

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

June 27, 2013

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

HOBBY LOBBY STORES, INC.;
MARDEL, INC.; DAVID GREEN;
BARBARA GREEN; MART GREEN;
STEVE GREEN; DARSEE LETT,

Plaintiffs - Appellants,

v.

No. 12-6294
(D.C. No. 5:12-CV-01000-HE)

KATHLEEN SEBELIUS, in her official
capacity as Secretary of the United States
Department of Health and Human Services;
UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
HILDA SOLIS, Secretary of the United
States Department of Labor; UNITED
STATES DEPARTMENT OF LABOR;
TIMOTHY GEITHNER, Secretary of the
United States Department of Treasury;
UNITED STATES DEPARTMENT OF
THE TREASURY,

Defendants - Appellees.

EMERITUS PROFESSOR OF LAW
CHARLES E. RICE; PROFESSOR OF
LAW BRADLEY P. JACOB; TEXAS
CENTER FOR DEFENSE OF LIFE;
NATIONAL LEGAL FOUNDATION;
LIBERTY, LIFE AND LAW
FOUNDATION; AMERICAN CENTER
FOR LAW AND JUSTICE; BREAST
CANCER PREVENTION INSTITUTE;
BIOETHICS DEFENSE FUND; LIFE
LEGAL DEFENSE FOUNDATION; THE
RIGHT REVEREND W. THOMAS

FRRERKING, OSB; MISSOURI
ROUNDTABLE FOR LIFE;
ARCHDIOCESE OF OKLAHOMA CITY;
EAGLE FORUM; SANFORD C. COATS;
SENATOR DANIEL COATS; SENATOR
THAD COCHRAN; SENATOR MIKE
CRAPO; SENATOR CHARLES
GRASSLEY; SENATOR ORRIN G.
HATCH, Senator; SENATOR JAMES M.
INHOFE; SENATOR MITCH
MCCONNELL; SENATOR PAT
ROBERTS; SENATOR RICHARD
SHELBY; CONGRESSMAN LAMAR
SMITH; ASSOCIATION OF GOSPEL
RESCUE MISSIONS; PRISON
FELLOWSHIP MINISTRIES;
ASSOCIATION OF CHRISTIAN
SCHOOLS INTERNATIONAL;
NATIONAL ASSOCIATION OF
EVANGELICALS; ETHICS &
RELIGIOUS LIBERTY COMMISSION
OF THE SOUTHERN BAPTIST
CONVENTION; INSTITUTIONAL
RELIGIOUS FREEDOM ALLIANCE;
CHRISTIAN LEGAL SOCIETY;
ASSOCIATION OF AMERICAN
PHYSICIANS & SURGEONS;
AMERICAN ASSOCIATION OF PRO-
LIFE OBSTETRICIANS AND
GYNECOLOGISTS; CHRISTIAN
MEDICAL ASSOCIATION; CATHOLIC
MEDICAL ASSOCIATION; NATIONAL
CATHOLIC BIOETHICS CENTER;
PHYSICIANS FOR LIFE; NATIONAL
ASSOCIATION OF PRO LIFE NURSES;
UNITED STATES JUSTICE
FOUNDATION; CONGRESSMAN
FRANK WOLF; STATE OF
OKLAHOMA; WYWATCH FAMILY
ACTION, INC.; THE C12 GROUP;
PHYSICIANS FOR REPRODUCTIVE
HEALTH; THE AMERICAN COLLEGE
OF OBSTETRICIANS AND

GYNECOLOGISTS; THE AMERICAN SOCIETY FOR EMERGENCY CONTRACEPTION; ASSOCIATION OF REPRODUCTIVE HEALTH PROFESSIONALS; AMERICAN SOCIETY FOR REPRODUCTIVE MEDICINE; SOCIETY FOR ADOLESCENT HEALTH AND MEDICINE; AMERICAN MEDICAL WOMEN'S ASSOCIATION; NATIONAL ASSOCIATION OF NURSE PRACTITIONERS IN WOMEN'S HEALTH; JAMES TRUSSELL; SUSAN F. WOOD; DON DOWNING; KATHLEEN BESINQUE; AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE; UNION FOR REFORM JUDAISM; CENTRAL CONFERENCE OF AMERICAN RABBIS; WOMEN OF REFORM JUDAISM; HINDU AMERICAN FOUNDATION; NATIONAL WOMEN'S LAW CENTER; AMERICAN ASSOCIATION OF UNIVERSITY WOMEN; AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME); BLACK WOMEN'S HEALTH IMPERATIVE; BOULDER NOW; COLORADO ORGANIZATION FOR LATINA OPPORTUNITY AND REPRODUCTIVE RIGHTS (COLOR); GENDER IMPACTS POLICY, a project of the Center of Southwest Culture; IBIS REPRODUCTIVE HEALTH; LAW STUDENTS FOR REPRODUCTIVE JUSTICE; MERGERWATCH; NARAL PRO-CHOICE AMERICA; NARAL PRO-CHOICE COLORADO; NARAL PRO-CHOICE WYOMING; NATIONAL ORGANIZATION FOR WOMEN FOUNDATION; NATIONAL ORGANIZATION FOR WOMEN-

SANTA FE CHAPTER (SANTA FE NOW); NATIONAL PARTNERSHIP FOR WOMEN AND FAMILIES; NEW MEXICO-NATIONAL ORGANIZATION FOR WOMEN (NMNOW); PLANNED PARENTHOOD OF ARKANSAS & EASTERN OKLAHOMA, INC., d/b/a Planned Parenthood of Heartland-Oklahoma; PLANNED PARENTHOOD ASSOCIATION OF UTAH; PLANNED PARENTHOOD OF KANSAS & MID-MISSOURI; PLANNED PARENTHOOD OF THE ROCKY MOUNTAINS, INC.; POPULATION CONNECTION; RAISING WOMEN'S VOICES FOR THE HEALTH CARE WE NEED; SERVICE EMPLOYEES INTERNATIONAL UNION; SOUTHWEST WOMEN'S LAW CENTER; UTAH HEALTH POLICY PROJECT; CENTER FOR REPRODUCTIVE RIGHTS; AMERICAN PUBLIC HEALTH ASSOCIATION; GUTTMACHER INSTITUTE; NATIONAL FAMILY PLANNING & REPRODUCTIVE HEALTH ASSOCIATION; NATIONAL LATINA INSTITUTE FOR REPRODUCTIVE HEALTH; NATIONAL WOMEN'S HEALTH NETWORK; R. ALTA CHARO, Professor; REPRODUCTIVE HEALTH TECHNOLOGIES PROJECT; AMERICAN CIVIL LIBERTIES UNION; AMERICAN CIVIL LIBERTIES UNION OF OKLAHOMA; ANTI-DEFAMATION LEAGUE; CATHOLICS FOR CHOICE; HADASSAH, THE WOMEN'S ZIONIST ORGANIZATION OF AMERICA, INC.; INTERFAITH ALLIANCE FOUNDATION; NATIONAL COALITION OF AMERICAN NUNS; NATIONAL COUNCIL OF JEWISH WOMEN; RELIGIOUS COALITION FOR REPRODUCTIVE CHOICE;

UNITARIAN UNIVERSALIST
ASSOCIATION; UNITARIAN
UNIVERSALIST WOMEN'S
FEDERATION; NATIONAL HEALTH
LAW PROGRAM; MEXICAN
AMERICAN LEGAL DEFENSE AND
EDUCATIONAL FUND, INC.; ASIAN
PACIFIC AMERICAN LEGAL CENTER;
FORWARD TOGETHER; NATIONAL
HISPANIC MEDICAL ASSOCIATION;
IPAS; SEXUALITY INFORMATION
AND EDUCATIONAL COUNCIL OF
THE U.S.; CAMPAIGN TO END AIDS;
HIV LAW PROJECT; NATIONAL
WOMEN AND AIDS COLLECTIVE;
HOUSING WORKS,

Amici Curiae.

JUDGMENT

Before **BRISCOE**, Chief Judge, **KELLY**, **LUCERO**, **HARTZ**, **TYMKOVICH**,
GORSUCH, **MATHESON**, and **BACHARACH**, Circuit Judges.

This case originated in the Western District of Oklahoma and was argued by counsel.

The district court's order denying plaintiffs' motion for a preliminary injunction is reversed. The case is remanded to the United States District Court for the Western District of Oklahoma with instructions to conduct all necessary proceedings to address the remaining two preliminary injunction factors as outlined in the decision of the court.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", with a long horizontal flourish extending to the right.

ELISABETH A. SHUMAKER, Clerk