

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

FELTL AND COMPANY, INC., JOHN C.
FELTL and MARY JO FELTL,

Civil No. 13-2635 (DWF/JJK)

Plaintiffs,

v.

**ORDER ON PRELIMINARY
INJUNCTION**

KATHLEEN SEBELIUS, in her official capacity
as Secretary of the United States Department of
Health and Human Services and her successor;
and the UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;

SETH D. HARRIS, in his official capacity as
Acting Secretary of the United States Department
of Labor and his successor; and the
UNITED STATES DEPARTMENT OF LABOR;

JACOB LEW, in his official capacity as
U.S. Secretary of the Treasury and his
successor; and the UNITED STATES
DEPARTMENT OF THE TREASURY, and

DANIEL I. WERFEL, in this official capacity
as Acting Commissioner of Internal Revenue
and his successor; and the INTERNAL
REVENUE SERVICE,

Defendants.

Erick G. Kaardal, Esq., Mohrman & Kaardal, P.A., counsel for Plaintiffs.

Bradley Philip Humphreys, Esq., United States Department of Justice; and Ann M.
Bildtsen, Assistant U.S. Attorney, United States Attorney's Office, counsel for
Defendants.

Feltl and Co., Inc. (“Feltl Co.”), John C. Feltl, and Mary Jo Feltl (together “Plaintiffs”) filed a motion for preliminary injunction and stay in the above-referenced case. (Doc. No. 7.) Sebelius, *et al.* (“Defendants”) do not oppose Plaintiffs’ Motion for Preliminary Injunction and Stay. (Doc. No. 12.) Plaintiffs filed a Local Rule 7.1 meet-and-confer statement demonstrating agreement between Plaintiffs and Defendants on Plaintiffs’ Motion for Preliminary Injunction and Stay and the corresponding proposed order in this matter. (Doc. No. 9.)

Based on these filings, the Court **GRANTS** Plaintiffs’ Motion (Doc. No. [7]), and Orders the following:

1. Defendants are preliminarily enjoined until thirty days after: (1) the mandate issues from the Eighth Circuit in *O’Brien v. U.S. Dep’t of Health & Human Servs.*, No. 12-3357, or *Annex Medical, Inc. v. Sebelius*, No. 13-1118, or (2) until the Supreme Court issues a ruling in a substantially similar case, whichever occurs first, from enforcing 42 U.S.C. § 300gg-13(a)(4) and its implementing regulations, 75 Fed. Reg. 41,726, 41,728 (July 19, 2010) (interim final rules with request for comments); 76 Fed. Reg. 46,621, 46,621-26 (Aug. 3, 2011) (interim final rules with request for comments); 77 Fed. Reg. 8725, 8725-30 (Feb. 15, 2012) (final rules), against:

- a. Plaintiffs, or Feltl Co.’s employees;
- b. any health insurance issuer offering group health insurance coverage to Plaintiffs, or Feltl Co.’s employees, without coverage for “[a]ll Food and Drug Administration approved contraceptive methods, sterilization procedures, and patient education and counseling for all

women with reproductive capacity,” as prescribed by a health care provider; and

c. any third party administrator when administering a self-insured plan for Plaintiffs, or Feltl Co.’s employees, without coverage for “[a]ll Food and Drug Administration approved contraceptive methods, sterilization procedures, and patient education and counseling for all women with reproductive capacity,” as prescribed by a health care provider, if Feltl Co. adopts a self-insured plan under the Employee Retirement Income Security Act of 1974 (ERISA).

2. All proceedings in this case are **STAYED** until thirty days after the resolution of the appeal in either *O’Brien* or *Annex Medical*, or until the Supreme Court issues a ruling in a substantial similar case, whichever occurs first.

IT IS SO ORDERED.

Dated: November 5, 2013

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge