

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

December 24, 2018

BCO-025

No. 17-3752 & 18-1253

Commonwealth of Pennsylvania

v.

President United States of America, et al.

Little Sisters of the Poor Saints Peter and Paul Home, Appellants at 17-3752

President United States of America, et al, Appellants at 18-1253

(E.D. Pa. No. 2-17-cv-04540)

Present: AMBRO, KRAUSE and PORTER, Circuit Judges

- 1) Motion by Federal Appellants to Govern Further Proceedings;
- 2) Motion by Appellant Little Sisters of the Poor Saints Peter and Paul Home in No. 17-3752 to Set Briefing Schedule;
- 3) Motion by Appellee Commonwealth of Pennsylvania to Govern Further Proceedings, with Request to Remand Case to District Court or, in the alternative, for the Court to maintain the current stay until the final rules become effective on January 14, 2019;
- 4) Response by Appellant Little Sisters of the Poor Saints Peter and Paul Home to Motions to Govern Further Proceedings;
- 5) Response by Federal Appellants to Commonwealth of Pennsylvania's Motion to Govern Further Proceedings;
- 6) Response by Appellee Commonwealth of Pennsylvania to Appellants' Motions to Govern Further Proceedings;
- 7) Reply by Appellee Commonwealth of Pennsylvania in Support of Its Motion to Govern Further Proceedings;

- 8) Reply by Appellant Little Sisters of the Poor Saints Peter and Paul Home in Support of Motion to Set Briefing Schedule.

Respectfully,  
Clerk/slc

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ORDER

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The aforementioned motions are resolved as follows:

(1) The government's motion is granted and this appeal is hereby stayed pending the District Court's resolution of the Commonwealth of Pennsylvania's second motion for a preliminary injunction (Dkt. 90). The Court trusts that the District Court will resolve Pennsylvania's second motion for a preliminary injunction expeditiously;

(2) No action will be taken on the Commonwealth's motion for remand at this time. Should the District Court indicate an intention to modify or dissolve the current injunction the party's shall follow the procedure set forth in Federal Rule of Civil Procedure 62.1 and Federal Rule of Appellate Procedure 12.1;

(3) Any appeal arising from Pennsylvania's second motion for a preliminary injunction shall be consolidated with this appeal by the Court Clerk without further order of this Court, *see* Fed. R. App. P. 3(b)(2);

(4) Within 14 days of the District Court's resolution of Pennsylvania's second motion for a preliminary injunction, the parties shall file a joint status report with this Court setting forth a revised proposed briefing schedule; and

(5) The motion by the Little Sister of the Poor to set a briefing schedule is denied.

By the Court,

s/ Cheryl Ann Krause  
Circuit Judge

Dated: January 9, 2019  
SLC/cc: Counsel of Record