

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

SHARPE HOLDINGS, INC., et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 2:12 CV 92 DDN
)	
UNITED STATES DEPARTMENT OF)	
HEALTH AND HUMAN SERVICES, et al.,)	
)	
Defendants.)	

ORDER AND INJUNCTION

Before the court is the motion of plaintiffs for summary judgment. (Doc. 95.) Defendants have consented to the entry of judgment and certain injunctive relief. (Doc. 98.)

Plaintiffs seek judgment on their claims that the contraceptive mandate included in the Affordable Care Act, Public Law 111-148, 124 Stat. 119 (2010), violates plaintiffs rights under the Religious Freedom Restoration Act , 42 U.S.C. § 2000bb *et seq.*

The court has given due consideration to the parties' presentations on the language of the appropriate permanent injunctive relief to be entered following the ruling of the Supreme Court in *Burwell v. Hobby Lobby Stores, Inc.* 134 S. Ct. 2751 (2014).

Whereupon,

IT IS HEREBY ORDERED that the motion of plaintiffs for summary judgment (Doc. 95) is sustained in that judgment is entered in favor of all plaintiffs, both individual and corporate, and against defendants on plaintiffs' claim under the Religious Freedom Restoration Act , 42 U.S.C. § 2000bb *et seq.* All other claims of the plaintiffs are dismissed.

IT IS FURTHER ORDERED as follows:

Defendants, their agents, officers and employees are **PERMANENTLY ENJOINED** and prohibited from applying and enforcing against any of the named plaintiffs, individual or corporate, their employee health plan(s), or their insurer(s) the statute and regulations that require plaintiffs, health plans, or insurers to provide plaintiffs' employees insurance coverage for all Food and Drug Administration approved contraceptive methods, sterilization procedures,

and patient education and counseling for all women with reproductive capacity, as prescribed by a health care provider, 77 Fed. Reg. 8725, as well as any penalties, fines, assessments, or enforcement actions for non-compliance, including those found in 26 U.S.C. §§ 4980D and 4980H, and 29 U.S.C. § 1132, to the extent these regulations require coverage of services that plaintiffs believe to be abortifacients.

IT IS FURTHER ORDERED that this Order and Injunction does not apply with respect to any changes in any statute or regulation that are enacted or promulgated after this date. Should any future legislation or regulation come into effect providing for-profit entities a religious accommodation to the contraceptive coverage mandate, the government may seek to enforce such legislation or regulation against plaintiffs. And nothing herein prevents plaintiffs from filing a new civil action to challenge any future changes.

IT IS FURTHER ORDERED that pursuant to E.D.Mo. Local Rule 84-8.02, unless otherwise ordered, the parties are directed to confer within 30 days of this Order and attempt to reach a settlement on attorneys' fees and costs. If no settlement of attorneys' fees and costs is reached, plaintiffs may file a motion for the award of attorneys' fees and costs, within 30 days after this conference.

/S/ David D. Noce
UNITED STATES MAGISTRATE JUDGE

Signed on February 13, 2015.