



## ObamaCare's Abortion Pill Mandate Injunction "Scorecard"

To date, **91** court decisions govern whether religious freedom claims win against Obamacare's abortion pill mandate. **47** involve family- or religious- run businesses, **42** involve non-profit religious organizations, and **2** involve non-religious non-profit pro-life organizations and their employees.

Overall, the score is **81-3** in favor of religious liberty, with **6** of **7** cases still awaiting a decision on remand after the Supreme Court's ruling in *Zubik v. Burwell*. This score includes **81** injunction decisions against the abortion-pill mandate. Within these cases:

- The score in favor of *families doing business* is **46-1**. The U.S. Supreme Court vindicated religious freedom in the ADF case *Conestoga Wood Specialties Corp. v. Burwell*.
- The score in favor of *non-profit religious* entities is **34-1**, with **6** of **7** cases still awaiting a decision on remand after *Zubik* (marked below in purple). In *Zubik*, the U.S. Supreme Court also vacated anti-religious-liberty opinions from the lower courts in ADF's cases *Geneva College v. Azar* and *Southern Nazarene University v. Azar*.
- The score in favor of *non-profit non-religious pro-life* entities is **1-1**.

In decisions handled by Alliance Defending Freedom or its allied attorneys (marked below in **bold**), religious freedom and pro-life conscience are winning by a score of **23-1**.

Compare these decisions granting or supporting injunctions:

- 1) *Conestoga Wood Specialties Corp. v. Burwell* (*Burwell v. Hobby Lobby Stores, Inc.*), **No. 13-356 (U.S. June 30, 2014); permanent injunction entered Oct. 2, 2014;**
- 2) *Burwell v. Hobby Lobby Stores, Inc.*, 723 F.3d 1114 (10th Cir. June 27, 2013), *affirmed* by No. 13-354 (U.S. June 30, 2014); injunction granted on remand, No. 5:12-cv-01000-HE (W.D. Okla. July 19, 2013);
- 3) *Newland v. Burwell*, **881 F. Supp. 2d 1287 (D. Colo. July 27, 2012), affirmed on appeal, No. 12-1380 (10th Cir. Oct. 3, 2013), cert. denied No. 13-919 (U.S. July 1, 2014); permanent injunction entered Mar. 16, 2015;**
- 4) *Grote Indus. LLC v. Burwell*, **No. 13-1077, 2013 WL 5960692 (7th Cir. Nov. 8, 2013), cert. denied sub nom. *Burwell v. Korte*, No. 13-937 (U.S. July 1, 2014);**
- 5) *Korte v. Burwell*, No. 12-3841, 2013 WL 5960692 (7th Cir. Nov. 8, 2013), *cert. denied* No. 13-937 (U.S. July 1, 2014);

- 6) *Autocam Corp. v. Burwell*, 730 F.3d 618 (6th Cir. Sept. 17, 2013), *vacated and remanded* No. 13-482 (U.S. July 1, 2014) (vacating denial of injunction and remanding for consideration in light of *Burwell v. Hobby Lobby Stores, Inc.*);
- 7) *Gilardi v. U.S. Dep't of Health and Human Servs.*, No. 13-5069, 2013 WL 5854246 (D.C. Cir. Nov. 1, 2013), *vacated and remanded on other grounds in* No. 13-567 (U.S. July 1, 2014);
- 8) *Eden Foods, Inc. v. Burwell*, No. 13-1677 (6th Cir. June 28, 2013), *vacated and remanded* No. 13-591 (U.S. July 1, 2014) (vacating denial of injunction and remanding for consideration in light of *Burwell v. Hobby Lobby Stores, Inc.*);
- 9) ***Annex Med, Inc. v. Burwell*, No. 13-1118, 2013 WL 1276025 (8th Cir. Feb. 1, 2013) (injunction pending appeal);**
- 10) *O'Brien v. U.S. Dep't of Health & Human Servs.*, No. 12-3357 (8th Cir. Nov. 28, 2012) (injunction pending appeal);
- 11) *Legatus v. Burwell*, 901 F. Supp. 2d 980 (E.D. Mich. Oct. 31, 2012) (preliminary injunction for Weingartz plaintiffs);
- 12) ***Tyndale House Publishers, Inc. v. Burwell*, 904 F. Supp. 2d 106 (D.D.C. Nov. 16, 2012); permanent injunction entered July 15, 2015;**
- 13) *Am. Pulverizer Co. v. U.S. Dep't of Health and Human Servs.*, No. 6:12-cv-03459, 2012 WL 6951316 (W.D. Mo. Dec. 20, 2012);
- 14) *Sharpe Holdings, Inc. v. U.S. Dep't of Health and Human Servs.*, No. 2:12-CV-92-DDN, 2012 WL 6738489 (E.D. Mo. Dec. 31, 2012);
- 15) *Triune Health Group, Inc. v. U.S. Dep't of Health and Human Servs.*, No. 1:12-cv-06756 (N.D. Ill. Jan. 3, 2013);
- 16) *Monaghan v. Burwell*, No. 2:12-cv-15488-LPZ-MJH (E.D. Mich. Mar. 14, 2013);
- 17) *Lindsay v. U.S. Dep't of Health and Human Servs.*, No. 13-cv-1210 (N.D. Ill. Mar. 20, 2013);
- 18) *Bick Holdings, Inc. v. Burwell*, No. 4:13-cv-00462-AGF (E.D. Mo. Apr. 1, 2013);
- 19) *Tonn & Blank Constr. v. Burwell*, No. 1:12-cv-00325-JD-RBC (N.D. Ind. Apr. 1, 2013);
- 20) *Hall v. Burwell*, No. 0:13-cv-00295-JRT-LIB (D. Minn. Apr. 2, 2013);
- 21) *Hartenbower v. U.S. Dep't of Health and Human Servs.*, No. 1:13-cv-02253 (N.D. Ill. Apr. 18, 2013);
- 22) ***Seneca Hardwood Lumber v. Burwell*, No. 2:12-cv-00207-JFC, 2013 WL 1703871 (W.D. Pa. Apr. 19, 2013), gov't appeal dismissed Sept. 4, 2014 (3d Cir. order), permanent injunction entered Oct. 10, 2014;**
- 23) *Johnson Welded Prods., Inc. v. Burwell*, No. 1:13-cv-00609-ESH (D.D.C. May 24, 2013); permanent injunction entered Oct. 24, 2014;
- 24) *Beckwith Elec. Co., Inc. v. Burwell*, No. 8:13-cv-00648-EAK-MAP (M.D. Fla. June 25, 2013);
- 25) *Sharpe Holdings, Inc. v. U.S. Dep't of Health and Human Servs.*, No. 2:12-CV-92-DDN (E.D. Mo. June 28, 2013) (injunction for Ozark Nat'l Life Ins. Co. & CNS Corp.);
- 26) *SMA, LLC v. Burwell*, No. 0:13-cv-01375-ADM-LIB (D. Minn. July 8, 2013);
- 27) *Ozinga v. U.S. Dep't of Health and Human Servs.*, No. 1:13-cv-03292-TMD (N.D. Ill. July 16, 2013);
- 28) ***Trijicon, Inc. v. Burwell*, No. 1:13-cv-01207-EGS (D.D.C. Aug. 14, 2013);**
- 29) *Willis Law v. Burwell*, No. 1:13-cv-01124-CKK (D.D.C. Aug. 23, 2013);

- 30) ***Briscoe v. Burwell***, No. 1:13-cv-00285-WYD-BNB (D. Colo. Sept. 6, 2013); *gov't appeal dismissed* Sept. 4, 2014 (10th Cir. order); permanent injunction entered Jan. 28, 2015;
- 31) *The QC Grp., Inc. v. Burwell*, No. 0:13-cv-01726-JRT-SER (D. Minn. Sept. 11, 2013);
- 32) ***Armstrong v. Burwell***, No. 1:13-cv-00563-RBJ (D. Colo. Sept. 17, 2013); *gov't appeal dismissed* Sept. 4, 2014 (10th Cir. order);
- 33) *Barron Indus., Inc. v. Burwell*, No. 1:13-cv-01330-KBJ (D.D.C. Sept. 25, 2013);
- 34) ***Midwest Fastener Corp. v. Burwell***, No. 1:13-cv-01337-ESH (D.D.C. Oct. 16, 2013); *permanent injunction entered* Oct. 24, 2014;
- 35) *Feltl & Co., Inc. v. Burwell*, No. 13-CV-2635 DWF/JJK (D. Minn. Nov. 8, 2013);
- 36) *Doboszinski & Sons, Inc. v. Burwell*, No. 0:13-cv-03148-JNE-FLN (D. Minn. Nov. 11, 2013);
- 37) *Williams v. Burwell*, No. 1:13-cv-01699 (D.D.C. Nov. 19, 2013);
- 38) *The C.W. Zumbiel Co. v. Burwell*, No. 1:13-cv-01611 (D.D.C. Nov. 27, 2013);
- 39) *The Roman Catholic Archdiocese of New York v. Burwell*, 987 F. Supp. 2d 232 (E.D.N.Y. Dec. 16, 2013) (injunction for non-exempt **non-profit** Catholic organizations);
- 40) *Thomas Aquinas College v. Burwell*, 19 F. Supp. 3d 48 (D.D.C. Dec. 20, 2014) (injunction for **non-profit** college);
- 41) *Legatus v. Burwell*, No. 2:12-cv-12061-RHC-MJH (E.D. Mich. Dec. 20, 2013) (preliminary injunction for **non-profit** organization Legatus);
- 42) *Reaching Souls Int'l Inc. v. Burwell*, No. 5:13-cv-01092-D (W.D. Okla. Dec. 20, 2013) (preliminary injunction for nearly 200 **non-profit** religious entities);
- 43) ***Geneva College v. Burwell***, No. 2:12-cv-00207-JFC, 2013 WL 3071481 (W.D. Pa. Dec. 23, 2013) (injunction for **non-profit** religious college's employee health plan);
- 44) *East Texas Baptist Univ. v. Burwell*, No. 4:12-cv-3009 (S.D. Tex. Dec. 27, 2013) (summary judgment for **non-profit** religious university);
- 45) *Diocese of Fort Wayne-South Bend v. Burwell*, No. 1:12-cv-00159-JD-RBC (N.D. Ind. Dec. 27, 2013) (injunction for religious **non-profit** organizations).
- 46) *Ave Maria Foundation v. Burwell*, No. 2:13-cv-15198-SJM-MAR (E.D. Mich. Dec. 30, 2013) (temporary restraining order for **non-profit** religious groups);
- 47) *Catholic Diocese of Beaumont v. Burwell*, No. 1:13-cv-709-RC (E.D. Tex. Dec. 31, 2013) (injunction for religious **non-profit** groups);
- 48) *Roman Catholic Diocese of Fort Worth v. Burwell*, No. 4:12-cv-00314-Y (N.D. Tex. Dec. 31, 2013) (injunction for **non-profit** religious university);
- 49) *The Roman Catholic Archdiocese of Atlanta v. Burwell*, No. 1:12-cv-03489-WSD (N.D. Ga. Mar. 26, 2014) (injunction for **non-profit** religious groups);
- 50) *Stewart v. Burwell*, No. 1:13-cv-01879 (D.D.C. Apr. 3, 2014);
- 51) ***Fellowship of Catholic University Students v. Burwell***, No. 1:13-cv-03263-MSK-KMT (D. Colo. Apr. 23, 2014) (injunction for **non-profit** religious group FOCUS);
- 52) *Union University v. Burwell*, No. 1:14-cv-01079-JDB-EGB (W.D. Tenn. Apr. 29, 2014) (injunction for **non-profit** religious university);
- 53) *Stinson Electric, Inc. v. Burwell*, No. 14-00830-PJS-JJG (D. Minn. April 30, 2014);
- 54) *Hastings Chrysler Center, Inc. v. Burwell*, No. 0:14-cv-00265-PAM-JJG (D. Minn. May 28, 2014);

- 55) *The Catholic Benefits Assn. LCA v. Burwell*, No. 5:14-cv-00240-R (W.D. Okla. June 4, 2014) (injunction for **non-profit** religious groups *and* a for-profit religious publisher);
- 56) *Brandt v. Burwell*, No. 2:14-cv-00681-AJS (W.D. Pa. June 20, 2014) (injunction for **non-profit** Catholic diocesan groups);
- 57) *Colorado Christian University v. Burwell*, 1:13-cv-02105-REB-MJW (D. Colo. June 20, 2014) (injunction for **non-profit** Christian university);
- 58) *Catholic Charities Archdiocese of Philadelphia v. Sec'y U.S. Dep't Health & Human Servs.*, No. 14-3126 (3d Cir. Sept. 2, 2014) (order protecting Catholic **non-profit** religious groups);
- 59) *Diocese of Cheyenne v. Burwell*, No. 14-8040 (10th Cir. June 30, 2014) (injunction pending appeal for **non-profit** religious groups);
- 60) *Archdiocese of St. Louis v. Burwell*, No. 13-02300-JAR (E.D. Mo. June 30, 2014) (injunction for **non-profit** religious groups);
- 61) *The Catholic Benefits Assn. LCA v. Burwell*, No. 5:14-cv-00685-R (W.D. Okla. July 1, 2014) (injunction for **non-profit** religious groups);
- 62) *Mersino Mgmt. Co. v. Burwell*, No. 13-1944 (6th Cir. July 9, 2014) (injunction pending appeal);
- 63) *Holland v. U.S. Dep't of Health and Human Servs*, No. 13-15487 (S.D. W. Va. July 15, 2014);
- 64) ***Louisiana College v. Burwell*, No. 1:12-cv-00463-DDD-JDK (W.D. La. Aug. 13, 2014) (injunction for **non-profit** Christian college);**
- 65) *Ave Maria University v. Burwell*, 2:13-cv-00630-JSM-CM (M.D. Fla. Oct. 28, 2014) (injunction for **non-profit** Catholic university);
- 66) *MK Chambers Co. v. Dep't of Health and Human Servs.*, No. 13-cv-11379 (E.D. Mich. Nov. 21, 2014) (permanent injunction for business);
- 67) *Most Reverend David A. Zubik v. Burwell*, No. 2:13-cv-01459-AJS (W.D. Pa. Nov. 21, 2013) (injunction for **non-profit** Catholic organizations in Diocese of Pittsburgh);
- 68) *Most Reverend Lawrence T. Persico v. Burwell*, No. 1:13-cv-00303-AJS (W.D. Pa. Nov. 21, 2013) (injunction for **non-profit** Catholic organizations in Diocese of Erie);
- 69) ***Randy Reed Auto. Inc. v. Burwell*, No. 5:13-cv-6117-SJ-ODS (W.D. Mo. Dec. 3, 2013); permanent injunction entered Nov. 12, 2014;**
- 70) ***Sioux Chief Mfg. Co. v. Burwell*, No. 13-0036-CV-W-ODS (W.D. Mo. Feb. 28, 2013); permanent injunction entered Nov. 12, 2014;**
- 71) *Insight for Living Ministries v. Burwell*, No. 4:14-cv-675 (E.D. Tex. Nov. 25, 2014) (injunction for **non-profit** religious group);
- 72) ***Association of Christian Schools v. Azar*, No. 14-1492 (10th Cir. Dec. 19, 2014) (injunction pending appeal for **non-profit** Christian groups and colleges);**
- 73) *Christian and Missionary Alliance Foundation, Inc. v. Burwell*, No. 2:14-cv-00580-JES-CM (M.D. Fla. Feb. 3, 2015) (injunction for **non-profit** religious groups);
- 74) ***March for Life v. Azar*, No. 14-cv-1149-RJL, 2015 WL 5139099 (D.D.C. Aug. 31, 2015) (permanent injunction for **non-profit non-religious pro-life** organization and its employees); and**
- 75) *Sharpe Holdings, Inc. v. U.S. Dep't of Health and Human Servs.*, No. 14-1507 (8th Cir. Sept. 17, 2015) (injunction for **non-profit** religious organizations CNS International Ministries and Heartland Christian College).
- 76) ***Southern Nazarene University v. Azar*, No. 5:13-cv-01015-F (W.D. Okla. May 16, 2018) (permanent injunction for **non-profit** religious universities);**

- 77) [Grace Schools v. Azar](#), 3:12-cv-00459-JD-MGG (N.D. Ind. June 1, 2018) (permanent injunction for **non-profit** religious universities);
- 78) [Dordt College v. Azar](#), No. 5:13-cv-04100-MWB (N.D. Iowa June 12, 2018) (permanent injunction for **non-profit** religious colleges);
- 79) [Geneva College v. Azar](#), No. 2:12-cv-00207-JFC, 2013 WL 3071481 (W.D. Pa. July 5, 2018) (permanent injunction for **non-profit** religious college's student health plan);
- 80) [Ave Maria School of Law v. Azar](#), 2:13-cv-00795-JSM-CM (M.D. Fla. July 11, 2018) (permanent injunction for **non-profit** Catholic law school); and
- 81) [Dobson v. Azar](#), No. 1:13-cv-03326-REB-SKC (D. Colo. Mar. 26, 2019) (permanent injunction for **non-profit** religious group Family Talk).

with these current decisions for the government:

- 1) *Infrastructure Alternatives, Inc. v. Burwell*, No. 1:13-cv-00031-RJJ (W.D. Mich. Sept. 30, 2013) (complaint dismissed);
- 2) *University of Notre Dame v. Burwell*, 786 F.3d 606, (7th Cir. 2015) (**non-profit** religious university);
- 3) *Real Alternatives v. Burwell*, No. 16-1275 (3d. Cir. Aug. 4, 2017) (**non-profit non-religious pro-life** organization);

In these 7 cases, previous rulings are being reconsidered after the Supreme Court's decision in *Zubik v. Burwell*, 135 S. Ct. 2924 (2016), so their status remains pending:

- *Priests for Life v. U.S. Dep't of Health and Human Servs.*, 772 F. 3d 229 (D.C. Cir. 2014). (D.C. Cir. 2014) (**non-profit** religious group)
- *Archbishop of Washington v. Burwell*, 772 F. 3d 229 (D.C. Cir. 2014) (several **non-profit** religious groups other than Thomas Aquinas College, granted an injunction as indicated above);
- *Michigan Catholic Conference v. Burwell*, 755 F. 3d 372 (6th Cir. 2014) (**non-profit** religious groups);
- *Catholic Diocese of Nashville v. Burwell*, 755 F. 3d 372 (6th Cir. 2014) (**non-profit** religious groups);
- *Wheaton College v. Burwell*, No. 14-2396 (7th Cir. July 1, 2015) (**non-profit** Christian college);
- *Little Sisters of the Poor Home for the Aged v. Burwell*, 794 F.3d 1151 (10th Cir. 2015) (**non-profit** religious groups); and
- *EWTN v. Burwell*, No. 14-12696, 2016 WL 659222 (11th Cir. 2016) (**non-profit** religious group).