

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MERSINO MANAGEMENT
COMPANY, *et al.*

Plaintiffs,

v.

SYLVIA M. BURWELL, *et al.*,

Defendants.

Case No. 13-cv-11296

Hon. Paul D. Borman

Magistrate Judge R. Steven
Whalen

INJUNCTION AND JUDGMENT

For the reasons stated in the Parties' Joint Motion (ECF No. 36), it is hereby

ORDERED that this cause be re-opened, and

In light of the Supreme Court's decision in *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751 (2014), it is hereby

ORDERED that defendants, their employees, agents, and successors in office are enjoined

(a) from enforcing

(1) the "June 30, 2014 Contraceptive Coverage Requirement," defined

here to include those provisions of federal law in existence on June

30, 2014, when the Supreme Court decided *Hobby Lobby*, that require

plaintiff Mersino Management Company to provide its employees with health coverage for contraceptive methods, sterilization procedures, and related patient education and counseling to which plaintiffs object on religious grounds, *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); and

(2) any penalties, fines, or assessments for noncompliance with the June 30, 2014 Contraceptive Coverage Requirement, including those found in 26 U.S.C. § 4980D, and 29 U.S.C. §§ 1132 and 1185d; and

(b) from taking any other actions based on noncompliance with the June 30, 2014 Contraceptive Coverage Requirement against plaintiff Mersino Management Company, its employee health plan(s), the group health coverage provided in connection with such plan(s), and/or Mersino Management Company's health insurance issuers and/or third-party administrators with respect to Mersino Management Company's health plan(s); and 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. §§ 2000bb *et seq.*; and it is further

ORDERED that all other claims against Defendants are DISMISSED; and it is further

ORDERED that the Parties will meet and confer to reach agreement on attorneys' fees and costs. The Parties will file a joint status report, including a recommendation for further proceedings, by no later than March 2, 2015. If there is no resolution of the attorneys' fees and costs matter, Plaintiffs may file a motion for attorneys' fees and costs within thirty days of March 2, 2015, pursuant to Federal Rule of Civil Procedure 54; and 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/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: February 4, 2015

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 4, 2015.

s/Deborah Tofil
Deborah Tofil
Case Manager (313) 234-5122