

JONES DAY

51 LOUISIANA AVENUE, N.W. • WASHINGTON, D.C. 20001-2113

TELEPHONE: (202) 879-3939 • FACSIMILE: (202) 626-1700

May 26, 2016

Mark Langer, Clerk
United States Court of Appeals for the
District of Columbia Circuit
333 Constitution Ave., NW
Washington, DC 20001

Filed via CM/ECF

Re: No. 13-5368, *Priests for Life v. U.S. Dep't of Health & Human Servs.*
No. 13-5371, *Roman Catholic Archbishop of Washington v. Sebelius*
Rule 28(j) letter response

Dear Mr. Langer:

On May 16, 2016, the Supreme Court issued its unanimous decision in *Zubik v. Burwell* and related cases, vacating and remanding the decisions of the Courts of Appeals. *See* 578 U.S. ___, 2016 WL 2842449; *see also* Order List (May 16, 2016) (vacating and remanding related petitions). In vacating these decisions, the Court ordered that “the Government may not impose taxes or penalties on petitioners for failure to” comply with the existing regulations. *Zubik* slip. op. at 5. Moreover, in light of the Government’s “confirm[ation]” that the regulations can be “modified” to better accommodate the petitioners’ religious exercise, the Supreme Court “anticipate[d] that the Courts of Appeals w[ould] allow the parties sufficient time to resolve any outstanding issues between them.” *Id.* at 3-4.

Pursuant to the Supreme Court’s directive, Plaintiffs are carefully considering avenues to “resolve any outstanding issues” with the Government. To that end, Plaintiffs respectfully request that this Court defer further action in this case to “afford[the parties] an opportunity to arrive at an approach going forward that accommodates [Plaintiffs’] religious exercise while at the same time” allowing the Government to pursue its objectives. *Id.* at 4. Plaintiffs propose that they submit a status report to this Court regarding their efforts within 30 days.

Sincerely,

/s/ Noel J. Francisco

Noel J. Francisco

Jones Day

51 Louisiana Avenue, N.W.

Washington, DC 20001

(202) 879-3939

njfrancisco@jonesday.com

*Attorney for Appellants in Roman
Catholic Archbishop of
Washington, et al.*

/s/ Robert J. Muise

Robert J. Muise

American Freedom Law Center

P.O. Box 131098

Ann Arbor, Michigan 48113

(734) 635-3756

rmuise@americanfreedomlawcenter.org

*Attorney for Appellants in Priests for
Life, et al.*

CERTIFICATE OF SERVICE

I hereby certify that, on May 26, 2016, I filed the foregoing Rule 28(j) Letter with this Court through the CM/ECF system, which then served it upon all counsel of record:

/s/ Noel J. Francisco

Noel J. Francisco
D.C. Bar No. 464752
njfrancisco@jonesday.com
JONES DAY
51 Louisiana Avenue, N.W.
Washington, DC 20001
(202) 879-3939