

Appeals Court Halts Obamacare Enforcement for Ill. Company

The American Center for Law and Justice (ACLJ), a pro-life legal organization that focuses on constitutional law, achieved a significant victory last week when a federal appeals court granted an emergency motion for an injunction putting the Department of Health and Human Services (HHS) mandate on hold—preventing it from being enforced against an Illinois business and its owners.

The ACLJ filed a federal lawsuit in October on behalf of Korte & Luitjohan Contractors, Inc. Last month, a federal district court rejected a motion for an injunction to block the implementation of the mandate and the ACLJ immediately appealed the decision. Friday, a three-judge panel of the U.S. Court of Appeals for the Seventh Circuit granted an emergency motion for an injunction—putting the mandate on hold just days before it was scheduled to be enforced.

“We’re extremely pleased that the appeals court blocked the implementation of this discriminatory mandate,” said Edward White, ACLJ Senior Counsel. “Our argument is clear: the HHS mandate unlawfully compels employers such as our clients to abandon their faith to comply with the law, or follow their faith and pay significant annual penalties to the federal government. This mandate violates the conscience rights of our clients, and we’re now looking forward to proceeding with our legal challenge.”

The ACLJ represents Korte & Luitjohan Contractors, Inc., a family owned, full-service construction contractor serving central and southern Illinois for over 50 years. The company is located in Highland, Ill., and has about 90 full-time employees. The company provides a group health insurance plan for only its non-union employees, which number about 20. Cyril

B. Korte and Jane E. Korte own a controlling interest in the company and contend the HHS mandate violates their Catholic faith. The mandate requires the company to purchase health insurance for employees that includes coverage for contraceptives, sterilization and abortion-inducing drugs. It was scheduled to take effect on Jan. 1.

The ACLJ has filed three direct legal challenges against the HHS mandate and more than a dozen amicus briefs backing other lawsuits challenging the mandate.

Just two weeks ago, a federal district court in Missouri granted an ACLJ request for an injunction—blocking the mandate from being enforced against a Missouri company. In November, a federal appeals court also stepped in and put a halt to the enforcement of the mandate against a St. Louis company.