IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA AND STATE OF NEW JERSEY,	CIVIL ACTION
Plaintiffs, v.	NO. 17-4540
DONALD J. TRUMP, ALEX M. AZAR II, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, STEVEN T. MNUCHIN, UNITED STATES DEPARTMENT OF THE TREASURY, RENE ALEXANDER ACOSTA, THE UNITED STATES DEPARTMENT OF LABOR, AND THE UNITED STATES OF AMERICA,	
Defendants,	
LITTLE SISTERS OF THE POOR SAINTS PETER AND PAUL HOME,	

Defendant-Intervenor.

<u>ORDER</u>

AND NOW, this 14th day of January, 2019, upon consideration of the Plaintiffs' Second

Motion for a Preliminary Injunction (ECF No. 90), Defendants' and Defendant-Intervenor's

Responses thereto (ECF Nos. 107 & 108), the Plaintiffs' Reply in Support thereof (ECF No.

118), the Administrative Record (ECF Nos. 23, 47 & 126), Briefs of the Amici Curiae (ECF

Nos. 110, 112, 113, 115, 117 & 127), and following a Hearing on Plaintiffs' Motion on January

10, 2019, **IT IS HEREBY ORDERED** that the Motion is **GRANTED**.

It is FURTHER ORDERED that Defendants Alex M. Azar II, as Secretary of the

United States Department of Health and Human Service; the United States Department of Health

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and Human Services; Steven T. Mnuchin, as Secretary of the United States Department of Treasury; the United States Department of Treasury; Rene Alexander Acosta, as Secretary of the United States Department of Labor; and the United States Department of Labor;¹ and their officers, agents, servants, employees, attorneys, designees, and subordinates, as well as any person acting in concert or participation with them, are hereby **ENJOINED** from enforcing the following Final Rules across the Nation, pending further order of this Court:

- 1. Religious Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act, 83 Fed. Reg. 57,536 (Nov. 15, 2018); and
- 2. Moral Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act, 83 Fed. Reg. 57,592 (Nov. 15, 2018).

The Court has considered the issue of security pursuant to Rule 65(c) of the Federal

Rules of Civil Procedure and determines that Defendants will not suffer any financial loss that warrants the need for the Plaintiffs to post security.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.

¹ In light of the constitutional concerns associated with enjoining the President of the United States for a claim under the Administrative Procedure Act, this injunction does not apply to the President. *See Franklin v. Massachusetts*, 505 U.S. 788, 801 (1992).