

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

SHARPE HOLDINGS, INC., et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 2:12-cv-00092-DDN
)	
UNITED STATES DEPARTMENT)	
OF HEALTH AND HUMAN SERVICES,)	
et al.,)	
)	
Defendants.)	

**MOTION OF CNS INTERNATIONAL MINISTRIES, INC. AND HEARTLAND
CHRISTIAN COLLEGE FOR A TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

Plaintiffs CNS International Ministries, Inc. and Heartland Christian College (“these Plaintiffs”), by and through their undersigned counsel, pursuant to Rule 65, Fed. R. Civ. P., and for the reasons set forth in the accompanying Memorandum of Law, hereby move this Court for a temporary restraining order and preliminary injunction preserving the status quo and prohibiting Defendants, their agents, officers and employees from applying and enforcing against these Plaintiffs, their employee health plan(s), or their insurer(s) the statutes and regulations that require these Plaintiffs, their insurer or third party administrator to provide employees insurance coverage for “[a]ll Food and Drug Administration approved contraceptive methods, sterilization procedures, and patient education and counseling for all women with reproductive capacity,” pursuant to 77 Fed. Reg. 8725, 78 Fed. Reg. 39870, or 45 C.F.R. § 147.131, as well as any penalties, fines, assessments, or enforcement actions for non-compliance, including but not limited to those found in 26 U.S.C. §§ 4980D and 4980H, and 29 U.S.C. § 1132, to the extent these regulations require coverage of services that these Plaintiffs believe to be abortifacients.

1. CNS International Ministries, Inc. (“CNS Ministries”) is a Missouri nonprofit corporation that employs more than 50 men and women. CNS Ministries provides full-time residential services to men, women and children who suffer from alcohol or drug dependencies or other behavioral problems. CNS Ministries offers health insurance to its employees through a self-insured plan.

2. Heartland Christian College (“HCC”) is a Missouri nonprofit corporation that employs fewer than 50 men and women. HCC is a Missouri non-profit corporation that provides post-secondary higher education to employees and residents of CNS International Ministries and their dependents, in addition to others. HCC offers health insurance to its employees through a self-insured plan.

3. Plaintiff Charles N. Sharpe is the founder, president and chairman of the board of CNS Ministries. Mr. Sharpe strives to lead CNS Ministries and head its operations according to Christian principles and sincerely held religious beliefs.

4. Founded by Charles N. Shape, HCC is governed by a board of directors, all of whom are professing Christians who subscribe to its statement of faith.

5. Charles N. Sharpe and these Plaintiffs oppose the use, funding, provision or support of abortion on demand as a matter of sincerely held religious belief and practice. Charles N. Sharpe and these Plaintiffs believe that Plan B (the “morning after pill”), ella (the “week after pill”) and the copper intra-uterine device (“IUD”) can and do cause the demise of fertilized eggs and are therefore abortifacients.

6. These Plaintiffs seek a temporary restraining order and preliminary injunction because there is a threat of irreparable harm to these Plaintiffs, these Plaintiffs are likely to

succeed on the merits, the balance of harms favors these Plaintiffs, and granting the injunction is in the public interest.

7. In addition, these Plaintiffs request immediate injunctive relief because the renewal date of their employee health benefit plan is January 1, 2014, and these Plaintiffs must complete the process of identifying an appropriate health plan and completing the enrollment process for their employees immediately.

8. This case is one of at least 43 lawsuits brought by nonprofit entities challenging the contraceptive mandate, and one of at least 12 lawsuits brought by nonprofit corporations since the government announced its alleged “accommodation” for nonprofits regarding the mandate. HHC Information Central, available at <http://www.becketfund.org/hhsinformationcentral/> (last visited Dec. 8, 2013).

9. In one of the only or perhaps *the only* decision so far regarding the several challenges to the nonprofit accommodation, an injunction similar to that requested in the case at bar was entered. *Zubik v. Sebelius*, 2013 WL 6118696 (W.D. Pa. Nov. 21, 2013).

10. Bond should be waived since there will be no demonstrable harm to the Defendants if the unlawful and unconstitutional acts complained of herein are enjoined.

Wherefore, these Plaintiffs move the Court for a temporary restraining order and preliminary injunction, as described above.

Respectfully submitted this 11th day of December, 2013.

OTTSEN, LEGGAT AND BELZ, L.C.

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Certificate of Service

I hereby certify that on December 11, 2013, the foregoing was filed electronically with the Clerk of the Court for the United States District Court for the Eastern District of Missouri to be served by operation of the Court's electronic filing system upon the following registered CM/ECF participants:

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