

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

TONN AND BLANK CONSTRUCTION, LLC,)	
)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 1:12-CV-325-JD
)	
KATHLEEN SEBELIUS, <i>et al.</i> ,)	
)	
Defendants.)	
)	

ORDER

The Court previously entered an agreed-upon preliminary injunction [DE 43] and stayed the proceedings [DE 46] in the instant case until thirty days after the Seventh Circuit rendered a decision in *Korte* and *Grote*—appeals which similarly challenged the federal government’s contraception mandate. On November 8, 2013, the Seventh Circuit ruled that the plaintiffs in *Korte* and *Grote*, business owners and their for-profit companies, had standing to challenge the mandate and that compelling the plaintiffs to cover the objected to contraceptive services substantially burdened their religious exercise rights without sufficient justification under strict scrutiny. *Korte v. Sebelius*, 735 F.3d 654 (7th Cir. 2013). Given the consolidated decision in *Korte* and *Grote*, the Court LIFTS the stay, ORDERS the parties to submit a joint report on or before December 13, 2013 to indicate their intentions with respect to proceeding in the present lawsuit, (and to the extent that the joint report does not resolve the case) ORDERS Defendants to file a reply brief to their Motion to Dismiss [DE 24] on or before December 27, 2013 (a deadline which can be modified if necessary based on the parties’ joint report), and EXTENDS the

preliminary injunction for a period not to exceed sixty days, absent further order of this Court, so as to adequately protect the Plaintiff's interests while the proceedings in this lawsuit are reconvened.

SO ORDERED.

ENTERED: December 6, 2013

 /s/ JON E. DEGIULIO
Judge
United States District Court