

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

THE CATHOLIC BENEFITS  
ASSOCIATION LCA; THE CATHOLIC  
INSURANCE COMPANY

Plaintiffs,

v.

Civil Case No. 5:14-cv-00685-R

SYLVIA M. BURWELL, 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 “CASC Mandate”) that requires Plaintiffs, the Catholic Benefits Association’s members, or their insurers or third party administrators to pay for, provide, or otherwise facilitate access to contraceptives, abortion-inducing drugs and devices, sterilization, and related counseling (“CASC services”) and that prohibits or prevents Plaintiffs from associating for the common

religious purpose of ensuring delivery of morally compliant health benefits to their employees and members as follows:

1. As set forth in Plaintiffs' Opening Brief in Support of Motion for Preliminary Injunction and the Amended Verified Complaint, both of which are filed contemporaneously herewith, the CASC Mandate violates Plaintiffs' rights and the rights of CBA Members<sup>1</sup> under the Religious Freedom Restoration Act, 42 U.S.C. §§ 2000bb to 2000bb-4, the Establishment Clause of the First Amendment, and the Administrative Procedure Act, and will cause Plaintiffs and their members irreparable harm if not enjoined. The balance of harms favors Plaintiffs, and a preliminary injunction is in the public interest. *See Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751 (2014); *Hobby Lobby Stores, Inc. v. Sebelius*, 723 F.3d 1114, 1146 (10th Cir. 2013); *Awad v. Ziriya*, 670 F.3d 1111, 1131-32 (10th Cir. 2012).

2. Plaintiffs seek a preliminary injunction on their behalf and on behalf of the CBA Members. Plaintiffs and the CBA Members operate 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. All CBA Members are eligible to purchase stop-loss coverage through the Catholic Insurance Company as part of an arrangement to provide health care coverage to their employees and such employees' dependents.

---

<sup>1</sup> "CBA Members" shall include Catholic Benefits Association members that have joined the CBA from June 4, 2014, to the date of the Court's preliminary injunction order and also CBA members that join the CBA any time thereafter so long as they meet the same criteria for membership as set forth in the Amended Verified Complaint.

WHEREFORE Plaintiffs respectfully request that the Court preliminarily enjoin the Defendants, their agents, officers, and employees, representatives, and all others in active concert or participation with them from:

1. Enforcing the CASC Mandate against Plaintiffs and the CBA Members;
2. Charging or assessing taxes, penalties, or other burdens against CBA Members for failure to pay for, provide, or directly or indirectly facilitate access to CASC services; and
3. Enforcing any mandate for insurers or third party administrators to provide CASC services to CBA Members' employees or health plan beneficiaries or otherwise interfering with CBA Members' relationships with their insurers or third party administrators and with CBA members' attempts to arrange or contract for morally compliant health or stop-loss coverage or related services for their employees and members.

<Signatures on following page>

Respectfully submitted,

/s/ L. Martin Nussbaum

L. Martin Nussbaum (Colo. Bar #15370)

Ian S. Speir (Colo. Bar #45777)

Eric Kniffin (D.C. Bar #999473)

LEWIS ROCA ROTHGERBER LLP

90 S. Cascade Ave., Suite 1100

Colorado Springs, CO 80903

o:719-386-3000; f:719-386-3070

mnussbaum@lrrlaw.com

ispeir@lrrlaw.com

ekniffin@lrrlaw.com

*Admitted Pro Hac Vice*

J. Angela Ables (Okla. Bar #0112)\_

Johnny R. Blassingame (Okla. Bar #21110)

KERR, IRVINE, RHODES & ABLES, P.C.

201 Robert S. Kerr Ave., Suite 600

Oklahoma City, Oklahoma 73102

o:405-272-9221; f:405-236-3121

aables@kiralaw.com

jblassingame@kiralaw.com

**ATTORNEYS FOR PLAINTIFFS**

sdg

**CERTIFICATE OF SERVICE**

I hereby certify that on October 2, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notice of such filing to all parties.

/s/ Ian S. Speir  
IAN S. SPEIR