

No. 13-1944

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

MERSINO MANAGEMENT COMPANY, et )  
 al., )  
 )  
 Plaintiffs-Appellants, )  
 )  
 v. )  
 )  
 SYLVIA BURWELL, Secretary of the United )  
 States Department of Health and Human )  
 Services, et al., )  
 )  
 Defendants-Appellees. )

**FILED**  
 Jul 09, 2014  
 DEBORAH S. HUNT, Clerk

ORDER

Before: BATCHELDER, Chief Judge; BOGGS and CLAY, Circuit Judges.

The plaintiffs appeal the denial of a preliminary injunction in this action raising religious objections in challenge to the mandate provisions of the Affordable Care Act. On appeal, the plaintiffs moved for an injunction pending appeal to enjoin “the substantive requirement imposed in 42 U.S.C. § 300gg-13, as well as any penalties and fines for non-compliance.” The defendants opposed the motion and moved for summary affirmance. The plaintiffs further moved to expedite the appeal. Also, Eric Rasmussen, an economics professor at Indiana University, sought leave to file an out-of-time amicus brief in support of the plaintiffs.

Upon the Supreme Court’s decision in *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. \_\_\_, 2014 WL 2921709 (June 30, 2014), the plaintiffs filed a notification indicating that after conference with the defendants, the defendants no longer oppose the plaintiff’s motion for an injunction pending appeal.

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Therefore, the motion for an injunction pending appeal is **GRANTED**, and the provision of 42 U.S.C. § 300gg-013 shall not apply to the plaintiffs pending the appeal. The motion for leave to file an out-of-time amicus brief and the defendants' motion for summary affirmance are **DENIED**. In view of the injunction pending appeal and the briefing schedule now in place, the motion to expedite is denied as moot.

ENTERED BY ORDER OF THE COURT



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Deborah S. Hunt, Clerk

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

Deborah S. Hunt  
Clerk

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Filed: July 09, 2014

Mr. Bradley Humphreys

Ms. Alisa B. Klein

Mr. Mark B. Stern

Ms. Erin Elizabeth Mersino

Mr. Eric Rasmusen

Re: Case No. 13-1944, *Mersino Mgmt Co, et al v.*  
*Kathleen Sebelius, et al*  
Originating Case No. : 2:13-cv-11296

Dear Counsel:

The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Patricia J. Elder  
Senior Case Manager  
Direct Dial No. 513-564-7034

cc: Mr. David J. Weaver

Enclosure