

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

DOBOSZENSKI & SONS, INC. and
DOUGLAS DOBOSZENSKI,

Plaintiffs,

vs

KATHLEEN SEBELIUS, in her official capacity
as Secretary of the United States Department of
Health and Human Services and her successor;
and the UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;

SETH D. HARRIS, in his official capacity as
Acting Secretary of the United States Department
of Labor and his successor; and the UNITED
STATES DEPARTMENT OF LABOR;

JACOB LEW, in his official capacity as U.S.
Secretary of the Treasury and his successor; and
the UNITED STATES DEPARTMENT OF THE
TREASURY, and

DANIEL I. WERFEL, in this official capacity as
Acting Commissioner of Internal Revenue and
his successor; and the INTERNAL REVENUE
SERVICE,

Defendants.

Civil File No. 13-CV-03148
JNE/FLN

**MOTION FOR PRELIMINARY
INJUNCTION AND STAY**

MOTION FOR PRELIMINARY INJUNCTION AND STAY

Plaintiffs Doboszinski & Sons, Inc. and Douglas Doboszinski, by and through their attorneys, move the Court for the following relief:

1. A preliminary injunction, in the form proposed in the accompanying proposed order -- which includes a stay of proceedings until thirty days after the mandate issues from the Eighth Circuit in *O'Brien v. U.S. Dep't of Health & Human Servs.*, No. 12-3357, or *Annex Medical, Inc. v. Sebelius*, No. 13-1118, or until the Supreme Court issues a ruling in a substantially similar case, whichever occurs first -- against the enforcement of 42 U.S.C. § 300gg-13(a)(4) (the "Mandate") and each and every one of its implementing regulations, published at 76 Fed. Reg. 46621-46626 (August 3, 2011) (interim final rules with request for comments) and 77 Fed. Reg. 8725-8730 (Feb. 15, 2012) (final rules), against:

- a. these Plaintiffs;
- b. any health insurance issuer offering group health insurance to these Plaintiffs, which health insurance does not provide coverage for "All Food and Drug Administration approved contraceptive methods, sterilization procedures, and patient education and counseling for all women with reproductive capacity"; and
- c. any third-party administrator implementing any self-insured plan in favor of these Plaintiffs under the Employee Retirement Income Security Act of 1974 (ERISA) to which the Mandate and its implementing regulations would otherwise apply, which self-insured

plan does not cover “All Food and Drug Administration approved contraceptive methods, sterilization procedures, and patient education and counseling for all women with reproductive capacity.”

It is not expected that this Motion will be opposed. In the event this Motion is opposed, the grounds for granting this Motion will be set forth in a memorandum of law and in arguments of counsel.

MOHRMAN & KAARDAL, P.A.

Dated: November 22, 2013.

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ATTORNEYS FOR PLAINTIFFS