

**IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

LITTLE SISTERS OF THE POOR HOME
FOR THE AGED, DENVER, COLORADO,
Plaintiffs-Appellants,

v.

No. 13-1540

SYLVIA M. BURWELL, Secretary of the
United States Department of Health &
Human Services, et al.,
Defendants-Appellees.

SOUTHERN NAZARENE UNIVERSITY, et al.,
Plaintiffs-Appellees,

v.

No. 14-6026

SYLVIA M. BURWELL, Secretary of the
United States Department of Health &
Human Services, et al.,
Defendants-Appellants.

REACHING SOULS INTERNATIONAL, et al.
Plaintiffs-Appellees,

v.

No. 14-6028

SYLVIA M. BURWELL, Secretary of the
United States Department of Health &
Human Services, et al.,
Defendants-Appellants.

STATUS REPORT

By order dated August 1, 2014, the Court directed the government to file a written status report. The Court asked the government to address the timetable for promulgation of interim final rules that will augment the regulatory accommodation process at issue here; whether the cases should continue to be scheduled for oral argument; and to provide any further information that may be relevant to the Court.

As explained in the government's July 22 supplemental brief, the *Wheaton College* injunction does not reflect a final Supreme Court determination that RFRA requires the government to apply the accommodations in the manner described in the *Wheaton College* interim order. Nevertheless, the Departments responsible for implementing the accommodations have informed us that they have determined to augment the regulatory accommodation process in light of the *Wheaton College* injunction and that they plan to issue interim final rules. That process is proceeding according to schedule, and the Departments expect to issue these interim final rules on or before August 22.

Whether the case should remain on the Court's oral argument calendar depends on whether plaintiffs wish to pursue this litigation notwithstanding the augmented regulatory accommodations. We respectfully suggest that plaintiffs should inform the Court by September 2 whether they wish to maintain their suits, with leave to file briefs of no longer than 10 pages setting out their positions. If plaintiffs indicate that they intend to pursue their cases, we ask that the government be permitted to file a single responsive brief of no longer than 10 pages by September 12.

Respectfully submitted,

MARK B. STERN

(202) 514-5089

ALISA B. KLEIN

(202) 514-1597

/s/ Adam C. Jed

ADAM C. JED

(202) 514-8280

adam.c.jed@usdoj.gov

Attorneys, Appellate Staff

Civil Division

U.S. Department of Justice

950 Pennsylvania Ave., N.W., Room 7240

Washington, D.C. 20530

AUGUST 2014

CERTIFICATIONS

I hereby certify that all of the required privacy redactions have been made, that any required paper copies are exact versions of the document filed electronically; that the electronic submission was scanned for viruses and found to be virus-free; and that, on August 8, 2014, I filed and served the foregoing motion on counsel of record through this Court's CM/ECF system.

/s/ Adam Jed

Adam C. Jed