

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION

SHARPE HOLDINGS, INC., et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 2:12-cv-00092
	)	
UNITED STATES DEPARTMENT	)	
OF HEALTH AND HUMAN SERVICES,	)	
et al.,	)	
	)	
Defendants.	)	

**SUPPLEMENTAL MEMORANDUM IN SUPPORT OF  
MOTION FOR TEMPORARY RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION**

On the same day that Plaintiffs filed their Motion for a Temporary Restraining Order and Preliminary Injunction, and their Memorandum in Support thereof, the United States District Court for the Western District of Missouri handed down a decision granting injunctive relief to similarly situated plaintiffs. *See American Pulverizing Co. v. U.S. Dep’t of Health & Human Servs.*, No. 12-3459-CV-S-RED (W.D. Mo. Dec. 20, 2012), attached hereto as Exhibit 1. The Plaintiffs thus wish to supplement their Memorandum in Support.

The plaintiffs in *American Pulverizing* are four for-profit companies and their two individual owners and controllers. *Id.* at 3. The individuals are “Evangelical Christians [who] believe that the use of contraceptive services is contrary to their religious beliefs.” *Id.* The plaintiffs therefore object to having their employee health insurance plans, which renew on January 1, 2013, cover emergency contraceptives and related counseling as required by the Patient Protection and Affordable Care Act. Accordingly, they sought a preliminary injunction pursuant to the Religious Freedom Restoration Act. *Id.* at 3-4.

The Western District analyzed the case using the *Dataphase* factors, finding that (1) there was a threat of imminent, irreparable harm to the plaintiffs absent injunctive relief (*Id.* at 4-5); (2) the possible injury to the plaintiffs was far greater than that to any other interested parties (*Id.* at 5); (3) the public interest did not bar an injunction (*Id.* at 5); and (4) the plaintiffs demonstrated a “probability of success on the merits” (*Id.* at 5-8). Finding that “the balance of equities tip strongly in favor of injunctive relief,” the Western District granted the plaintiffs’ motion for a preliminary injunction. *Id.* at 8.

The Plaintiffs in the case at bar are in the same position as the plaintiffs in *American Pulverizing*, and are in a very similar position to the plaintiffs in *O’Brien v. U.S. Dep’t of Health & Human Servs.*, 12-3357 (8th Cir. 2012). These decisions are from a Missouri federal court and the Eighth Circuit, respectively, and both courts found the need for injunctive relief.<sup>1</sup>

Respectfully submitted,

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<sup>1</sup> The court in *American Pulverizing* discussed the Eighth Circuit’s order in *O’Brien*, which on its face granted “Appellant’s motion for stay pending appeal.” Exhibit 1, at 1. The Western District noted that the Defendants conceded that the Eighth Circuit was granting the *O’Brien* plaintiffs’ motion for a preliminary injunction—the only motion that was before the court.