

U.S. District Court
District of Colorado (Denver)
CIVIL DOCKET FOR CASE #: 1:13-cv-03263-MSK-KMT

Fellowship of Catholic University Students et al v. Sebelius et al Date Filed: 12/03/2013
Assigned to: Chief Judge Marcia S. Krieger Jury Demand: Plaintiff
Referred to: Magistrate Judge Kathleen M. Tafoya Nature of Suit: 890 Other Statutory
Cause: 42:2000bb Religious Freedom Restoration Act. Actions
Jurisdiction: Federal Question

Date Filed	#	Docket Text
04/23/2014	<u>41</u>	BRIEF in Opposition to <u>19</u> MOTION to Dismiss <i>or, in the Alternative, for Summary Judgment</i> , <u>12</u> MOTION for Partial Summary Judgment , <i>Brief in Support of 19 Motion to Dismiss</i> filed by Amicus Parties American Civil Liberties Union, American Civil Liberties Union of Colorado. (Attachments: # <u>1</u> Exhibit A)(Silverstein, Mark) (Entered: 04/23/2014)
04/23/2014	40	ORDER adopting Report and Recommendations re <u>34</u> Report and Recommendations. The Magistrate Judge's Recommendation <u>34</u> is adopted in part. The Court has granted Plaintiffs' Unopposed Motion for Preliminary Injunction. Discovery has been stayed pending the Court's ruling on Plaintiffs' Motion for Partial Summary Judgment <u>12</u> . The Court defers ruling on such motion until after a determination is made by the United States Supreme Court in <i>Hobby Lobby Stores, Inc. v. Sebelius</i> , 723 F.3d 1114 (10th Cir. 2013) (en banc), cert. granted, 134 S.Ct. 678 (2013). The parties shall have 30 days after the Supreme Court issues its ruling in <i>Hobby Lobby Stores, Inc. v. Sebelius</i> , 723 F.3d 1114 (10th Cir. 2013) (en banc), cert. granted, 134 S.Ct. 678 (2013), to file supplemental briefing with regard to <u>12</u> . by Chief Judge Marcia S. Krieger on 04/23/14. Text Only Entry(msklc1,) (Entered: 04/23/2014)
04/23/2014	<u>39</u>	ORDER granting <u>33</u> Motion for Preliminary Injunction. The Motion <u>33</u> was served properly on Defendants through electronic filing on March 11, 2014. Pursuant to D.C.COLO.LCivR 7.1(d), Defendants' response was due 21 days thereafter. No response in opposition was timely filed. Treating the motion as unopposed, it is granted. by Chief Judge Marcia S. Krieger on 04/23/14. Text Only Entry(msklc1,) (Entered: 04/23/2014)
04/22/2014	38	ORDER granting <u>21</u> Motion to File Amicus Brief. Having considered the Motion and the Response, the Motion is granted. Any brief shall be filed within 21 days of today's date. by Chief Judge Marcia S. Krieger on 04/22/14. Text Only Entry(msklc1,) (Entered: 04/22/2014)
04/15/2014	37	MINUTE ORDER: The Status Conference/Scheduling Conference set for April 17, 2014, is VACATED. By Magistrate Judge Kathleen M. Tafoya on 4/15/14. Text Only Entry (kmtlc1) (Entered: 04/15/2014)
04/14/2014	<u>36</u>	Joint STATUS REPORT by Plaintiffs Fellowship of Catholic University Students, Curtis A Martin, Craig Miller, Cindy O'Boyle. (Norton, Michael) (Entered: 04/14/2014)
04/11/2014	35	MINUTE ORDER: The parties shall file a Joint Status Report on or before 4/15/2014 regarding the need to hold the Status Conference set for 4/17/2014 in light of the stay of discovery and other matters entered on 3/25/2014 (See Doc. No. 34). By Magistrate Judge Kathleen M. Tafoya on 4/11/2014. Text Only Entry (kmtlc2) (Entered: 04/11/2014)
03/25/2014	<u>34</u>	ORDER AND RECOMMENDATION OF MAGISTRATE JUDGE. All discovery is stayed pending ruling on "Plaintiff's Motion for Partial Summary Judgment" [Doc. No. <u>12</u>] and "Plaintiff's Motion for Preliminary Injunction, Certificate of Compliance Re: Consultation and Request for Forthwith Consideration" [Doc. No. <u>33</u>], or until further order of the court. It is Recommended that the District Court suspend consideration of Defendants' "Motion to Dismiss or, in the Alternative, for Summary Judgment" [Doc. No. <u>19</u>] and that any response to that Motion from the

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 13–cv–03263–MSK–KMT

FELLOWSHIP OF CATHOLIC UNIVERSITY STUDENTS, a Colorado non-profit corporation,
CURTIS A. MARTIN,
CRAIG MILLER,
BRENDA CANNELLA, and
CINDY O’BOYLE,

Plaintiffs,

v.

KATHLEEN SEBELIUS, Secretary of the United States Department of Health and Human
Services,
UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES,
THOMAS PEREZ, Secretary of the United States Department of Labor,
UNITED STATES DEPARTMENT OF LABOR,
JACOB J. LEW, Secretary of the United States Department of the Treasury, and
UNITED STATES DEPARTMENT OF THE TREASURY,

Defendants.

**ORDER and
RECOMMENDATION OF MAGISTRATE JUDGE**

This court has reviewed the proposed Civil Scheduling Order tendered by counsel for the parties and heard arguments regarding scheduling at a hearing convened on March 5, 2014. The parties have agreed that certain preliminary matters should be addressed prior to the scheduling of discovery in the case, to wit: “Plaintiff’s Motion for Partial Summary Judgment” [Doc. No. 12], and; “Plaintiff’s Motion for Preliminary Injunction, Certificate of Compliance Re:

Consultation and Request for Forthwith Consideration” [Doc. No. 33], both now pending before Chief District Judge Marcia S. Krieger. The parties further agree that consideration of the pending Defendants’ “Motion to Dismiss or, in the Alternative, for Summary Judgment” [Doc. No. 19] is premature and that Plaintiff should not be required to file a response to that Motion until further order from the court following resolution of Doc. Nos. 12 and 33.

The parties are in also in agreement that it would be in the interest of justice to stay responses to outstanding discovery until the District Court considers Doc. Nos. 12 and 33. (See “Minute Order Re: Scheduling Conference [Proposed]” [Doc. No. 32].)

Under the circumstances presented in this case and given the particularized time strictures inherent in the statutes at issue, this court is in agreement that it would advance the interests of the parties, the public and the court to delay discovery pending resolution of the preliminary issues by the District Court.

Therefore, it is **ORDERED**

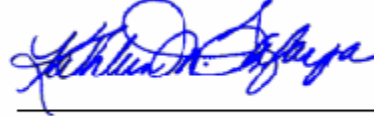
1. This court will not, at this time, enter a Civil Scheduling Order.
2. All discovery, including responses to discovery served by Plaintiffs on February 14, 2014 and Defendants’ Rule 26(a)(1) obligations, is stayed pending ruling on “Plaintiff’s Motion for Partial Summary Judgment” [Doc. No. 12] and “Plaintiff’s Motion for Preliminary Injunction, Certificate of Compliance Re: Consultation and Request for Forthwith Consideration” [Doc. No. 33], or until further order of the court.
3. Within five business days of the District Court’s resolution of Doc. Nos. 12 and 33, the parties shall file a joint status report addressing the continued need for discovery, the proposed scheduling of discovery and the entry of a Scheduling Order.

Further, it is **RECOMMENDED**

1. That the District Court suspend consideration of Defendants’ “Motion to Dismiss or, in the Alternative, for Summary Judgment” [Doc. No. 19] and that any response to that Motion from the Plaintiff be deferred until further order of the court.

Dated this 25th day of March, 2014.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge