

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

MOST REVEREND LAWRENCE E.
BRANDT, *Bishop of the Roman Catholic
Diocese of Greensburg, as Trustee of the
Roman Catholic Diocese of Greensburg, a
Charitable Trust, ET AL.,*

14cv0681

ELECTRONICALLY FILED

Plaintiffs,

v.

SYLVIA M. BURWELL, *In Her Official
Capacity as Secretary of the U.S. Department
of Health and Human Services, ET AL.,*

Defendants.

FINAL JUDGMENT AND ORDER

Upon consideration of the Parties' written submissions related to Plaintiffs' Motion for Expedited Preliminary Injunction (doc. nos. 16, 17, 23, and 24), the Stipulations of Undisputed Facts prepared and jointly filed by the Parties (doc. nos. 22 and 29), the Parties' supplemental written submissions related to the Additional Stipulation of Undisputed Fact (doc. nos. 35 and 36), the evidence presented at the permanent injunction hearing held on July 18, 2014 (doc. nos. 39-1 through 39-95), and the oral arguments presented during the July 18, 2014 hearing, and for the reasons set forth in this Court's August 20, 2014 Memorandum Opinion, which includes the Court's Findings of Fact and Conclusions of Law (doc. no. 42),

THE COURT hereby expressly incorporates, adopts, re-affirms, and follows its August 20, 2014 Memorandum Opinion filed contemporaneously herewith at doc. no. 42.

THE COURT hereby finds:

- Defendants have conceded that their arguments are identical to those made in *Most Reverend David A. Zubik et. al v. Secretary of the U.S. Dept. of Health and Human Services, et. al.* (case no. 13cv1459), and *Most Reverend Lawrence T. Persico et. al v. Secretary of the U.S. Dept. of Health and Human Services, et. al.* (case no. 13cv303), with the exception of one additional argument being made in this case;
- The Court's August 20, 2014 Memorandum Opinion, filed contemporaneously with this Order, addresses all of Plaintiffs arguments and all of Defendants' arguments and therefore provides a sufficient basis to grant a permanent injunction;

THE COURT further hereby finds, that:

- Plaintiffs have met their burden of demonstrating a substantial burden on their religious exercise;
- The Government has not met its burden of demonstrating that it used the least restrictive means of achieving any compelling governmental interest; and
- Therefore, Plaintiffs have established actual success on their claim that the requirements imposed upon Plaintiffs in 42 U.S.C. § 300gg-13(a)(4), and as further regulated by 45 C.F.R. § 147.130(a)(1)(iv), violate the Religious Freedom Restoration Act, 42 U.S.C.A. § 2000bb-1;

THE COURT hereby finds that Plaintiffs have satisfied all the elements of the permanent injunction standard as articulated in *Monsanto Co. v. Geertson Seed Farms*, 561 U.S. 139, 157 (2010) and *Shields v. Zuccarini*, 254 F.3d 476, 482 (3d Cir. 2001), based on the foregoing Findings and for the reasons stated in the Court's August 20, 2014 Memorandum Opinion filed at doc. no. 42.

IT IS HEREBY ORDERED that Plaintiffs' Motion for a Preliminary Injunction is hereby GRANTED;

IT IS FURTHER ORDERED that Defendants, their agents, officers, and employees are hereby ENJOINED from applying or enforcing the requirements imposed in 42 U.S.C. § 300gg13(a)(4) and as further regulated by 45 C.F.R. § 147.130(a)(1)(iv) upon the Plaintiffs, including:

- (a) Plaintiff Most Reverend Lawrence E. Brandt, Bishop of the Roman Catholic Diocese of Greensburg, shall not have to sign or authorize any entity under their control to sign the self-certification form;
- (b) Plaintiff the Roman Catholic Diocese of Greensburg shall be allowed to continue sponsoring their health plans, including through the Greensburg Series of the Catholic Employers Benefits Trust, without having to comply with the Mandate, including the accommodation;
- (c) Plaintiffs Catholic Charities of the Diocese of Greensburg and St. John the Evangelist Regional Catholic School shall not have to comply with the Mandate, including the accommodation.

IT IS FURTHER ORDERED that Defendants shall send Notice of this permanent injunction to Plaintiffs' Third Party Administrators, on or before September 16, 2014, with a copy to Plaintiffs' counsel and to the Court; and

IT IS FURTHER ORDERED that a bond in the amount of zero (0) dollars is appropriate.

THIS COURT shall retain jurisdiction to enforce this Final Judgment and Order.

SO ORDERED, this 20th day of **August, 2014**.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Court Judge