

ENTERED

January 15, 2019

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

EAST TEXAS BAPTIST UNIVERSITY,
et al.,

Plaintiffs,

VS.

SECRETARY ALEX AZAR,
et al.,

Defendants.

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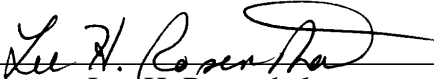
CIVIL ACTION NO. H-12-3009

ORDER

On January 10, 2019, the plaintiffs moved to lift the case’s stay and to amend the December 2013 order that enjoined the government from requiring them to cover certain contraceptives under the Affordable Care Act, 42 U.S.C. § 300gg-13(a)(4). (Docket Entry Nos. 133, 134, 158). The plaintiffs ask the court to clarify that the injunction applies to the current regulations implementing § 300gg-13(a)(4). (Docket Entry No. 158 at 2–3). On January 13, 2019, the Northern District of California enjoined final rules, *see* 83 Fed. Reg. 57,536; 83 Fed. Reg. 57,592, that establish exemptions to the Affordable Care Act’s contraceptive mandate in 13 states and the District of Columbia, excluding Texas. *California v. Health & Human Servs.*, No. 4:17-cv-05783-HSG (N.D. Cal. Jan. 13, 2019). The next day, January 14, 2019, the Eastern District of Pennsylvania enjoined the government from enforcing the rules nationwide. *Pennsylvania v. Trump*, 2:17-cv-4540-WB (E.D. Pa. Jan. 14, 2019).

To avoid creating confusion or conflicting obligations, the court will defer ruling on the plaintiffs' motion, (Docket Entry No. 158), pending developments in the Eastern District of Pennsylvania and the Third Circuit.

SIGNED on January 15, 2019, at Houston, Texas.



Lee H. Rosenthal
Chief United States District Judge