

**Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001**

**Scott S. Harris**  
Clerk of the Court  
(202) 479-3011

May 23, 2016

Clerk  
United States Court of Appeals for the Second  
Circuit  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: Catholic Health Care System, et al.  
v. Sylvia Burwell, Secretary of Health and Human Services, et al.  
No. 15-1100  
(Your No. 14-427-cv)

Dear Clerk:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Second Circuit in light of *Zubik v. Burwell*, 578 U. S. \_\_\_\_ (2016). Nothing in the *Zubik* opinion, or in the opinions or orders of the courts below, is to affect the ability of the Government to ensure that women covered by petitioners' health plans "obtain, without cost, the full range of FDA approved contraceptives." *Wheaton College v. Burwell*, 573 U. S. \_\_\_, \_\_\_\_ (2014) (slip op., at 1). Through this litigation, petitioners have made the Government aware of their view that they meet "the requirements for exemption from the contraceptive coverage requirement on religious grounds." *Id.*, at \_\_\_\_ (slip op., at 2). Nothing in the *Zubik* opinion, or in the opinions or orders of the courts below, "precludes the Government from relying on this notice, to the extent it considers it necessary, to facilitate the provision of full contraceptive coverage" going forward. *Ibid.* Because the Government may rely on this notice, the Government may not impose taxes or penalties on petitioners for failure to provide the relevant notice.

Justice Sotomayor, with whom Justice Ginsburg joins, concurs in the decision to grant, vacate, and remand in this case for the reasons expressed in *Zubik v. Burwell*, 578 U. S. \_\_\_\_ (2016) (Sotomayor, J., concurring).

The judgment or mandate of this Court will not issue for at least twenty-five days pursuant to Rule 45. Should a petition for rehearing be filed

timely, the judgment or mandate will be further stayed pending this Court's action on the petition for rehearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott S. Harris". The signature is written in a cursive, flowing style with a large initial 'S'.

**Scott S. Harris**, Clerk