

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LEGATUS, et al.,

Plaintiffs,

v.

Case No. 12-12061

KATHLEEN SEBELIUS, et al.,

Defendants.

**ORDER DIRECTING PLAINTIFFS TO FILE PRELIMINARY INJUNCTION AND
SETTING BRIEFING SCHEDULE AND HEARING**

On July 25, 2012, Plaintiffs Legatus, Daniel Weingartz, and Weingartz Supply Company filed an “Emergency Motion for Temporary Restraining Order,” in which they seek a temporary restraining order enjoining the enforcement of a regulation (“Regulation”) promulgated by the United States Departments of Health and Human Services, Labor, and Treasury pursuant to § 1001 of the Patient Protection and Affordable Care Act of 2010. The regulation requires group health plans and health insurance issuers to cover, commencing with plan years beginning on or after August 1, 2012, all Food and Drug Administration-approved contraceptive services, sterilization procedures, and education and counseling for women without imposing any cost-sharing requirements. See 45 C.F.R. § 147.130(a)(1)(iv). Following two off-the-record telephonic conferences initiated by the court, Plaintiffs and the Government submitted a Stipulated Agreement whereby the Government agreed not to enforce the Regulation against Plaintiffs prior to January 1, 2013, the beginning of Plaintiffs’ next plan years. The Stipulated Agreement also proposed converting Plaintiffs’ pending motion for a

temporary restraining order to a motion for a preliminary injunction. Although the Government maintains that Plaintiffs are not entitled to emergency relief in this case, it stated that it did not object to the preliminary injunction briefing schedule proffered by Plaintiffs. Instead of converting the pending motion, brought to pursuant to Federal Rule of Civil Procedure 65(b), to a Rule 65(a) preliminary injunction motion, the court will direct Plaintiffs to file a separate motion for preliminary injunction, and will set a briefing schedule and a hearing for that motion. Because the parties agree that the motion for a temporary restraining order should be pursued as a preliminary injunction motion, the court will terminate as moot the pending motion once Plaintiffs' file their motion for a preliminary injunction. Accordingly,

IT IS ORDERED that Plaintiffs are DIRECTED to file a motion for preliminary injunction on or before **August 15, 2012**. The Government is DIRECTED to file a response to the motion for preliminary injunction on or before **August 29, 2012**. Both the brief accompanying Plaintiffs' motion and the Government's response shall be limited to forty pages. Any reply by Plaintiffs shall be filed on or before **September 6, 2012**, and shall be limited to fifteen pages.

IT IS FURTHER ORDERED that counsel are DIRECTED to appear before the Honorable Robert H. Cleland, United States District Judge, on **September 26, 2012, at 10:00 a.m.** in Room 712, Theodore Levin U.S. Courthouse, 231 W. Lafayette Blvd., Detroit, Michigan 48226, for oral argument on the motion for preliminary injunction.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: August 7, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 7, 2012, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522