



Plaintiff and Defendants hereby stipulate to and request the entry of a Final Order and Settlement of Claims to resolve all matters in dispute in this action except Plaintiffs' request for attorneys' fees and costs.

### **FINDINGS OF FACT**

Based on all of the parties' submissions in this case, the Court's preliminary injunction decision, and the stipulation of the parties, the Court finds as follows:

1. Plaintiff Cami Jo Tice-Harouff brought this action pursuant to the Administrative Procedure Act, 5 U.S.C. § 551 *et seq.*, and 5 U.S.C. § 705 & 706. The Verified Complaint, including both of Plaintiff's claims, seeks injunctive relief and an order holding unlawful and setting aside the action of removing the FABM coverage language, consistent with the relief provided below.
2. This Court has jurisdiction over the subject matter of this action and has jurisdiction over Defendants. Venue in the Eastern District of Texas is proper.
3. Defendants neither admit nor deny any of the allegations in the Verified Complaint, except as specifically stated in this Order. Only for purposes of this action, Defendants admit the facts necessary to establish jurisdiction. Defendants' position is that the deletion of the sentence discussing FABM in the 2021 Guidelines did not and does not remove coverage for FABM.
4. Plaintiff contends that the deletion of the sentence and the process surrounding that action violated the APA for the reasons discussed in her Verified Complaint and in the Court's preliminary injunction decision.
5. Plaintiff does not waive any claim that she may have under the Equal Access to Justice Act, 28 U.S.C. § 2412, or any other law providing for costs and expenses,

including attorneys' fees, concerning the prosecution of this action to the date of this Order or as needed to seek a costs and fees award. Defendants do not waive their right to oppose such claims. The parties agree to an extension of time for Plaintiff to file a petition under the EAJA to January 20, 2023.

**ORDER**

**IT IS ORDERED** that the Defendants' December 2021 deletion of the following sentence from the 2021 Guidelines is vacated. Accordingly, this sentence remains at the conclusion of the "Contraception" section of those guidelines:

Additionally, instruction in fertility awareness-based methods, including the lactation amenorrhea method, although less effective, should be provided for women desiring an alternative method.

**IT IS FURTHER ORDERED** that Plaintiff's deadline for filing a motion for costs and expenses, including attorneys' fees, under the Equal Access to Justice Act, is January 20, 2023.

So **ORDERED** and **SIGNED** this **6th** day of **December, 2022**.

  
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JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE