

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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PRIESTS FOR LIFE, et al.,)
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Plaintiffs,)
)
v.	Civil No. 13-1261)
)
U.S. DEPARTMENT OF HEALTH &)
HUMAN SERVICES, et al.,)
)
Defendants.)
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ORDER

Currently before the Court is defendants' motion for a Stay of Litigation in Light of a Lapse of Appropriations. Defendants have moved to stay litigation due to the lapse of appropriations to the Department of Justice ("DOJ"). The government states that absent an appropriation, DOJ attorneys and employees are generally prohibited from working, except in very limited circumstances. Plaintiffs oppose the motion for a stay.

The Court concludes that a litigation stay would be inappropriate here. This case involves certain, newly-ripe issues regarding the Affordable Care Act's contraception mandate, which will go into effect regarding plaintiffs on January 1, 2014. Plaintiffs filed a preliminary injunction in September, which they agreed to consolidate with a merits determination pursuant to Federal Rule of Civil Procedure

65(a)(2) with the express understanding that the Court would resolve the issues prior to December 31, 2013. Finally, plaintiffs represented in their opposition to the motion for a stay that they offered to consent to the government's motion if the government would stay enforcement of the contraception mandate against plaintiffs until the court was able to rule on the merits, but the government refused. In light of the irreparable harm alleged, the impending time sensitive mandate, and defendants' refusal to delay enforcement of the mandate as to the plaintiffs in this case, the Court finds that an indefinite stay would be incompatible with the fair administration of justice. It is essential that the pending motions in this case be resolved prior to December 31, 2013.

Recognizing that the DOJ attorneys have already been impacted by the government shutdown, the Court will, however, make limited amendments to the briefing schedule originally set forth in the minute order of September 25, 2013. Defendants' combined opposition to plaintiffs' motion and cross motion to dismiss, or in the alternative for summary judgment, shall be filed by no later than October 17, 2013. Plaintiffs shall file their combined reply in support of their motion for summary judgment and opposition to Defendants' cross motion by no later than October 31, 2013. Defendants shall file their reply in support of their cross motion by no later than November 12,

2013. In all other respects, the Court's minute order of September 25, 2013 is unchanged.

SO ORDERED.

Signed: Emmet G. Sullivan
United States District Judge
October 2, 2013