## UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA

HASTINGS AUTOMOTIVE, INC., a
Minnesota corporation, HASTINGS
CHRYSLER CENTER, INC., a Minnesota
corporation; and DOUGLAS W.
ERICKSON, a Minnesota resident,

Plaintiffs,

VS.

KATHLEEN SEBELIUS, in her official capacity as Secretary of the United States Department of Health and Human Service; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; THOMAS PEREZ, in his official capacity as Secretary of the United States Department of Labor; UNITED STATES DEPARTMENT OF LABOR; JACOB LEW, in his official capacity as Secretary of the United States Department of the Treasury; and UNITED STATES DEPARTMENT OF THE TREASURY,

Defendants.

Case No.: 0:14-cv-00265 PAM-JJG

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND STAY

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiffs Douglas W. Erickson, Hastings Automotive, Inc., and Hastings Chrysler Center, Inc., by and through their undersigned counsel, move the Court for a preliminary injunction in the form proposed in the accompanying proposed order against the enforcement of 42 U.S.C. § 300gg-13(a)(4) (the "Mandate") and its implementing regulations, published at 76 Fed. Reg. 46621-46626 (August 3, 2011) (interim final rules) and 77 Fed. Reg. 8725-8730 (Feb. 15, 2012) (final rules), against Plaintiffs, and against any health insurance issuer

when offering any group health insurance coverage to Plaintiffs without coverage for "[a]ll Food and Drug Administration approved contraceptive methods, sterilization procedures, and patient education and counseling for all women with reproductive capacity." Plaintiffs also move the court for a stay of proceedings until thirty days after the mandate issues from the Supreme Court in Sebelius v. Hobby Lobby Stores, Inc., No. 13-354, and Conestoga Wood Specialties Corp. v. Sebelius, No. 13-356.

Plaintiffs do not expect that this Motion will be opposed. In the event that this motion is opposed, Plaintiffs will submit a memorandum of law and arguments of counsel in support of this Motion.

March 7, 2014

## LIBERTY INSTITUTE

By: s/ Kathryn M. Nash

Kathryn M. Nash (MN Bar No. 0312496) Meghann F. Kantke (MN Bar No. 0391270) Pamela Kovacs (MN Bar No. 0394817) Volunteer Attorneys, Liberty Institute 80 South Eighth Street, Suite 500

Minneapolis, MN 55402

Telephone: (612) 632-3000

Facsimile: (612) 632-4444 kathryn.m.nash@gmail.com

mekantke@gmail.com

pamelajkovacs@yahoo.com

Jeff Mateer, (TX Bar No.: 13185320) General Counsel, Liberty Institute Jeremiah G. Dys (W. Va Bar No.: 9998) Senior Counsel, Liberty Institute 2001 Plano Parkway, Suite 1600 Plano, TX 75075 jmateer@libertyinstitute.org jdys@libertyinstitute.org

## **ATTORNEYS FOR PLAINTIFFS**

GP:3588168 v2