

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

SIOUX CHIEF MFG. CO., INC., et al.,)
)
) Plaintiffs,)
))
vs.) Case No. 13-0036-CV-W-ODS
))
SYLVIA BURWELL¹, et al.))
))
) Defendants.)

ORDER (1) LIFTING STAY AND
(2) DIRECTING PARTIES TO FILE JOINT STATUS REPORT

On February 28, 2013, the Court (1) granted Plaintiffs' unopposed Motion for Preliminary Injunction and (2) granted Defendant's Unopposed Motion to Stay Proceedings until the appeal in *Annex Medical, Inc. v. Kathleen Sebelius*, No. 13-1118 (8th Cir. Feb 1, 2013) or *O'Brien v. U.S. Dep't of Health and Human Services*, No. 12-3357 (8th Cir. Nov. 28, 2012) is resolved. However, on June 30, 2014, the Supreme Court issued a combined decision in *Burwell v. Hobby Lobby Stores, Inc.*, No. 13-354, and *Conestoga Wood Specialties Corp. v. Burwell*, No. 13-356. Accordingly, the stay is lifted due to the authority of the Supreme Court's decision.

The Supreme Court's decision may conclusively resolve this case, but that is a matter the Court should not decide without the parties' input. Accordingly, the parties are directed to confer and suggest a plan for resolving this case (e.g., a briefing schedule, a hearing, etc.). The parties should agree on a plan if they are able to do so, but if they cannot agree they should submit their separate proposals along with an explanation supporting their positions. A Joint Status Report setting forth their agreement (if there is one) or their separate positions (if they cannot) shall be filed on or before August 18, 2014.

IT IS SO ORDERED.

/s/ Ortrie D. Smith
ORTRIE D. SMITH, SENIOR JUDGE
UNITED STATES DISTRICT COURT

DATE: July 15, 2014

¹ Sylvia Burwell was sworn in as the Secretary of Health & Human Services on June 9, 2014, and is substituted as a Defendant pursuant to Rule 25(d).