



Written by [Dave Bohon](#) on January 6, 2013

Domino's Pizza Founder Wins Injunction Against Contraception Mandate

The founder and former owner of Domino's Pizza is the latest to win a temporary injunction blocking enforcement of the Obama administration's contraception mandate, which requires employers to provide free birth control — including abortifacient drugs — to their employees.

Thomas Monaghan (pictured), a Roman Catholic who ran the Domino's Pizza chain on his religious principles before selling it to Bain Capital in 1998, is now a real estate developer who helped to found the [Ave Maria community in Florida](#), which is home to the Catholic [Ave Maria University](#).



Last month Monaghan filed suit against the contraception mandate on behalf of his Michigan-based property management firm, [Domino's Farms Corporation](#), charging that requiring the company to make available abortion-causing drugs like Plan B and other so-called "morning after" contraceptives would violate the moral and religious convictions by which he operates the business.

On December 31 Michigan District Court Judge Lawrence P. Zatkoff granted Monaghan an emergency injunction blocking the mandate's requirements for his company while his suit moves forward.

In his ruling Zatkoff wrote that forcing Monaghan to abide by the mandate would "substantially burden his exercise of religion. Because plaintiffs' claims involve a First Amendment right, and because the court has found some likelihood that plaintiffs' ... claim will succeed on the merits, the court finds that irreparable harm could result to plaintiff."

Zatkoff noted that any supposed harm of "delaying the implementation of a statute that may later be deemed constitutional is outweighed by the risk of substantially burdening the free exercise of religion. Moreover, the harm of carving out, at least temporarily, an additional exemption for an organization with less than 100 employees can hardly be considered a significant or 'irreparable' harm to the Government."

Erin Mersino, an attorney with the [Thomas More Law Center](#), which is representing Monaghan in the suit, told the *Christian Post* that his organization is pleased that the court ruled in favor of "our client's right to conscience and religious freedom guaranteed by our nation's Constitution." He added that the ultimate goal of the lawsuit "is to have the HHS Mandate ruled unconstitutional. Our next step is to move for the Court to turn the temporary restraining order into protection from the mandate that is of more permanence."

Over the years Monaghan has helped to fund many Catholic and pro-life efforts, including such groups as Operation Rescue. *Human Events* reported that the judge's ruling in favor of Monaghan prompted some ill-informed pro-abortion activists to call for a boycott of Domino's Pizza, even though Monaghan has had no connection with that business for nearly 15 years.



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That confusion led the current Domino's owners to release a statement declaring that the company "has never supported organizations on either side of the reproductive rights issue. The corporation and its 1,825 independent franchise owners across the world have one goal: to sell pizzas and grow our market share."

There are now over 40 cases pending against the contraception mandate, most of those filed by religious universities and non-profits, with a sprinkling of private companies whose owners, like Monaghan, argue that the mandate violates their religious and moral convictions.

While some judges have ruled in favor of business owners, granting emergency injunctions barring enforcement of the mandate, other courts have made contradictory rulings, as in the case of Hobby Lobby. As reported by [The New American](#), in November a District Court judge ruled that the owners of Hobby Lobby could not appeal to their Christian convictions to circumvent the mandate on behalf of their business. In a follow-up emergency ruling, Supreme Court Justice Sonia Sotomayor upheld that ruling, offering a terse explanation that while Hobby Lobby CEO David Green and other company owners "allege they will face irreparable harm if they are forced to choose between complying with the contraception-coverage requirement and paying significant fines, they cannot show that an injunction is necessary or appropriate to aid our jurisdiction."

After the ruling Green's attorney, Kyle Duncan of the Becket Fund for Religious Liberty, indicated that Green and company would defy the mandate, issuing [a statement](#) explaining that while Green and the other Hobby Lobby owners would "continue to provide health insurance to all qualified employees ... it is not their intention, as a company, to pay for abortion-inducing drugs." In a later statement to the [Oklahoman](#) newspaper, Duncan confirmed that Hobby Lobby and sister company Mardel, also named in the suit, are "not going to comply with the mandate. They're not going to offer coverage for abortion-inducing drugs in the insurance plan."

One other company was dealt a similar blow in late December. John C. Kennedy, owner of Michigan-based auto parts manufacturer Autocam, was denied an injunction to block enforcement of the mandate. Kennedy had gone as far as to produce a video explaining his objection to the contraception mandate, noting that he has offered a premium health plan to his 650 employees, but that forcing him to provide free contraceptives was not acceptable. (See the video below.)

"As a Catholic and an entrepreneur I believe the goal of the Affordable Care Act was good," Kennedy charitably offered concerning the destructive ObamaCare law. "And I believed President Obama when he said that if you like your plan you can keep it." But the Obama plan, he pointed out, "forces me to pay for things that violate my deeply held beliefs, such as abortion-inducing drugs." He added that the hurdles put in place by the so-called "affordable" government health plan make it difficult for him to continue offering the benefits he has provided his employees."

Echoing the thoughts of the other 40-plus groups and businesses that have sued to stop the anti-American Obama mandate, Kennedy explained: "I can't in good conscience choose between violating my beliefs and meeting my associates' needs.... That's why I'm taking action to stop this portion of the healthcare law."

As of January 1, those businesses and organizations, like Hobby Lobby and Autocam, that have lost legal bids to temporarily block enforcement of the mandate while their suits move forward must join the thousands of other U.S. businesses in following the mandate — or face hefty fines.



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Photo of Thomas Monaghan: AP Images

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