

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

AVE MARIA FOUNDATION, *et al.*,

Plaintiffs,

v.

KATHLEEN SEBELIUS, in her official
capacity as Secretary, United States
Department of Health and Human
Services, *et al.*,

Defendants.

Case No. 2:13-cv-15198-SJM-MAR

JOINT MOTION TO STAY DISTRICT COURT PROCEEDINGS

On January 13, 2014, this Court granted plaintiffs' motion for a preliminary injunction, enjoining defendants from enforcing against plaintiffs the challenged regulations. *See* ECF No. 15. The Court also invited the parties to submit briefs on whether this case should be stayed pending the disposition of the expedited appeals in *Michigan Catholic Conference v. Sebelius*, No. 13-2723 (6th Cir.), and *Catholic Diocese of Nashville v. Sebelius*, No. 13-6640 (6th Cir.). The parties have conferred and believe that a stay is appropriate until the deadline for defendants to file a notice of appeal with respect to the Court's January 13, 2014 order granting a preliminary injunction and, if any such appeal is filed, until that appeal is resolved.¹

¹ If defendants do not file a notice of appeal in this case, they nevertheless reserve the right to move this Court to continue to stay this case pending resolution of the expedited appeals in *Michigan Catholic Conference v. Sebelius*, No. 13-2723 (6th Cir.), and *Catholic Diocese of Nashville v. Sebelius*, No. 13-6640 (6th Cir.)—cases which will likely address some of the legal issues that are presented in this case. Plaintiffs would oppose any such request.

“[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). Pursuant to Federal Rule of Appellate Procedure 4(a)(1)(B), defendants have 60 days from the entry of this Court’s January 13, 2014 order granting preliminary injunctive relief—until March 14, 2014—to file any notice of appeal. It would be inefficient to spend the resources and time of the parties and this Court for litigation to proceed in this case while relevant issues are being addressed by the Sixth Circuit. *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.”).

Accordingly, the parties ask this Court to stay all district court proceedings in this case until 14 days after the deadline for defendants to file a notice of appeal (i.e., March 28, 2014) or, if defendants file a notice of appeal, until 15 days after the mandate issues with respect to any such appeal.

Respectfully submitted this 17th day of January, 2014,

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CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2014, I caused a true and correct copy of the foregoing to be served on plaintiffs' counsel by means of the Court's ECF system.

/s/ Michelle R. Bennett

Michelle R. Bennett