

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

TONN AND BLANK CONSTRUCTION, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:12-CV-325 JD
	)	
KATHLEEN SEBELIUS, in her official capacity	)	
as Secretary of the U.S. Department of Health and	)	
Human Services, <i>et al.</i> ,	)	
	)	
Defendants.	)	

ORDER

On September 20, 2012, Plaintiff filed a 7-count complaint seeking relief from government action requiring Tonn and Blank Construction, LLC, a for-profit limited liability corporation and affiliate of the faith-based Franciscan Alliance, from having to pay, sponsor, and facilitate abortion-inducing drugs, contraception, sterilization, and related counseling (characterized by Plaintiff as “objectionable services”) through its health plan [DE 1]. Tonn and Blank’s employee health benefits plan has been providing coverage for these objectionable services before and after February 10, 2012 [DE 5 at 9], and Plaintiff applies for a preliminary injunction [DE 4, 5].

On September 20, 2012, a summons was issued as to the Defendants identified in the complaint [DE 6]. Plaintiff indicates that it has also sent Defendants a copy of the memorandum in support of the preliminary injunction request [DE 5 at 34].

Fed. R. of Civ. P. 65 requires that notice be provided to the adverse party prior to ruling on a motion for preliminary injunction. In this case, service has not been executed. Because Plaintiff is seeking a preliminary injunction and a hearing on the matter, the Court will set a

briefing schedule and/or hearing on the Plaintiff's motion, if deemed necessary, only after the Court has the means to provide notice to adverse parties of the proceedings as required by the rules.

SO ORDERED.

ENTERED: September 21, 2012

/s/ JON E. DEGUILIO  
Judge  
United States District Court