

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AUTOCAM CORPORATION, *et al.*,

Plaintiffs,

vs.

KATHLEEN SEBELIUS, *et al.*,

Defendants.

Case No. 12-cv-01096

Honorable Robert J. Jonker

*** ORAL ARGUMENT REQUESTED ***

MOTION TO STAY CASE

1. This case presents matters of exceptional importance. Similar cases are being litigated around the country; a circuit split already exists; and the United States Solicitor General has petitioned for certiorari in a similar case, labeling the question presented as one of exceptional importance.

2. Given the circuit split and the petition from the Solicitor General, it is highly likely that the issues before the Court will be resolved, in one fashion or another, by the United States Supreme Court.

3. The Plaintiffs here are preparing to petition for certiorari to the United States Supreme Court and have already moved for a stay of the Mandate in the United States Court of Appeals for the Sixth Circuit. *See* Fed. R. App. P. 41(d)(2).

4. Until the Sixth Circuit releases the mandate, this Court lacks jurisdiction to decide issues related to those on appeal. *See United States v. Campbell*, 168 F. 3d 263, 266 n.3 (6th Cir. 1999) (quotation omitted).

5. Even if the Sixth Circuit issues the Mandate, this Court should stay this case until receiving guidance from the United States Supreme Court.

6. For the reasons stated in the response to this Court's show cause order, filed simultaneously herewith, Plaintiffs request that the Court stay this case until the Supreme Court disposes of the Plaintiffs' petition for certiorari.

7. Statement of Conferral: Plaintiffs' Counsel has conferred with opposing counsel and is authorized to state that the Defendants' take no position on this motion.

Dated: September 27, 2013

Respectfully submitted,

Patrick T. Gillen (P#47456)
Fidelis Center for Law and Policy
CatholicVote Legal Defense Fund
Attorney for Plaintiffs
1025 Commons Circle
Naples, FL 34119
(734) 355-4728
ptgillen@avemarialaw.edu

/s/ Jason C. Miller
Jason C. Miller (P#76236)
MILLER JOHNSON
Attorneys for Plaintiffs
250 Monroe Avenue, N.W., Suite 800
PO Box 306
Grand Rapids, Michigan 49501-0306
(616) 831-1700
millerj@millerjohnson.com

Peter Breen*
Thomas More Society
Attorneys for Plaintiffs
29 South LaSalle St. – Suite 440
Chicago, IL 60603
Tel. 312-782-1680
pbreen@thomasmoresociety.org
*Application for admission to be filed.