

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

PRIESTS FOR LIFE, *et al.*,

Plaintiffs,

-v-

DEPARTMENT OF HEALTH AND HUMAN
SERVICES, *et al.*,

Defendants.

Case No. 1:13-cv-01261-EGS

**PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

Plaintiffs Priests for Life, Father Frank Pavone, Alveda King, and Janet Morana (collectively referred to as "Plaintiffs") hereby move this court pursuant to Rule 56 of the Federal Rules of Civil Procedure for summary judgment because there is no genuine issue of material fact and they are entitled to judgment on all claims as a matter of law. This motion is made pursuant to the minute order entered in this case on September 25, 2013, and thus hereby incorporates Plaintiffs' filings in support of their motion for preliminary injunction (Doc. No. 7).

Here, Priests for Life, an international, Catholic organization; Father Frank Pavone, the National Director of Priests for Life; Alveda King, the niece of civil rights leader Martin Luther King, Jr. and the Pastoral Associate and Director of African-American Outreach for Priests for Life; and Janet Morana, the Executive Director of Priests for Life, challenge the implementing regulations of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, 124 Stat. 119 (2010), *amended by* Healthcare and Education Reconciliation Act of 2010, Pub. L. No. 111-152, 124 Stat. 1029 (2010), which require certain employers, including Priests for Life, to provide insurance plans that include coverage for, or access to, contraception, sterilization, abortifacients, and related education and counseling ("contraceptive services mandate").

The contraceptive services mandate compels Plaintiffs to promote, facilitate, and cooperate in the government's immoral objective to increase the use of contraceptive services in direct violation of Plaintiffs' constitutional and statutory rights.

As set forth more fully in Plaintiffs' memorandum of points and authorities filed in support of their motion for preliminary injunction, the contraceptive services mandate violates the First and Fifth Amendments to the United States Constitution and the Religious Freedom Restoration Act ("RFRA"). Indeed, Defendants' stated purpose for the contraceptive services mandate—to increase the "use of contraceptive services"—directly contradicts the Gospel of Life that is professed by Plaintiffs as a core religious belief that cannot be violated directly or indirectly.

In sum, Plaintiffs' sincerely held religious beliefs prohibit them from providing any support for the use of contraceptive services—the very services mandated by Defendants as a matter of federal law. Consequently, the contraceptive services mandate places a substantial burden on Plaintiffs' sincerely held religious beliefs and the government does not have a compelling reason for doing so in violation of the Free Exercise Clause and RFRA. Additionally, the challenged mandate violates Plaintiffs' rights to freedom of speech and expressive association protected by the First Amendment. It violates Plaintiffs' right to the equal protection of the law guaranteed by the Fifth Amendment. And it is sufficiently likely to be perceived as a disapproval of Plaintiffs' religious choices in violation of the Establishment Clause.

WHEREFORE, Plaintiffs hereby request that the court grant their motion and enter judgment in their favor on all claims.

Respectfully submitted,

AMERICAN FREEDOM LAW CENTER

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CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2013, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I further certify that a copy of the foregoing has been served by ordinary U.S. mail upon all parties for whom counsel has not yet entered an appearance electronically: none.

AMERICAN FREEDOM LAW CENTER

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