

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

January 19, 2015

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 14-20112 East Texas Baptist University, et al v. Sylvia
Burwell, Secretary HHS, et al

USDC No. 4:12-CV-3009

USDC No. 4:12-CV-314

USDC No. 4:12-CV-314

USDC No. 1:13-CV-709

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Angelique D. Batiste, Deputy Clerk
504-310-7715

Mr. Thomas F. Allen Jr.
Ms. Megan Barbero
Mr. Randal G. Cashiola
Mr. John Walter Crumley
Ms. Natalia Oehninger Delaune
Ms. Deborah Jane Dewart
Mr. Basheer Youssef Ghorayeb
Mr. Adam Craig Jed
Ms. Ayesha N. Khan
Ms. Alisa Beth Klein
Ms. Tamara Marinkovic
Mr. Patrick George Nemeroff
Mr. Eric C. Rassbach
Mr. Joshua Marc Salzman
Mrs. Mailee Rebecca Smith
Ms. Diana Marie Verm
Mr. Kenneth Reed Wynne

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 14-20112

EAST TEXAS BAPTIST UNIVERSITY; HOUSTON BAPTIST UNIVERSITY,

Plaintiffs - Appellees

WESTMINSTER THEOLOGICAL SEMINARY,

Intervenor Plaintiff - Appellee

v.

SYLVIA MATHEWS BURWELL, in her official capacity as Secretary of the United States Department of Health and Human Services; THOMAS PEREZ, in his official capacity as Secretary of the United States Department of Labor; JACOB J. LEW, in his official capacity as Secretary of the United States Department of Treasury; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; UNITED STATES DEPARTMENT OF LABOR; UNITED STATES DEPARTMENT OF TREASURY,

Defendants - Appellants

consolidated w/14-10241

UNIVERSITY OF DALLAS,

Plaintiff - Appellee

v.

SYLVIA MATHEWS BURWELL, in her official capacity as Secretary of the United States Department of Health and Human Services; THOMAS PEREZ, in his official capacity as Secretary of the United States Department of Labor; JACOB J. LEW, in his official capacity as Secretary of the United States Department of Treasury; UNITED STATES DEPARTMENT OF HEALTH

AND HUMAN SERVICES; UNITED STATES DEPARTMENT OF LABOR;
UNITED STATES DEPARTMENT OF TREASURY,

Defendants - Appellants

consolidated w/14-40212

CATHOLIC DIOCESE OF BEAUMONT; CATHOLIC CHARITIES OF
SOUTHEAST TEXAS, INCORPORATED,

Plaintiffs - Appellees

v.

SYLVIA MATHEWS BURWELL, in her official capacity as Secretary of the
United States Department of Health and Human Services; THOMAS PEREZ,
in his official capacity as Secretary of the United States Department of Labor;
JACOB J. LEW, in his official capacity as Secretary of the United States
Department of Treasury; UNITED STATES DEPARTMENT OF HEALTH
AND HUMAN SERVICES; UNITED STATES DEPARTMENT OF LABOR;
UNITED STATES DEPARTMENT OF TREASURY,

Defendants - Appellants

Consolidated w/ 14-10661

CATHOLIC CHARITIES, DIOCESE OF FORT WORTH, INCORPORATED,

Plaintiff - Appellee

v.

SYLVIA MATHEWS BURWELL, in her official capacity as Secretary of the
U.S. Department of Health and Human Services; THOMAS PEREZ, in his
official capacity as Secretary of the U.S. Department of Labor; JACOB J.
LEW, in his official capacity as Secretary, U.S. Department of Treasury;
UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES;
UNITED STATES DEPARTMENT OF LABOR; UNITED STATES
DEPARTMENT OF TREASURY,

Defendants -- Appellants

Appeal from the United States District Court for the
Southern District of Texas, Houston

ON MOTION FOR HEARING EN BANC

Before DAVIS, CLEMENT, and COSTA Circuit Judges.

- () No member of the panel nor judge in regular active service on the court having requested that the court be polled on Hearing En Banc, (FED R. APP. P. and 5TH CIR. R. 35) the Motion for Hearing En Banc filed by Appellees, East Texas Baptist University and Houston Baptist University is DENIED.
- () The court having been polled at the request of one of the members of the court and a majority of the judges who are in regular active service and not disqualified not having voted in favor, (FED R. APP. P. and 5TH CIR. R. 35) the Motion for Hearing En Banc filed by Appellees, East Texas Baptist University and Houston Baptist University is DENIED.

ENTERED FOR THE COURT:


UNITED STATES CIRCUIT JUDGE