

LAW OFFICE OF KEVIN M. SMITH, P.A.
Kevin M. Smith, KS. 19242
1502 N. Broadway
Wichita, KS 67214
316-262-2331
316-262-8862 (facsimile)
kmsmith@acelaw.net

ALLIANCE DEFENDING FREEDOM
Dale Schowengerdt, Mo. 65305
15192 Rosewood
Leawood, KS 66224
(913) 685-8000
(913) 685-8001 (facsimile)

ATTORNEYS FOR PLAINTIFFS

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

RANDY REED AUTOMOTIVE, INC., <i>et al.</i>)	
)	
Plaintiffs;)	
v.)	Case No. 13-cv-06117-REL
)	
KATHLEEN SEBELIUS, <i>et al.</i> ,)	
Defendants.)	
_____)	

MOTION FOR PRELIMINARY INJUNCTION

Comes now the Plaintiff, Randy Reed Automotive, Inc., et al (collectively “Plaintiff”), by and through counsel, Kevin Mark Smith and Dale Schowengerdt, on this, the 15th day of November, 2013, pursuant to the First and Fourth Amendments to the United States Constitution, and moves the Court to issue a Preliminary Injunction against the Defendants staying enforcement of the mandate concerning abortifacients, contraception, and sterilization in the Affordable Care Act (77 Fed. Reg. 8725 (Feb. 15, 2012)).

In support of said motion, Plaintiff contends that all named litigants are closely-held organizations with a single shareholder, Randy Reed, owning 100% of the entities, who has a sincerely held religious belief prohibiting him from paying for abortifacients, contraception, and sterilization in the health care plans he provides to his employees, and that the relevant section in the Affordable Care Act that mandates such coverage is a violation of the First Amendment to the United States Constitution, as well as the Religious Freedom and Restoration Act (RFRA), 42 U.S.C. 2000bb-1. Plaintiff also contends that the issues here are similar to other cases wherein the 8th Circuit Court of Appeals has already issued injunctive relief similar to what the instant Plaintiff requests.

WHEREFORE for the above reasons, Plaintiff moves the court to issue a preliminary injunction against the Defendant staying enforcement of the mandate concerning abortifacients, contraception, and sterilization in the Affordable Care Act, prior to resolution of similar cases pending before the United States Supreme Court.

Respectfully submitted,
s/ Kevin M. Smith

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and

ALLIANCE DEFENDING FREEDOM
Dale Schowengerdt, Mo. Bar No. 65305
dale@alliancedefendingfreedom.org
15192 Rosewood
Leawood, KS 66224
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(913) 685-8001 (facsimile)

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Certificate of Service

The undersigned hereby certifies that he is an attorney at law and is a person of such age and discretion as to be competent to serve process. That on November 15, 2013, he caused to be served a copy of above motion via email to:

Michelle R. Bennett, Asst. U. S. Attorney, U.S. Department of Justice Civil Division, Federal Programs Branch, Michelle.Bennett@usdoj.gov

Additionally, that on November 18, 2013 he caused to be served a copy of the foregoing by placing said copy in the U.S Mail:

Eric H. Holder, Jr. U.S. Attorney General 950 Pennsylvania Avenue, NW Washington, DC 20530-0001

Kathleen Sebelius, U.S. Depart. of Health & Human Services 200 Independence Avenue, SW Washington, DC 20201

Thomas Perez, U.S. Department of Labor 200 Constitution Ave., NW Washington, DC 20210

Jacob Lew, U.S. Department of the Treasury 1500 Pennsylvania Avenue, NW Washington, DC 20220

Tammy Dickenson, U.S. Attorney, Western District of Missouri, Charles Evans Whittaker Courthouse U.S. Attorney's Office, Room 5510, 400 East 9th Street Kansas City, MO 64106

Respectfully submitted,
s/ Kevin M. Smith

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