

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:13-cv-00285-WYD-BNB

STEPHEN W. BRISCOE;
CONTINUUM HEALTH PARTNERSHIPS, INC.;
CONTINUUM HEALTH MANAGEMENT, LLC; and
MOUNTAIN STATES HEALTH PROPERTIES, LLC;

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;
UNITED STATES DEPARTMENT OF THE TREASURY;

Defendants.

INJUNCTION AND PARTIAL JUDGMENT

In light of the Supreme Court's decision in *Burwell v. Hobby Lobby Stores, Inc.*,
134 S. Ct. 2751 (2014), it is hereby

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

(a) from enforcing

(1) those provisions of federal law in existence on June 30, 2014, when the
Supreme Court decided *Hobby Lobby*, that require plaintiffs Continuum
Health Partnerships, Inc.; Continuum Health Management, LLC; and

Mountain States Health Properties, LLC to provide their employees with health coverage for “[a]ll Food and Drug Administration approved contraceptive methods, sterilization procedures, and patient education and counseling for all women with reproductive capacity,” 77 Fed. Reg. 8725 (Feb. 15, 2012), 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)(iv); and

(2) any penalties, fines, or assessments for noncompliance with the coverage requirement described above in section (a)(1), including those found in 26 U.S.C. § 4980D and 29 U.S.C. §§ 1332 and 1185d; and

(b) from taking any other actions based on noncompliance with the coverage requirement described above in section (a)(1) against Continuum Health Partnerships, Inc.; Continuum Health Management, LLC; and/or Mountain States Health Properties, LLC; their employee health plan(s); the group health coverage provided in connection with such plan(s); and/or Continuum Health Partnerships, Inc.’s; Continuum Health Management, LLC’s; and/or Mountain States Health Properties, LLC’s insurance issuers and/or third-party administrators with respect to Continuum Health Partnerships, Inc.; Continuum Health Management, LLC; and/or Mountain States Health Properties, LLC 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 the parties shall meet and confer to reach agreement on attorneys' fees and costs. The parties will file a joint status report, including a recommendation for further proceedings, by no later than March 2, 2015. If there is no resolution of the attorneys' fees and costs matter, plaintiffs may file a motion for attorneys' fees and costs within thirty days of March 2, 2015, pursuant to Federal Rule of Civil Procedure 54; and it is

FURTHER ORDERED that this Injunction and Partial 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.

Dated: January 27, 2015.

BY THE COURT:

/s/ Wiley Y. Daniel
WILEY Y. DANIEL,
SENIOR UNITED STATES DISTRICT JUDGE