

United States Court of Appeals

FIFTH CIRCUIT
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November 14, 2016

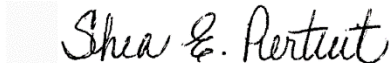
MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 14-31167
Louisiana College v. Sylvia Burwell, Secretary, HHS, et al
USDC No. 1:12-CV-463

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: Shea E. Pertuit, Deputy Clerk
504-310-7666

Ms. Megan Barbero
Mr. Gregory S. Baylor
Mr. Bradley Philip Humphreys
Mr. Adam Craig Jed
Mr. James Michael Johnson
Ms. Alisa Beth Klein
Mr. Joshua Marc Salzman
Mr. Kevin Hayden Theriot

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 14-31167

LOUISIANA COLLEGE,

Plaintiff - Appellee

v.

SYLVIA MATHEWS BURWELL, SECRETARY, DEPARTMENT OF HEALTH AND HUMAN SERVICES, in her official capacity as Secretary of the U.S. Dept. of Health & Human Services; THOMAS E. PEREZ, SECRETARY, DEPARTMENT OF LABOR, in his official capacity as Secretary of the U.S. Dept. of Labor; JACOB J. LEW, SECRETARY, DEPARTMENT OF TREASURY, in his official capacity as Secretary of the U.S. Dept. of Treasury; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; UNITED STATES DEPARTMENT OF LABOR; UNITED STATES DEPARTMENT OF TREASURY,

Defendants - Appellants

Appeal from the United States District Court for the
Western District of Louisiana, Alexandria

Before JONES, SMITH, and DENNIS, Circuit Judges.

PER CURIAM:

IT IS ORDERED that the Government's motion for this court to issue an order that is materially identical to the orders issued by the Supreme Court in *Zubik v. Burwell*, 136 S.Ct. 1557, 1560 (2016) is GRANTED. The previous

order herein holding in abeyance the Government's appeal is amended to add the following: Nothing in this order, or in the opinions or orders of the district court, is to affect the ability of the Government to ensure that women covered by the College's health plans "obtain, without cost, the full range of FDA approved contraceptives." *Wheaton College v. Burwell*, 134 S. Ct. 2806, 2807 (2014). Through this litigation, the College has made the Government aware of its view that it meets "the requirements for exemption from the contraceptive coverage requirement on religious grounds." *Id.* at 2807. Nothing in this order, or in the opinions or orders of the district court, "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 by notifying the College's third-party administrators of their obligation to make separate payments for contraceptives pending final resolution. *Id.* Because the Government may rely on this notice, the Government may not impose taxes or penalties on the College for failure to provide the relevant notice.

IT IS FURTHER ORDERED that the Government's unopposed motion for an extension of time to file a status report for 65 days is GRANTED.