

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 13-cv-02105-REB-MJW

COLORADO CHRISTIAN UNIVERSITY,

Plaintiff,

v.

ALEX AZAR, Secretary, U.S. Dep't of Health and Human Services, *et al.*,

Defendants.

**ORDER GRANTING UNOPPOSED MOTION OF PLAINTIFF COLORADO
CHRISTIAN UNIVERSITY TO REOPEN PROCEEDINGS AND FOR
PERMANENT INJUNCTION AND DECLARATORY RELIEF**

Blackburn, J.

The matter before me is the **Unopposed Motion of Plaintiff Colorado Christian University To Reopen Proceedings and for Permanent Injunction and Declaratory Relief** [#81],¹ filed June 8, 2018. I grant the motion.

Defendants now concede that the promulgation and enforcement of the contraceptive mandate of the Affordable Care Act, 42 U.S.C. § 300gg-13(a), against plaintiff through any means that require plaintiff to provide or facilitate the provision of coverage for contraceptive goods or services to which it holds sincere religious objections violated and would violate plaintiff's rights under the Religious Freedom Restoration Act ("RFRA"), 42 U.S.C. § 2000bb. Plaintiff therefore is entitled to a declaration to that effect and permanent injunctive relief.

¹ "[#81]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

In that regard, I find and conclude that plaintiff will suffer irreparable harm to its ability to practice its religious beliefs, harm that is the direct result of defendants' conduct, unless defendants are enjoined from further interfering with CCU's practice of its religion; that the threatened injury to plaintiff outweighs any injury to defendants; and that the public interest favors the entry of an injunction. Permanent injunction under Rule 65(d) and declaratory relief under 28 U.S.C. § 2201 therefore are warranted.

THEREFORE, IT IS ORDERED as follows:

1. That the **Unopposed Motion of Plaintiff Colorado Christian University To Reopen Proceedings and for Permanent Injunction and Declaratory Relief** [#81], filed June 8, 2018, is granted;

2. That under D.C.COLO.LCivR 41.2, the clerk of the court is directed to reopen this civil action for the purpose of entering the following orders;

3. That the court finds and concludes that enforcement of the contraceptive mandate against plaintiff would violate plaintiff's rights under the Religious Freedom Restoration Act ("RFRA"), 42 U.S.C. § 2000bb;

4. That defendants their agents, officers, employees, and their successors in office, and anyone acting in active concert or participation with defendants, are enjoined and restrained from any effort to apply or enforce the substantive requirements imposed in 42 U.S.C. § 300gg-13(a)(4), and any implementing regulations, as those requirements relate to the provision of sterilization or contraceptive drugs, devices, or procedures and related education and counseling to which plaintiff has sincerely-held religious objections, and are enjoined and restrained from pursuing, charging, or

assessing penalties, fines, assessments, or any other enforcement actions for noncompliance related thereto, including those found in 26 U.S.C. §§ 4980D, 4980H, and 29 U.S.C. §§ 1132, 1185d and including, but not limited to, penalties for failure to offer or facilitate access to religiously objectionable sterilization or contraceptive drugs, devices, or procedures, and related education and counseling, against plaintiff and any insurers and third-party administrators acting on behalf of plaintiff with respect to its health plans;

5. That defendants remain free to enforce 26 U.S.C. § 4980H for any purpose other than to require plaintiff or its insurers, third party administrators, or others acting on its behalf to provide or facilitate the provision of sterilization or contraceptive drugs, devices, or procedures, and related education and counseling, to which plaintiff has sincerely-held religious objections, or to punish them for failing to do so; and

6. That this case is closed.

Dated July 11, 2018, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge