

IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

MERSINO MANAGEMENT COMPANY;
KAREN A. MERSINO; and RODNEY A.
MERSINO,

Plaintiffs-Appellants,

No. 13-1944

v.

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

Defendants-Appellees

**Motion For Summary Affirmance In Light Of Today's
Controlling Decision In *Autocam v. Sebelius*, No. 12-2673 (6th Cir.)**

This appeal presents the same legal issues that were resolved by today's decision in *Autocam Corp. v. Sebelius*, No. 12-2673 (6th Cir. Sept. 17, 2013): whether the Religious Freedom Restoration Act ("RFRA") allows a for-profit corporation or its controlling shareholders to deny employees the health coverage of contraceptives that is otherwise required by federal law. In today's decision, this Court held that a for-profit secular corporation is not a person engaged in religious exercise within the meaning of RFRA. This Court dismissed the controlling shareholders' claims for lack of standing. The *Autocam* decision is

controlling precedent that governs the resolution of this case. Accordingly, we respectfully request that this Court summarily affirm the denial of a preliminary injunction and dismiss the controlling shareholders' claims for lack of standing.

Respectfully submitted,

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September 17, 2013

CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2013, I filed and served the foregoing motion on counsel of record through this Court's CM/ECF system.

/s Alisa B. Klein

Alisa B. Klein