

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FRANK R. O'BRIEN, JR., and
O'BRIEN INDUSTRIAL HOLDINGS, LLC,

Plaintiffs,

v.

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 Secretary of the United States Department of
the Treasury; UNITED STATES DEPARTMENT
OF LABOR; THOMAS E. PEREZ, in his official
capacity as Secretary of the United States
Department of Labor,

Defendants.

Civil Action No.
4:12-cv-00476-CEJ

JOINT MOTION FOR ENTRY OF INJUNCTION AND JUDGMENT

In light of the Supreme Court's decision in *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751 (2014), the parties jointly agree that judgment should be entered in favor of plaintiffs on their Religious Freedom Restoration Act claim, that a permanent injunction should be entered, that all other claims against defendants should be dismissed, and that the deadline for any petition by plaintiffs for attorneys' fees or costs should be extended to 60 days after judgment is entered. Accordingly, the parties respectfully request that the Court enter the attached Injunction and Judgment, which has been agreed to by all parties.

The parties further request that the Court vacate the deadlines set forth in the October 31, 2014 Order Setting Rule 16 Conference (ECF No. 61).

Respectfully submitted this 10th day of November, 2014,

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Attorneys for Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on November 10, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notice of such filing to all parties.

s/ Michelle R. Bennett
MICHELLE R. BENNETT

LLC 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 O'Brien Industrial Holdings, LLC, its employee health plan(s), the group health coverage provided in connection with such plan(s), and/or O'Brien Industrial Holdings, LLC's health insurance issuers and/or third-party administrators with respect to O'Brien Industrial Holdings, LLC'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 enacted or promulgated after this date, and nothing herein prevents plaintiffs from filing a new civil action to challenge any such future changes.

Date: _____

The Honorable Carol E. Jackson
United States District Judge