

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

July 29, 2014

BCO-112E

No. 14-3126

CATHOLIC CHARITIES ARCHDIOCESE OF PHILADELPHIA;
ST. JOHN'S ORPHAN ASYLUM;
ST. EDMONDS HOME FOR CRIPPLED CHILDREN;
DON GUANELLA VILLAGE OF THE ARCHDIOCESE OF PHILADELPHIA;
DIVINE PROVIDENCE VILLAGE;
THE PHILADELPHIA PROTECTOR FOR BOYS;
CATHOLIC COMMUNITY SERVICES INC;
NUTRITIONAL DEVELOPMENT SERVICES INC;
CATHOLIC HEALTH CARE SERVICES SUPPORTIVE INDEPENDENT LIVING;
ST. MONICA MANOR; ST. JOHN NEUMANN NURSING HOME;
IMMACULATE MARY HOME; ST. FRANCIS COUNTRY HOUSE;
ST. MARTHA NURSING HOME; ST. MARY MANOR;
ST. JOHN VIANNEY CENTER; CATHOLIC CLINICAL CONSULTANTS;
ROMAN CATHOLIC ARCHDIOCESE OF PHILADELPHIA,
Appellants

v.

SECRETARY UNITED STATES DEPARTMENT
OF HEALTH AND HUMAN SERVICES;
UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES;
SECRETARY UNITED STATES DEPARTMENT OF LABOR;
UNITED STATES DEPARTMENT OF LABOR;
SECRETARY DEPARTMENT OF TREASURY;
THE UNITED STATES DEPARTMENT OF TREASURY

(E.D. Pa. No. 14-cv-03096)

Present: AMBRO, CHAGARES and VANASKIE, Circuit Judges

1. Emergency Motion by Appellants for Injunction Pending Appeal;
2. Response by Appellants to 7/8/14 Clerk Order;
3. Response by Appellees to Appellants' Emergency Motion for Injunction Pending Appeal;
4. Reply by Appellants to Response to Motion for Injunction Pending Appeal;

5. Response by Appellees to Court's Order of August 14, 2014; and
6. Response by Appellants to Court's Order of August 14, 2014.

Respectfully,
Clerk/mlr/tmk

ORDER

In light of the Supreme Court's decisions in *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751 (2014), and *Wheaton Coll. v. Burwell*, 134 S. Ct. 2806 (2014), both of which postdate the District Court's denial of a preliminary injunction in this case, as well as the interim final rule promulgated by the Government—Coverage of Certain Preventive Services Under the Affordable Care Act, 79 Fed. Reg. 51,092 (Aug. 27, 2014) (to be codified at 26 C.F.R. pt. 54, 29 C.F.R. pts. 2510 & 2590, and 45 C.F.R. pt. 147)—we vacate and remand to the District Court for reconsideration of its decision denying the preliminary injunction. To preserve the *status quo*, we temporarily enjoin the Government from imposing any fines until such time as the District Court makes its decision on reconsideration.

By the Court,

s/ Michael A. Chagares
Circuit Judge

Dated: September 2, 2014
SLC/cc: Frank R. Emmerich, Jr.
Adam C. Jed
Alisa B. Klein
Patrick Nemeroff
Mark B. Stern
Joshua J. Voss



Teste: *Marcia M. Waldron*
Clerk, U.S. Court of Appeals for the Third Circuit