

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CYRIL B. KORTE, JANE E. KORTE,
and KORTE & LUITJOHAN
CONTRACTORS, INC.,

Plaintiffs,

v.

CASE NO. 3:12-CV-01072-MJR-PMF

UNITED STATES DEPARTMENT
OF HEALTH AND HUMAN
SERVICES; SYLVIA M. BURWELL,
in her official capacity as the Secretary of
the United States Department of Health and
Human Services; UNITED STATES
DEPARTMENT OF THE TREASURY;
JACOB J. LEW, in his official capacity as
the Secretary of the United States
Department of the Treasury; UNITED
STATES DEPARTMENT OF LABOR;
and THOMAS E. PEREZ, in his official
capacity as Secretary of the United States
Department of Labor,

Defendants.

ORDER OF INJUNCTION

REAGAN, Chief Judge:

In light of the Supreme Court's decision in *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751 (2014), and upon the joint motion and consent of the Plaintiffs and Defendants (Doc. 86), it is hereby

ORDERED that the joint motion for entry of summary judgment in Plaintiffs' favor on Count I, dismissal of all other claims, and entry of a permanent injunction (Doc. 86) is **GRANTED**; accordingly, it is further

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 Korte & Luitjohan Contractors, Inc. (hereafter K&L) 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 K&L, its employee health plan(s), the group health coverage provided in connection with such plan(s), and/or K&L’s health insurance issuers and/or third-party administrators with respect to K&L’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 and 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 enacted or promulgated after this date, and nothing herein prevents Plaintiffs from filing a new civil action to challenge any such future changes.

Final judgment shall issue accordingly, after the attorneys' fees, costs and expenses are finalized.

IT IS SO ORDERED.

DATED: November 7, 2014

s/ Michael J. Reagan

MICHAEL J. REAGAN
CHIEF JUDGE
UNITED STATES DISTRICT COURT