

## **EXHIBIT A**

## STATEMENT OF THE ISSUES

The Little Sisters' appeal presents three main issues:

**Standing.** Was the District Court correct that Pennsylvania has standing, despite the fact that it has not identified any Pennsylvania employers who plan to drop contraceptive coverage, nor any Pennsylvania citizens who stand to lose such coverage, nor any Pennsylvania citizens who would then qualify for and then turn to the government for coverage? Dkt. 15 at 13-18; Appx.14-23.

**Success on the merits.** Has Pennsylvania demonstrated a likelihood of success on the merits of its claims that the government lacked good cause to issue the interim final rule, and that the interim final rule was contrary to law? Dkt. 15 at 22-54; Appx.19-37.

**Preliminary injunction.** Do the remaining injunction factors justify the District Court's decision to issue a nationwide injunction against the interim final rule? Dkt. 15 at 19-22, 54-55; Appx.43-49.

## STATEMENT OF RELATED CASES

This case has been before this Court previously in the related appeal No. 17-3679, resulting in the decision reported at 888 F.3d 52.

All of the actions listed below are related to this action. All of these actions include claims or defenses that overlap with Pennsylvania's claims here and are either pending, involve decisions of this Court at issue in this case, or resulted in permanent injunctions against former versions of the mandate. Unless otherwise noted, the dates listed are the dates the permanent injunction was issued.

**Pending cases challenging the interim final rules at issue here:**

1. *Am. Civil Liberties Union v. Azar*, No. 4:17-cv-05772 (N.D. Cal.)
2. *Campbell v. Trump*, No. 1:17-cv-02455 (D. Colo.)
3. *Massachusetts v. U.S. Dep't of Health & Human Servs.*, No. 1:17-cv-11930 (D. Mass.)
4. *Medical Students for Choice v. Azar*, No. 1:17-cv-02096 (D.D.C.)
5. *Shiraef v. Azar*, No. 3:17-cv-00817 (N.D. Ind.)
6. *California v. Azar*, No. 4:17-cv-05783 (N.D. Cal.) (preliminary injunction issued Dec. 21, 2017)
7. *Washington v. Trump*, No. 2:17-cv-01510 (W.D. Wash.)

**Pending cases challenging prior versions of the rules:**

8. *Ass'n of Christian Sch. v. Azar*, No. 14-1492 (10th Cir.)
9. *Bindon v. Azar*, No. 1:13-cv-01207 (D.D.C.)
10. *Dobson v. Azar*, No. 1:13-cv-03326 (D. Colo.)
11. *E. Tex. Baptist Univ. v. Azar*, No. 4:12-cv-03009 (S.D. Tex.); No. 14-20112 (5th Cir.)

12. *Eternal Word Television Network v. U.S. Dep't of Health & Human Servs.*, No. 14-12696 (11th Cir.)
13. *La. Coll. v. Azar*, No. 14-31167 (5th Cir.)
14. *Triune Health Group, Inc. v. U.S. Dep't of Health & Human Servs.*, No. 1:12-cv-06756 (N.D. Ill.)
15. *March for Life v. Azar*, No. 1:2014-cv-01149 (D.D.C.)

**Cases resulting in permanent injunctions issued prior to October 2017 against prior versions of the rules:**

16. *Am. Pulverizer Co. v. U.S. Dep't of Health & Human Servs.*, No. 6:12-cv-03459 (W.D. Mo.) (Oct. 30, 2014)
17. *Annex Medical, Inc., v. Solis*, No. 0:12-cv-02804 (D. Minn.) (Aug. 18, 2015)
18. *Armstrong v. Sebelius*, No. 1:13-cv-00563 (D. Colo.) (Oct. 7, 2014)
19. *Autocam Corp. v. Sebelius*, No. 1:12-cv-01096 (W.D. Mich.) (Jan. 5, 2015)
20. *Barron Indus., Inc. v. Sebelius*, No. 1:13-cv-01330 (D.D.C.) (Oct. 27, 2014)
21. *Bick Holdings, Inc. v. U.S. Dep't of Health & Human Servs.*, No. 4:13-cv-00462 (E.D. Mo.) (Nov. 18, 2014)
22. *Brandt, Bishop of the Roman Catholic Diocese of Greensburg v. Sebelius*, No. 2:14-cv-00681 (W.D. Pa.) (Oct. 3, 2014), (appeal dismissed Oct. 19, 2017)
23. *Briscoe v. Sebelius*, No. 1:13-cv-00285 (D. Colo.) (Jan. 27, 2015)
24. *Catholic Diocese of Beaumont v. Sebelius*, No. 1:13-cv-00709 (E.D. Tex.) (Jan. 2, 2014) (appeal dismissed Oct. 19, 2017)
25. *C.W. Zumbiel Co. v. U.S. Dep't of Health & Human Servs.*, No. 1:13-cv-01611 (D.D.C.) (Nov. 3, 2014)

26. *Conestoga Wood Specialties Corp. v. Sebelius*, No. 5:12-cv-06744 (E.D. Pa.) (Oct. 2, 2014)
27. *Korte v. HHS*, No. 3:12-cv-1072 (S.D. Ill.) (Nov. 7, 2014)
28. *Daniel Medford v. Sebelius*, No. 0:13-cv-01726 (D. Minn.) (Nov. 20, 2014)
29. *Doboszenski & Sons, Inc. v. Sebelius*, No. 0:13-cv-03148 (D. Minn.) (Nov. 18, 2014)
30. *Domino's Farms Corp. v. Sebelius*, No. 2:12-cv-15488 (E.D. Mich.) (Dec. 3, 2014)
31. *Eden Foods, Inc. v. Sebelius*, No. 2:13-cv-11229 (E.D. Mich.) (Feb. 12, 2015)
32. *Feltl and Co. v. Sebelius*, No. 0:13-cv-02635 (D. Minn.) (Nov. 26, 2014)
33. *Gilardi v. U.S. Dep't of Health & Human Servs.*, No. 1:13-cv-00104 (D.D.C.) (Oct. 3, 2014)
34. *Grote Indus., LLC v. Sebelius*, No. 4:12-cv-00134 (S.D. Ind.) (Apr. 30, 2015)
35. *Hall v. Sebelius*, No. 0:13-cv-00295 (D. Minn.) (Nov. 26, 2014)
36. *Hartenbower v. U.S. Dep't of Health & Human Servs.*, No. 1:13-cv-02253 (N.D. Ill.) (Nov. 3, 2014)
37. *Hastings Chrysler Center, Inc. v. Sebelius*, No. 0:14-cv-00265 (D. Minn.) (Dec. 11, 2014)
38. *Hobby Lobby Stores, Inc. v. Sebelius*, No. 5:12-cv-01000 (W.D. Okla.) (Nov. 19, 2014)
39. *Holland v. U.S. Dep't of Health & Human Servs.*, No. 2:13-cv-15487 (S.D. W. Va.) (May 29, 2015)
40. *Johnson Welded Products, Inc. v. Sebelius*, No. 1:13-cv-00609 (D.D.C.) (Oct. 24, 2014)

41. *Lindsay v. U.S. Dep't of Health & Human Servs.*, No. 1:13-cv-01210 (N.D. Ill.) (Dec. 3, 2014)
42. *M&N Plastics, Inc. v. Sebelius*, No. 5:13-cv-14754 (E.D. Mich.) (Nov. 17, 2015)
43. *Mersino Dewatering Inc. v. Sebelius*, No. 2:13-cv-15079 (E.D. Mich.) (Feb. 27, 2015)
44. *Mersino Mgmt. Co. v. Sebelius*, No. 2:13-cv-11296 (E.D. Mich.) (Feb. 4, 2015)
45. *Midwest Fastener Corp. v. Sebelius*, No. 1:13-cv-01337 (D.D.C.) (Oct. 24, 2014)
46. *MK Chambers Co. v. U.S. Dep't of Health & Human Servs.*, No. 2:13-cv-11379 (E.D. Mich.) (Nov. 21, 2014)
47. *Newland v. Sebelius*, No. 1:12-cv-01123 (D. Colo.) (Mar. 16, 2015)
48. *O'Brien v. U.S. Dep't of Health & Human Servs.*, No. 4:12-cv-00476 (E.D. Mo.) (Nov. 12, 2014)
49. *Randy Reed Auto., Inc. v. Sebelius*, No. 5:13-cv-06117 (W.D. Mo.) (Nov. 12, 2014)
50. *Roman Catholic Archdiocese of N.Y. v. Sebelius*, No. 1:12-cv-02542 (E.D.N.Y.) (Dec. 16, 2013) (appeal dismissed Oct. 17, 2017)
51. *Sioux Chief MFG. Co. v. Sebelius*, No. 4:13-cv-00036 (W.D. Mo.) (Nov. 12, 2014)
52. *SMA, LLC v. Sebelius*, No. 0:13-cv-01375 (D. Minn.) (Nov. 20, 2014)
53. *Stewart v. Sebelius*, No. 1:13-cv-01879 (D.D.C.) (Feb. 2, 2015)
54. *Stinson Electric, Inc. v. Sebelius*, No. 0:14-cv-00830 (D. Minn.) (Nov. 18, 2014)

55. *Tonn and Blank Constr. LLC v. Sebelius*, No. 1:12-cv-00325 (N.D. Ind.) (Nov. 6, 2014)
56. *Tyndale House Publishers, Inc. v. Sebelius*, No. 1:12-cv-01635 (D.D.C.) (Jul. 15, 2015)
57. *Weingartz Supply Co. v. Sebelius*, No. 2:12-cv-12061 (E.D. Mich.) (Dec. 31, 2014)
58. *Wieland v. U.S. Dep't of Health & Human Servs.*, No. 4:13-cv-01577 (E.D. Mo.) (Jul 21, 2016)
59. *Williams v. Sebelius*, No. 1:13-cv-01699 (D.D.C.) (Nov. 5, 2014)
60. *Willis and Willis PLC v. Sebelius*, No. 1:13-cv-01124 (D.D.C.) (Oct. 27, 2014)
61. *Zubik v. Sebelius*, No. 2:13-cv-01459 (W.D. Pa.) (Dec. 20, 2013) (appeal dismissed Oct. 20, 2017)

**Cases resulting in permanent injunctions issued since October 2017 against prior versions of the rules:**

62. *Ave Maria Sch. of Law v. Sebelius*, No. 2:13-cv-00795 (M.D. Fla.) (Jul. 11, 2018)
63. *Ave Maria Univ. v. Sebelius*, No. 2:13-cv-00630 (M.D. Fla.) (Jul. 9, 2018)
64. *Catholic Benefits Ass'n LCA v. Sebelius*, No. 5:2014-cv-00240 (W.D. Okla.) (Mar. 7, 2018)
65. *Colorado Christian Univ. v. U.S. Dep't of Health & Human Servs.*, No. 1:13-cv-02105 (D. Colo.) (Jul. 11, 2018)
66. *Dordt Coll. v. Sebelius*, No. 5:13-cv-04100 (N.D. Iowa) (June 14, 2018)
67. *Geneva Coll. v. Sebelius*, No. 2:12-cv-00207 (W.D. Pa.) (Jul. 5, 2018)

68. *Grace Sch. v. Sebelius*, No. 3:12-cv-00459 (N.D. Ind.) (June 1, 2018)
69. *Little Sisters of the Poor v. Hargan*, No. 13-1540 (10th Cir.) (June 15, 2018)
70. *Priests For Life v. U.S. Dep’t of Health & Human Servs.*, No. 1:13-cv-01261 (D.D.C.) (Nov. 6, 2017)
71. *Reaching Souls Int’l Inc. v. Sebelius*, No. 5:13-cv-01092 (W.D. Okla.) (Mar. 15, 2018)
72. *Sharpe Holdings, Inc. v. U.S. Dep’t of Health & Human Servs.*, No. 2:12-cv-00092 (E.D. Mo.) (Mar. 28, 2018)
73. *S. Nazarene Univ. v. Hargan*, No. 5:13-cv-01015 (W.D. Okla.) (May 15, 2018)
74. *Wheaton Coll. v. Burwell*, No. 1:13-cv-08910 (N.D. Ill.) (Feb. 22, 2018)

**Case challenging the prior rules resulting in judgment against plaintiff:**

75. *Real Alternatives, Inc. v. Sec’y, Dep’t of Health & Human Servs.*, 867 F.3d 338 (3d Cir. 2017)