

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

DORDT COLLEGE and CORNERSTONE
UNIVERSITY,

Plaintiffs,

vs.

ALEX M. AZAR II, in his official
capacity as Secretary of the United States
Department of Health and Human Services,
et al.,

Defendants.

No. C 13-4100-MWB

**ORDER ON PLAINTIFFS'
MOTION FOR PERMANENT
INJUNCTION AND
DECLARATORY RELIEF
and
PERMANENT INJUNCTION AND
DECLARATION**

This case is before me on the Motion for Permanent Injunction and Declaratory Relief (docket no. 81) filed by Plaintiffs Dordt College and Cornerstone University. Having considered the parties' briefs and all relevant legal authority, Defendants' representations that they are no longer raising a substantive defense to Plaintiffs' Religious Freedom Restoration Act claims regarding compliance with the HHS Mandate and rules issued by Defendants with regard to the HHS Mandate, Plaintiffs' motion is *granted*.

THEREFORE, I conclude that Dordt College and Cornerstone University have met the standards for injunctive and declaratory relief.

First, Plaintiffs have demonstrated, and Defendants now concede, that requiring them to comply with 42 U.S.C. § 300gg-13(a)(4), to the extent such compliance violates their religious beliefs, violates Plaintiffs' rights protected by the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb *et seq.*

Second, Plaintiffs will suffer irreparable harm unless Defendants are enjoined from violating these rights.

Third, the harm Plaintiffs will suffer in the absence of a permanent injunction and declaratory judgment outweighs any injury to Defendants resulting from this injunction.

Fourth, the public interest in the vindication of religious freedom favors the entry of an injunction and declaratory judgment.

It is therefore **ORDERED** that this Court's previous preliminary injunction, docket no. 46, is hereby *replaced* in its entirety by the following:

It is **ORDERED** that Defendants, their agents, officers, and employees, and all others in active concert or participation with them, including their successors in office, are hereby **PERMANENTLY ENJOINED AND RESTRAINED**, as follows:

1. From any effort to apply or enforce against Plaintiffs, as their conduct relates to Plaintiffs' health plans, the requirements of 42 U.S.C. § 300gg13(a)(4) and any implementing regulations as those requirements relate to the provision of drugs, devices, procedures, patient counseling and education, and any other services that violate Plaintiffs' religious consciences, including services that Plaintiffs view as abortion, abortifacients, embryo-harming pharmaceuticals, and related education and counseling; and
2. From pursuing, charging, or assessing penalties, fines, assessments, or any other enforcement actions against Plaintiffs, as their conduct relates to Plaintiffs' health plans, for past, present, or future noncompliance with those requirements thereto, including those found in 26 U.S.C. § 4980D and 29 U.S.C. § 1132, for failing to offer, provide, or otherwise facilitate access to drugs, devices, procedures, patient counseling and education, and any other services that violate Plaintiffs' religious consciences, including

services that Plaintiffs view as abortion, abortifacients, embryo-harming pharmaceuticals, and related education and counseling.

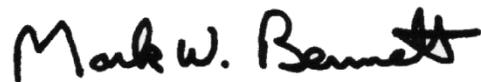
It is further **DECLARED** that the requirements of 42 U.S.C. § 300gg-13(a)(4), as those requirements relate to the provision of drugs, devices, procedures, patient counseling and education, and any other services that violate Plaintiffs' religious consciences, including services that Plaintiffs view as abortion, abortifacients, embryo-harming pharmaceuticals, and related education and counseling, violate Plaintiffs' rights protected by the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb *et seq.*

It is further **ORDERED** that any petition by Plaintiffs for attorneys' fees and costs shall be submitted no later than 45 days from the entry of judgment in this case.

It is further **ORDERED** that this Court shall retain jurisdiction to enforce this order.

IT IS SO ORDERED.

DATED this 12th day of June, 2018.



MARK W. BENNETT
U.S. DISTRICT COURT JUDGE
NORTHERN DISTRICT OF IOWA