

**U.S. District Court
Northern District of Ohio (Cleveland)
CIVIL DOCKET FOR CASE #: 1:07-cv-03809-PAG**

Premier Medical Supplies, Inc. v. Leavitt et al
Assigned to: Judge Patricia A. Gaughan
Cause: 28:2201 Declaratory Judgement

Date Filed: 12/13/2007
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: U.S. Government
Defendant

Plaintiff

Premier Medical Supplies, Inc.

represented by **Amy L. Woodhall**
Walter & Haverfield
3500 Tower at Erieview
1301 East Ninth Street
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ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

Plaintiff

Medic Home Health Care LLC

represented by **Amy L. Woodhall**
(See above for address)
LEAD ATTORNEY
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Michael J. Jordan
(See above for address)
LEAD ATTORNEY
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Susan Keating Anderson
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LEAD ATTORNEY
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Plaintiff

Carested, Inc.

represented by **Amy L. Woodhall**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael J. Jordan
(See above for address)
LEAD ATTORNEY
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Susan Keating Anderson
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Plaintiff

Kit Shinkle

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael J. Jordan
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Susan Keating Anderson
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LEAD ATTORNEY
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Plaintiff

Laszlo Nagy

represented by **Amy L. Woodhall**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Michael J. Jordan
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*LEAD ATTORNEY
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Susan Keating Anderson
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Plaintiff

**Cornerstone Medical Serices
Midwest LLC**

represented by **Amy L. Woodhall**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Michael J. Jordan
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Susan Keating Anderson
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

V.

Defendant

Michael O. Leavitt
*Secretary of the Department of
Health and Human Services, in his
official capacity*

represented by **Lisa Hammond Johnson**
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ATTORNEY TO BE NOTICED

Defendant

Kerry Weems
*Acting Administrator of the Centers
 for Medicare and Medicaid Services,
 in his official capacity*

represented by **Lisa Hammond Johnson**
 (See above for address)
ATTORNEY TO BE NOTICED

Stephen J. Buckingham
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/13/2007	<u>1</u>	Complaint for Injunctive and Declaratory Relief against all defendants. Filing fee \$ 350, receipt number 06470000000002767450, filed by Premier Medical Supplies, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons) (Jordan, Michael) (Entered: 12/13/2007)
12/13/2007	<u>2</u>	Corporate Disclosure Statement by Premier Medical Supplies, Inc. filed by Premier Medical Supplies, Inc.. (Jordan, Michael) (Entered: 12/13/2007)
12/13/2007	<u>3</u>	Supplement to <i>Civil Cover Sheet</i> to <u>1</u> Complaint, filed by Premier Medical Supplies, Inc.. Related document(s) <u>1</u> . (Jordan, Michael) (Entered: 12/13/2007)
12/14/2007		Judge Patricia A. Gaughan assigned to case. (C,BA) (Entered: 12/14/2007)
12/14/2007		Random Assignment of Magistrate Judge pursuant to Local Rule 3.1. In the event of a referral, case will be assigned to Magistrate Judge Baughman. (C,BA) (Entered: 12/14/2007)
12/14/2007	<u>4</u>	Summons and Magistrate Consent Form issued for service upon Michael O. Leavitt & Kerry Weems. (Attachments: # <u>1</u> Magistrate Consent Form) (C,BA) (Entered: 12/14/2007)
12/17/2007		Service by Clerk. Summons and Complaint addressed to Michael O. Leavitt & Kerry Weems placed in U.S. Mail. Type of service: Certified mail.

		Receipt # 7003 2260 0002 6619 7551/7742/7766/7735/7759/7568. (Ja,N) (Entered: 12/17/2007)
12/26/2007	5	Return of Service Executed upon Kerry Weems and Michael O. Leavitt by certified mail by clerk on 12/19/07 filed on behalf of Premier Medical Supplies, Inc. (R,Sh) (Entered: 12/26/2007)
12/27/2007	6	Attorney Appearance by Lisa Hammond Johnson filed by on behalf of Michael O. Leavitt, Kerry Weems. (Johnson, Lisa) (Entered: 12/27/2007)
01/04/2008	7	Return of Service Executed upon Kerry Weems and Michael O. Leavitt, c/o U.S. Attorney General by certified mail on 12/26/07 filed on behalf of Premier Medical Supplies, Inc. (E,P) (Entered: 01/04/2008)
01/07/2008	8	Return of Service Executed upon Kerry Weems, Michael O. Leavitt at 200 Independence by certified mail on 12/26/07 filed on behalf of Premier Medical Supplies, Inc. (E,P) (Entered: 01/07/2008)
01/11/2008	9	Case Management Conference Scheduling Order with case management conference set on 2/8/2008 at 09:00 AM to be held telephonically by Hon. Patricia A. Gaughan. Signed by Judge Patricia A. Gaughan on 1/11/08. (D,MB) (Entered: 01/11/2008)
01/24/2008	10	Motion for extension of time until February 19, 2008, to answer, Motion to continue <i>Case Management Conference</i> filed by Michael O. Leavitt, Kerry Weems. Related document(s) 9 , 1 . (Johnson, Lisa) (Entered: 01/24/2008)
01/28/2008		Order [non-document]: Defendants' Motion for extension of time to answer is granted to February 19, 2008. Motion to continue Case Management Conference is granted to 2/22/2008 at 08:45 AM and will be conducted by telephone with the Court initiating the call. Approved by Judge Patricia A. Gaughan on 1/25/08. (Related Doc # 10). (LC,S) (Entered: 01/28/2008)
01/30/2008	11	Attorney Appearance by Stephen J. Buckingham filed by on behalf of Michael O. Leavitt, Kerry Weems. (Buckingham, Stephen) (Entered: 01/30/2008)
02/19/2008	12	Report of Parties' Planning Meeting <i>Under Fed.R.Civ.P.26(f) and L.R. 16.3(b)</i> . Parties do not consent to this case being assigned to the magistrate judge. filed by Premier Medical Supplies, Inc.. (Jordan, Michael) (Entered: 02/19/2008)
02/19/2008	13	Motion to dismiss <i>Plaintiff's Complaint for Injunctive and Declaratory Relief</i> filed by Michael O. Leavitt, Kerry Weems. (Buckingham, Stephen) (Entered: 02/19/2008)
02/21/2008	14	Minutes/Order : Based upon the "Report of Parties Planning Meeting," case management conference set 2/21/08 is continued to 4/10/2008 at 09:00 AM. Signed by Judge Patricia A. Gaughan on 2/20/08. (LC,S) (Entered: 02/21/2008)

02/27/2008	15	Unopposed Motion for extension of time until April 21, 2008 to Respond to Defendants' Motion to Dismiss filed by Plaintiff Premier Medical Supplies, Inc.. (Anderson, Susan) (Entered: 02/27/2008)
02/28/2008	16	Order: Plaintiff's Unopposed Motion for Extension of Time to Respond to Defendants' Motion to Dismiss is granted. Plaintiff is granted an additional thirty (30) days, up to and including April 21, 2008, in which to file their response to Defendants Motion to Dismiss. Signed by Judge Patricia A. Gaughan on 2/28/08. 15 (LC,S) (Entered: 02/28/2008)
04/11/2008	17	Case Management Order: Case Management Conference held on 4/10/08. Case assigned to the Standard Track. Case is suitable for ECF. Non-expert discovery due by 8/1/08. Parties to be Joined and Pleading Amendments due by 6/10/08. Dispositive Motions due by 9/1/08. Status Conference is set 6/24/08 at 09:30 AM. Parties must be available by telephone. Counsel must appear in person unless otherwise ordered by the Court. Signed by Judge Patricia A. Gaughan on 4/10/08. (LC,S) (Entered: 04/11/2008)
04/21/2008	18	Motion for protective order filed by Michael O. Leavitt, Kerry Weems. (Attachments: # 1 Memorandum In Support)(Buckingham, Stephen) (Entered: 04/21/2008)
05/02/2008	19	Amended complaint for Injunctive and Declaratory Relief against all defendants, filed by Premier Medical Supplies, Inc.. (Attachments: # 1 Exhibit A, # 2 Exhibit B) (Jordan, Michael) (Entered: 05/02/2008)
05/05/2008	20	Corporate Disclosure Statement by Carested, Inc. filed by Carested, Inc.. (Jordan, Michael) (Entered: 05/05/2008)
05/05/2008	21	Corporate Disclosure Statement by Medic Home Health Care LLC filed by Medic Home Health Care LLC. (Jordan, Michael) (Entered: 05/05/2008)
05/05/2008	22	Corporate Disclosure Statement by Cornerstone Medical Serices Midwest LLC filed by Cornerstone Medical Serices Midwest LLC. (Jordan, Michael) (Entered: 05/05/2008)
05/06/2008	23	Unopposed Motion for extension of Brief in Opposition to Defendants' Motion for Protective Order and Memorandum in Support until May 15, 2008 filed by Premier Medical Supplies, Inc., Medic Home Health Care LLC, Carested, Inc., Kit Shinkle, Laszlo Nagy, Cornerstone Medical Serices Midwest LLC. (Anderson, Susan) (Entered: 05/06/2008)
05/06/2008		Order [non-document]: Defendants' Motion to Dismiss Plaintiff's Complaint for Declaratory and Injunctive Relief is MOOT. Approved by Judge Patricia A. Gaughan on 5/6/08. (Related Doc # 13) (LC,S) (Entered: 05/06/2008)
05/07/2008	24	Order [non-document]: Planitffs' Unopposed Motion for extension of Brief in Opposition to Defendants' Motion for Protective Order is granted to

		5/15/08. Approved by Judge Patricia A. Gaughan on 5/6/08. (LC,S) 23 (Entered: 05/07/2008)
05/12/2008	25	Motion for leave <i>to exceed page limitation for Brief in Support of Motion for Preliminary Injunction</i> filed by Premier Medical Supplies, Inc., Medic Home Health Care LLC, Carested, Inc., Kit Shinkle, Laszlo Nagy, Cornerstone Medical Serices Midwest LLC. (Jordan, Michael) (Entered: 05/12/2008)
05/12/2008	26	Motion for preliminary injunction , <i>Request for Hearing, and Brief in Support</i> filed by Premier Medical Supplies, Inc., Medic Home Health Care LLC, Carested, Inc., Kit Shinkle, Laszlo Nagy, Cornerstone Medical Serices Midwest LLC. (Attachments: # 1 Brief in Support of Motion for Preliminary Injunction, # 2 Exhibit A, # 3 Exhibit B, # 4 Affidavit Exhibit D, # 5 Affidavit Exhibit E, # 6 Affidavit Exhibit G)(Jordan, Michael) (Entered: 05/12/2008)
05/15/2008	27	Opposition to 18 Motion for protective order filed by all plaintiffs. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Jordan, Michael) (Entered: 05/15/2008)
05/16/2008		Order [non-document]: Plaintiffs' Motion to Exceed Page limitation for Brief in Support of Motion for Preliminary Injunction is Granted. Approved by Judge Patricia A. Gaughan on 5/13/08. (Related Doc # 25) (LC,S) (Entered: 05/16/2008)
05/16/2008	28	Motion for leave <i>to Exceed Page Limits</i> filed by Michael O. Leavitt, Kerry Weems. (Buckingham, Stephen) (Entered: 05/16/2008)
05/16/2008	29	Motion to dismiss <i>Amended Complaint</i> filed by Michael O. Leavitt, Kerry Weems. Related document(s) 19 . (Attachments: # 1 Brief in Support)(Buckingham, Stephen) (Entered: 05/16/2008)
05/21/2008		Order [non-document]: Defendants' Motion to exceed page limitation for memorandum in support of Defendants' motion to dismiss Plaintiffs' amended complaint is granted. Judge Patricia A. Gaughan on 5/20/08. (Related Doc # 28). (LC,S) (Entered: 05/21/2008)

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