## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA FORT WAYNE DIVISION

TONN AND BLANK CONSTRUCTION, LLC,	) ) )
Plaintiff,	)
v.	) CASE NO. 1:12-CV-325-JE
KATHLEEN SEBELIUS, et al.,	)
Defendants.	) ) )

The Court previously entered an agreed-upon preliminary injunction [DE 43] and stayed the proceedings [DE 46] in the instant case until thirty days after the Seventh Circuit rendered a

decision in *Korte* and *Grote*—appeals which similarly challenged the federal government's

**ORDER** 

contraception mandate. On November 8, 2013, the Seventh Circuit ruled that the plaintiffs in *Korte* and *Grote*, business owners and their for-profit companies, had standing to challenge the

substantially burdened their religious exercise rights without sufficient justification under strict

mandate and that compelling the plaintiffs to cover the objected to contraceptive services

scrutiny. Korte v. Sebelius, 735 F.3d 654 (7th Cir. 2013) (Rovner, J., dissenting). Given the

consolidated decision in Korte and Grote, on December 6, 2013, the undersigned lifted the stay

in the instant litigation, extended the preliminary injunction, and ordered the parties to submit a

joint report indicating their intentions with respect to proceeding in the present lawsuit [DE 48].

The parties have now filed their joint status report [DE 49] and requested that the Court continue to stay the case with the preliminary injunction in place until the United States Supreme

Court resolves the pending cases Hobby Lobby Stores, Inc. v. Sebelius, 723 F.3d 1114 (10th Cir.

2013) (en banc), cert. granted, No. 13-354 (Nov. 26, 2013) and Conestoga Wood Specialties

Corp. v. Secretary of U.S. Dept. of Health and Human Servs., 724 F.3d 377 (3d Cir. 2013), cert.

granted, No. 13-356 (Nov. 26, 2013). Hobby Lobby and Conestoga both involve challenges

brought by for-profit corporations and their owners to the same regulations at issue in this case.

Given the parties' agreement, and because the interests of judicial economy weigh in

favor of temporarily staying the proceedings for the reasons indicated above, the Court

GRANTS the parties' request, ORDERS this case STAYED until sixty days from the Supreme

Court's resolution of *Hobby Lobby* and *Conestoga*, and ORDERS the continuation of the

preliminary injunction, as originally issued on April 1, 2013 [DE 43], until further order of the

Court.

SO ORDERED.

ENTERED: December 18, 2013

/s/ JON E. DEGUILIO

**United States District Court** 

2