

Other Orders/Judgments

3:10-cv-04814-FLW -DEA PURPURA et al v. SEBELIUS et al

U.S. District Court

District of New Jersey [LIVE]

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Case Name: PURPURA et al v. SEBELIUS et al

Case Number: 3:10-cv-04814-FLW -DEA

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Document Number: 9

Docket Text:

ORDER that Plaintiffs' Order to Show Cause is DENIED. Signed by Judge Freda L. Wolfson on 10/20/2010. (mmh)

3:10-cv-04814-FLW -DEA Notice has been electronically mailed to:

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3:10-cv-04814-FLW -DEA Notice will not be electronically mailed to::

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

NICHOLAS E. PURPURA, DONALD R.
LASTER JR., et al.,

Plaintiff,

v.

KATHLEEN SEBELIUS, et al.,

Defendants.

Civil Action No. 010-4814 (FLW)

ORDER

This matter having been opened to the Court on October 1, 2010 upon an Order to Show Cause by Plaintiffs pro se Nicholas E. Purpura and Donald R. Laster Jr., (“Plaintiffs”) seeking a Temporary Restraining Order to enjoin the implementation of H.R. 3590, the Patient Protection and Affordable Care Act (“ACA” or “the Act”); the Complaint being filed against Kathleen Sebelius, the United States Department of Health and Human Services, Timothy F. Geitner, the United States Department of the Treasury, Hilda L. Solis, and the United States Department of Labor (“Defendants”)¹; the Court finding that Plaintiff’s “Affidavit in Support of Order to Show Cause for a Restraining Order Due to Extraordinary Circumstances that Require Emergency Relief” does not establish any of the prerequisites for preliminary injunctive relief, i.e., (1) a

¹The Court notes that Plaintiffs have not properly served the United States. Fed. R. Civ. P. 4(i)(1)(A)(I).

likelihood of success on the merits; (2) that the plaintiff will suffer irreparable harm if the injunction is denied; (3) that the granting relief will not result in even greater harm to the non-moving party; and (4) that the public interest favors such relief, Miller v. Mitchell, 598 F.3d 139 (3d Cir. 2010); specifically, the Court noting that Plaintiffs have made no showing of how the provisions of the Act currently in effect are inflicting irreparable harm upon them; further, the Court noting that one of the key provisions of the Act, i.e., the requirement that Americans maintain a minimum level of health insurance coverage, does not become effective until January 1, 2014;

IT IS on this 20th day of October

ORDERED that Plaintiffs' Order to Show Cause is **DENIED**.

/s/ Freda L. Wolfson
Honorable Freda L. Wolfson
United States District Judge