

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

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**THE CATHOLIC DIOCESE OF  
NASHVILLE; CATHOLIC CHARITIES  
OF TENNESSEE, INC.; CAMP  
MARYMOUNT, INC.; MARY, QUEEN  
OF ANGELS, INC.; ST. MARY VILLA,  
INC.; DOMINICAN SISTERS OF ST.  
CECILIA CONGREGATION; and  
AQUINAS COLLEGE,**

**Plaintiffs,**

**v.**

**KATHLEEN SEBELIUS, in her official  
capacity as Secretary of the U.S.  
Department of Health and Human  
Services; THOMAS PEREZ, in his official  
capacity as Secretary of the U.S.  
Department of Labor; JACOB J. LEW, in  
his official capacity as Secretary of the  
U.S. Department of Treasury; U.S.  
DEPARTMENT OF HEALTH AND  
HUMAN SERVICES; U.S.  
DEPARTMENT OF LABOR; and U.S.  
DEPARTMENT OF TREASURY,**

**Defendants.**

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**Case No.: 3:13-CV-01303**

**Chief Judge William J. Haynes, Jr.**

**Magistrate Judge E. Clifton Knowles**

**PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION AND REQUEST FOR ORAL ARGUMENT**

Pursuant to Federal Rule of Civil Procedure 65, Plaintiffs hereby move for preliminary injunctive relief, without bond, enjoining Defendants from continuing to require Plaintiffs to provide coverage for contraception, abortion-inducing products, sterilization, and related counseling in their employee health plans.

A preliminary injunction is justified, as discussed in Plaintiffs' accompanying Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Injunction<sup>1</sup>, because (1) Plaintiffs have a strong likelihood of success on the merits of their claims; (2) Plaintiffs are suffering a continuing, irreparable harm in the absence of preliminary relief; (3) an injunction will not cause substantial harm to others, including Defendants; and (4) an injunction furthers the public interest. Accordingly, Plaintiffs respectfully move this Court to adjudicate this motion on an expedited basis and grant Plaintiffs' request for a preliminary injunction exempting Plaintiffs from application of, and enforcement of, the Mandate.

Plaintiffs respectfully request that the Court order that Defendants are enjoined from any application or enforcement against Plaintiffs, their employee health plans, participants in their employee health plans, or their third party administrators or insurers of the requirement under 45 C.F.R. § 147.130(a)(1)(iv), corresponding Guidelines, and corresponding press releases that Plaintiffs provide coverage for FDA-approved contraceptive methods, abortion-inducing drugs, sterilization procedures, and patient education and counseling, including the substantive requirement imposed in 42 U.S.C. § 300gg-13(a)(4).

Plaintiffs also request oral argument on this motion, which involves important and complicated issues of constitutional and statutory law.

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<sup>1</sup> Plaintiffs' Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Injunction is to be filed pending the Court's ruling on Plaintiffs' Motion for Leave to File Memorandum in Support of Motion for Preliminary Injunction in Excess of Page Limit.

Respectfully submitted, this 26th day of November, 2013.

/s/ Robb S. Harvey

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Inc.; and St. Mary Villa, Inc.*

\* pending *pro hac vice* admission

**CERTIFICATE OF SERVICE**

I hereby certify that on November 26, 2013, I electronically filed the foregoing Plaintiffs' Motion for Preliminary Injunction and Request for Oral Argument with the Clerk of the United States District Court for the Middle District of Tennessee using the CM/ECF system and mailed the foregoing by first class mail via the United States Postal Service to the following:

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