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## **Emergency Motion for Injunction Filed to Halt Enforcement of Obamacare “Contraception Mandate” Pending Appeal to U.S. Court of Appeals for the D.C. Circuit**

Washington, D.C. (December 23, 2013) — Last Friday, the American Freedom Law Center (AFLC), a national, nonprofit Judeo-Christian law firm, filed an emergency motion for an injunction in the U.S. Court of Appeals for the District of Columbia Circuit, asking the court to halt the enforcement of the Obamacare contraception mandate as applied against religious organizations pending appeal of a lower court ruling. The motion was filed on behalf of Priests for Life, a Catholic pro-life organization; Father Frank Pavone, the National Director of Priests for Life; Dr. Alveda King, the niece of civil rights leader Martin Luther King, Jr. and the Pastoral Associate and Director of African-American Outreach for Priests for Life; and Janet Morana, the Executive Director of Priests for Life. Absent an injunction, the mandate will apply in full force against Priests for Life on January 1st.

Last Thursday, Federal Judge Emmett G. Sullivan, sitting in the U.S. District Court for the District of Columbia, upheld the government’s enforcement of the contraception mandate as applied against Priests for Life. Within an hour, AFLC filed an immediate appeal of the ruling to the Court of Appeals for the D.C. Circuit, and within 24 hours, filed an emergency motion with the appellate court totaling 125 pages. The motion asks the court to issue an order enjoining the mandate while the case proceeds through the appeal process. Judge Sullivan had previously upheld the Obamacare contraception mandate as applied against for-profit companies, only later to be reversed by the D. C. Circuit.

Robert Muise, Co-Founder and Senior Counsel of AFLC, commented: “The Supreme Court has long held that religious exercise is impermissibly burdened when government action compels religious organizations to violate a fundamental tenet of their religious beliefs. Unless the emergency injunction is granted, on New Year’s Day the federal government will force

Priests for Life to face a Hobson's choice: it can either violate its sincerely held religious beliefs or face crippling fines of \$100 per employee per day that it is not in compliance with Obama's unconstitutional and unconscionable mandate."

AFLC's lawsuit challenges the regulations announced by the Obama administration this past June which allegedly "accommodate" religious objections to the contraception mandate for "eligible organizations" such as Priests for Life. However, the regulations still require Priests for Life to authorize coverage of contraceptive services for its healthcare plan participants and beneficiaries—an action that is squarely at odds with Priests for Life's religious beliefs and the very reason for its existence as a pro-life organization.

David Yerushalmi, Co-Founder and Senior Counsel of AFLC, commented: "The Obama administration's so-called accommodation is no such thing. It is evident that the administration has little regard for the religious beliefs of Catholic organizations like Priests for Life, less regard for our Constitution's guarantee of religious freedom, and even less regard for the law of the land, such as the congressionally mandated Religious Freedom Restoration Act. Unfortunately, progressive judges are all too willing to fall right in line."

AFLC's lawsuit was filed against the U.S. Department of Health and Human Services and its Secretary, Kathleen Sebelius; the U.S. Department of the Treasury and its Secretary, Jacob Lew; and the U.S. Department of Labor and its Secretary, Thomas Perez. Each department has a role in enforcing the challenged mandate.

The government has until noon on December 24th to respond to AFLC's motion, and AFLC will have until 10 a.m. on December 27th to file a reply. It is anticipated that a ruling on the motion could come as soon as December 27th.

The *American Freedom Law Center* is a Judeo-Christian law firm that fights for faith and freedom. It accomplishes its mission through litigation, public policy initiatives, and related activities. It does not charge for its services. The Law Center is supported by contributions from individuals, corporations, and foundations, and is recognized by the IRS as a section 501(c)(3) organization. Visit us at [www.americanfreedomlawcenter.org](http://www.americanfreedomlawcenter.org).

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