

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Civil Action No. 5:12-cv-06744-MSG

CONESTOGA WOOD SPECIALITIES CORPORATION, a PA Corporation;  
NORMAN HAHN;  
NORMAN LEMAR HAHN; and  
ANTHONY H. HAHN

Plaintiffs,

v.

KATHLEEN SEBELIUS, in her official capacity as  
Secretary of the United States Department of Health and Human Services;  
HILDA SOLIS, in her official capacity as  
Secretary of the United States Department of Labor;  
TIMOTHY GEITHNER, in his official capacity as  
Secretary of the United States Department of the Treasury;  
UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES;  
UNITED STATES DEPARTMENT OF LABOR; and  
UNITED STATES DEPARTMENT OF THE TREASURY;

Defendants.

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**MOTION FOR PRELIMINARY INJUNCTION**

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Plaintiffs, by and through their attorneys, hereby move this Court to enter a Preliminary Injunction on or before January 1, 2013. The individual Plaintiffs own and manage Conestoga Wood Specialties Corporation. Plaintiffs request a preliminary injunction against Defendants and their mandate that requires Plaintiffs to provide, contrary to Plaintiffs sincerely held religious

beliefs, coverage in their business's employee health benefits plan of abortifacient, contraception, and education and counseling for the same. In support of this motion, Plaintiffs rely upon F.R.C.P. 65, any and all other applicable law and their supporting Brief in Support of Motion for Preliminary Injunction submitted with this Motion.

Plaintiffs further move that any requirement for a bond be waived. Under appropriate circumstances, the requirements for a bond may be excused, notwithstanding the literal language of Rule 65(c). Plaintiffs believe and therefore avers that the circumstances in the instant matter meet that criteria. *Powelton Civic Home Owners Ass'n v. Dep't of Housing and Urban Development*, 284 F. Supp. 809, 840 (E.D.Pa. 1968). Importantly here, cases raising constitutional issues are particularly appropriate for a waiver of the bond requirement. *See e.g., Johnston v. Tampa Sports Authority*, 2006 WL 2970431, at \*1 (M.D.Fla. Oct. 16, 2006); *Ogden v. Marendt*, 264 F.Supp.2d 785, 795 (S.D.Ill. 2003); *Smith v. Bd. Of Election Comm'rs*, 591 F.Supp. 70, 71 (N.D.Ill. 1984).

Respectfully submitted this 7<sup>th</sup> day of December, 2012.

***Attorneys for Plaintiffs:***

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