

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

|                                           |   |                    |
|-------------------------------------------|---|--------------------|
| HOBBY LOBBY STORES, INC., <i>et al.</i> , | ) |                    |
|                                           | ) |                    |
| Plaintiffs,                               | ) |                    |
| vs.                                       | ) | NO. CIV-12-1000-HE |
|                                           | ) |                    |
| KATHLEEN SEBELIUS, in her official        | ) |                    |
| capacity as the Secretary of the United   | ) |                    |
| States Department of Health and Human     | ) |                    |
| Services, <i>et al.</i> ,                 | ) |                    |
|                                           | ) |                    |
| Defendants.                               | ) |                    |

**ORDER**

This case is before the court on plaintiffs' Emergency Application for Ruling on Pending Preliminary Injunction or in the Alternative Temporary Restraining Order [Dkt. #68]. The court, having reviewed the pleadings and heard arguments from counsel via telephone conference held this date, hereby **GRANTS** plaintiffs' application for a temporary restraining order pending a hearing on plaintiffs' motion for preliminary injunction.

The court concludes plaintiffs have made a sufficient showing to warrant the issuance of a temporary restraining order in the circumstances existing here. Plaintiffs have shown that 42 U.S.C. § 300gg-13(a)(4) will take effect against the companies Monday, July 1, 2013, triggering significant penalties under 26 U.S.C. §§ 4980D & 4980H, absent intervention by the court. The Court of Appeals has held that "Hobby Lobby and Mardel have established a likely violation of RFRA," 42 U.S.C. § 2000bb-2 *et seq.*, and that "establishing a likely RFRA violation satisfies the irreparable harm factor." Hobby Lobby Stores, Inc. v. Sebelius, No. 12-6294 (10th Cir. June 27, 2013), slip op. at 65. Plaintiffs have made a sufficient showing

as to the remaining elements necessary to the issuance of a temporary restraining order (weighing of the relative harms and whether injunctive relief is in the public interest) pending a further hearing, based on those aspects of plaintiffs' showing referenced by a plurality of the appellate judges as to those factors.

Accordingly, the defendants, their agents, officers, and employees are temporarily **ENJOINED** and **RESTRAINED** from any effort to apply or enforce, as to plaintiffs, the substantive requirements imposed in 42 U.S.C. § 300gg-13(a)(4) and at issue in this case, or the penalties related thereto, pending a hearing on plaintiffs' motion for preliminary injunction.

Plaintiffs' motion for preliminary injunction will be heard on **July 19, 2013, at 9:00 a.m.**, in Courtroom No. 304. Absent further order of the court, the hearing will be in the nature of oral argument directed to the sufficiency of the showing previously made by the parties. Any party seeking leave to offer additional evidence shall do so by motion and supporting brief filed not later than **July 3, 2013**. Any response to such a motion shall be filed by **July 10, 2013**.

The parties are **ORDERED** to confer, through counsel, in advance of the hearing to determine whether, in light of the Court of Appeals decision and other pertinent circumstances, an agreed resolution is possible as to the preliminary relief sought by plaintiffs. The parties should also be prepared to address at the hearing an appropriate scheduling order to govern further proceedings in the case.

**IT IS SO ORDERED.**

Dated this 28th day of June, 2013.



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JOE HEATON  
UNITED STATES DISTRICT JUDGE