

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

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CATHOLIC CHARITIES OF THE	:	
ARCHDIOCESE OF PHILADELPHIA, et	:	
al.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	No. 14-cv-3096-AB
	:	
SYLVIA M. BURWELL, in her official	:	
capacity as Secretary of the Department of	:	
Health and Human Services, et al.,	:	
	:	
Defendants.	:	
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JOINT STATUS REPORT

Plaintiffs and Defendants, by and through counsel, hereby provide this joint status report pursuant to the Court’s August 9, 2016 Order:

1. The claims in this matter are similar to those presently before the Third Circuit Court of Appeals in the matter captioned *Zubik v. Burwell*, Nos. 13-3536, 14-1374, 14-1376, 14-1377. *See* Joint Stipulation (Jan. 16, 2015), ECF No. 47. *Zubik* is on remand to the Third Circuit from the United States Supreme Court, *see Zubik v. Burwell*, 136 S. Ct. 1557 (2016) (per curiam), and the Third Circuit has stayed the matter and ordered the parties to provide periodic updates, *see* Order, *Zubik v. Burwell*, Nos. 13-3536, 14-1374, 14-1376, 14-1377 (3d Cir. July 25, 2016); Order, *Zubik v. Burwell*, Nos. 13-3536, 14-1374, 14-1376, 14-1377 (3d Cir. June 28, 2016).

2. After this Court (Buckwalter, J.) denied Plaintiffs’ motion for preliminary injunction, *see* Order (June 26, 2014), ECF No. 38, Plaintiffs appealed, the Third Circuit granted Plaintiffs’ Emergency Motion for Injunction Pending Appeal “temporarily pending further order of the Court [of Appeals],” *see* Order, *Catholic Charities of the Archdiocese of Philadelphia v.*

Burwell, No. 14-3126 (3d Cir. June 27, 2014), and this Court stayed further proceedings pending appeal, *see* Order (July 28, 2014), ECF No. 45. Thereafter, the Third Circuit issued an order vacating this Court's denial of Plaintiffs' motion for preliminary injunction, remanding this case to this Court for reconsideration, and "temporarily enjoin[ing] the Government from imposing any fines until such time as the District Court makes its decision on reconsideration." Order, *Catholic Charities of the Archdiocese of Philadelphia v. Burwell*, No. 14-3126 (3d Cir. Sept. 2, 2014).

3. Upon the parties' joint stipulation, on January 21, 2015, this Court stayed all proceedings in this matter pending the Third Circuit's resolution of *Zubik*. *See* Order (Jan. 21, 2015), ECF No. 48; Order (Oct. 19, 2015), ECF No. 50 (continuing the stay). Accordingly, this matter is presently "STAYED until further consideration and order of the Court," and the Court has directed "Plaintiffs [to] advise the Court of whether Plaintiffs wish to continue their claims" "within 14 days of the Third Circuit issuing the mandate in *Zubik*." Order (Oct. 19, 2015), ECF No. 50.

4. As noted above, the Third Circuit has yet to resolve *Zubik*. The parties in this matter jointly agree that resolution of *Zubik* is very likely to have significant effects on the issues before this Court, and therefore, Plaintiffs and Defendants jointly agree that this matter should remain stayed pending the Third Circuit's mandate in *Zubik*. Accordingly, the parties respectfully request that the Court's October 19, 2015 Order remain undisturbed.

Dated: August 23, 2016

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