

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN**

LEGATUS; WEINGARTZ SUPPLY )  
COMPANY; and DANIEL WEINGARTZ, )  
President of Weingartz Supply Company, )

Plaintiffs, )

v. )

KATHLEEN SEBELIUS, Secretary of the )  
United States Department of Health and )  
Human Services; UNITED STATES )  
DEPARTMENT OF HEALTH AND )  
HUMAN SERVICES; SETH D. HARRIS, )  
Acting Secretary of the United States )  
Department of Labor; UNITED STATES )  
DEPARTMENT OF LABOR; JACOB LEW, )  
Secretary of the United States Department of )  
the Treasury; and UNITED STATES )  
DEPARTMENT OF THE TREASURY, )

Defendants. )

Case No.: 2:12-cv-12061-RHC-MJH

BRIEF STATEMENT REGARDING  
STATUS OF RULEMAKING PROCESS

Judge Robert H. Cleland

Magistrate Judge Michael Hluchaniuk

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In accordance with this Court’s October 31, 2012 order (*see* ECF No. 39), the government respectfully submits this ninth brief statement describing the current status of the rulemaking process.

On March 21, 2012, the Department of Health and Human Services (“HHS”), the Department of Labor, and the Department of the Treasury published an Advance Notice of Proposed Rulemaking (“ANPRM”) soliciting comments on potential proposed amendments to the preventive services coverage regulations to establish alternative ways to fulfill the requirements of section 2713 of the Public Health Service Act, 42 U.S.C. § 300gg-13(a)(4), and companion provisions under the Employee Retirement Income Security Act and the Internal

Revenue Code, when non-grandfathered health coverage is sponsored or arranged by certain religious organizations that object to coverage of contraceptive services for religious reasons and that are not exempt from the contraceptive-coverage requirement under the final regulations published on February 15, 2012. 77 Fed. Reg. 16,501 (Mar. 21, 2012). The comment period on the ANPRM closed on June 19, 2012.

After considering the comments received on the ANPRM, HHS, Labor, and Treasury issued a Notice of Proposed Rulemaking (“NPRM”) on February 1, 2013. *See* 78 Fed. Reg. 8456, 8459 (Feb. 6, 2013). The comment period on the NPRM closed on April 8, 2013.

On June 28, 2013, HHS, Labor, and Treasury issued final regulations that simplify and clarify the religious employer exemption; establish accommodations with respect to the contraceptive coverage requirement for group health plans established or maintained by eligible organizations (and group health insurance coverage provided in connection with such plans), as well as student health insurance coverage arranged by eligible organizations that are institutions of higher education; and finalize related amendments to regulations concerning Affordable Insurance Exchanges. The accommodations are available to an organization that, because of religious objections, opposes providing coverage for some or all of the contraceptive services otherwise required to be covered, is organized and operates as a nonprofit entity, holds itself out as a religious organization, and self-certifies that it satisfies these first three criteria. The final rules are available at [http://www.ofr.gov/OFRUpload/OFRData/2013-15866\\_PI.pdf](http://www.ofr.gov/OFRUpload/OFRData/2013-15866_PI.pdf).

Dated: June 28, 2013

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that on June 28, 2013, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Erin E. Mersino, and I certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: NONE.

s/ Michelle R. Bennett  
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