

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STORMANS, INCORPORATED, et al,
Plaintiffs,

v.

MARY SELECKY, Secretary of the
Washington State Department of Health,
et al,
Defendants.

CASE NO. C07-5374RBL
PERMANENT INJUNCTION

This Court conducted a bench trial in the above-captioned matter from November 28, 2011 to January 18, 2012. The Court received extensive testimonial and documentary evidence presented by the parties, and considered the evidence, argument and authorities presented by counsel for the parties. The Court has entered findings of fact and conclusions of law, and filed an opinion in the case. For the reasons outlined in those documents, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. WAC 246-869-010, WAC 246-869-150, and WAC 246-863-095 (“Regulations”), as applied to Plaintiffs, are hereby DECLARED unconstitutional under the Free Exercise Clause of the First Amendment to the United States Constitution;

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2. The Regulations, as applied to Plaintiffs, are hereby DECLARED unconstitutional under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution;

3. Defendants Al Linggi, Rebecca Hille, Gary Harris, George Roe, Vandana Slatter, Rosemarie Duffy, and Dan Connelly (“Defendants”), and their employees, agents, and successors in office, are hereby permanently ENJOINED and RESTRAINED from enforcing the Regulations against Plaintiffs, or against the pharmacies in which Plaintiffs have an ownership or managerial interest, or where Plaintiffs are employed, insofar as those Regulations would prohibit Plaintiffs from declining based on their religious beliefs to stock or deliver Plan B or *ella* and instead providing a referral to a nearby pharmacy or other location that provides Plan B or *ella*;

4. This Court shall retain jurisdiction of this matter for all proceedings involving the interpretation, enforcement or amendment of this Permanent Injunction.

IT IS SO ORDERED.

DATED this 22nd day of February, 2012


Ronald B. Leighton
United States District Judge