

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

THE CATHOLIC BENEFITS)
ASSOCIATION LCA; THE CATHOLIC)
INSURANCE COMPANY; THE ROMAN)
CATHOLIC ARCHDIOCESE OF)
OKLAHOMA CITY; CATHOLIC)
CHARITIES OF THE ARCHDIOCESE OF)
OKLAHOMA CITY, INC.; ALL SAINTS)
CATHOLIC SCHOOL, INC.;)
ARCHBISHOP WILLIAM E. LORI,)
ROMAN CATHOLIC ARCHDIOCESE OF)
BALTIMORE AND HIS SUCCESSORS)
IN OFFICE; THE CATHEDRAL)
FOUNDATION, INC. d/b/a CATHOLIC)
REVIEW MEDIA; VILLA ST. FRANCIS)
CATHOLIC CARE CENTER, INC.; and)
GOOD WILL PUBLISHERS, INC.)

Civil Case No. 14-CV-00240-L

Plaintiffs,

v.

KATHLEEN SEBELIUS, Secretary of the)
United States Department of Health and)
Human Services; UNITED STATES)
DEPARTMENT OF HEALTH AND)
HUMAN SERVICES; THOMAS E.)
PEREZ, Secretary of the United States)
Department of Labor; UNITED STATES)
DEPARTMENT OF LABOR; JACOB J.)
LEW, Secretary of the United States)
Department of the Treasury; UNITED)
STATES DEPARTMENT OF THE)
TREASURY)

Defendants.

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs hereby move for a preliminary injunction against Defendants' enforcement of a series of rules (collectively, the "Mandate") that require Plaintiffs to pay for, provide, or otherwise facilitate access to contraceptives, abortion-inducing drugs and devices, sterilization, and related counseling ("CASC services") as part of their employee health plans, and that prohibit Plaintiffs from associating for the common religious purpose of ensuring delivery of morally compliant health benefits to their employees and members.

1. As explained in Plaintiffs' Opening Brief in Support of Motion for Preliminary Injunction, the Mandate violates Plaintiffs' rights under the Religious Freedom Restoration Act, 42 U.S.C. §§ 2000bb to 2000bb-4, and the Establishment Clause of the First Amendment, and will cause Plaintiffs irreparable harm if not enjoined. The balance of harms favors Plaintiffs, and an injunction is in the public interest. *See Hobby Lobby Stores, Inc. v. Sebelius*, 723 F.3d 1114, 1146 (10th Cir. 2013); *Awad v. Ziriax*, 670 F.3d 1111, 1131-32 (10th Cir. 2012).

2. Plaintiffs The Roman Catholic Archdiocese of Oklahoma City, Catholic Charities of the Archdiocese of Oklahoma City, Inc., All Saints Catholic School, Inc., Villa St. Francis Catholic Care Center, Inc., and Good Will Publishers, Inc. seek a preliminary injunction on behalf of themselves and a class consisting of all employers that: (i) are operated in accordance with Catholic principles and religious teachings and are committed, as part of their religious witness and exercise, to providing health care benefits consistent with Catholic values; (ii) have become or in the future will become members of Plaintiff The Catholic Benefits Association LCA; and (iii) are eligible to

purchase stop-loss coverage through Plaintiff The Catholic Insurance Company as part of an arrangement to provide health care coverage to their employees and former employees and to such employees' dependents.

3. Plaintiff The Roman Catholic Archdiocese of Oklahoma City seeks a preliminary injunction on behalf of itself and a subclass consisting of the "Group I Members" of Plaintiff The Catholic Benefits Association LCA (as defined in Plaintiffs' Verified Complaint ¶ 89) that meet the above class definition.

4. Plaintiffs Catholic Charities of the Archdiocese of Oklahoma City, Inc., All Saints Catholic School, Inc., and Villa St. Francis Catholic Care Center, Inc. seek a preliminary injunction on behalf of themselves and a subclass consisting of the "Group II Members" of Plaintiff The Catholic Benefits Association LCA (as defined in Plaintiffs' Verified Complaint ¶ 89) that meet the above class definition.

5. Plaintiff Good Will Publishers, Inc. seeks a preliminary injunction on behalf of itself and a subclass consisting of the "Group III Members" of Plaintiff The Catholic Benefits Association LCA (as defined in Plaintiffs' Verified Complaint ¶ 89) that meet the above class definition.

6. Plaintiff The Catholic Benefits Association LCA seeks a preliminary injunction on behalf of itself and all of its present and future members.

7. Plaintiff The Catholic Insurance Company seeks preliminary injunction on behalf of itself and all of its present and future insureds.

8. Plaintiffs request that the Court enter a preliminary injunction prohibiting Defendants, during the course of this litigation, from:

- a. Enforcing the Mandate against Plaintiffs;
- b. Charging or assessing taxes, penalties, or other burdens against Plaintiffs for failure to pay for, provide, or directly or indirectly facilitate access to CASC services; and
- c. Interfering with Plaintiffs' relationships with their insurers or third party administrators and with Plaintiffs' attempts to arrange or contract for morally compliant health or stop-loss coverage or related services for their employees and members.

For the reasons set forth herein and in Plaintiffs' Opening Brief in Support of Motion for Preliminary Injunction filed contemporaneously herewith, Plaintiffs respectfully request that the Court enter a preliminary injunction as described above.

**PLAINTIFFS RESPECTFULLY REQUEST THE OPPORTUNITY
FOR ORAL ARGUMENT ON THIS MOTION.**

<Signatures on following page>

DATED: March 12, 2014.

Respectfully submitted,

/s/ J. Angela Ables

J. Angela Ables (Okla. Bar #0112)
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(*Pro Hac Vice Motions Pending*)

ATTORNEYS FOR PLAINTIFFS

sdg

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of March, 2014, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to all ECF registrants.

I further certify that on the 12th day of March, 2014, a copy of the attached document was served on the following by certified mail, restricted delivery, return receipt requested:

Kathleen Sebelius, Secretary of the United States
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s/ J. Angela Ables

J. Angela Ables