

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:13-cv-00563-RBJ-BNB

W. L. (BILL) ARMSTRONG;
JEFFREY S. MAY;
WILLIAM L. (WIL) ARMSTRONG III;
JOHN A. MAY;
DOROTHY A. SHANAHAN; and
CHERRY CREEK MORTGAGE CO., INC.,
a Colorado corporation,

Plaintiffs,

v.

KATHLEEN SEBELIUS, in her official capacity as
Secretary of the United States Department of Health
and Human Services; SETH D. HARRIS, in his official capacity
as Acting Secretary of the United States Department of Labor;
JACOB J. LEW, in his official capacity as Secretary of the
United States Department of the Treasury; the UNITED
STATES DEPARTMENT OF HEALTH AND HUMAN
SERVICES; the UNITED STATES DEPARTMENT OF LABOR;
and the UNITED STATES DEPARTMENT OF THE TREASURY,

Defendants.

MOTION FOR PRELIMINARY INJUNCTION
and CERTIFICATE OF COMPLIANCE RE: CONSULTATION ON MOTION
ORAL ARGUMENT REQUESTED

PLAINTIFFS W. L. (BILL) ARMSTRONG, JEFFREY S. MAY, WILLIAM L. (WIL)
ARMSTRONG III, JOHN A. MAY, DOROTHY A. SHANAHAN, and CHERRY CREEK
MORTGAGE CO., INC., a Colorado corporation, by and through their attorneys Michael J.
Norton and the undersigned attorneys of Alliance Defending Freedom and Natalie L. Decker of
the Law Office of Natalie L. Decker, LLC, hereby move the Court to enter a preliminary
injunction in favor of the Plaintiffs and, in support hereof, state as follows:

1. As is evident from Plaintiffs' Verified Complaint, Plaintiffs W. L. (Bill) Armstrong, Jeffrey S. May, William L. (Wil) Armstrong III, John A. May, and Dorothy A. Shanahan, are all of the voting shareholders of Plaintiff Cherry Creek Mortgage Co., a Colorado corporation which operates, pursuant to the Internal Revenue Code, as an S-corporation.
2. Each of the individual Plaintiffs is a believing and practicing Evangelical Christian. Contrary to their sincerely held religious beliefs in opposition to abortion, the employee health plan benefits they provide to employees of the company they own and manage, *i.e.*, Plaintiff Cherry Creek Mortgage Co., Inc., is required, pursuant to the Patient Protection and Affordable Care Act, Pub. L. No. 111-148 (Mar. 23, 2010) (the "ACA"), to include coverage, under pain of penalty, of abortion-inducing drugs, abortion-inducing intrauterine devices, and related patient education and counseling (the "HHS Mandate").
3. Plaintiffs request a preliminary injunction against the Defendants and their HHS Mandate as it violates Plaintiffs sincerely held religious beliefs and is thus a violation of the Religious Freedom Restoration Act and the First Amendment to the U.S. Constitution.
4. In the event the Court is not inclined to grant the motion as requested, Plaintiffs request that Court set the matter for oral argument on a date and at a time convenient to the Court and opposing counsel.
5. Certificate of Compliance. Pursuant to D.C.COLO.LCivR 7.1A, Attorney Michael J. Norton, one of the attorneys for the Plaintiffs, certifies that he has, before the filing of this Motion for Preliminary Injunction, consulted and conferred with attorneys for the Defendants, to wit: Michelle R. Bennett, Trial Attorney, U.S. Department of Justice, Civil Division, Federal Programs Branch, Washington, D.C. (202-305-8902). Ms. Bennett advised that the Defendants oppose the motion for preliminary injunction. Ms. Bennett further advised that

Defendants do not believe oral argument is necessary, but do not oppose oral argument if the Court believes it would be helpful to the Court.

6. In support of this motion, Plaintiffs submit an accompanying brief.

WHEREFORE, Plaintiffs respectfully plead as aforesaid and, in the event the Court does not grant the motion for preliminary injunction as filed, request that oral argument be scheduled on their motion on a date and at a time convenient to the Court and counsel.

Respectfully submitted this 15th day of March, 2013.

Attorneys for Plaintiffs:

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and

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CERTIFICATE OF SERVICE

I, Michael J. Norton, hereby certify that on the 15th day of March, 2013, I caused the foregoing motion to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record, to wit:

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s/ Michael J. Norton
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