

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

December 19, 2014

**Elisabeth A. Shumaker
Clerk of Court**

ASSOCIATION OF CHRISTIAN
SCHOOLS INTERNATIONAL;
SAMARITAN MINISTRIES
INTERNATIONAL; TAYLOR
UNIVERSITY; INDIANA WESLEYAN
UNIVERSITY; ASBURY
THEOLOGICAL SEMINARY;
ALLIANCE DEFENDING FREEDOM,

Plaintiffs - Appellants,

v.

SYLVIA M. BURWELL, in her official
capacity as Secretary of the United States
Department of Health and Human
Services; THOMAS E. PEREZ, in his
official capacity as Secretary of the
United States Department of Labor;
JACOB J. LEW; UNITED STATES
DEPARTMENT OF HEALTH AND
HUMAN SERVICES; UNITED STATES
DEPARTMENT OF LABOR; UNITED
STATES DEPARTMENT OF THE
TREASURY,

Defendants - Appellees.

No. 14-1492
(D.C. No. 1:14-CV-02966-PAB)
(D. Colo.)

ORDER

Before **EBEL** and **O'BRIEN**, Circuit Judges.

Plaintiffs-Appellants have appealed the district court's denial of a preliminary injunction. They now move this court to enjoin the enforcement of provisions of the

Affordable Care Act and related regulations (“the Mandate”) pertaining to providing abortion-producing products, contraception, sterilization, and related education and counseling services (“contraceptive services”) to their employees through a group health plan. They contend that the Mandate violates the Religious Freedom Restoration Act (“RFRA”) by imposing a substantial burden on their religious beliefs that is not warranted by a compelling governmental interest that is advanced in the least restrictive means.

In a similar case before this court, the Supreme Court entered an injunction pending appeal after a panel of this court had denied one. *See Little Sisters of the Poor Home for the Aged, Denver, Colo. v. Sebelius*, 134 S. Ct. 1022 (Jan. 24, 2014) (mem.). And in another similar appeal earlier this year, in light of the *Little Sisters* injunction, this court granted an injunction. *See Diocese of Cheyenne v. Burwell*, No. 14-8040 (10th Cir. June 30, 2014).

Little Sisters and two other pending appeals (*Southern Nazarene University v. Burwell*, No. 14-6026, and *Reaching Souls International v. Burwell*, No. 14-6028) were orally argued and submitted to the court on December 8, 2014.

Plaintiffs-Appellants assert that “[t]his Court’s decision in those cases will almost certainly dictate whether the Appellants in the instant case are entitled to relief on their RFRA claims.” Mot. at 2.

In light of the Supreme Court’s ruling in *Little Sisters* and the entry of an injunction in *Diocese of Cheyenne*, it is ordered: If Plaintiffs-Appellants promptly

inform the Secretary of Health and Human Services in writing that they are non-profit organizations that hold themselves out as religious and have religious objections to providing coverage for contraceptive services, then subsequent to such notification Defendants-Appellees are enjoined from enforcing against Plaintiffs-Appellants the challenged provisions of the Patient Protection and Affordable Care Act and related regulations pending further order of this court. To meet the conditions for the injunction, Plaintiffs-Appellants need not use a form prescribed by the Government and need not send copies to third-party administrators. But they do need to advise this court and the parties that such a notification has been delivered to the Secretary of Health and Human Services.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", written in black ink on a light blue grid background.

ELISABETH A. SHUMAKER, Clerk