

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

**OPPOSITION TO PLAINTIFFS' MOTION
FOR AN INJUNCTION PENDING APPEAL**

This appeal is one of several cases pending before this Court in which the plaintiffs contend that, under the Religious Freedom Restoration Act (“RFRA”), a group health plan sponsored by a for-profit corporation should be exempted from the requirement to cover Food and Drug Administration-approved contraceptives, as prescribed by a health care provider. This Court previously denied the plaintiffs’ motions for injunctions pending appeal in *Autocam Corp. v. Sebelius*, No. 12-2673 (6th Cir. Dec. 28, 2012), and *Eden Foods, Inc. v. Sebelius*, No. 13-

1677 (6th Cir. June 28, 2013). This Court should deny the plaintiffs' motion for injunction pending appeal in this case for the same reasons.¹

Plaintiffs also have moved to expedite their appeal. We take no position on that motion. We note that this Court heard oral argument in *Autocam* on June 11, and we expect this Court's *Autocam* decision to control the disposition of this appeal as well.

Respectfully submitted,

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¹ Plaintiffs' counsel here also represents the plaintiffs in *Eden Foods*.

CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2013, I filed and served the foregoing opposition on counsel of record through this Court's CM/ECF system.

/s Alisa B. Klein

Alisa B. Klein