

**U.S. District Court
U.S. District of Minnesota (DMN)
CIVIL DOCKET FOR CASE #: 0:13-cv-02635-DWF-JJK**

Feltl and Company, Inc. et al v. Sebelius et al
Assigned to: Judge Donovan W. Frank
Referred to: Magistrate Judge Jeffrey J. Keyes
Cause: 28:2201 Declaratory Judgment

Date Filed: 09/25/2013
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

Feltl and Company, Inc.

represented by **James V. F. Dickey**
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Plaintiff

John C. Feltl

represented by **James V. F. Dickey**
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Erick G Kaardal
(See above for address)
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Plaintiff

Mary Jo Feltl

represented by **James V. F. Dickey**
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LEAD ATTORNEY
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Erick G Kaardal
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

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

represented by **Bradley Philip Humphreys**
United States Department of Justice
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*LEAD ATTORNEY
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Defendant

**United States Department of Health
and Human Services**

represented by **Bradley Philip Humphreys**
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*LEAD ATTORNEY
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Ann M Bildtsen
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Seth D. Harris
*in his official capacity as Acting
Secretary of the United States
Department of Labor and his successor*

represented by **Bradley Philip Humphreys**
(See above for address)
*LEAD ATTORNEY
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Ann M Bildtsen
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

United States Department of Labor

represented by **Bradley Philip Humphreys**
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*LEAD ATTORNEY
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ATTORNEY TO BE NOTICED*

Ann M Bildtsen
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jacob Lew
*in his official capacity as U.S. Secretary
of the Treasury and his successor*

represented by **Bradley Philip Humphreys**
(See above for address)
*LEAD ATTORNEY
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ATTORNEY TO BE NOTICED*

Ann M Bildtsen
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**United States Department of the
Treasury**

represented by **Bradley Philip Humphreys**
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*LEAD ATTORNEY
PRO HAC VICE*

ATTORNEY TO BE NOTICED

Ann M Bildtsen

(See above for address)

ATTORNEY TO BE NOTICED

Defendant**Daniel I. Werfel***in this official capacity as Acting
Commissioner of Internal Revenue and
his successor*represented by **Bradley Philip Humphreys**

(See above for address)

LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

Ann M Bildtsen

(See above for address)

ATTORNEY TO BE NOTICED

Defendant**Internal Revenue Service**represented by **Bradley Philip Humphreys**

(See above for address)

LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

Ann M Bildtsen

(See above for address)

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/25/2013	<u>1</u>	COMPLAINT <i>for Declaratory and Injunctive Relief, Verified</i> against Seth D. Harris, Internal Revenue Service, Jacob Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, Daniel I. Werfel. (Filing fee \$400 receipt number 0864-3708309.) Filed by Mary Jo Feltl, John C. Feltl, Feltl and Company, Inc. Filer requests summons issued. (Attachments: # <u>1</u> Civil Cover Sheet). (Kaardal, Erick) Modified text on 9/25/2013 (lmb). (Entered: 09/25/2013)
09/25/2013	2	TEXT ONLY ENTRY: CLERK'S NOTICE OF INITIAL CASE ASSIGNMENT. Case assigned to Judge Donovan W. Frank per Civil Rights--All Others List referred to Magistrate Judge Jeffrey J. Keyes. Please use case number 13-cv-02635 (DWF/JJK). (lmb) (Entered: 09/25/2013)
09/25/2013	<u>3</u>	Summons Issued as to Seth D. Harris, Internal Revenue Service, Jacob Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, Daniel I. Werfel. (lmb) (Entered: 09/25/2013)
09/27/2013	4	DOCUMENT FILED IN ERROR--INCORRECT EVENT--WILL REFILE. AFFIDAVIT of Service by John C. Feltl, Mary Jo Feltl, Feltl and Company, Inc. re <u>3</u> Summons Issued, <u>1</u> Complaint. (Kaardal, Erick) Modified text on 9/30/2013 (lmb). (Entered: 09/27/2013)
09/30/2013	<u>5</u>	MOTION for Admission Pro Hac Vice for U.S. Government Attorney Bradley Philip Humphreys by Seth D. Harris, Internal Revenue Service, Jacob Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, Daniel I. Werfel. (Bildtsen, Ann) (Entered: 09/30/2013)
09/30/2013	<u>6</u>	SUMMONS Returned Executed by Mary Jo Feltl, John C. Feltl, Feltl and Company, Inc.. Seth D. Harris served on 9/25/2013, answer due 10/16/2013; Internal Revenue Service served on 9/25/2013, answer due 10/16/2013; Jacob Lew served on 9/25/2013, answer due 10/16/2013; Kathleen Sebelius served on 9/25/2013, answer due 10/16/2013; United States Department of Health and Human Services served on

		9/25/2013, answer due 10/16/2013; United States Department of Labor served on 9/25/2013, answer due 10/16/2013; United States Department of the Treasury served on 9/25/2013, answer due 10/16/2013; Daniel I. Werfel served on 9/25/2013, answer due 10/16/2013. (Kaardal, Erick) (Entered: 09/30/2013)
10/01/2013	<u>7</u>	MOTION for Preliminary Injunction <i>and Stay</i> by John C. Feltl, Mary Jo Feltl, Feltl and Company, Inc.. (Kaardal, Erick) (Entered: 10/01/2013)
10/01/2013	<u>8</u>	NOTICE OF HEARING ON MOTION <u>7</u> MOTION for Preliminary Injunction <i>and Stay</i> : at date and time to be determined. (Kaardal, Erick) (Entered: 10/01/2013)
10/01/2013	<u>9</u>	MEET and CONFER STATEMENT re <u>7</u> Motion for Preliminary Injunction filed by John C. Feltl, Mary Jo Feltl, Feltl and Company, Inc.. (Kaardal, Erick) (Entered: 10/01/2013)
10/01/2013	<u>10</u>	SUMMONS Returned Executed by Mary Jo Feltl, John C. Feltl, Feltl and Company, Inc.. (Kaardal, Erick) (Entered: 10/01/2013)
10/07/2013	<u>11</u>	TEXT ONLY ENTRY: ORDER granting <u>5</u> Motion for Admission of U.S. Government Attorney Bradley Philip Humphreys for Seth D. Harris, Internal Revenue Service, Jacob Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, Daniel I. Werfel Approved by Magistrate Judge Jeffrey J. Keyes on 10/07/2013. (MAP) (Entered: 10/07/2013)
10/17/2013	<u>12</u>	NOTICE OF NON-OPPOSITION TO PLAINTIFF'S MOTION re <u>7</u> MOTION for Preliminary Injunction <i>and Stay</i> by Seth D. Harris, Internal Revenue Service, Jacob Lew, Kathleen Sebelius, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury. (Humphreys, Bradley) Modified text on 10/17/2013 (lmb). (Entered: 10/17/2013)
11/05/2013	<u>13</u>	ORDER ON PRELIMINARY INJUNCTION. 1. Defendants are preliminarily enjoined until thirty days after: (1) the mandate issues from the Eighth Circuit in O'Brien v. U.S. Dep't of Health & Human Servs., No. 12-3357, or Annex Medical, Inc. v. Sebelius, No. 13-1118, or (2) until the Supreme Court issues a ruling in a substantially similar case, whichever occurs first, from enforcing 42 U.S.C. § 300gg-13(a)(4) and its implementing regulations, 75 Fed. Reg. 41,726, 41,728 (July 19, 2010) (interim final rules with request for comments); 76 Fed. Reg. 46,621, 46,621-26 (Aug. 3, 2011) (interim final rules with request for comments); 77 Fed. Reg. 8725, 8725-30 (Feb. 15, 2012) (final rules), against: a. Plaintiffs, or Feltl Co.'s employees; b. any health insurance issuer offering group health insurance coverage to Plaintiffs, or Feltl Co.'s employees, without coverage for [a]ll Food and Drug Administration approved contraceptive methods, sterilization procedures, and patient education and counseling for all women with reproductive capacity, as prescribed by a health care provider; and c. any third party administrator when administering a self-insured plan for Plaintiffs, or Feltl Co.'s employees, without coverage for [a]ll Food and Drug Administration approved contraceptive methods, sterilization procedures, and patient education and counseling for all women with reproductive capacity, as prescribed by a health care provider, if Feltl Co. adopts a self-insured plan under the Employee Retirement Income Security Act of 1974 (ERISA). 2. All proceedings in this case are STAYED until thirty days after the resolution of the appeal in either O'Brien or Annex Medical, or until the Supreme Court issues a ruling in a substantial similar case, whichever occurs first. Signed by Judge Donovan W. Frank on 11/5/2013. (BJS) (Entered: 11/05/2013)
11/19/2014	<u>14</u>	STIPULATION for Entry of Judgment and Injunction in Favor of Plaintiffs and Stipulation for Fee Motion Briefing Schedule by John C. Feltl, Mary Jo Feltl, Feltl and Company, Inc.. Jointly Signed by Sylvia M. Burwell, United States Department of Health and Human Service, Seth D. Harris, United States Department of Labor, Jacob Lew, United States Department of the Treasury, Daniel I. Werfel, and Internal Revenue Service. DOCUMENTS/ATTACHMENTS FILED IN ERROR-PROPOSED ORDERS DO NOT GET FILED ON CM/ECF. (Attachments: # <u>1</u> Exhibit(s) 1, # <u>2</u> Exhibit(s) 2). (Kaardal, Erick) Modified text on 11/19/2014 (lmb). (Entered: 11/19/2014)
11/26/2014	<u>15</u>	ORDER FOR INJUNCTION AND JUDGMENT. Defendants, their employees, agents, and successors in office are enjoined (a) from enforcing (1) the June 30, 2014

		Contraceptive Coverage Requirement, defined here to include those provisions of federal law in existence on June 30, 2014, when the Supreme Court decided Hobby Lobby, that require Plaintiff Feltl and Company, Inc., to provide its employees with health coverage for contraceptive methods, sterilization procedures, and related patient education and counseling to which Plaintiffs object on religious grounds, e.g., 26 C.F.R. § 54.9815-2713(a)(1)(iv); 29 C.F.R. § 2590.715-2713(a)(1)(iv); 45 C.F.R. § 147.130(a)(1)(iv); and (2) any penalties, fines, or assessments for noncompliance with the June 30, 2014 Contraceptive Coverage Requirement, including those found in 26 U.S.C. § 4980D, and 29 U.S.C. §§ 1132 and 1185d; and (b) from taking any other actions based on noncompliance with the June 30, 2014 Contraceptive Coverage Requirement against Plaintiff Feltl and Company, Inc., its employee health plan(s), the group health coverage provided in connection with such plan(s), and/or Feltl and Company, Inc.'s health insurance issuers and/or third-party administrators with respect to Feltl and Company, Inc.'s health plan(s); and IT IS FURTHER ORDERED that judgment is entered in favor of Plaintiffs and against Defendants on Plaintiffs' claim under the Religious Freedom Restoration Act, 42 U.S.C. §§ 2000bb, et seq.; and IT IS FURTHER ORDERED that any petition or motion by Plaintiffs for attorney fees or costs shall be submitted on or before 45 days (or the next business day if that day falls on a weekend or court holiday) from the date judgment is entered; and IT IS FURTHER ORDERED that this injunction and Judgment does not apply with respect to any changes in statute or regulation that are enacted or promulgated after this date, and nothing herein prevents Plaintiffs from filing a new civil action to challenge any such future changes. Signed by Judge Donovan W. Frank on 11/26/2014. (BJS) (Entered: 11/26/2014)
11/26/2014	<u>16</u>	JUDGMENT in favor of Feltl and Company, Inc., John C. Feltl, Mary Jo Feltl against Internal Revenue Service, United States Department of Health and Human Services, United States Department of Labor, United States Department of the Treasury, Daniel I. Werfel, Jacob Lew, Kathleen Sebelius, Seth D. Harris (Attachments: # <u>1</u> Civil Notice – appeal)(lmb) (Entered: 11/26/2014)
12/31/2014	<u>17</u>	STIPULATION <i>for Extension of Time to File Plaintiffs' Motion for Attorneys' Fees and Costs</i> by John C. Feltl, Mary Jo Feltl, Feltl and Company, Inc.. Jointly Signed by Sylvia M. Burwell, United States Department of Health and Human Service, Seth D. Harris, United States Department of Labor, Jacob Lew, United States Department of the Treasury, Daniel I. Werfel, and Internal Revenue Service. (Dickey, James) (Entered: 12/31/2014)
01/05/2015	<u>18</u>	ORDER FOR EXTENSION OF TIME TO FILE PLAINTIFFS' MOTION FOR ATTORNEYS' FEES AND COSTS. The deadline for the filing of Plaintiffs' motion for attorneys' fees and costs is extended by sixty days, until March 11, 2015. Signed by Judge Donovan W. Frank on 1/5/2015. (BJS) (Entered: 01/05/2015)