

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 12-cv-01123-JLK

WILLIAM NEWLAND,
PAUL NEWLAND,
JAMES NEWLAND,
CHRISTINE KETTERHANGEN,
ANDREW NEWLAND, AND
HERCULES INDUSTRIES, INC.,

Plaintiffs,

v.

SYLVIA M. BURWELL, IN HER OFFICIAL CAPACITY AS SECRETARY OF THE
UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES;
THOMAS E. PEREZ, IN HIS OFFICIAL CAPACITY AS SECRETARY OF THE UNITED
STATES DEPARTMENT OF LABOR;
JACOB LEW, IN HIS OFFICIAL CAPACITY AS SECRETARY OF THE UNITED
STATES DEPARTMENT OF THE TREASURY;
UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES;
UNITED STATES DEPARTMENT OF LABOR; AND
UNITED STATES DEPARTMENT OF THE TREASURY,

Defendants.

FINAL JUDGMENT

In accordance with the orders filed during the pendency of this case, and pursuant to Fed. R. Civ. P. 58(a), the following Final Judgment is hereby entered.

Pursuant to the Permanent Injunction (Doc. No. 70), Memorandum Opinion (Doc. No. 70-1), and Order (Doc. No. 70-2, GRANTING Doc. No. 5) by Judge John L. Kane entered on March 16, 2015, It is

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. It is

FURTHER ORDERED that Defendants, their employees, agents, and successors in office are permanently ENJOINED from, directly or indirectly, (1) enforcing against Hercules Industries, Inc. (“Hercules”) any regulation promulgated or amended pursuant to 42 U.S.C. §§ 300gg-13(a)(4), or otherwise, requiring Hercules to provide health insurance coverage for abortifacients, contraception, sterilization, and related education and counseling to its employees; (2) from applying any penalties, fines, or assessments for noncompliance with any regulation promulgated or amended pursuant to 42 U.S.C. §§ 300gg-13(a)(4), or otherwise, requiring Hercules to provide health insurance coverage for abortifacients, contraception, sterilization and related education and counseling to its employees, including those found in 26 U.S.C. § 4980D and 29 U.S.C. §§ 1132 and 1185d; and (3) from taking any other actions based on noncompliance with any regulation promulgated or amended pursuant to 42 U.S.C. §§ 300gg-13(a)(4), or otherwise, requiring Hercules to provide health insurance coverage for abortifacients, contraception, sterilization and related education and counseling to its employees. It is

FURTHER ORDERED that in the event Defendants seek relief or modification of this Permanent Injunction, Defendants must first move this Court to modify or dissolve this injunction by showing that a significant change either in factual conditions or in law renders continued enforcement of the injunction detrimental to the public interest. It is

FURTHER ORDERED that any petition by Plaintiffs for attorney fees or costs shall be submitted on or before 45 days (or the next business day if that day falls on a weekend or a court holiday) from the date this judgment is issued.

Dated at Denver, Colorado this 17th day of March, 2015.

FOR THE COURT:
JEFFREY P. COLWELL, CLERK

By: s/ Bernique Abiakam

Bernique Abiakam
Deputy Clerk