

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

GENEVA COLLEGE; WAYNE L. HEPLER;)
THE SENECA HARDWOOD LUMBER)
COMPANY, INC., a Pennsylvania Corporation;)
WLH ENTERPRISES, a Pennsylvania Sole)
Proprietorship of Wayne L. Hepler; and)
CARRIE E. KOLESAR)

Plaintiff,)

v.)

Case No. 2:12-cv-00207

KATHLEEN SEBELIUS)
in her official capacity as Secretary of the)
United States Department of Health and Human)
Services, HILDA SOLIS)
in her official capacity as Secretary of the)
United States Department of Labor, TIMOTHY)
GEITHNER)
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)

ORDER GRANTING PRELIMINARY INJUNCTION

Upon consideration of the motion for preliminary injunction (ECF No. 75) by plaintiffs Wayne L. Hepler, Carrie E. Kolesar, and the Seneca Hardwood Lumber Company, Inc., (the “moving plaintiffs”), their memorandum and affidavits in support, the parties’ briefing and oral argument on defendants’ motion to dismiss, this court’s Memorandum Opinion and Order dated March 6, 2013, and for the reasons set forth in the accompanying findings of fact and conclusions of law;

IT IS HEREBY ORDERED that the moving plaintiffs’ motion for preliminary injunction is hereby GRANTED;

IT IS FURTHER ORDERED that defendants, their agents, officers, and employees are hereby ENJOINED from pursuing any enforcement actions against or imposing any penalties upon the moving plaintiffs pursuant to 26 U.S.C. § 4980D and 29 U.S.C. § 1132 as a result of the moving plaintiffs' noncompliance with the requirement imposed in 42 U.S.C. § 300gg-13(a)(4) that their health insurance plan or insurer provide contraception, abortifacients, sterilization, or related education and counseling in any health insurance plan offered by the Seneca Hardwood Lumber Company;

IT IS FURTHER ORDERED that the injunction hereby granted shall remain in effect until this court makes a full determination on the merits of the case, or until thirty (30) days after the United States Supreme Court or United States Court of Appeals for the Third Circuit renders a decision on the merits of this case or an adverse decision in a substantially similar case, whichever occurs first; and

IT IS FURTHER ORDERED that a bond in the amount of zero (0) dollars is appropriate.

SO ORDERED.

Dated: April 19, 2013

BY THE COURT:

/s/Joy Flowers Conti
Joy Flowers Conti
United States District Judge