

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:12-cv-01123-JLK

WILLIAM NEWLAND;
PAUL NEWLAND;
JAMES NEWLAND;
CHRISTINE KETTERHAGEN;
ANDREW NEWLAND; and
HERCULES INDUSTRIES, Inc., a Colorado corporation;
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.

**MOTION FOR PRELIMINARY INJUNCTION
and CERTIFICATE OF COMPLIANCE RE: CONSULTATION ON MOTION**

Plaintiffs, by and through counsel, hereby move this Court to enter a preliminary injunction on or by August 1, 2012. The individual Plaintiffs own and manage Plaintiff Hercules Industries. 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 contraception, abortifacients, and sterilization, and education and counseling for the same. In support of this motion Plaintiffs submit an accompanying brief and a proposed form of order.

Pursuant to D.C.COLO.LCiv.R 7.1A, Attorney Michael J. Norton, one of the attorneys for the Plaintiffs, certifies that he has, before the filing of this Motion for Preliminary Injunction, telephonically consulted and conferred about this motion with the attorneys for the Defendants, to wit: Michelle Bennett, Esq., Trial Attorney, U.S. Department of Justice, Civil Division Federal Programs Branch, 20 Massachusetts Avenue, NW, Washington, D.C. 20001 (202-305-8902) and Kevin Traskos, Esq., Chief, Civil Division, Colorado U.S. Attorney's Office, Seventeenth Street Plaza, 1225 – 17th Street, Suite 700, Denver, CO 80202 (303-454-0184).

The attorneys for the Defendants, while declining to consent to the entry of a preliminary injunction or an equivalent decree, have expressed that they will cooperate in setting a briefing schedule and hearing on the motion.

Plaintiffs request oral argument on the motion.

Respectfully submitted this 30th day of April, 2012.

Attorneys for Plaintiffs:

Michael

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s/ Michael J. Norton

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**D. Colo Bar Application Submitted.*

CERTIFICATE OF SERVICE

The undersigned counsel for Plaintiffs, Michael J. Norton, hereby certifies that the following counsel for Defendants were served with the preceding document by email and by placing the document in the mail, on April 30, 2012, at the following addresses:

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s/ Michael J. Norton
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