

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

RICHARD W. DEOTTE *et al.*,

Plaintiffs,

v.

ROBERT F. KENNEDY JR., in his official
capacity as Secretary of Health and Human
Services *et al.*,

Defendants.

Case No. 4:26-cv-00712-O

DEFENDANTS' ANSWER TO PLAINTIFFS' COMPLAINT

Defendants—collectively, Robert F. Kennedy Jr., in his official capacity as Secretary of Health and Human Services; Scott Bessent, in his official capacity as Secretary of the Treasury; Keith E. Sonderling, in his official capacity as Acting Secretary of Labor; and the United States of America—hereby answer Plaintiffs' Complaint.

The Affordable Care Act requires certain employers to cover “preventive care.” 42 U.S.C. § 300gg-13(a). Rather than providing a definition, Congress authorized the administering agencies to “provid[e] for” what that term means “in comprehensive guidelines.” *Id.* § 300gg-13(a)(4); *see also id.* § 300gg-92; 29 U.S.C. § 9833. Under that “extraordinarily broad general directive,” *Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania*, 591 U.S. 657, 676 (2020) (cleaned up), the agencies included “contraceptive methods” as a type of preventive care. Since then, the contraceptive-coverage mandate has been the subject of nearly continuous litigation. *See, e.g., Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682 (2014); *Zubik v. Burwell*, 578 U.S. 403 (2016) (per curiam); *Little Sisters*, 591 U.S. 657.

In 2017 and 2018, the agencies named as Defendants in this case broadly revisited their approach to the contraceptive-coverage mandate, promulgating religious and moral exemptions. *Religious Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act*, 83 Fed. Reg. 57,536 (Nov. 15, 2018); *Moral Exemptions and Accommodations for Coverage of Certain Protective Services Under the Affordable Care Act*, 83 Fed. Reg. 57,592 (Nov. 15, 2018).

In 2025, a district court in the Eastern District of Pennsylvania held these rules arbitrary and capricious and vacated them in their entirety. *See Pennsylvania v. Trump*, 795 F. Supp. 3d 607 (E.D. Pa. 2025). Defendants appealed to the Third Circuit, where they argue that the district court's ruling should be reversed and the religious and moral exemption rules reinstated. *See Pennsylvania v. President United States of Am.*, No. 25-2662 (3d Cir.). The Third Circuit held oral argument on July 7, 2026.

Plaintiffs have used headings throughout their Complaint. Defendants have used those same headings in the Answer for ease of reference. Defendants' use of Plaintiffs' headings should not be interpreted as an admission of or agreement with any language in Plaintiffs' headings.

Subject to the foregoing, in response to the numbered paragraphs of the Complaint, Defendants respond as follows, using the same paragraph numbering as does the Complaint.

[Unnumbered paragraph #1] This unnumbered paragraph sets forth legal conclusions and contains citations to various federal regulations and a federal statute, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited regulations and statute for a full and accurate statement of their contents, and otherwise deny the allegations in this paragraph.

[Unnumbered paragraph #2] This unnumbered paragraph sets forth legal conclusions and Plaintiffs' characterization of the present lawsuit, and contains citations to a federal regulation and various judicial decisions, to which no response is required. To the extent a response is deemed

necessary, Defendants respectfully refer the Court to the cited regulation and judicial decisions for a full and accurate statement of their contents, and otherwise deny the allegations in this paragraph.

JURISDICTION AND VENUE

1. This paragraph sets forth legal conclusions and allegations of subject matter jurisdiction, and contains citations to two statutes, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited statutes for a full and accurate statement of their contents, and otherwise deny the allegations in this paragraph.

2. This paragraph sets forth legal conclusions and allegations pertaining to legal venue, and contains a citation to a statute, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited statute for a full and accurate statement of its contents, and otherwise deny the allegations in this paragraph.

PARTIES

3. Defendants are without information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.

4. Defendants are without information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.

5. Defendants are without information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.

6. Defendants are without information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.

7. Defendants are without information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.

8. Defendants admit the first two sentences of this paragraph. In response to the third sentence, Defendants aver that Robert F. Kennedy, Jr. is sued in his official capacity as Secretary of Health and Human Services.

9. Defendants admit the first two sentences of this paragraph. In response to the third sentence, Defendants aver that Scott Bessent is sued in his official capacity as Secretary of the Treasury.

10. Defendants admit the first two sentences of this paragraph. In response to the third sentence, Defendants aver that Keith E. Sonderling is sued in his official capacity as Acting Secretary of Labor.

11. Defendants admit that Defendant United States of America is the federal government of the United States of America.

THE CONTRACEPTIVE MANDATE

12. This paragraph sets forth legal conclusions and contains citations to a federal statute, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited statute for a full and accurate statement of its contents, and otherwise deny the allegations in this paragraph.

13. This paragraph sets forth legal conclusions and contains citations to various federal regulations, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited regulations for a full and accurate statement of their contents, and otherwise deny the allegations in this paragraph.

14. This paragraph sets forth legal conclusions and contains citations to a federal regulation, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited regulation for a full and accurate statement of its contents, and otherwise deny the allegations in this paragraph.

15. This paragraph sets forth legal conclusions and contains citations to a federal regulation, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited regulation for a full and accurate statement of its contents, and otherwise deny the allegations in this paragraph.

16. This paragraph sets forth legal conclusions and contains citations to a federal regulation, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited regulation for a full and accurate statement of its contents, and otherwise deny the allegations in this paragraph.

17. This paragraph sets forth legal conclusions and contains citations to a federal regulation, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited regulation for a full and accurate statement of its contents, and otherwise deny the allegations in this paragraph.

18. This paragraph sets forth legal conclusions and contains citations to a judicial decision, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited decision for a full and accurate statement of its contents, and otherwise deny the allegations in this paragraph.

19. This paragraph sets forth legal conclusions and contains citations to a judicial decision, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited decision for a full and accurate statement of its contents, and otherwise deny the allegations in this paragraph.

20. This paragraph sets forth legal conclusions and contains citations to various federal regulations and judicial decisions, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited legal materials for a full and accurate statement of their contents, and otherwise deny the allegations in this paragraph.

21. This paragraph sets forth legal conclusions and contains citations to an executive order, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited executive order for a full and accurate statement of its contents, and otherwise deny the allegations in this paragraph.

22. This paragraph sets forth legal conclusions and contains citations to a federal regulation, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited regulation for a full and accurate statement of its contents, and otherwise deny the allegations in this paragraph.

23. This paragraph sets forth legal conclusions and contains citations to a federal regulation, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited regulation for a full and accurate statement of its contents, and otherwise deny the allegations in this paragraph.

24. This paragraph sets forth legal conclusions and contains citations to and characterizations of various federal regulations, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited regulations for a full and accurate statement of their contents, and otherwise deny the allegations in this paragraph.

25. This paragraph sets forth legal conclusions and contains citations to and characterizations of two judicial decisions, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited decisions for a full and accurate statement of their contents, and otherwise deny the allegations in this paragraph.

26. This paragraph sets forth legal conclusions and contains citations to and characterizations of a federal regulation and various judicial decisions, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to

the cited legal materials for a full and accurate statement of their contents, and otherwise deny the allegations in this paragraph.

27. This paragraph sets forth legal conclusions and contains citations to and characterizations of various federal regulations and judicial decisions, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited legal materials for a full and accurate statement of their contents, and otherwise deny the allegations in this paragraph.

28. This paragraph sets forth legal conclusions and contains citations to and characterizations of a filing in another case, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited filing for a full and accurate statement of its contents, and otherwise deny the allegations in this paragraph.

29. This paragraph sets forth legal conclusions and contains citations to and characterizations of filings in another case, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited filings for a full and accurate statement of their contents, and otherwise deny the allegations in this paragraph.

30. This paragraph sets forth legal conclusions and contains citations to and characterizations of various judicial decisions, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited decisions for a full and accurate statement of their contents, and otherwise deny the allegations in this paragraph.

31. This paragraph sets forth legal conclusions and contains citations to and characterizations of a filing in another case, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited filing for a full and accurate statement of its contents, and otherwise deny the allegations in this paragraph.

32. This paragraph sets forth legal conclusions and contains citations to and characterizations of a judicial decision, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited decision for a full and accurate statement of its contents, and otherwise deny the allegations in this paragraph.

33. This paragraph sets forth legal conclusions and contains citations to and characterizations of a judicial decision, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited decision for a full and accurate statement of its contents, and otherwise deny the allegations in this paragraph.

34. This paragraph sets forth legal conclusions and contains citations to and characterizations of various case filings and judicial decisions, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited legal materials for a full and accurate statement of their contents, and otherwise deny the allegations in this paragraph.

35. This paragraph sets forth legal conclusions and contains citations to and characterizations of various judicial decisions, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited decisions for a full and accurate statement of their contents, and otherwise deny the allegations in this paragraph.

36. This paragraph sets forth legal conclusions and contains citations to and characterizations of various judicial decisions, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited decisions for a full and accurate statement of their contents, and otherwise deny the allegations in this paragraph.

37. This paragraph sets forth legal conclusions and contains citations to and characterizations of various federal regulations and a judicial decision, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to

the cited legal materials for a full and accurate statement of their contents, and otherwise deny the allegations in this paragraph.

38. This paragraph sets forth legal conclusions and contains citations to and characterizations of various federal regulations and a judicial decision, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited legal materials for a full and accurate statement of their contents, and otherwise deny the allegations in this paragraph.

39. This paragraph sets forth legal conclusions and contains citations to and characterizations of various federal regulations and a judicial decision, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited legal materials for a full and accurate statement of their contents, and otherwise deny the allegations in this paragraph.

STATEMENT OF THE CLAIM—OBJECTING INDIVIDUALS

40. Defendants are without information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.

41. Defendants are without information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.

42. Defendants are without information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.

43. This paragraph sets forth legal conclusions and contains citations to and characterizations of various federal regulations and judicial decisions, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited legal materials for a full and accurate statement of their contents, and otherwise deny the allegations in this paragraph.

44. Defendants are without information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.

45. This paragraph sets forth legal conclusions and contains characterizations of various federal regulations, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the characterized regulations for a full and accurate statement of their contents, and otherwise deny the allegations in this paragraph.

46. This paragraph sets forth legal conclusions and contains characterizations of various federal regulations, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the characterized regulations for a full and accurate statement of their contents, and otherwise deny the allegations in this paragraph.

47. This paragraph sets forth legal conclusions and contains characterizations of the present case, to which no response is required.

48. This paragraph sets forth legal conclusions and contains citations to and characterizations of various judicial decisions and of the present case, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited decisions for a full and accurate statement of their contents, and otherwise deny the allegations in this paragraph.

STATEMENT OF THE CLAIM—OBJECTING EMPLOYERS

49. Defendants are without information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.

50. Defendants are without information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.

51. Defendants are without information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.

52. Defendants are without information sufficient to form a belief as to the truth of the allegations in the first sentence of this paragraph, and therefore deny them. The second sentence of this paragraph sets forth legal conclusions and contains citations to and characterizations of a federal statute, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited statute for a full and accurate statement of its contents, and otherwise deny the allegations in this sentence.

53. Defendants are without information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.

54. Defendants are without information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.

55. Defendants are without information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.

56. Defendants are without information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.

57. This paragraph sets forth legal conclusions and contains citations to and characterizations of various federal statutes and regulations and of a judicial decision, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited legal materials for a full and accurate statement of their contents, and otherwise deny the allegations in this paragraph.

58. Defendants are without information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny them.

59. Defendants are without information sufficient to form a belief as to the truth of the allegations in the first two sentences of this paragraph, and therefore deny them. The third sentence of this paragraph sets forth legal conclusions and contains citations to and characterizations of various

federal statutes and regulations and of a judicial decision, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited legal materials for a full and accurate statement of their contents, and otherwise deny the allegations in this sentence.

60. This paragraph sets forth legal conclusions and contains characterizations of a federal statute and of various federal regulations, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the characterized legal materials for a full and accurate statement of their contents, and otherwise deny the allegations in this paragraph.

61. This paragraph sets forth legal conclusions and contains characterizations of the present case, to which no response is required.

62. This paragraph sets forth legal conclusions and contains citations to and characterizations of various judicial decisions and of the present case, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited decisions for a full and accurate statement of their contents, and otherwise deny the allegations in this paragraph.

CLASS-ACTION ALLEGATIONS—OBJECTING INDIVIDUALS

63. This paragraph sets forth legal conclusions and contains a citation to a Federal Rule of Civil Procedure and a characterization of the present case, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited rule for a full and accurate statement of its contents, and otherwise deny the allegations in this paragraph.

64. This paragraph sets forth legal conclusions and contains a characterization of the present case, to which no response is required.

65. This paragraph sets forth legal conclusions, to which no response is required.

66. This paragraph sets forth legal conclusions and contains a citation to a federal statute, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited statute for a full and accurate statement of its contents, and otherwise deny the allegations in this paragraph.

67. This paragraph sets forth legal conclusions and contains a characterization of various federal regulations, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the characterized regulations for a full and accurate statement of their contents, and otherwise deny the allegations in this paragraph.

68. This paragraph sets forth legal conclusions, to which no response is required.

69. This paragraph sets forth legal conclusions and contains a citation to a Federal Rule of Civil Procedure, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited rule for a full and accurate statement of its contents, and otherwise deny the allegations in this paragraph.

CLASS-ACTION ALLEGATIONS—OBJECTING EMPLOYERS

70. This paragraph sets forth legal conclusions and contains a citation to a Federal Rule of Civil Procedure and a characterization of the present case, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited rule for a full and accurate statement of its contents, and otherwise deny the allegations in this paragraph.

71. This paragraph sets forth legal conclusions and contains a characterization of the present case, to which no response is required.

72. This paragraph sets forth legal conclusions, to which no response is required.

73. This paragraph sets forth legal conclusions and contains a citations to and characterizations of various federal regulations and federal statutes, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited

legal provisions for a full and accurate statement of their contents, and otherwise deny the allegations in this paragraph.

74. This paragraph sets forth legal conclusions and contains a citation to and characterization of various federal regulations and a federal statute, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the characterized regulations and the cited statute for a full and accurate statement of their contents, and otherwise deny the allegations in this paragraph.

75. This paragraph sets forth legal conclusions, to which no response is required.

76. This paragraph sets forth legal conclusions and contains a citation to a Federal Rule of Civil Procedure, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited rule for a full and accurate statement of its contents, and otherwise deny the allegations in this paragraph.

CAUSES OF ACTION

77. This paragraph sets forth legal conclusions and contains citations to and characterizations of two federal statutes, to which no response is required. To the extent a response is deemed necessary, Defendants respectfully refer the Court to the cited statutes for a full and accurate statement of their contents, and otherwise deny the allegations in this paragraph.

DEMAND FOR RELIEF

78. This paragraph and its various subparagraphs consist of a demand for relief, not allegations of fact to which a response is required.

Defendants specifically deny each and every allegation of the Complaint not otherwise expressly admitted, qualified, or denied in this Answer.

AFFIRMATIVE DEFENSE

79. Defendants incorporate by reference all preceding paragraphs of this Answer as if fully set forth in this paragraph.

80. The Court lacks jurisdiction over the subject matter of Plaintiffs' Complaint.

DATED: September 1, 2026

Respectfully submitted,

BRETT A. SHUMATE
Assistant Attorney General, Civil Division

MICHELLE R. BENNETT
Assistant Director, Federal Programs Branch

/s/ Daniel Riess
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CERTIFICATE OF SERVICE

On September 1, 2026, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Daniel Riess