

## National Health Law Program

Contact: Jane Perkins  
 UPDATED: 1/10/2013

<u>VENUE</u>	<u>ACA LITIGATION—Closed Case Docket</u> <u>Mar. 2010-Dec. 2012 (NFIB linked)</u>
<p><b>Northern District of Florida</b></p> <p><b>Held: Mandate Unconstitutional; Medicaid Constitutional</b></p> <p><b>Appealed to 11<sup>th</sup> Circuit</b></p> <p><b>Cert. Granted Aff'd in part, rev'd in part</b></p>	<p><i>Florida v. Sebelius</i>, No. 3:10-cv-00091 – Judge Roger Vinson</p> <p>3/23/10 – Complaint</p> <p>4/23/10 – Denial of Motions to Intervene</p> <p>5/14/10 – Amended Complaint</p> <p>6/14/10 – Order on Amicus Curiae Filings (none permitted re: Motion to Dismiss)</p> <p>6/16/10 – Motion to Dismiss filed by Defendants</p> <p>6/23/10 – Motion for Leave to Appear as Amicus Curiae and Memorandum in Support filed by Oregon, Iowa, and Vermont</p> <p>6/23/10 – Motion to File Amicus Brief in Support of Defendants from Governors of Washington, Colorado, Michigan, Pennsylvania</p> <p>6/25/10 – Order denying Motion for Leave to File Amicus Brief from Governors of Colorado, Michigan, Pennsylvania and Vermont</p> <p>8/06/10 – Response in Opposition to Motion to Dismiss</p> <p>8/27/10 – Reply on Motion to Dismiss</p> <p>9/14/10 – Oral Argument on Defendants’ Motion to Dismiss (transcript available)</p> <p>10/14/10 – Order on Motion to Dismiss, granting in part &amp; denying in part</p> <p>11/01/10 – Motion to Intervene from Retired Judge Eve Ellingwood arguing President Obama is illegal President</p> <p>11/04/10 – Answer to Complaint</p> <p>11/04/10 – Motion for Summary Judgment (Plaintiffs)</p> <p>11/04/10 – Motion for Summary Judgment (Defendants) 11/10/10 – Motions to File Amicus Briefs for Defendants and for Plaintiffs</p> <p>11/10/10 – Order denying Eve Ellingwood’s Motion to Intervene</p> <p>11/12/10 – Orders Granting Amici requests</p> <p>11/16/10 – Amicus Filed in support of Plfs (Rep. Boehner et al.)</p> <p>11/17/10 – Amicus Filed in support of Dfts (Am. Ass’n of People w/Dis. et al.)</p> <p>11/19/10 – Amici Briefs in support of Defendants (Am. Acad. of Ped. et al.; Govs. CO, MI, PA, WA; U.S. Senators; Am. Hosp. Ass’n et al.; Small Bus. Majority Found.; Young Invincibles; State Legislators; Economic Scholars; Am. Nurses Ass’n; Atty Gen. from IA, MD, OR, VT, KY)</p> <p>11/19/10 – Amici Briefs in support of Plaintiffs (Am. Ctr. for Law &amp; Justice et al.; Family Research Council; Am. Civil Rights Union; Gov. of Minnesota)</p> <p>11/23/10 – Memo in Opp. to Def. Motion for Summary Judgment</p> <p>11/23/10 – Memo in Opp. to Plaintiffs’ Motion for Summary Judgment</p> <p>12/06/10 – Reply to Mot. For Summary Judgment filed by Plaintiffs</p> <p>12/06/10 – Reply to Mot. For Summary Judgment filed by Defendants</p> <p>12/16/10 – Oral argument on Motions for Summary Judgment; Transcripts available</p> <p>1/18/10 – Motion for Leave to file Second Amended Complaint adding state officials</p>

## National Health Law Program

Contact: Jane Perkins  
 UPDATED: 1/10/2013

	<p>1/19/11 – Order granting leave to file Second Amended Complaint          1/31/11 – Order Granting Summary Judgment finding ACA unconstitutional but upholding Medicaid expansion, 780 F. Supp. 2d 1256          2/17/11 - Motion to Clarify Order on Summary Judgment filed by Defendants          2/23/11 - Opposition to Motion to Clarify          2/28/11 – Notice of Appeal filed by Defendants          2/28/11 – Reply in Support of Motion to Clarify          3/03/11 – Order Clarifying Decision &amp; Granting Stay, <b>780 F. Supp. 2d 1307</b>          3/08/11 – Notice of Appeal filed by Defendants          3/10/11 – Notice of Cross-Appeal filed by Plaintiffs          3/11/11- Motion for an order remedying the incomplete transcript          3/16/11- Order denying Motion to remedy the incomplete transcript          10/25/11 – Mandate issued</p>
<p><b>11<sup>th</sup> Circuit Ct. of App.</b></p> <p><b>Held: Mandate unconstitutional; Medicaid constitutional</b></p> <p><b>Cert. Granted Aff'd in part; rev'd in part</b></p>	<p><i>State of Fla. &amp; Nat'l Fed of Indep. Bus. et al. v. U.S. Dep't of Health &amp; Human Servs. et al.</i>, Appeal -- No. 11-11021 (US DHHS), Cross-Appeal – No. 11-11067 (State of Fla. et al.)</p> <p>3/09/11 – Appeal docketed -- US DHHS (from No. 3:10-cv-00091 above)          3/09/11 – Motion for Expedited Review, DHHS          3/10/11 – Motion for initial en banc review filed by State of Florida et al.          3/11/11 – Cross Appeal docketed -- State of Fla. et al.          3/11/11 – Order Granting Expedited Review          3/31/11 - Motion for Initial En Banc Review Denied          4/04/11 – DHHS Opening Brief          4/11-22/11 – Amici Briefs Supporting DHHS from States and State Legislators; Am. Nurses Ass'n.; Am. Academy of Pediatrics etc.; American Association of People with Disabilities etc.; National Indian Health Board; Economic Scholars; Constitutional Law Professors; Professors of Federal Jurisdiction; Am. Cancer Soc'y; SEIU; Nat'l Women's Law Ctr.; Young Invincibles; Harry Reid          5/04/11 – State of Fla. Opening/Response Brief          5/5-16/11 – Amici Briefs Supporting State of Fla. from Am. Center for Law and Justice; John Boehner; Mountain States Legal Found.; S.C. Chamber of Commerce; Justice &amp; Freedom Fund; Washington Legal Found.; Landmark Legal Found.; Indep. Instit.; Am. Civil Rights Union; Am. Legislative Exchange Council; Catholic Med. Ass'n; Family Research Council; Ass'n of Am. Physicians and Surgeons; Heritage Found.; Cato Instit.; Economists; Revere America Found.; Ctr. for Individual Rights; Center for Constit. Jurisprudence; Idaho Freedom Found.          5/18/11 – DHHS Response/Reply Brief          5/25/11 – State of Fla. Reply Brief          6/02/11 – Order allowing purchase of Oral argument transcript for \$26.00          6/08/11 - Oral argument          6/21/11 – Supp. Authority by Appellees (Bond v. US, SCt., 6/16/ 2011)          7/07/11 – Supp. authority filed by Appellants (Thomas More Law Center, 6th Cir.)</p>

## National Health Law Program

Contact: Jane Perkins  
 UPDATED: 1/10/2013

	<p>7/13/11 – Response to supplemental authority        8/09/11 – Supp. authority filed by Appellants (New Jersey Physicians, 3d Cir.)        8/12/11 – Opinion finding individual mandate unconstitutional and severable and finding Medicaid expansion constitutional, <b>648 F.3d 1235</b>        9/28/11 – Notice of Filing Writs of Certiorari (all parties)        10/3/11 – U.S. (unopposed) Motion to Stay Mandate        11/13/11 - Order denying Motion to Stay        11/14/11 – Writs of certiorari filed        9/18/12 – Order affirming district court in part and reversing in part (post S. Ct.)</p>
<p><b>United States Supreme Court</b></p> <p><b>Affirmed in part (mandate const.) and reversed in part (Medicaid coercion)</b></p>	<p><i>United States v. Florida et al.</i>, Nos. 11-393, 11-398, 11-400</p> <p>Briefs posted at <a href="http://www.supremecourt.gov/docket/PPAACA.aspx">http://www.supremecourt.gov/docket/PPAACA.aspx</a></p> <p>10/14-17/11 – Response Briefs        10/24-26/11 – Reply Brief        10/26/11 – Cases distributed for Nov. 10 conference        11/14/11 – Certiorari granted: (1) constitutionality of individual mandate (2 hr. oral argument); (2) severability of individual mandate from remainder of ACA (1 ½ hr. oral arg.); (3) constitutionality of Medicaid expansion (1 hr. oral arg.); (4) Anti-Injunction Act bar (1 hr. oral arg.).        11/18/11 – Invitation to Bartow Farr to argue individual mandate is severable        11/18/11 – Invitation to Robert Long to argue Anti-Injunction Act bars the case        06/28/12 – Opinion: Individual mandate constitutional exercise of taxing authority; Medicaid expansion unduly coercive, <b>132 S. Ct. 2566</b></p>
<p><b>Eastern District of Virginia</b></p> <p><b>Held: Mandate unconstitutional</b></p> <p><b>Appealed &amp; rev'd</b></p>	<p><i>Virginia ex rel. Cuccinelli v. Sebelius</i>, No. 3:10-cv-188 – Judge Henry Hudson</p> <p>3/23/10 – Complaint        5/24/10 – Motion to Dismiss filed by Defendant        6/04/10 – Motion for Leave to File Amicus Brief by Ray Elbert Parker (Virginia citizen)        6/07/10 – Plaintiff's Response in Opposition to Motion to Dismiss        6/07/10 – Motion for Leave to File Amici Brief by American Center for Law &amp; Justice        6/10/10 – Response Amici Brief filed by American Center for Law &amp; Justice        6/16/10 – Amicus Mot./Mem. in support of Cuccinelli (Physician Hospitals of America)        6/17/10 – Amicus Mot./Mem. in support of Defendants (Small Business Majority Foundation, Inc. et al.)        6/17/10 – Amicus Mot./Mem. in opposition to Defendants' Motion to Dismiss (Washington Legal Foundation et al.)        6/17/10 – Response Amici Brief filed by Main Street Alliance, Small Business Majority Foundation, Inc.        6/22/10 – Reply in Support of Motion to Dismiss filed by Kathleen Sebelius</p>

## National Health Law Program

Contact: Jane Perkins  
 UPDATED: 1/10/2013

	<p>6/30/10 – Amicus Reply to Plaintiff’s Opposition to Dismissal, by Ray Elbert Parker          7/01/10 – Hearing re: Motion to Dismiss (transcript available)          8/02/10 – Order and Memorandum Denying Defendants’ Motion to Dismiss, <b>702 F. Supp. 2d 598</b>          8/16/10 – Answer          9/03/10 – Motions for Summary Judgment filed by both parties          9/23/10 – Opposition to Motions for Summary Judgment filed by both parties          10/01/10 – Amici briefs by Young Invincibles (for Def.) and Cato Institute (for Plf.)          10/12/10 – Amicus brief from former AGs Barr, Thornberg, Meese          10/18/10 – Hearing on Motions for Summary Judgment (transcript available)          11/15/10 – Mot. for Arrest Warrant for Pres. Obama (by W. Spenser Connerat, III)          11/24/10 – Order denying Motion for Arrest Warrant          12/13/10 – Order Granting Summ. J. for Plaintiff as to declaratory relief and denying injunctive relief          1/18/11 – Notice of Appeal          9/08/11 - Judgment entered          10/31/11 – Mandate issued</p>
<p><b>4<sup>th</sup> Circuit Ct. of App.</b></p> <p><b>Held: D. Ct. opinion vacated no subject matter jurisdiction</b></p> <p><b>Cert. denied</b></p>	<p><i>Commonwealth of Virginia ex rel. Cuccinelli v. Sebelius</i>, No. 11-1058</p> <p>1/21/11 – Appeal docketed (from No. 3:10-cv-188 above)          1/26/11 – Motion by Defendants to expedite decision          1/26/11 – Order granting Defendants’ Motion to expedite decision          1/26/11 – Order consolidating oral argument with Liberty Univ., below          2/28/11 – Opening Brief by Defendant-Appellant Sebelius          3/2-7/11 – Amici Briefs supporting Sebelius from Am. Ass’n of People with Disabilities, etc.; Am. Nurses Ass’n, Am. Acad. of Pediatrics etc.; AHA; Young Invincibles; Am. Ass’n of Univ. Women; Am. Cancer Soc’y etc.; Economic Scholars; AARP; Nat’l Women’s Law Ctr.; SEIU; State officials          3/8-19/11 – Orders granting filing of Amici briefs          3/28/11 – Opening/Response Brief by Plaintiff-Appellee Cuccinelli          3/28- 4/04/11 – Amici Briefs supporting Cuccinelli from Am. Ctr. for Law and Justice etc.; Pacific Legal Found.; Am. for Free Choice in Medicine; Wash. Legal Found. etc.; Justice and Freedom Fund; Am. Civil Rights Union; Mountain States Legal Found.; Landmark Legal Found.; Gun Owners of Am.; Family Research Council; Am. Life League; Am. Physicians &amp; Surgeons          4/08/11 - Response and Reply Brief from Sec. Sebelius          4/15/11 - Reply Brief from AG Cuccinelli          5/10/11 – Oral argument (Judges Motz, Davis, Wynn)          5/23/11 - Court order requesting supplemental briefing (on Anti-Injunction Act)          5/31/11 – Supplemental briefing from Cuccinelli and Sebelius          6/20/11 – Supplemental Amicus Br. Supporting Appellee from Pacific Legal Found.          7/08/11 - Amicus Curiae brief of Toussaint Tyson supporting Appellee          9/08/11 – Opinion finding no subject matter juris., vacating D. Ct., <b>656 F.3d 253</b></p>

## National Health Law Program

Contact: Jane Perkins  
 UPDATED: 1/10/2013

	10/31/11 – Mandate issued
<p><b>United States Supreme Court</b></p> <p><b>Cert. Denied</b></p>	<p><i>Commonwealth of Virginia v. Sebelius</i>, No. 11-420</p> <p>9/30/11 – Virginia Pet. for Writ of Cert.,                  11/03/11 - Brief in Opposition                  11/07/11 – Distributed for Nov. 22 conference                  6/29/12 – Petition for writ of certiorari denied</p>
<p><b>Eastern District of Michigan</b></p> <p><b>Held: Mandate Constitutional</b></p> <p><b>Aff'd on Appeal</b></p>	<p><i>Thomas More Law Center v. Obama</i>, No. 2:10-cv-11156 – Judge George C. Steeh</p> <p>3/23/10 – Complaint                  4/06/10 – Motion for Preliminary Injunction                  5/11/10 – Response to Motion for Preliminary Injunction filed by Defendants                  5/21/10 – Notice of Supplemental Authority by Defendants (<i>US v. Comstock</i>)                  6/03/10 – Reply to Support Motion for Preliminary Injunction                  7/14/10 – Sur-Reply Re: Motion for Preliminary Injunction Filed by Defendants                  7/15/10 - Order Consolidating Hearing on Preliminary Injunction with Trial on Merits                  7/21/10 – Hearing on Motion for Preliminary Injunction                  8/02/10 – Notice of Supplemental Authority from Plaintiffs (<i>Va. v. Sebelius</i>)                  8/04/10 – Def. Response to Supplemental Authority (<i>Va. v. Sebelius</i>)                  9/01/10 – Notice of Supplemental Authority from Defendants (<i>Baldwin</i>)                  9/02/10 – Plaintiffs’ Response to Supplemental Authority (<i>Baldwin</i>)                  10/07/10 – Order denying Injunction and Dismissing Claims, <b>720 F. Supp. 2d 882</b>                  10/21/10 – Stipulated Order dismissing remaining claims without prejudice                  10/22/10 – Notice of appeal                  6/29/11 – Opinion from 6<sup>th</sup> Circuit aff’g D. Ct.                  8/01/11 – Supreme Court remark – petition for cert. filed                  7/02/12 – Supreme Court remark – petition for cert. denied                  10/22/12 – Mandate issued</p>
<p><b>6<sup>th</sup> Circuit Ct. of App.</b></p> <p><b>Held: Mandate Constitutional</b></p> <p><b>Pet. for Cert. denied</b></p>	<p><i>Thomas More Law Center v. Obama</i>, No. 10-2388</p> <p>10/25/10 – Appeal docketed (from No. 2:10-cv-11156, see above)                  12/15/10 – Opening Brief filed by Appellant Thomas More Law Center                  12/15-22/10 – Amici Briefs for TMLC from Am. Ctr. for Law &amp; Justice; Cato Institute; Wash. Legal Found.; Members of Congress; Mountain States Legal Found.                  1/14/11 – Response Brief filed by US AG Holder                  1/21/11 – Amici Briefs for Holder from Ass’n of Am. Med. Colleges, Catholic Health Ass’n of U.S.; AHA, Nat’l Ass’n of Children’s Hospitals &amp; Related</p>

## National Health Law Program

Contact: Jane Perkins  
 UPDATED: 1/10/2013

	<p>Institutions, Members of Congress; Ass'n of People with Disabilities, Families USA, March of Dimes Found. etc.; Economic Scholars; Am. Diabetes Ass'n; Am. Cancer Soc'y; State of Oregon; Constitutional Law Professors, AAP, Am. Medical Student Ass'n; Governor of Washington</p> <p>1/28/11 – Reply Brief filed by TMLC        1/31/11 – Motion to expedite oral argument        2/08/11 – Order granting motion to expedite oral argument        5/27/11 – Motion filed by AG Holder to dismiss case as moot        5/30/11 – Response opposing mootness filed by TMLC        6/01/11 – Oral argument (Judges Martin, Sutton, Graham)        6/17/11 – Additional citation by Appellants (Bond v. US, USSCt.)        6/29/11 – Order affirming Dismissal, <b>651 F.3d 529</b>        8/01/11 – Supreme Court notice pet. for cert. filed        7/02/12 – Supreme Court notice – pet. for cert. denied        10/22/12 – Mandate issued</p>
<p><b>United States Supreme Court</b></p> <p><b>Pet. for Cert. denied</b></p>	<p><i>Thomas More Law Ctr. v. Obama</i>, No. 11-117</p> <p>7/26/11 – TMLC Pet. for Writ of Cert.        9/28/11 - Brief in Opposition        10/06/11 - Reply Brief        10/29/11 – Distributed for Nov. 10 conference        6/29/12 – Petition for cert. denied</p>
<p><b>District of Columbia District Court</b></p> <p><b>Held: Mandate Constitutional</b></p> <p><b>Aff'd on Appeal</b></p>	<p><i>Seven Sky, Mead et al. v. Holder</i>, No. 1:10-cv-950 – Judge Gladys Kessler</p> <p>6/09/10 – Complaint        7/02/10 – First Amended Complaint        8/11/10 – Motion for Summary Judgment by Plaintiffs        8/20/10 – Def. Motion to Dismiss and to Stay Summary Judgment Proceedings        Pending Decision on Motion to Dismiss        8/27/10 – Plaintiffs' Opposition to Stay        9/03/10 – Defendants' Reply in Support of Stay        9/08/10 – Order – Granting Motion to Stay Summary Judgment Proceedings        9/10/10 – Memo in Opp. to Motion to Dismiss filed by Plaintiffs        9/24/10 – Defendant's Reply in Support of their Motion to Dismiss        10/14/10 – Notice of Supplemental Authority filed by Plaintiffs (Fla. dec.)        10/19/10 – Response to the Plaintiff's Notice of Supplemental Authority        11/29/10 – Notice of Supplemental Authority filed by Plaintiffs (Ohio dec.)        12/07/10 – Response to Plaintiffs' Notice of Supplemental Authority filed by Defendants        12/14/10 – Notice of Supplemental Authority filed by Plaintiffs (Lee, Mead, Rodriguez, Ruffo, Seven-Sky)        12/20/10 – Response to Plaintiffs' Notice of Supplemental Authority filed by</p>

## National Health Law Program

Contact: Jane Perkins  
 UPDATED: 1/10/2013

	<p style="text-align: center;">Defendants</p> <p>1/31/11 – Hearing on Defendants’ Motion to Dismiss        2/01/11- Notice of Supplemental Authority by Plaintiffs (Pa. dec.)        2/02/11- Notice of Supplemental Authority by Plaintiffs (Fla. dec.)        2/15/11 – Response to Notice of Supplemental Authority filed by Defendants        2/22/11 – Order granting Defendants’ Motion to Dismiss, <b>766 F. Supp. 2d 8</b>        2/25/11 – Notice of Appeal        1/20/12 – Mandate – Judgment of D. Ct. affirmed</p>
<p><b>D.C. Circuit        Ct. of App.</b></p> <p><b>Held: Mandate        Constitutional</b></p> <p><b>Cert. denied</b></p>	<p><i>Seven Sky v. Holder</i>, No. 11-5047</p> <p>3/08/11 – Appeal docketed (from No. 1:10-cv-950, above)        3/17/11 – Initial en banc review denied, briefing schedule expedited        5/16/11 – Opening Brief filed by Appellant Seven Sky        5/24/11 – Amici Briefs supporting Appellant filed by U.S. Chamber of Commerce;        Mountain States Legal Found.; Caesar Rodney Instit.; Cato Inst.; state        officials; Catholic Vote.org; Ass’n of Am. Physicians &amp; Surgeons        6/27/11 – Response Brief filed by Appellee AG Holder        7/05-07/11 – Amici in support of Appellee filed by Change to Win, SEIU, AHA, Ass’n        of Medical Colleges, Catholic Health Ass’n, Federation of Am. Hospitals,        National Ass’n of Children’s Hospitals, National Ass’n of Public Hospitals        &amp; Health Systems, etc, and California, Connecticut, Delaware, Hawaii,        Iowa, Maryland, New York, Oregon, Vermont and DC        7/25/11 – Appellant Reply Brief        8/31/11 – Per curium order for supplemental briefing on taxing power        9/09/11 – Holder letter re: additional authorities (4th Circuit opinions)        9/12/11 – Supplemental briefing        9/23/11 – Oral argument (Judges Kavanaugh, Edwards, Silberman)        11/08/11 – Opinion affirming dismissal, <b>661 F.3d 1</b>        12/09/11 – Notice that Writ of Certiorari filed        1/11/12 – Mandate issued        7/02/12 – Letter from S. Ct. Clerk Pet. for cert. denied</p>
<p><b>United States        Supreme Court</b></p> <p><b>Cert. denied</b></p>	<p><i>Seven Sky v. Holder</i>, No. 11-679</p> <p>11/30/11 – Petition for Certiorari        1/03/12 – Response of Eric Holder        1/10/12 – Reply        1/18/12 – Distributed for Conference Feb. 17, 2012        7/02/12 – Petition for writ of certiorari denied</p>
<p><b>District of New        Jersey</b></p>	<p><i>New Jersey Physicians, Inc. v. Obama</i>, No. 2:10-cv-01489 – Judge Susan Wigenton</p> <p>3/24/10 – Complaint</p>

## National Health Law Program

Contact: Jane Perkins  
 UPDATED: 1/10/2013

<p><b>Held: Dismissed for lack of standing</b></p> <p><b>Aff'd on Appeal</b></p>	<p>3/30/10 – Amended Complaint          7/28/10 – Motion to Dismiss Filed by Defendants          8/23/10 – Response in Opposition to Motion to Dismiss          9/03/10 – Reply in Support of Motion to Dismiss          12/08/10 – Opinion granting motion to dismiss, <b>757 F. Supp. 2d 502</b>          12/08/10 – Notice of Appeal filed by Plaintiffs          9/26/11 – Mandate issued</p>
<p><b>3<sup>d</sup> Circuit Ct. of App.</b></p> <p><b>Case dismissed</b></p>	<p><i>New Jersey Physicians, Inc. v. Obama</i>, No. 10-4600</p> <p>12/14/10 - Case docketed (appeal from No. 2:10-cv-01489, above)          1/26/10 – Appellants N.J. Physicians’ Opening Brief          3/14/11 – Appellee Obama’s Response Brief          6/22/11 – Oral Argument (Chagares, Jordan, Greenaway)          6/29/11 – Letter from Appellant re: Thomas More Law Center)          7/01/11 – Response to Appellant’s Thomas More letter          8/03/11 – Opinion, Judgment affirmed dismissing case, <b>653 F.3d 234</b>          9/26/11 – Mandate issued</p>
<p><b>District of New Jersey</b></p> <p><b>Case dismissed</b></p> <p><b>Affirmed on Appeal</b></p>	<p><i>Purpura v. Sebelius</i>, No. 3:10-cv-04814 – Judge Freda L. Wolfson</p> <p>9/20/10 – Complaint          10/19/10 – Order denying Motion to Show Cause for Immediate Restraining Order          12/09/10 – Motion for Summary Judgment filed by Plaintiffs          12/17/10 – Motion for Summary Judgment filed by Defendants          12/23/10 – Motion to Stay re: Summary Judgment filed by Defendants          1/03/11 – Reply in Opp. to Motion to Stay Summary Judgment          1/04/11 – Order denying Defendants’ Motion to Stay          1/10/11 – Reply in Opp. to the Defendants’ anticipated Motion to Dismiss filed by Plaintiffs          1/17/11 – Motion to Dismiss and Reply Opp. to Plaintiffs’ Motion for Summary Judgment filed by Defendants          1/18/11 – Docket entry setting motion for 2/22/11, to be decided w/o oral argument          2/07/11 – Letter to judge re: Motion for Summary Judgment from Nicholas E. Purpura and Donald R. Laster          2/07/11 – Response to Mot. for Summary Judgment filed by Plaintiffs          4/21/11- Order Granting Defs’ Motion to Dismiss, <b>2011 WL 1547768</b> (not reported in F. Supp. 2d)          5/12/11 - Notice of Appeal          11/21/11 – Mandate issued</p>



## National Health Law Program

Contact: Jane Perkins  
 UPDATED: 1/10/2013

<p><b>3<sup>d</sup> Circuit Ct. of App.</b></p> <p><b>Case dismissed</b></p>	<p><i>Purpura v. Sebelius</i>, No. 11-2303</p> <p>5/18/11 – Case docketed (appeal from No. 3:10-cv-04814, above)                  6/30/11 – Pro se brief on behalf of Appellant Purpura                  6/13/11 - Motion filed by Appellee for Extension to file Response on 8/10/2011                  6/23/11 – Order granting Motion for Extension of Time                  6/28/11 – Motion by Appellant Purpura for TRO and to vacate or modify order granting extension of time                  7/01/11 – Response in opposition filed by Appellees                  7/07/11 – Reply by Appellant                  7/07/11 – Letter filed by Purpura under the Freedom of Information Act                  7/12/11 – Motion filed by Appellant for default and order for declaratory relief                  7/15/11 – Motion filed by Appellant for recusal of Judges Greenway and Vanaskie                  7/25/11 - Motion filed by Appellants for Entry of Default                  7/28/11 – Order denying Motion for Recusal of Judge Vanaskie                  8/01/11 - Order denying Appellant’s motions for injunction, to vacate order granting government extension of time to file response brief, and default                  8/02/11 – Motion filed by Appellants to vacate Order of 7/28/11                  8/04/11 – Motion filed by Appellants to vacate Order of 8/1/11 and request for En Banc review                  8/08/11- Order denying Motions of 8/2/11 and 8/4/11                  8/10/11 – Brief of Appellee Sebelius                  8/15/11 – Reply Brief from Appellant                  8/18/11- Order denying Appellant’s request for En Banc hearing                  9/15/2011 – Oral argument (Judges Scirica, Smith, Vanaske)                  9/29/11 –Per curiam Opinion affirming district court dismissal, <b>446 F. App’x 496</b>                  11/21/11 – Mandate issued                  1/09/12 – Supreme Court notice – writ of certiorari filed                  1/09/12 – Supreme Court notice – writ of certiorari denied</p>
<p><b>U.S. Sup. Ct.</b></p> <p><b>Cert. denied</b></p>	<p><i>Purpura v. Sebelius</i>, No. 11-7275</p> <p>10/31/11– Petition for certiorari filed                  1/09/12 – Writ of certiorari denied                  2/21/12 – Pet. for rehearing denied</p>
<p><b>Eastern District of Tennessee</b></p> <p><b>Case dismissed</b></p>	<p><i>Shreeve v. Obama</i>, No. 1:10-cv-71 – Judge Curtis L. Collier</p> <p>4/08/10 – Complaint                  7/19/10 – Amended Complaint                  7/19/10 – Motion for Preliminary Injunction by Plaintiff                  7/19/10 – Amended Complaint with 25,000+ Plaintiffs                  7/27/10 –Amended Complaint                  8/27/10 – Motion to Dismiss Filed by Defendants</p>

## National Health Law Program

Contact: Jane Perkins  
 UPDATED: 1/10/2013

	<p>8/27/10 – Response Opposing Preliminary Injunction        9/03/10 – Reply in Support of Motion for Preliminary Injunction        9/17/10 – Response in Opposition to Motion to Dismiss        9/24/10 – Reply in Support of Motion to Dismiss        10/14/10 – Notice of Supplemental Authority by Def.        10/19/10 – Notice by Anthony Shreeve re: Notice of Plaintiff’s Response to Defendants’ Rule 7.1(d) (supplemental brief)        11/04/10 – Order granting Defendants’ Motion to Dismiss, <b>2010 WL 4628177</b> (not reported in F. Supp. 2d)</p>
<p><b>Eastern District of Texas</b></p> <p><b>Case dismissed</b></p> <p><b>Affirmed on Appeal</b></p>	<p><i>Physician Hospitals of America v. Sebelius</i>, No. 6:10-cv-00277 - Judge Michael H. Schneider (focus on PPACA, § 6001, re: physician-owned hospital referrals)</p> <p>6/03/10 – Complaint        6/07/10 – Motion for Preliminary Injunction filed by Plaintiffs        8/7/10 – Motion to Dismiss, or, in the Alternative, for Summary Judgment and Defendants’ Opposition to Plaintiffs’ Motion for Preliminary Injunction        8/18/10 – Motion to Withdraw Motion for Preliminary Injunction filed by Plaintiffs        8/23/10 – Order granting Motion to Withdraw Preliminary Injunction        9/07/10 – Response in Opposition to Defendants’ Motion to Dismiss and Summary Judgment        9/09-10/10 – Amici Briefs supporting Plaintiffs from Texas Medical Ass’n, Union Pines; RetireSafe        9/17/10 – Reply in Support of Summary Judgment and Motion to Dismiss        9/27/10 – Opposition to Amici Briefs        9/29/10 – Hearing on Dispositive Motions        10/11/10 – Defendant’s Mot. for Summ. J. re: Jurisdiction and Retroactivity        10/11/10 – Defendant Mot. for Summ. J. re: Inappropriateness of Trial        10/11/10 – Plaintiffs’ Responses in Opp. to Summ. J.        11/24/10 – Notice of Forthcoming Opin. upholding ACA § 6001 and cancelling scheduled trial date        12/22/10 – Amicus Brief support Plaintiffs filed by Gilbert Hospital, LLC        1/14/11 – Response to Gilbert Hospital Amicus filed by Defendants        2/15/11 – Motion for Summary Judgment filed by Plaintiffs        2/17/11 – Opp. to Plaintiffs’ Motion for leave to file Motion for Summary Judgment        2/18/11 – Order denying Defendants’ Motion to Dismiss, <b>770 F. Supp. 2d 828</b>        2/22/11 – Reply in support of Amicus Brief by Gilbert Hospital        3/07/11 – Sur-Reply supporting Summary Judgment filed by Defendants        3/31/11 - Order granting Defendants’ Motion for Summary Judgment, <b>781 F. Supp. 2d 431</b>        5/27/11- Notice of Appeal        10/16/12 – Judgment issued as Mandate (D. Ct. aff’d)</p>

## National Health Law Program

Contact: Jane Perkins  
 UPDATED: 1/10/2013

<p><b>5<sup>th</sup> Cir. Ct. of Appeals</b></p> <p><b>D. Ct. Aff'd</b></p>	<p><i>Physician Hospitals of America v. Sebelius</i>, No. 11-40631</p> <p>6/02/11 – Appeal docketed (from No. 6:10-cv-00277, above)</p> <p>8/10/11- Amicus Brief on behalf of Appellant from Tex. Med. Ass’n and Physicians Foundation, Inc.</p> <p>8/18/11 – Corrected Opening Brief from Appellant</p> <p>10/19/11 – Response Brief from Appellee Sebelius</p> <p>11/23/11 – Reply Brief from Appellant</p> <p>11/23/11 – Motion to Stay filed by Physician Hosps. (unopposed)</p> <p>12/21/11 – Amicus Br. filed by Tex. Med. Ass’n for Physician Hosps.</p> <p>1/05/12 – Motion to Stay denied w/o prejudice after calendaring</p> <p>2/02/12 – Case calendared for argument during week of 4/2/12</p> <p>2/13/12 – Unopposed Mot. to stay pending SCOTUS review</p> <p>2/29/12 - Motion to Stay denied</p> <p>4/03/12 – Oral argument (Judges Smith, Garza and Southwick); Sec. Sebelius ordered to file letter explaining authority of courts to invalidate acts of Congress</p> <p>8/16/12 – Opinion (district court lack sub. matter jurisdiction), <b>691 F.3d 649</b></p> <p>10/10/12 – Mandate issued</p>
<p><b>Eastern District of Texas</b></p> <p><b>Case dismissed</b></p>	<p><i>Bellow v. Sebelius</i>, No. 1:10-cv-00165 – Judge Ron Clark</p> <p>3/24/10 – Complaint</p> <p>11/29/10 – Def. Motion to Dismiss for Lack of Jurisdiction</p> <p>12/10/10 – Response to Motion to Dismiss filed by Plaintiffs</p> <p>12/20/10 – Defendants’ response in support of Mot. to Dismiss</p> <p>12/20/10 – Motion for Summary Judgment filed by Plaintiffs</p> <p>1/05/11 – Motion to Stay Proceedings on Plaintiff’s Motion for Summary Judgment filed by Def.</p> <p>3/15/11 – Order granting Motion to Stay Proceedings on Plaintiff’s Motion for Summary Judgment until ruling on Defendants’ Motion to Dismiss for Lack of Subject Matter Jurisdiction</p> <p>3/21/11 – Magistrate’s Recommendation to Dismiss for lack of jurisdiction, <b>2011 WL 2470456</b> (not reported in F. Supp. 2d)</p> <p>3/23/11- Response to Order re stay of summary judgment briefing filed by Plaintiff</p> <p>4/05/11- Objection to Magistrate’s Report and Recommendation by Plaintiff</p> <p>4/25/11- Response to Plaintiff’s Objections filed by Defendant</p> <p>5/09/11- Reply to Defendant’s Response filed by Plaintiff</p> <p>6/20/11 –Order adopting Magistrate’s Recommendation and granting Motion to Dismiss, <b>2011 WL 2462205</b> (not reported in F. Supp. 2d)</p>

## National Health Law Program

Contact: Jane Perkins  
 UPDATED: 1/10/2013

<p><b>District of Arizona</b></p> <p><b>Case dismissed</b></p>	<p><i>Fountain Hills Tea Party Patriots, L.L.C. v. Sebelius</i>, No. 2:10-cv-00893 – Magistrate Judge David K. Duncan</p> <p>4/22/10 – Complaint        5/04/10 – Order-Plaintiff to appear through counsel w/in 30 days or amend Complaint        5/25/10 – Order that Plaintiffs show cause for failure to comply with Local Rules        6/02/10 – Plaintiffs’ Response re: Order to Show Cause        6/17/10 – Case Dismissed</p>
<p><b>Eastern District of Arkansas</b></p> <p><b>Case dismissed</b></p>	<p><i>Burlsworth v. Holder</i>, No. 4:10-cv-00258 – Judge Susan Webber Wright</p> <p>4/27/10 – Class Action Complaint        8/03/10 – Motion to Dismiss Filed by Defendants        8/06/10 – Order granting Plaintiff extension of time to respond        9/07/10 – Unopposed Motion to Dismiss without prejudice filed by Plaintiffs        9/08/10 – Order Granting Plaintiff’s Unopposed Motion to Dismiss</p>
<p><b>Southern District of California</b></p> <p><b>Dismissed (twice)</b></p>	<p><i>Baldwin v. Sebelius</i>, No. 3:10-cv-01033 – Judge Dana M. Sabraw</p> <p>5/14/10 – Complaint        5/17/10 – Emergency Motion for Temporary Restraining Order filed by Plaintiffs        5/19/10 – Motion for Preliminary Injunction and Memorandum in Support        6/04/10 – Response in Opposition to Emergency Motion for TRO        6/10/10 – Order denying Temporary Restraining Order, <b>2010 WL 2384588</b> (not reported in F. Supp. 2d)        6/25/10 – Motion to Dismiss filed by Defendants        6/25/10 – Resp. in Opp. to Motion for Preliminary Injunction        7/02/10 – Reply in Support of Preliminary Injunction filed by Pacific J. Instit.        7/09/10 – Reply to Response to Motion to Dismiss        7/13/10 – Order Granting Stipulation to Submit w/o Oral Argument        8/02/10 – Supplemental Brief Filed by Plaintiffs        8/04/10 – Response to Supplement Brief Filed by Defendants        8/27/10 – Order granting Defendants’ Motion to Dismiss, <b>2010 WL 3418436</b> (not reported in F. Supp. 2d)        8/28/10 – Motion by Plaintiffs for publication of dismissal order        8/30/10 – Notice of Appeal        9/07/10 – Order denying motion to publish decision        10/5/11 – Plf. Ex parte Motion to File 1<sup>st</sup> Amended Complaint        10/17/11 – Order granting Motion to File 1<sup>st</sup> Amended Complaint        10/25/11 – Def. Motion to Reconsider allowing 1<sup>st</sup> Amended Complaint        10/31/11 – First Amended Complaint        11/07/11 – Opp. to Def. Mot. to Reconsider        11/07/11 – Plaintiffs’ Ex parte Motion to Deny Def. Mot. to Reconsider        11/07/11 – Ex parte Motion Denied</p>

## National Health Law Program

Contact: Jane Perkins  
 UPDATED: 1/10/2013

	<p>1/06/12 – Def. Reply on Mot. to Reconsider allowing 1<sup>st</sup> Am. Compl.          1/31/12 - Order granting Def. Motion to Reconsider, finding 1<sup>st</sup> Am. Compl. untimely filed and granting Defendants’ motion to dismiss for lack of Art. III standing, <b>2012 WL 294466</b> (not reported in F. Supp. 2d)          2/01/12 – Judgment entered</p>
<p><b>9th Circuit Ct. of App.</b>   <b>Affirmed Dismissal</b></p>	<p><i>Baldwin v. Sebelius</i>, No. 10-56374</p> <p>9/01/10 – Appeal docketed (from No. 3:10-cv-01033, see above)          11/24/10 – Opening Brief filed Plaintiff-Appellant Baldwin          1/26/11 – Answer Brief for Appellee          2/07/11 – Reply Brief by Appellant          2/07/11 – Petition for initial en banc review filed by Appellant Baldwin          4/14/11 – En banc review denied          6/23&amp;29/11 – Appellants citations to suppl. authorities          6/30/11 – Appellee citation to supp. authority (Thomas More, 6th Cir.)          7/13/11 – Case argued (10 min./side) &amp; submitted (Fernandez, Rymer, Tallman)          8/18/11 – Opinion affirming district court, <b>653 F.3d 877</b>          10/04/11 – Mandate issued</p>
<p><b>United States Supreme Court</b>   <b>Cert. denied</b></p>	<p><i>Baldwin and Pacific Justice Institute v. Sebelius</i>, No. 10-369 (from No. 10-56374)</p> <p>9/15/10 – Petition for Writ of Certiorari          9/28/10 – Consent for filing amicus briefs rec’d from Petitioners Baldwin and PJI          10/8/10 – Supplemental brief from petitioners          10/18/10 – Sebelius waives right to respond          11/08/10 – Certiorari denied, <b>131 S.Ct. 573</b></p>
<p><b>Central District of California</b>   <b>Case dismissed</b></p>	<p><i>Boyle v. Sebelius</i>, No. 2:11-cv-7868 – Judge George H. Wu</p> <p>9/22/11 – Complaint (342pp. challenging individual mandate on 18 grounds)          1/3/2012 – Def. Mot. to Dismiss for lack of standing          1/13/2012 – Opposition to Mot. to Dismiss          1/20/2012 – Reply Supporting Mot. to Dismiss          2/3/2012 – Order granting Motion to Dismiss (with leave to re-file)          4/3/2012 – Notice of Appeal          5/18/2012 – Plf. Notice of intent not to file amended complaint          5/25/2012 – Order dismissing case          6/18/2012 – Notice of Appeal          8/21/2012 – Notice from Circuit Court of Case Dismissed</p>

## National Health Law Program

Contact: Jane Perkins  
 UPDATED: 1/10/2013

<p><b>Ninth Circuit Court of Appeals</b></p> <p><b>Case dismissed</b></p>	<p><i>Boyle v. Sebelius</i>, Nos. 12-55627 and 12-56376 (from No. 2:11-cv-7868)</p> <p>4/6/2012 – Notice of Appeal (No. 12-55627)        5/9/2012 – Order dismissing appeal (non-appealable interlocutory order)        6/1/2012 – Mandate issued        6/18/2012 – Mot. for Reconsideration        7/24/2012 – Reconsideration denied, case closed        7/25/2012 – Notice of Appeal (No. 12-56376)        7/30/2012 – Notice from Court that docketing fees are due        8/20/2012 – Plf. unopposed motion for voluntary dismissal        8/21/2012 – Case dismissed</p>
<p><b>Eastern District of Missouri</b></p> <p><b>Case dismissed</b></p> <p><b>Affirmed on appeal</b></p>	<p><i>Kinder v. Geithner</i>, No. 1:10-cv-00101 – Judge Rodney W. Sippel</p> <p>7/07/10 – Complaint        7/09/10 – Motion to Intervene by Missouri Attorney General        8/18/10 – Amended Complaint        8/20/10 – Motion to Withdraw Motion to Intervene filed by Missouri AG        8/23/10 – Order granting AG’s motion to withdraw        1/18/11 – Motion to Dismiss filed by Defendants        1/25/11 – Opposition to Motion to Dismiss filed by Plaintiffs        2/04/11 – Reply supporting Motion to Dismiss filed by Defendants        2/04/11 – Notice of Supp. Authority by Plaintiffs (NFIB)        4/26/11 - Order granting Defendant’s Motion to Dismiss, <b>2011 WL 1576721</b> (not reported in F. Supp. 2d)        4/29/11 – Notice of Appeal        10/04/12 – Notice of 8<sup>th</sup> Cir. Opinion        11/26/12 – Mandate entered</p>
<p><b>8<sup>th</sup> Cir. Ct. of Appeal</b></p> <p><b>D. Ct. dismissal affirmed</b></p>	<p><i>Kinder v. Geithner</i>, No. 11-1973</p> <p>5/04/11 – Appeal docketed (from No. 1:10-cv-00101, above)        6/14/11 – Appellant Kinder Opening Brief        7/18/11 – Amici Briefs for Kinder filed by AL, AK, AR, CO, FL, GA, ID, LA, ME, MI, NE, NV, ND, OH, PA, SC, SD, TX, UT, WA, WI; Exec. and Legis. Officials of States within 8th Circuit        8/12/11 – Appellee Geithner’s Brief        8/17-19/11 – Amici Briefs for Geithner filed by CA, CT, DE, HI, IA, MD, NY, OR, VT, and DC and MA; AAPD, Families USA et al.; Economic Scholars; Am. Acad. of Ped. et al.; Law professors; SEIU        9/01/11 – Appellants’ Reply Brief        9/09/11 – Geithner citation to subsequent authority (4th Circuit opinions)        9/30/11 – Geithner citation to subsequent activity (Pet. For Cert. from 11<sup>th</sup> Cir.)        10/20/11 – Oral Argument (Judges Bye, Smith, Colloton)        11/16/11 – DOJ Notice of Subsequent Auth. (SCOTUS grant in Florida case)</p>

## National Health Law Program

Contact: Jane Perkins  
 UPDATED: 1/10/2013

	<p>7/11/12 – Order to file Supplemental briefs in light of NFIB        8/02/12 – Kinder Supp. Br.        9/14/12 – U.S. Supp. Br.        10/04/12 – Opinion aff’g D. Ct., <b>695 F.3d 772</b>        11/26/12 – Mandate issued</p>
<p><b>District of Nevada</b></p> <p><b>Case dismissed</b></p>	<p><i>Indep. Am. Party of Nev. v. Obama</i>, No. 2:10-cv-01477 – Judge George W. Foley, Jr.</p> <p>8/31/10 – Complaint        1/26/11 – Notice of intent to dismiss– no proper service        3/07/11 – Order Dismissing Case without prejudice</p>
<p><b>District of New Hampshire</b></p> <p><b>Case dismissed</b></p>	<p><i>Peterson v. Obama</i>, No. 1:10-cv-00170 – Judge Joseph N. Laplante</p> <p>5/04/10 – Complaint        8/16/10 – Motion to Dismiss filed by Defendants        9/31/10 – Motion to Amend Complaint and add Party Def. Sebelius        10/13/10 –Opp. to Motion to Dismiss filed by Plaintiff        10/29/10 – Response in Support of Motion to Dismiss        11/02/10 – Motion to Stay Proceedings pending ruling on Motion to Dismiss filed by Defendants        11/03/10 – Order granting Motion to Stay Proceedings        11/08/10 – Reply to Defendants’ Response in Support of Motion to Dismiss        12/20/10 – Order granting Motion to Amend Complaint to add Defendant Sebelius        12/20/10 – Amended Complaint        3/10/11 – Hearing on Motion to Dismiss        3/11/11 –Order for Plaintiff to show cause why 3 claims should not be dismissed (re: interstate privileges &amp; immunities, presentment clause, presidential oath)        3/25/11 – Plaintiffs’ Response to order to show cause        3/29/11 – Defendants’ Response to Plaintiffs’ Response to order to show cause        3/30/11 - Order granting Motion to Dismiss. for lack of standing, finding manner of ACA passage did not violate Presentment Clause, and finding claim President violated oath of office non-cognizable, <b>774 F. Supp. 2d 418</b>        3/31/11 – Judgment entered</p>
<p><b>Middle District of North Carolina</b></p> <p><b>Case dismissed</b></p>	<p><i>Van Tassel v. U.S.</i>, No. 1:10-cv-00310 – Judge Thomas D. Schroeder</p> <p>4/22/10 – Complaint        7/26/10 – Motion to Dismiss for Lack of Jurisdiction Over the Subject Matter filed by Defendants        12/16/10 – Order granting Motion to Dismiss for Lack of Jurisdiction</p>

## National Health Law Program

Contact: Jane Perkins

UPDATED: 1/10/2013

<p><b>Eastern District of New York</b></p> <p><b>Case dismissed</b></p>	<p><i>Butler v. Obama</i>, No. 2:10-cv-05025 – Judge Joseph F. Bianco</p> <p>11/01/10 – Complaint</p> <p>2/04/11 – Motion to Dismiss for Lack of Standing</p> <p>3/07/11 – Opposition to Motion to Dismiss</p> <p>3/18/11 – Reply in Support of Motion to Dismiss</p> <p>9/30/11 – Opinion granting Motion to Dismiss for Lack of Jurisdiction, <b>814 F.Supp.2d 230</b></p> <p>10/31/11 – Plf. Request to Re-plead Complaint</p> <p>11/18/11 – Def. Opp. to re-plead &amp; alternatively to stay proceedings pending SCOTUS review in Florida case</p> <p>12/01/11 – Order grant Stay pending SCOTUS decision in Florida case</p> <p>8/08/12 – Order lifting stay and dismissing case voluntarily</p>
---	--