

IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

CHRISTIAN EMPLOYERS ALLIANCE,

Plaintiff-Appellee,

v.

EEOC, et al.,

Defendants-Appellants.

No. 22-3018

STATEMENT OF ISSUES

Pursuant to this Court's order dated September 23, 2022, Defendants-Appellants hereby respectfully submit this Statement of Issues. The issues presented on appeal are:

1. Whether the religious-entity plaintiff meets 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 and enforce the anti-discrimination requirements of Section 1557 of the Affordable Care Act to require that plaintiff's members perform or provide insurance coverage for gender-transition services.
2. Whether the religious-entity plaintiff meets 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 might, at some time in the future, interpret and enforce Title VII of the Civil Rights Act of 1964 to require that plaintiff's members' health-insurance plans cover gender-transition services.

3. Whether the district court abused its discretion by granting preliminary injunctive relief against possible future enforcement of Section 1557 and Title VII in the manner plaintiff fears, when plaintiff has not demonstrated imminent irreparable harm.

Respectfully submitted,

BRIAN M. BOYNTON

Principal Deputy Assistant Attorney General

JENNIFER KLEMETSrud PUHL

United States Attorney

CHARLES W. SCARBOROUGH

s/ Ashley A. Cheung

ASHLEY A. CHEUNG

*Attorneys, Appellate Staff
Civil Division, Room 7261
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530
(202) 353-9018
ashley.cheung@usdoj.gov*

CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2022, 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