

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

<p>RIGHT TO LIFE OF MICHIGAN,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>KATHLEEN SEBELIUS, <i>et al.</i></p> <p style="text-align: center;">Defendants.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No. 1:13-cv-1202</p>
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DEFENDANTS’ UNOPPOSED MOTION TO STAY PROCEEDINGS

Defendants respectfully move to stay all further proceedings in this case pending the Sixth Circuit’s ruling in *The Catholic Diocese of Nashville, et al., v. Sebelius*, No. 13-6640 (6th Cir.), and *Michigan Catholic Conference v. Sebelius*, No. 13-2723 (6th Cir.), consolidated cases that raise legal issues that are substantially similar to those presented in this case. The undersigned spoke with counsel for plaintiff regarding this motion, and he advised that plaintiff does not oppose a stay.

“[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes of its docket with economy of time and effort for itself, for counsel, and for litigants. How this can best be done calls for the exercise of judgment, which must weigh competing interests and maintain an even balance.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254-55 (1936). Plaintiff here challenges regulations issued in July 2013 that establish accommodations for non-profit religious organizations that object on religious grounds to providing health coverage for Food and Drug Administration-approved contraceptive methods, sterilization procedures, and patient education and counseling for women with reproductive

capacity. There are two appeals currently pending in the 6th Circuit that challenge the same accommodations. *See Catholic Diocese of Nashville*, No. 13-6640; *Michigan Catholic Conference*, No. 13-2723. In those consolidated appeals, the Sixth Circuit will be addressing legal issues that are substantially similar to those presented here, involving facts that are analogous to those in this case, and raising claims that are also largely indistinguishable from those in this case. Therefore, the Sixth Circuit's ruling likely will have a significant effect on any further proceedings in this case, and the Court and the parties will likely benefit from the D.C. Circuit's views.

If this case is not stayed, defendants will file a motion to dismiss or, in the alternative, for summary judgment. That motion would raise many of the same legal issues that are likely to be addressed by the Sixth Circuit. It would be highly inefficient to spend the resources and time of the parties and this Court for litigation to proceed on these issues simultaneously in both courts. *See Ass'n of Irrigated Residents v. Fred Schakel Dairy*, 634 F. Supp. 2d 1081, 1094 (E.D. Cal. 2008) (“[T]he district court has broad discretion to decide whether a stay is appropriate to promote economy of time and effort for itself, for counsel, and for litigants.”).

The requested stay, moreover, will not prejudice plaintiff. Plaintiff chose not to seek an accommodation and purchased a healthcare plan for its employees that complies with the contraceptive coverage requirement for a plan year beginning on January 1, 2014. Compl. ¶ 84. The Sixth Circuit has set a briefing schedule in *Catholic Diocese of Nashville* and *Michigan Catholic Conference* under which briefing will be completed by February 21, 2014. Thus, it is likely the D.C. Circuit will issue its ruling before plaintiff's current healthcare plan ends on December 31, 2014.

For these reasons, defendants ask this Court to stay all proceedings in this case pending resolution of the consolidated appeals in *Catholic Diocese of Nashville* and *Michigan Catholic Conference*.¹

Respectfully submitted this 10th day of February, 2014,

STUART F. DELERY
Assistant Attorney General

PATRICK MILES, JR.
United States Attorney

JENNIFER RICKETTS
Director

SHEILA M. LIEBER
Deputy Director

/s/ Julie S. Saltman
JULIE S. SALTMAN (DC Bar 975015)
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue NW, Room 7111
Washington, DC 20530
Tel: (202) 532-4252
Fax: (202) 616-8470
Email: julie.saltman@usdoj.gov

Attorneys for Defendants

¹ Defendants' response to the complaint is currently due on February 10, 2014. If the Court decides to deny this unopposed motion for a stay, defendants respectfully request that the Court grant them an extension of time to respond to the complaint until 14 days after the Court rules on this stay motion.

CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notice of such filing to all parties.

/s/ Julie S. Saltman
JULIE S. SALTMAN