

13-356 CONESTOGA WOOD SPECIALTIES V. BURWELL

DECISION BELOW: 724 F.3d 377

LOWER COURT CASE NUMBER: 13-1144

QUESTION PRESENTED:

Federal regulations implementing the Patient Protection and Affordable Care Act of 2010 (ACA) compel certain employers, including Petitioners, to provide health-insurance coverage for FDA-approved contraceptives. See 77 Fed. Reg. 8725, 8725 (Feb. 15, 2012) ("the Mandate").

Petitioners, a family of five Mennonites and their closely-held, family-run woodworking corporation, object as a matter of conscience to facilitating contraception that may prevent the implantation of a human embryo in the womb, and therefore brought this case seeking review of the Mandate under the Free Exercise Clause of the First Amendment and the Religious Freedom Restoration Act of 1993.

The decision below rejected these claims, carving out an exception to the scope of religious free exercise. The court denied that either "a for-profit, secular corporation" or its family owners could claim free exercise rights. Pet. App. at IOa. In so holding, the Third Circuit expressly rejected contrary decisions of the Ninth and Tenth Circuits, and ruled at odds with prior decisions of the Second Circuit and Minnesota Supreme Court, but accorded with a recent decision of the Sixth Circuit.

The question presented is:

Whether the religious owners of a family business, or their closely-held, for-profit corporation, have free exercise rights that are violated by the application of the contraceptive-coverage Mandate of the ACA.

CONSOLIDATED WITH 13-354 FOR ONE HOUR ORAL ARGUMENT.

CERT. GRANTED 11/26/2013