

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

AMERICAN PULVERIZER CO., et al.,)	
)	
Plaintiffs,)	Case No.
)	6:12-cv-03459-MDH
v.)	
)	
UNITED STATES DEPARTMENT OF)	
HEALTH AND HUMAN SERVICES,)	
et al.,)	
)	
Defendants.)	

JOINT MOTION FOR ENTRY OF INJUNCTION AND JUDGMENT

In light of the Supreme Court's decision in *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751 (2014), the parties jointly agree that judgment should be entered in favor of plaintiffs on their Religious Freedom Restoration Act claim, that a permanent injunction should be entered, that all other claims against defendants should be dismissed, and that the deadline for any petition by plaintiffs for attorneys' fees or costs should be extended to 60 days after judgment is entered. Accordingly, the parties respectfully request that the Court enter the attached Injunction and Judgment, which has been agreed to by all parties. The parties further request that the pending October 30, 2014 deadline for submission of a scheduling order/discovery plan be vacated.

Respectfully submitted this 15th day of October, 2014,

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CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2014, a copy of the foregoing was filed electronically with the Clerk of the Court to be served upon the following:

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Defendants.)	

[PROPOSED] INJUNCTION AND JUDGMENT

In light of the Supreme Court’s decision in *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751 (2014), and upon the parties’ Joint Motion for Entry of Injunction and Judgment, it is hereby

ORDERED that defendants, their employees, agents, and successors in office are permanently enjoined

(a) from enforcing

- (1) the “June 30, 2014 Contraceptive Coverage Requirement,” defined here to include those provisions of federal law in existence on June 30, 2014, when the Supreme Court decided *Hobby Lobby*, that require plaintiffs Springfield Iron and Metal, LLC; American Pulverizer Company; Hustler Conveyor Company; and City Welding (hereinafter, “the Springfield Iron Companies”) to provide their employees with health coverage for contraceptive methods, sterilization procedures, and related patient education and counseling to which plaintiffs object

on religious grounds, *e.g.*, 26 C.F.R. § 54.9815-2713(a)(1)(iv); 29 C.F.R. § 2590.715-2713(a)(1)(iv); 45 C.F.R. § 147.130(a)(1)(iv); and

(2) any penalties, fines, or assessments for noncompliance with the June 30, 2014 Contraceptive Coverage Requirement, including those found in 26 U.S.C. § 4980D and 29 U.S.C. §§ 1132 and 1185d; and

(b) from taking any other actions based on noncompliance with the June 30, 2014 Contraceptive Coverage Requirement

against plaintiffs Springfield Iron Companies, their employee health plan(s), the group health coverage provided in connection with such plan(s), and/or the Springfield Iron Companies' health insurance issuers and/or third-party administrators with respect to the Springfield Iron Companies' health plan(s); and it is further

ORDERED that judgment is entered in favor of plaintiffs and against defendants on plaintiffs' claim under the Religious Freedom Restoration Act, 42 U.S.C. §§ 2000bb *et seq.*; and it is further

ORDERED that all other claims against Defendants are DISMISSED; and it is further

ORDERED that any petition by plaintiffs for attorneys' fees or costs shall be submitted on or before 60 days (or the next business day if that day falls on a weekend or court holiday) from the date this judgment is issued; and it is further

ORDERED that this Injunction and Judgment does not apply with respect to any changes in statute or regulation that are enacted or promulgated after this date, and nothing herein prevents plaintiffs from filing a new civil action to challenge any such future changes.

Date: _____

M. DOUGLAS HARPOOL, JUDGE
UNITED STATES DISTRICT COURT