

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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MIDWEST FASTENER CORP., <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 13-1337 (ESH)
	)	
KATHLEEN SEBELIUS, <i>et al.</i> ,	)	
	)	
Defendants.	)	

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**ORDER**

Before the Court are plaintiffs' Motion for a Preliminary Injunction [ECF No. 8] and defendant's Motion for a Stay [ECF No. 10]. Upon consideration of the motions, the government's non-opposition to granting plaintiffs' motion based on their claim under the Religious Freedom Restoration Act in light of the ruling of a motions panel of the D.C. Circuit in *Gilardi v. U.S. Dep't of Health & Human Servs.*, No. 13-5069 (D.C. Cir.) granting an injunction pending appeal in a case similar to this one (Defs.' Notice of Non-Opposition, Oct. 15, 2013 [ECF No. 12]), and plaintiff's consent to defendants' motion for a stay upon the granting of their motion for preliminary injunction (Pls.' Opp. to Defs.' Mot. to Stay ¶ 5, Oct. 9, 2013 [ECF No. 11]), it is hereby

**ORDERED** that plaintiffs' motion for a preliminary injunction [ECF No. 10] and defendants' motion for a stay are **GRANTED** until thirty (30) days after the mandate issues in *Gilardi v. U.S. Dep't of Health & Human Servs.*, No. 13-5069 (D.C. Cir.); and it is further

**ORDERED** that defendants and their agents, officers, and employees are preliminarily **ENJOINED** from enforcing against plaintiffs the substantive requirements imposed in 42 U.S.C.

§ 300gg-13(a)(4), Pub. L. 111-148, §1563(e)-(f), and 77 Fed. Reg. 8,725, and any penalties or enforcement found in 26 U.S.C. §§ 4980D & H and 29 U.S.C. § 1132 accruing from these requirements; and it is further

**ORDERED** that the Clerk's Office is directed to administratively close this matter pending further Order of the Court. Such administrative closure does not serve as a dismissal of either party's claims or defenses. It is without prejudice to, and will have no effect upon, either party's rights, claims, or defenses, except to the extent that defendant may not argue that as a result of this stay, plaintiff's claims are untimely or have not been exhausted.

**SO ORDERED.**

                    /s/                      
**ELLEN SEGAL HUVELLE**  
United States District Judge

Date: October 16, 2013