

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MIDWEST FASTENER CORP., *et al.*

Plaintiffs,

v.

SYLVIA M. BURWELL, *et al.*

Defendants.

Civil Action No. 13-01337 (ESH)

ORDER AND JUDGMENT

In light of the United States Supreme Court’s ruling in *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751 (2014), upon consideration of the parties’ Joint Status Report [ECF No. 18], and with the parties’ consent, it is hereby

ORDERED that defendants, their employees, agents, and successors in office are permanently enjoined from enforcing against plaintiffs, their employee health plan(s), the group health insurance coverage provided in connection with such plan(s), and/or plaintiffs’ health insurance issuers, and/or third-party administrators with respect to plaintiffs’ health plans(s)

- (1) the statute and regulations in effect on June 30, 2014, that require plaintiffs to provide their employees with health insurance coverage for “[a]ll Food and Drug Administration approved contraceptive methods, sterilization procedures, and patient education and counseling for all women with reproductive capacity” to which plaintiffs object on religious grounds, *see, e.g.*, 26 C.F.R. § 54.9815-2713(a)(1)(iv); 29 C.F.R. § 2590.715-2713(a)(1)(iv); 45 C.F.R. § 147.130(a)(1)(iv); 77 Fed. Reg. 8725 (Feb. 15, 2012); and

(2) any penalties, fines, assessments, or any other enforcement actions for noncompliance, including those found in 26 U.S.C. § 4980D and 29 U.S.C. §§ 1132, 1185d. It is further

ORDERED that judgment is entered in favor of plaintiffs and against defendants on plaintiffs' claim under the Religious Freedom Restoration Act, 42 U.S.C. §§ 20000bb *et seq.*; and it is further

ORDERED that, pursuant to LCvR 54.2, the parties are directed to confer and attempt to reach agreement on attorney's fees and costs. If there is no resolution of the matter, plaintiffs may file a motion for attorney's fees or costs within 45 days (or the next business day if that day falls on a weekend or court holiday) from the date this judgment is issued. It is further

ORDERED that this injunction and judgment does not apply with respect to any changes in statute or regulation that are enacted or promulgated after this date, and nothing herein prevents plaintiffs from filing a new civil action to challenge any such future changes.

/s/ Ellen Segal Huvelle
ELLEN SEGAL HUVELLE
United States District Judge

Date: October 24, 2014