement. (Attachments: # <u>1</u> Text of Proposed Order)(Bers, Alice) Text clarified on 11/19/2012 (law). (Entered: 11/19/2012)
11/20/2012	<u>86</u>	ORDER re <u>83</u> Preliminarily Approving Settlement Agreement, Preliminarily Certifying the Class, Approving Class Notice, and Setting Fairness Hearing. Notice to be distributed within twenty (20) days of this order or by December 10, 2012. The Notice, however, must be amended to reflect the binding nature of any release and judgment. Fairness Hearing to be held on January 24, 2013 at 10:00 a.m., at the United States District Court for the District of Vermont, 151 West Street, Rutland, Vermont 05701. Signed by Chief Judge Christina Reiss on 11/20/2012. (pac) (Entered: 11/20/2012)
11/29/2012	<u>87</u>	NOTICE of Hearing: Fairness Hearing set for 1/24/2013, 10:00 AM in Rutland Courtroom before Chief Judge Christina Reiss. (pjl) (Entered: 11/29/2012)
12/12/2012	<u>88</u>	RESPONSE to Order Approving Plan of Distribution by Alzheimer's Disease and Related Disorders Association, Inc., American Academy of Physical Medicine and Rehabilitation, George Boitano, Mary Patricia Boitano, Glenda Jimmo, KR, Miriam Katz, Edith Masterman, Rosalie McGill, National Committee to Preserve Social Security and Medicare, National Multiple Sclerosis Society, Paralyzed Veterans of America, Parkinson's Action Network, Kenneth Roberts, United Cerebral Palsy. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Bers, Alice) Attachment 1 description clarified 12/12/2012 (law). (Entered: 12/12/2012)
01/18/2013	<u>89</u>	STATEMENT Concerning Receipt of Objection to Settlement Agreement re: <u>83</u> Preliminary Approving Settlement Agreement by Alzheimer's Disease and Related Disorders Association, Inc., George Boitano, Mary Patricia Boitano, Glenda Jimmo, KR, Miriam Katz, Rosalie McGill, National Committee to Preserve Social Security and Medicare, National Multiple Sclerosis Society, Paralyzed Veterans of America, Parkinson's Action Network, Kenneth Roberts, United Cerebral Palsy. (Attachments: # <u>1</u> Exhibit 1)(Bers, Alice) Text clarified on 2/20/2013 (jlh). (Entered: 01/18/2013)
01/22/2013	<u>90</u>	PROPOSED Order by Alzheimer's Disease and Related Disorders Association, Inc., George Boitano, Glenda Jimmo, KR, Miriam Katz, Rosalie McGill, National Committee to Preserve Social Security and Medicare, National Multiple Sclerosis Society, Paralyzed Veterans of America, Parkinson's Action Network, Kenneth Roberts, United Cerebral Palsy. (Attachments: # <u>1</u> Text of Proposed Order)(Bers, Alice) (Entered: 01/22/2013)

01/24/2013	<u>91</u>	MINUTE ENTRY for proceedings held before Chief Judge Christina Reiss: Final Fairness Hearing held on 1/24/2013. G. Deford, Esq., M. Benvenuto, Esq., & A. Bers, Esq. present for pltfs; S. Bressler, Esq. present for dft. Counsel make statements and court makes inquiries re: fairness, class representation, notification of settlement to class members, reasonableness of attorney fees, retention of jurisdiction over settlement. ORDERED: <u>4</u> , <u>14</u> MOTIONS to Certify Class and to Appoint Counsel superseded by request for <u>90</u> Final Approval of Settlement. Requirements as to Class satisfied; Settlement is fair, reasonable and adequate; Notice to Class is accepted. Final approval of Settlement is GRANTED, case to be dismissed with prejudice, court to retain jurisdiction to enforce settlement agreement and rule on attorney fees. Court to issue a written Order. (Court Reporter: A. Henry) (pac) (Entered: 01/24/2013)
01/24/2013	<u>92</u>	ORDER Granting Final Approval of Settlement Agreement and Directing Entry of Final Judgment. Signed by Chief Judge Christina Reiss on 1/24/2013. (pac) (Entered: 01/24/2013)
01/25/2013	<u>93</u>	JUDGMENT Case dismissed with prejudice pursuant to terms of the Settlement Agreement and Federal Rules of Civil Procedure 41(a)(2). Signed by Deputy Clerk on 1/25/2013. (pac) (Entered: 01/25/2013)