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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

MARTIN OZINGA III, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF HEALTH &
HUMAN SERVICES, *et al.*

Defendants.

Case No. 1:13-cv-3292-TMD

~~PROPOSED~~ INJUNCTION AND JUDGMENT

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

ORDERED that defendants, their employees, agents, and successors in office are permanently 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 Ozinga Bros., Inc. 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 Ozinga Bros., Inc., its employee health plan(s), the group health coverage provided in connection with such plan(s), and/or Ozinga Bros., Inc.'s health insurance issuers and/or third-party administrators with respect to Ozinga Bros., Inc.'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

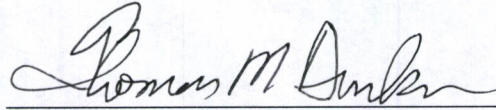
ORDERED that all other claims against defendants are DISMISSED; and it is further

ORDERED that any petition by plaintiffs for attorneys' fees or costs shall be submitted on or before 60 days (or the next business day if that day falls on a weekend or court holiday) from the date this judgment is issued; and it is further

ORDERED that this Injunction and Judgment does not apply with respect to any changes in statute or regulation that are, or were, enacted or promulgated after the Supreme Court issued its decision in *Hobby Lobby*, including the Final Rules, Coverage of Certain Preventive Services Under the Affordable Care Act, 80 Fed. Reg. 41,318 (July 14, 2015), which provide accommodations to certain closely held for-profit entities that object to providing contraceptive coverage based on their owners' religious beliefs, and nothing herein prevents plaintiffs from

filing a new civil action to challenge the accommodations or any other post-*Hobby Lobby* changes in statute or regulation.

Date: 9/30/15


The Honorable Thomas M. Durkin
United States District Judge