

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

STINSON ELECTRIC, INC., PAUL
ARCHAMBAULT, PATRICIA
ARCHAMBAULT, and ROBERT
ARCHAMBAULT,

Plaintiffs,

vs

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.

**Civil File No. 14-CV-00830
PJS/JJG**

PRELIMINARY INJUNCTION

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Plaintiffs Stinson Electric, Inc., Paul Archambault, Patricia Archambault, and Robert Archambault have filed a motion for preliminary injunction and stay in the above-referenced case. [ECF 5.] The Plaintiffs have filed a Local Rule 7.1 meet-and-confer statement indicating an agreement between the parties on the Plaintiffs' proposed order. [ECF 7.] Defendants have filed a document indicating the same. [ECF 13.]

Based on these filings, Defendants are preliminarily enjoined until thirty days after 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 until thirty days after the Supreme Court issues its mandate in *Kathleen Sebelius, et al., v. Hobby Lobby Stores, Inc., et al.*, No. 13-354, and *Conestoga Wood Specialty Corporation, et al. v. Kathleen Sebelius, et al.*, No. 13-356, whichever occurs first, from enforcing the contraceptive coverage requirement under 42 U.S.C. § 300gg-13(a)(4) and its implementing regulations¹ against Plaintiffs, its employees or any health insurance issuer when offering any group health insurance coverage to Stinson Electric, Inc. without coverage for "All 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. *See* HRSA, Women's Preventive Services: Required Health Plan Coverage Guidelines, *available at*

¹ 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).

<http://www.hrsa.gov/womensguidelines> (August 1, 2011), attached as Exhibit A hereto.²

Further, if Stinson Electric, Inc. adopts a self-insured plan under the Employee Retirement Income Security Act of 1974 (ERISA), which must also comply with the requirements of 42 U.S.C. § 300gg-13(a)(4) and its implementing regulations, Defendants are preliminarily enjoined until thirty days after the mandate issues from the Eighth Circuit in *O'Brien* or *Annex Medical*, or until thirty days after the Supreme Court issues its mandate in *Kathleen Sebelius, et al., v. Hobby Lobby Stores, Inc., et al.*, No. 13-354, and *Conestoga Wood Specialty Corporation, et al. v. Kathleen Sebelius, et al.*, No. 13-356, whichever occurs first, from enforcing the contraceptive coverage requirement under 42 U.S.C. § 300gg-13(a)(4) and its implementing regulations against Plaintiffs, its employees or any third party administrator when administering any self-insured plan for Stinson Electric, Inc. without coverage for “All 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. Ex. A.³

All proceedings in this case are stayed pending resolution of the appeal in either

² The U.S. Food and Drug Administration has approved currently the following contraceptive methods and sterilization procedures for women: female condom; diaphragm with spermicide; sponge with spermicide; cervical cap with spermicide; spermicide alone; oral contraceptives (combined pill) (“the Pill”); oral contraceptives (Progestin-only) (“the Mini Pill”); oral contraceptives (extended/continued use) (“the Pill”); patch; vaginal contraceptive ring; shot/injection; Plan B, Plan B One-Step and Next Choice; Ella; Copper IUD; IUD with progestin; implantable rod; sterilization surgery for women and sterilization implant for women. *See* U.S. FDA Birth Control Guide, *available at* <http://www.fda.gov/downloads/ForConsumers/ByAudience/ForWomen/FreePublications/UCM282014.pdf> (updated August 2012), attached as Exhibit B hereto.

³ *See* Note 2, *supra*.

O'Brien or *Annex Medical*, or until the Supreme Court issues a ruling in *Hobby Lobby* and *Conestoga Wood Specialty Corporation* cases, whichever occurs first.

IT IS SO ORDERED.

Date: 04/30/14

s/Patrick J. Schiltz
Hon. Patrick J. Schiltz
U.S. District Court Judge