

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

PRIESTS FOR LIFE,

Plaintiff,

vs.

KATHLEEN SEBELIUS, in her official
capacity as Secretary, United States
Department of Health and Human Services;
UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
HILDA SOLIS, in her official capacity as
Secretary, United States Department of Labor;
UNITED STATES DEPARTMENT OF
LABOR; TIMOTHY GEITHNER, in his
official capacity as Secretary, United States
Department of the Treasury; and UNITED
STATES DEPARTMENT OF THE
TREASURY,

Defendants.

Case No. 12-00753-FB-RER

**NOTICE OF DEFENDANTS' MOTION
TO DISMISS FOR LACK OF SUBJECT
MATTER JURISDICTION**

Please take notice that the Government moves to dismiss this action in its entirety for lack of jurisdiction under Federal Rule of Civil Procedure 12(b)(1). A memorandum of law in support of the Government's motion to dismiss is attached.

Respectfully submitted this 1st day of August, 2012,

STUART F. DELERY
Acting Assistant Attorney General

IAN HEATH GERSHENGORN
Deputy Assistant Attorney General

LORETTA E. LYNCH
United States Attorney

JENNIFER RICKETTS
Director

SHEILA M. LIEBER
Deputy Director

/s/ Michelle R. Bennett

MICHELLE R. BENNETT (CO Bar No. 37050)

Trial Attorney

United States Department of Justice

Civil Division, Federal Programs Branch

20 Massachusetts Avenue N.W. Room 7310

Washington, D.C. 20530

Tel: (202) 305-8902

Fax: (202) 616-8470

Email: michelle.bennett@usdoj.gov

Attorneys for Defendants.

CERTIFICATE OF SERVICE

I certify that on August 1, 2012, the foregoing document was served via e-mail upon the following parties and participants:

Charles S. LiMandri
Law Offices of Charles S. LiMandri, APC
Po Box 9120
Rancho Santa Fe, CA 92067
858-759-9930
858-759-9938 (fax)
cslimandri@limandri.com

Teresa L. Mendoza
Law Offices of Charles S. LiMandri, APC
Po Box 9120
Rancho Santa Fe, CA 92067
858-759-9930
858-759-9938 (fax)
tmendoza@limandri.com

Robert J. Muise
American Freedom Law Center
Po Box 131098
Ann Arbor, MI 48113
(734) 635-3756
(801) 760-3901 (fax)
rmuise@americanfreedomlawcenter.org

David E. Yerushalmi
640 Eastern Parkway
Suite 4c
Brooklyn, NY 11213
646-262-0500
801-760-3901 (fax)
dyerushalmi@americanfreedomlawcenter.org

/s/ Michelle Bennett
MICHELLE BENNETT