

**No. 13-1677**

---

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

---

**EDEN FOODS, INC. AND MICHAEL POTTER, OWNER AND SOLE SHAREHOLDER OF  
EDEN FOODS, INC.,**  
*Plaintiffs-Appellants,*

**v.**

**KATHLEEN SEBELIUS, IN HER OFFICIAL CAPACITY AS SECRETARY OF HEALTH  
AND HUMAN SERVICES; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN  
SERVICES; SETH D. HARRIS, IN HIS OFFICIAL CAPACITY AS ACTING SECRETARY  
OF THE DEPARTMENT OF LABOR; UNITED STATES DEPARTMENT OF LABOR;  
JACK LEW, IN HIS OFFICIAL CAPACITY AS SECRETARY OF TREASURY, UNITED  
STATES DEPARTMENT OF THE TREASURY,**  
*Defendants-Appellees.*

---

ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
HONORABLE DENISE P. HOOD  
Civil Case No. 2:13-cv-11229

---

**MOTION TO EXPEDITE APPEAL**

---

RICHARD THOMPSON, ESQ.  
THOMAS MORE LAW CENTER  
P.O. BOX 393  
ANN ARBOR, MI 48106  
(734)827-2001

ERIN ELIZABETH MERSINO, ESQ.  
THOMAS MORE LAW CENTER  
P.O. BOX 393  
ANN ARBOR, MI 48106  
(734)827-2001  
*Attorneys for Plaintiffs- Appellants*

This case involves an appeal from the denial of a preliminary injunction against the unconstitutional aims of the HHS Mandate. Absent relief from the Court, the HHS Mandate applies to the Plaintiffs-Appellants. *See* 26 U.S.C. § 4980D. While subject to the HHS Mandate, the Plaintiff-Appellants' rights under the Religious Freedom Restoration Act and First Amendment are being trampled upon as detailed in the Plaintiff's Motion for Injunction Pending Appeal.

This constitutes good cause to expedite the appeal pursuant to 6 Cir. R. 27(f). Moreover, this is an appeal from an order denying a preliminary or temporary injunction, which this Court routinely decides on an expedited basis. 6 Cir. I.O.P. 28(c). To that end, Plaintiffs-Appellants request that the Court decide this case on an expedited basis and set an appropriate briefing schedule.

### CONCLUSION

For these reasons, Plaintiff-Appellants respectfully request that the court expedite the appeal.

Dated: May 23, 2013

Respectfully submitted,

THOMAS MORE LAW CENTER

/s/ Erin Mersino

Erin Mersino (P70886)

Richard Thompson, Esq. (P21410)

24 Frank Lloyd Wright Blvd.

P.O. Box 393

Ann Arbor, MI 48106

(734) 827-2001

emersino@thomasmore.org

**CERTIFICATE OF SERVICE**

I hereby certify that on May 23, 2013 I served a true and correct copy of the foregoing by electronic mail and U.S. Mail on the following:

Alisa Klein  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001  
Alisa.Klein@usdoj.gov  
Counsel for Defendants

THOMAS MORE LAW CENTER

/s/ Erin Mersino  
Erin Mersino (P70886)