

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

TONN AND BLANK CONSTRUCTION,	)	
LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 1:12-CV-325-JD
	)	
KATHLEEN SEBELIUS, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

**ORDER**

The Court previously entered an agreed-upon preliminary injunction [DE 43] and stayed the proceedings [DE 46] in the instant case until thirty days after the Seventh Circuit rendered a decision in *Korte* and *Grote*—appeals which similarly challenged the federal government’s contraception mandate. On November 8, 2013, the Seventh Circuit ruled that the plaintiffs in *Korte* and *Grote*, business owners and their for-profit companies, had standing to challenge the mandate and that compelling the plaintiffs to cover the objected to contraceptive services substantially burdened their religious exercise rights without sufficient justification under strict scrutiny. *Korte v. Sebelius*, 735 F.3d 654 (7th Cir. 2013) (Rovner, J., dissenting). Given the consolidated decision in *Korte* and *Grote*, on December 6, 2013, the undersigned lifted the stay in the instant litigation, extended the preliminary injunction, and ordered the parties to submit a joint report indicating their intentions with respect to proceeding in the present lawsuit [DE 48].

The parties have now filed their joint status report [DE 49] and requested that the Court continue to stay the case with the preliminary injunction in place until the United States Supreme

Court resolves the pending cases *Hobby Lobby Stores, Inc. v. Sebelius*, 723 F.3d 1114 (10th Cir. 2013) (en banc), cert. granted, No. 13-354 (Nov. 26, 2013) and *Conestoga Wood Specialties Corp. v. Secretary of U.S. Dept. of Health and Human Servs.*, 724 F.3d 377 (3d Cir. 2013), cert. granted, No. 13-356 (Nov. 26, 2013). *Hobby Lobby* and *Conestoga* both involve challenges brought by for-profit corporations and their owners to the same regulations at issue in this case.

Given the parties' agreement, and because the interests of judicial economy weigh in favor of temporarily staying the proceedings for the reasons indicated above, the Court GRANTS the parties' request, ORDERS this case STAYED until sixty days from the Supreme Court's resolution of *Hobby Lobby* and *Conestoga*, and ORDERS the continuation of the preliminary injunction, as originally issued on April 1, 2013 [DE 43], until further order of the Court.

SO ORDERED.

ENTERED: December 18, 2013

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/s/ JON E. DEGUILIO  
Judge  
United States District Court