

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

BICK HOLDINGS, INC., and BICK)
GROUP INC., MARY FRANCES)
CALLAHAN, MARY CLARE BICK,)
JAMES PATRICK BICK, JR.,)
WILLIAM JOSEPH BICK,)
MARY PATRICIA DAVIES,)
JOSEPH JOHN BICK, FRANCIS)
XAVIER BICK, MARY MARGARET)
JONZ, MARY SARAH ALEXANDER,)

Case No. 4:13-cv-462

Plaintiffs,)

v.)

UNITED STATES DEPARTMENT)
OF HEALTH AND HUMAN SERVICES;)
KATHLEEN SEBELIUS, in her official)
Capacity as the Secretary of the United)
States Department of Health and Human)
Services; UNITED STATES)
DEPARTMENT OF THE TREASURY;)
JACOB J. LEW, in his official)
capacity as the Secretary of the)
United States Department of the Treasury;)
UNITED STATES DEPARTMENT OF)
LABOR; and SETH D. HARRIS, in his)
official capacity as Acting Secretary of the)
United States Department of Labor,)

Defendants.)

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs, by and through their undersigned counsel, pursuant to Rule 65 of the Federal Rules of Civil Procedure, and for the reasons set forth in the accompanying Memorandum of Law, hereby move this Court for a preliminary injunction prohibiting Defendants, their agents,

officers and employees from applying and enforcing against the plaintiffs regulations purporting to require Plaintiffs to include in their employee health benefit plan coverage for FDA-approved contraceptives, sterilization procedures and patient education and counseling for such services, including the substantive requirement imposed in 42 U.S.C. § 300gg-13(a)(4), the application of the penalties found in 26 U.S.C. §§ 4980D and 4980H and 29 U.S.C. § 1132, and any determination that the requirements are applicable to Plaintiffs.

Entry of a preliminary injunction is appropriate in this case because there is a threat of irreparable harm to the movants, they are likely to succeed on the merits, the balance of harms favors the Plaintiffs, and granting the injunction is in the public interest.

In addition, Plaintiffs are in need of immediate relief from the Mandate to allow time to obtain insurance coverage that complies with the Plaintiffs' religious beliefs by not causing them to arrange for, pay for, or otherwise support employee health plan coverage for contraceptives, abortifacients, or related education and counseling.

Bond should be waived since there will be no demonstrable harm to the Defendants if the unconstitutional acts complained of herein are enjoined.

Respectfully submitted this 25th day of March, 2013.

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Counsel for Plaintiffs

**admitted pro hac vice*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is an attorney at law and is a person of such age and discretion as to be competent to serve process. On March 25th, 2013 he caused to be served a copy of the foregoing by placing said copy in an overnight envelope and addressed to the persons hereinafter named at the addresses stated below and by depositing said envelope and its contents with the United States Mail:

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