

APPEAL, CLOSED

**U.S. District Court  
District of New Jersey [LIVE] (Trenton)  
CIVIL DOCKET FOR CASE #: 3:10-cv-04814-FLW -DEA**

PURPURA et al v. SEBELIUS et al  
Assigned to: Judge Freda L. Wolfson  
Referred to: Magistrate Judge Douglas E. Arpert  
Case in other court: Third Circuit, 11-02303  
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 09/20/2010  
Date Terminated: 04/21/2011  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**NICHOLAS E. PURPURA**

represented by **NICHOLAS E. PURPURA**  
1802 RUE DE LA PORT  
WALL, NJ 07719  
(732) 449-0856  
PRO SE

**Plaintiff**

**DONALD R. LASTER, JR.**

represented by **DONALD R. LASTER, JR.**  
25 HEIDL AVENUE  
WEST LONG BRANCH, NJ 07764  
(732) 263-9235  
PRO SE

V.

**Defendant**

**KATHLEEN SEBELIUS**  
*INDIVIDUALLY AND AS SECRETARY  
OF THE UNITED STATES  
DEPARTMENT OF HEALTH AND  
HUMAN SERVICES*

represented by **ETHAN PRICE DAVIS**  
U.S. DEPARTMENT OF JUSTICE  
CIVIL DIVISION, FEDERAL  
PROGRAMS BRANCH  
20 MASSACHUSETTS AVENUE NW  
WASHINGTON, DC 20001  
202-514-9242  
Email: [ethan.p.davis@usdoj.gov](mailto:ethan.p.davis@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES**

represented by **ETHAN PRICE DAVIS**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**TIMOTHY F. GEITHNER**  
*INDIVIDUALLY AND AS SECRETARY  
OF THE UNITED STATES  
DEPARTMENT OF THE TREASURY*

represented by **ETHAN PRICE DAVIS**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**UNITED STATES DEPARTMENT OF  
THE TREASURY**

represented by **ETHAN PRICE DAVIS**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

represented by

**HILDA A. SOLIS**  
 INDIVIDUALLY AND AS SECRETARY  
 OF THE UNITED STATES  
 DEPARTMENT OF LABOR

**ETHAN PRICE DAVIS**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Defendant**

**UNITED STATES DEPARTMENT OF  
 LABOR**

represented by **ETHAN PRICE DAVIS**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/20/2010	<u>1</u>	COMPLAINT against TIMOTHY F. GEITHNER, KATHLEEN SEBELIUS, HILDA A. SOLIS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY (Filing fee \$350, receipt number TRE0005078.) JURY DEMAND., filed by DONALD R. LASTER, JR, NICHOLAS E. PURPURA. (Attachments: # <u>1</u> Exhibit A)(gxh) (Entered: 09/21/2010)
09/24/2010	<u>2</u>	SUMMONS ISSUED as to TIMOTHY F. GEITHNER, KATHLEEN SEBELIUS, HILDA A. SOLIS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY Attached is the official court Summons, please fill out Defendant and Plaintiffs attorney information and serve. Issued By *Gina Hernandez-Buckley* (gxh) [MAILED TO BOTH PLAINTIFFS] (Entered: 09/24/2010)
09/27/2010	<u>3</u>	PROOF OF SERVICE by DONALD R. LASTER, JR, NICHOLAS E. PURPURA. (mmh) (Entered: 09/27/2010)
10/01/2010	<u>4</u>	AFFIDAVIT in Support of Order to Show Cause for a Restraining Order due to Extraordinary Circumstances that Require Emergency Relief by DONALD R. LASTER, JR, NICHOLAS E. PURPURA. (Attachments: # <u>1</u> Text of Proposed Order to Show Cause)(gxh) (Entered: 10/01/2010)
10/04/2010	<u>5</u>	PROOF OF SERVICE by DONALD R. LASTER, JR, NICHOLAS E. PURPURA (mmh) (Entered: 10/06/2010)
10/07/2010	<u>6</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Judge Freda L. Wolfson and Judge Freda L. Wolfson for all further proceedings. Judge Judge Freda L. Wolfson no longer assigned to case. Signed by Chief Judge Garrett E. Brown, Jr. on 10/6/2010. (mmh) (Entered: 10/07/2010)
10/19/2010	<u>7</u>	NOTICE of Appearance by ETHAN PRICE DAVIS on behalf of All Defendants (Attachments: # <u>1</u> Certificate of Service)(DAVIS, ETHAN) (Entered: 10/19/2010)
10/19/2010	<u>8</u>	Letter from Defendants re <u>4</u> Affidavit. (Attachments: # <u>1</u> Certificate of Service)(DAVIS, ETHAN) (Entered: 10/19/2010)
10/20/2010	<u>9</u>	ORDER that Plaintiffs' Order to Show Cause is DENIED. Signed by Judge Freda L. Wolfson on 10/20/2010. (mmh) (Entered: 10/20/2010)
10/25/2010	<u>10</u>	REPLY AFFIDAVIT in Support Order to Show Cause for a Restraining Order and/or Reargument for An Immediate Stay (Recall and Vacate prior denial) or Summary Judgment Violation Title 28 U.S.C. 1331 & Civil Rights by DONALD R. LASTER, JR, NICHOLAS E. PURPURA. (Attachments: # <u>1</u> Text of Proposed Order to Show Cause)(mmh) (Entered: 10/25/2010)
10/28/2010	<u>11</u>	Letter from Defendants re <u>10</u> Affidavit.. (Attachments: # <u>1</u> Certificate of Service)(DAVIS, ETHAN) (Entered: 10/28/2010)
10/29/2010	<u>12</u>	ORDER that Plaintiffs Order to Show Cause for a Restraining Order and orReargument for an Immediate Stay is DENIED. Signed by Judge Freda L. Wolfson on 10/29/2010. (mmh) (Entered: 10/29/2010)

11/23/2010	<u>13</u>	LETTER ORDER in re: Plaintiffs request of recusal. Signed by Judge Freda L. Wolfson on 11/23/2010. (mmh) (Entered: 11/23/2010)
12/06/2010	<u>14</u>	RESPONSE re <u>13</u> Letter Order. (Attachments: # <u>1</u> Envelope)(mmh) (Entered: 12/06/2010)
12/07/2010	<u>15</u>	LETTER ORDER in re: <u>14</u> Letter request for recusal. Signed by Judge Freda L. Wolfson on 12/7/2010. (mmh) (Entered: 12/07/2010)
12/09/2010	<u>16</u>	MOTION for Summary Judgment by DONALD R. LASTER, JR, NICHOLAS E. PURPURA. (mmh) (Entered: 12/09/2010)
12/09/2010		Set Deadlines as to <u>16</u> MOTION for Summary Judgment. Motion set for 1/3/2011 before Judge Freda L. Wolfson. The motion will be decided on the papers. No appearances required unless notified by the court. (mmh) (Entered: 12/09/2010)
12/10/2010	<u>17</u>	CERTIFICATE OF SERVICE by DONALD R. LASTER, JR, NICHOLAS E. PURPURA re <u>16</u> MOTION for Summary Judgment. (mmh) (Entered: 12/10/2010)
12/13/2010	<u>18</u>	AMENDED DOCUMENT by DONALD R. LASTER, JR, NICHOLAS E. PURPURA. Amendment to <u>16</u> MOTION for Summary Judgment. (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Envelope)(ej) (Entered: 12/13/2010)
12/17/2010	<u>19</u>	Rule 7.1 Letter for extension of return date re <u>16</u> MOTION for Summary Judgment filed by TIMOTHY F. GEITHNER, KATHLEEN SEBELIUS, HILDA A. SOLIS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY. (Attachments: # <u>1</u> Certificate of Service)(DAVIS, ETHAN) (Entered: 12/17/2010)
12/20/2010		Reset Deadlines as to <u>16</u> MOTION for Summary Judgment. Motion reset for 1/18/2011 before Judge Freda L. Wolfson. The motion will be decided on the papers. No appearances required unless notified by the court. (mmh) (Entered: 12/20/2010)
12/23/2010	<u>20</u>	MOTION to Stay re <u>16</u> MOTION for Summary Judgment by TIMOTHY F. GEITHNER, KATHLEEN SEBELIUS, HILDA A. SOLIS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY. (Attachments: # <u>1</u> Memorandum in Support of Stay Motion, # <u>2</u> Text of Proposed Order)(DAVIS, ETHAN) (Entered: 12/23/2010)
12/28/2010		Set Deadlines as to <u>20</u> MOTION to Stay re <u>16</u> MOTION for Summary Judgment MOTION to Stay re <u>16</u> MOTION for Summary Judgment. Motion set for 1/18/2011 before Judge Freda L. Wolfson. The motion will be decided on the papers. No appearances required unless notified by the court. (ej) (Entered: 12/28/2010)
01/03/2011	<u>21</u>	REPLY AFFIDAVIT in Opposition re <u>20</u> MOTION to Stay re <u>16</u> MOTION for Summary Judgment and Request for Immediate Forfeiture Against Defendants filed by DONALD R. LASTER, JR, NICHOLAS E. PURPURA. (Attachments: # <u>1</u> Text of Proposed Order)(mmh) (Entered: 01/03/2011)
01/03/2011	<u>22</u>	Letter from Defendants. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(DAVIS, ETHAN) (Entered: 01/03/2011)
01/04/2011	<u>23</u>	ORDER denying <u>20</u> Motion to Stay; that Defendants' request for an extension of time until January 17, 2011 to respond to Plaintiffs' Motion for Summary Judgment is GRANTED. Signed by Judge Freda L. Wolfson on 1/4/2011. (mmh) (Entered: 01/04/2011)
01/10/2011	<u>24</u>	REPLY AFFIDAVIT in Opposition to Defendants Anticipated Motion For Dismissal of the People's Motion for a Summary Judgment That Must Be Denied On the Merits and Law by DONALD R. LASTER, JR, NICHOLAS E. PURPURA. (Attachments: # <u>1</u> Clerk Letter)(mmh) (Entered: 01/10/2011)
01/13/2011	<u>25</u>	LETTER ORDER that the Court will consider both Pltfs' Motion for Summary Judgment and Defts' forthcoming Motion to Dismiss, as well as any opposition thereto, on 2/22/2011; that, if the Court elects to hold oral argument on these

		motions, it will so inform the parties. Signed by Judge Freda L. Wolfson on 1/13/2011. (gxh) (Entered: 01/13/2011)
01/17/2011	<u>26</u>	Cross MOTION to Dismiss <i>and response in opposition to plaintiffs' motion for default summary judgment</i> by TIMOTHY F. GEITHNER, KATHLEEN SEBELIUS, HILDA A. SOLIS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY. Responses due by 2/8/2011 (Attachments: # <u>1</u> Brief, # <u>2</u> Text of Proposed Order, # <u>3</u> Certificate of Service)(DAVIS, ETHAN) (Entered: 01/17/2011)
01/18/2011		Set Deadlines as to <u>26</u> Cross MOTION to Dismiss <i>and response in opposition to plaintiffs' motion for default summary judgment</i> . Motion set for 2/22/2011 before Judge Freda L. Wolfson. The motion will be decided on the papers. No appearances required unless notified by the court. (mmh) (Entered: 01/18/2011)
02/07/2011	<u>27</u>	Letter to Judge Wolfson from Nicholas E. Purpura and Donald R. Laster re <u>16</u> MOTION for Summary Judgment. (mmh) (Entered: 02/08/2011)
02/07/2011	<u>28</u>	REPLY to Response to Motion re <u>16</u> MOTION for Summary Judgment and In Support re <u>26</u> Cross MOTION to Dismiss <i>and response in opposition to plaintiffs' motion for default summary judgment</i> , filed by DONALD R. LASTER, JR, NICHOLAS E. PURPURA. (Attachments: # <u>1</u> Exhibit 2, # <u>2</u> Exhibit 3, # <u>3</u> Exhibit 4, # <u>4</u> Exhibit 5, # <u>5</u> Text of Proposed Order, # <u>6</u> Proof of Service) **Clerk's Note: "Exhibit 1" was not included with this submission.(mmh) (Entered: 02/08/2011)
02/14/2011	<u>29</u>	Letter from Plaintiffs re <u>28</u> Reply to Response to Motion stating that Exhibit 1 was filed with the Court in the original filing in September of 2010. (mmh) (Entered: 02/14/2011)
04/07/2011	<u>30</u>	Letter from Plaintiffs requesting that the Court issue a ruling for the Plaintiffs. (mmh) (Entered: 04/07/2011)
04/21/2011	<u>31</u>	OPINION filed. Signed by Judge Freda L. Wolfson on 4/21/2011. (mmh) (Entered: 04/21/2011)
04/21/2011	<u>32</u>	ORDER that Defendants' Motion to Dismiss is GRANTED. Signed by Judge Freda L. Wolfson on 4/21/2011. (mmh) (Entered: 04/21/2011)
05/12/2011	<u>33</u>	NOTICE OF APPEAL as to <u>31</u> Opinion, <u>32</u> Order on Motion for Summary Judgment, Order on Motion to Dismiss by DONALD R. LASTER, JR, NICHOLAS E. PURPURA. Filing fee \$ 455, receipt number TRE011068. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (Attachments: # <u>1</u> Exhibit 1)(mmh) (Entered: 05/13/2011)
05/18/2011	<u>34</u>	USCA Case Number 11-2303 for <u>33</u> Notice of Appeal (USCA filed by NICHOLAS E. PURPURA, DONALD R. LASTER, JR.. USCA Case Manager Desiree (Document Restricted - Court Only) (ca3dwb, ) (Entered: 05/18/2011)