

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

**THE CATHOLIC DIOCESE OF
NASHVILLE, ET AL.,**

Plaintiffs - Appellants,

v.

KATHLEEN SEBELIUS, ET AL.,

Defendants - Appellees.

No. 12-6590

UNOPPOSED MOTION TO DISMISS APPEAL VOLUNTARILY

Appellants move to dismiss this appeal under Federal Rule of Appellate Procedure 42(b). Counsel for Defendants have indicated that they do not oppose this motion. Accordingly, appellants seek to voluntarily dismiss their appeal with each party bearing its own costs and fees, if any. Appellants respectfully request that the Clerk of this Court grant this unopposed motion pursuant to Federal Rule of Appellate Procedure 42(b).

Dated: February 28, 2013

Respectfully submitted,

s/ Matthew A. Kairis

Matthew A. Kairis (Lead Counsel)
(0055502)
Eric E. Murphy (OH 83284)
Brandy H. Ranjan (OH 86984)
JONES DAY
325 John H. McConnell Boulevard,
Suite 600
P.O. Box 165017
Columbus, OH 43216-5017
Telephone: (614) 469-3939
Facsimile: (614) 461-4198

Counsel for Appellants

L. Gino Marchetti, Jr. (TN 005562)
Matthew C. Pietsch (TN 024659)
TAYLOR, PIGUE, MARCHETTI
& BLAIR, PLLC
2908 Poston Avenue
Nashville, Tennessee 37203-1312
Telephone: (615) 320-3225

*Counsel for Appellants The Catholic
Diocese of Nashville; Catholic
Charities of Tennessee, Incorporated;
Father Ryan High School, Inc.; Pope
John Paul II High School, Inc.; Mary,
Queen of Angels, Inc.; Villa Maria
Manor, Inc.; and St. Mary Villa, Inc.*

Robb S. Harvey (TN 11519)
Lauran M. Sturm (TN 030828)
WALLER LANSDEN DORTCH &
DAVIS, LLP
511 Union Street, Suite 2700
Nashville, Tennessee 37219
Telephone: (615) 850-8856

*Counsel for Appellant Aquinas
College*

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of February, 2013, I electronically filed with the Clerk's Office of the United States Court of Appeals for the Sixth Circuit this Unopposed Motion to Dismiss Case Voluntarily, and further certify that opposing counsel will be notified of this filing through the Notice of Docket Activity generated by this electronic filing.

s/ Matthew A. Kairis
Attorney for Appellants