

IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

THE RELIGIOUS SISTERS OF MERCY,
et al.,

Plaintiffs-Appellees,

v.

XAVIER BECERRA, et al.,

Defendants-Appellants.

No. 21-1890

STATEMENT OF ISSUES

Pursuant to this Court's order dated April 21, 2021, Defendants-Appellants hereby respectfully submit this Statement of Issues. The issues presented on appeal are:

1. Whether the religious-entity plaintiffs meet the requirements of standing and ripeness to seek a pre-enforcement injunction against the Department of Health and Human Services (HHS) based on the possibility that HHS might, at some time in the future, interpret the anti-discrimination requirements of Section 1557 of the Affordable Care Act to require that plaintiffs perform or provide insurance coverage for gender-transition services.

2. Whether the religious-entity plaintiffs meet the requirements of standing and ripeness to seek a pre-enforcement injunction against the Equal Employment Opportunity Commission (EEOC) based on the possibility that EEOC will, at some time in the future, bring an enforcement action under Title VII of the Civil Rights Act of 1964 to require that plaintiffs' health insurance plans cover gender-transition services.
3. Whether the district court abused its discretion by granting permanent injunctive relief against possible future enforcement of Section 1557 and Title VII in the manner plaintiffs fear, when plaintiffs have not demonstrated imminent irreparable harm.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2021, I filed and served the foregoing with the Clerk of the Court by causing a copy to be electronically filed via the appellate CM/ECF system. I also hereby certify that the participants in the case are registered CM/ECF users and will be served via the CM/ECF system.

s/ Ashley A. Cheung

ASHLEY A. CHEUNG