



Written by [Dave Bohon](#) on February 2, 2013

Federal Court Halts Contraception Mandate on Behalf of Indiana Business

Another federal appeals court has issued a  ruling against the Department of Health and Human Service's (HHS) contraception mandate, which requires employers to provide free abortion-causing contraceptives to their employees. On January 30 a three-judge panel of the U.S. Court of Appeals for the Seventh Circuit issued a preliminary injunction blocking enforcement of the mandate on behalf of Grote Industries, an Indiana-based automotive lighting manufacturer whose Catholic owners sued the government to permanently stop the rule because its abortion-pill provision violates their moral convictions.

The Seventh Circuit panel, which overruled a district court ruling denying the injunction, noted that the Grote family claims the mandate would compel them "to materially cooperate in a grave moral wrong contrary to the teachings of their church," and refusing to obey the mandate would result in "several financial penalties."

The panel concluded in a 2-1 decision that "the Grote Family and Grote Industries have established a reasonable likelihood of success on the merits of their RFRA [Religious Freedom Restoration Act] claim." The court predicted that the family would "suffer irreparable harm absent an injunction pending appeal, and the balance of harms tips in their favor."

In December the same panel issued an identical injunction on behalf of an Illinois-based business, Korte & Luitjohan Contractors, also Catholic-owned. In the latest ruling the panel noted that in "all important respects, this case is identical to Korte; our analysis there applies with equal force here. If anything, the Grote Family and Grote Industries have a more compelling case for an injunction pending appeal."

Matt Bowman of [Alliance Defending Freedom](#) (ADF), the conservative legal advocacy group that is representing Grote, applauded the ruling. "Americans have the God-given freedom to live and do business according to their faith," he said in a statement. "Forcing employers to surrender their faith in order to earn a living is unprecedented, unnecessary, and unconstitutional. Honoring God is important every day, in all areas of life, including in our work. Freedom is not the government's to give and take away when it pleases." He added that the ADF is "pleased that the court delivered the Obama administration a reminder of this foundational truth, and we are confident that this unconstitutional mandate's days are numbered."

According to a mandate lawsuit "scorecard" created by the ADF, the Obama administration has not fared well in preliminary federal court rulings. Of the more than 40 lawsuits that have been filed by religious universities, hospitals, dioceses, and private businesses, courts have granted requests for preliminary injunctions to block the mandate in at least 10 cases, while denying just four such requests. Meanwhile, private companies and non-church religious non-profits continue to file lawsuits to stop the mandate. One of the latest came in late January as brothers Francis and Philip Gilardi, owners of the



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Ohio-based companies Freshway Foods and Freshway Logistics, sued to stop the mandate because of their desire to “run their business in accordance with their religious beliefs and moral values,” explained their attorney, Edward White of the American Center for Law and Justice.



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