

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

)	
MICHIGAN CATHOLIC)	
CONFERENCE, <i>et al.</i> ,)	Case No.: 1:13-cv-01247
)	
<i>Plaintiffs,</i>)	The Honorable Gordon J. Quist
v.)	
)	<i>Electronically Filed</i>
KATHLEEN SEBELIUS, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	
)	

**PLAINTIFFS’ MOTION FOR
PRELIMINARY INJUNCTION AND REQUEST FOR ORAL ARGUMENT**

Pursuant to Federal Rule of Civil Procedure 65 and Local Civil Rule 7.2, Plaintiffs hereby move for preliminary injunctive relief, without bond, enjoining Defendants from continuing to require Plaintiffs to provide coverage for contraception, abortion-inducing products, sterilization, and related counseling in their employee health plans.

A preliminary injunction is justified, as discussed in Plaintiffs’ accompanying Memorandum of Law in Support of Plaintiffs’ Motion for Preliminary Injunction¹, because (1) Plaintiffs have a strong likelihood of success on the merits of their claims; (2) Plaintiffs are suffering a continuing, irreparable harm in the absence of preliminary relief; (3) an injunction will not cause substantial harm to others, including Defendants; and (4) an injunction furthers the public interest. Accordingly, Plaintiffs respectfully move this Court to issue a preliminary injunction in the form of the Proposed Order attached to this motion.

¹ Plaintiffs’ Memorandum of Law in Support of Plaintiffs’ Motion for Preliminary Injunction is to be filed pending the Court’s ruling on Plaintiffs’ Motion to File Excess Pages for Memorandum of Law in Support of Plaintiffs’ Motion for Preliminary Injunction.

Plaintiffs also request oral argument on this motion, which involves important and complicated issues of constitutional and statutory law.

Respectfully submitted, this 20th day of November, 2013.

By: /s/ Matthew A. Kairis

Matthew A. Kairis (OH No. 55502)

JONES DAY

325 John H. McConnell Blvd.

Suite 600

P.O. Box 165017

Columbus, OH 43216

(614) 469-3939

Paula Batt Wilson (0065421)

Jennifer Flannery (0078651)

JONES DAY

North Point

901 Lakeside Avenue

Cleveland, OH 44114-1190

(216) 586-3939

*Alison M. Kilmartin (PA No. 306422)

JONES DAY

500 Grant Street, Suite 4500

Pittsburgh, PA 15219

(412) 391-3939

*Counsel for Plaintiffs * pending pro hac vice*

Thomas P. Van Dusen (P30602)

Rebecca D'Arcy O'Reilly (P70645)

BODMAN PLC

6th Floor at Ford Field

1901 St. Antoine Street

Detroit, MI 48226

(313) 259-7777

Counsel for Michigan Catholic Conference

Edward J. Bardelli (P53849)

Ian R. Kennedy (P67775)

WARNER NORCROSS & JUDD LLP

259 E. Michigan Ave., Suite 208

Kalamazoo, MI 49007

(269) 552-3411

*Counsel for Catholic Family Services d/b/a
Catholic Charities Diocese of Kalamazoo*

CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2013, I electronically filed the foregoing Plaintiffs' Motion for Preliminary Injunction and Request for Oral Argument with the Clerk of the United States District Court for the Western District of Michigan using the CM/ECF system and mailed the foregoing by first class mail via the United States Postal Service to the following:

Kathleen Sebelius, Secretary
U.S. Department of Health & Human Services
200 Independence Ave., S.W.
Washington, D.C. 20201

U.S. Department of Health & Human Services
200 Independence Ave., S.W.
Washington, D.C. 20201

Thomas Perez, Secretary
U.S. Department of Labor
200 Constitution Ave., N.W.
Washington, D.C. 20210

U.S. Department of Labor
200 Constitution Ave., N.W.
Washington, D.C. 20210

Jacob J. Lew, Secretary
U.S. Department of Treasury
1500 Pennsylvania Ave., N.W.
Washington, D.C. 20220

U.S. Department of Treasury
1500 Pennsylvania Ave., N.W.
Washington, D.C. 20220

Office of the Attorney General
U.S. Department of Justice
10th & Pennsylvania Ave., N.W.
Washington, D.C. 20530

United States Attorney
5th Floor Law Bldg.
330 Ionia Ave., N.W.
Grand Rapids, MI 49503

/s/ Matthew A. Kairis

Matthew A. Kairis
Counsel for Plaintiffs

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<i>Defendants.</i>)	
)	

ORDER

Plaintiffs moved for a preliminary injunction to enjoin Defendants from applying and enforcing 45 C.F.R. § 147.130(a)(1)(iv) and any related fines or penalties to Plaintiffs and their employee health plans.

After duly considering the parties’ respective briefing, the Court **HEREBY FINDS** as follows.

1. Plaintiffs are likely to succeed on the merits of their claims that the imposition of 45 C.F.R. § 147.130(a)(1)(iv) on Plaintiffs violates the Religious Freedom Restoration Act (“RFRA”), 42 U.S.C. § 2000bb *et seq.*, and the Free Exercise and Free Speech Clauses of the First Amendment, and the Administrative Procedure Act, 42 U.S.C. § 18118(c).
2. Plaintiffs will suffer irreparable harm in the absence of the preliminary injunctive relief they request.
3. There will be no substantial harm to others, including Defendants, from granting the preliminary injunction.
4. Granting preliminary injunctive relief is in the public interest.

Further, the Court **HEREBY ORDERS** that Defendants are **ENJOINED FROM** any application or enforcement against

- Plaintiff Michigan Catholic Conference or the Michigan Catholic Conference Second Amended and Restated Group Health Benefit Plan for Employees (“MCC Plan”) or its Covered Units as defined in the MCC Plan, insurer(s) or third party administrator(s); and
- Plaintiff Catholic Family Services d/b/a Catholic Charities Diocese of Kalamazoo or its employee health plan or its third party administrator

of the requirement under 45 C.F.R. § 147.130(a)(1)(iv), corresponding Guidelines, and corresponding press releases that Plaintiffs provide coverage for FDA-approved contraceptive methods, abortion-inducing drugs, sterilization procedures, and patient education and counseling, including the substantive requirement imposed in 42 U.S.C. § 300gg-13(a)(4).

The Court **FURTHER ORDERS** as follows:

1. Plaintiffs shall not be required to post bond.

DONE this ____ day of _____, 2013.

BY THE COURT

United States District Court Judge