**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

RICHARD W. DEOTTE et al.,	§	
	§	
	§	
Plaintiffs,	§	
	§	
v.	§	**Civil Action No. 4:18-cv-00825-O**
	§	
ALEX M. AZAR II et al.,	§	
	§	
Defendants.	§	

TEMPORARY RESTRAINING ORDER AND SCHEDULING ORDER

Before the Court are Plaintiffs' Motion for Preliminary Injunction, (ECF No. 20), and Motion for Class Certification, (ECF No. 21), each filed on February 5, 2019. On February 7, 2019, the Court ordered the parties to confer on a briefing schedule for each motion. *See* Feb. 7, 2019 Order, ECF No. 24. After conferring, the parties have put before the Court a Joint Status Report with a proposed initial briefing schedule, (ECF No. 27), and an Unopposed Motion for Temporary Restraining Order, (ECF No. 28).

The parties' joint proposed briefing schedule is "joint" only insofar as a temporary restraining order is granted. Plaintiff Braidwood seeks a prompt ruling on its request for a preliminary injunction to avoid fines for conduct it claims is within its rights under the Religious Freedom Restoration Act. *See* Joint Status Report 2, ECF No. 27. And because Braidwood's tax returns for the 2018 calendar year are due on March 15, 2018, Braidwood is generally unwilling to agree to a briefing schedule that would push resolution of its request for an injunction past that date. But as the Court has alluded, "the scope of any injunction would inevitably turn on whether and what kind of class is certified." Feb. 7, 2019 Order, ECF No. 24. And for the same reason,

Defendants are generally unwilling to agree to a briefing schedule that would put the injunction cart before the class-certification horse. *See* Joint Status Report 3, ECF No. 25.

To alleviate this impasse, the parties have agreed to a combination of an unopposed motion for a temporary restraining order and a briefing schedule that will allow resolution of the class issue before the Court and the parties turn to the preliminary injunction. *See generally* Joint Status Report, ECF No. 27. Defendants therefore do not oppose Plaintiffs' Motion for Temporary Restraining Order, (ECF No. 28), which is to apply only to Plaintiff Braidwood and only until such time as the Court rules on the motion for a preliminary injunction.

Having considered the parties' status reports, motion, and briefing, the Court finds that the motion, (ECF No. 28), should be and is hereby **GRANTED**.

It is therefore **ORDERED** that:

Defendants Alex M. Azar II, Steven T. Mnuchin, and R. Alexander Acosta, and their officers, agents, servants, employees, attorneys, designees, and subordinates, as well as any person acting in concert or participation with them, are **ENJOINED** from enforcing the Contraceptive Mandate, codified at 42 U.S.C. § 300gg-13(a)(4), 45 C.F.R. § 147.130(a)(1)(iv), 29 C.F.R. § 2590.715–2713(a)(1)(iv), and 26 C.F.R. § 54.9815–2713(a)(1)(iv), **only** against any group health plan, and any health insurance coverage provided in connection with a group health plan, that is **sponsored by Braidwood Management Inc.**, and they are **ENJOINED** from enforcing 26 U.S.C. § 4980D against **Braidwood Management Inc.** for its failure to provide contraceptive coverage in its self-insured health plan from December 1, 2018, **until** the date on which this Court rules on Plaintiffs' motion for a preliminary injunction.

This order, which is **limited to Plaintiff Braidwood Management Inc.**, shall be incorporated into the final judgment or consent decree issued in this case.

Additionally, it is **ORDERED** that Defendants file a response to Plaintiffs' Motion for Class Certification, (ECF No. 21), on or before **March 8, 2019**, that Plaintiffs file a reply thereto on or before **March 15, 2019**, and that the parties meet and confer on a briefing schedule for the Motion for Preliminary Injunction, (ECF No. 20), with **seven days** of the Court's entry of an order on the Motion for Class Certification.

      SO ORDERED on this **20th day** of **February, 2019**.

Reed O'Connor
UNITED STATES DISTRICT JUDGE