

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

**STYRENE INFORMATION AND
RESEARCH CENTER, INC., *et al.*,**)

Plaintiffs,)

v.)

KATHLEEN SEBELIUS, *et al.*,)

Defendants.)

Civil Action No. 1:11-cv-01079-RBW

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Rules 65 of the Federal Rules of Civil Procedure, Plaintiffs Styrene Information and Research Center, Inc., and Dart Container Corporation, by their undersigned counsel, hereby move this Court to issue a preliminary injunction ordering Defendants Kathleen Sebelius and the United States Department of Health and Human Services to withdraw from publication the 12th Report on Carcinogens (“RoC”) as it relates to the chemical styrene, which Defendants have included in the RoC as a substance “reasonably anticipated to be” a human carcinogen.

In developing and publishing the RoC for styrene, Defendants repeatedly violated their own procedures and internal guidelines and illegally relied on *ad hoc* science without which Defendants would have no support for styrene’s inclusion in the RoC. Plaintiffs will suffer irreparable harm if an injunction is not granted because styrene will face swift and extensive deselection in the market that will be difficult or impossible to undo. Moreover, publication on the RoC triggers other federal and state regulatory requirements that will adversely affect the market for styrene and products made from styrene.

Neither HHS nor any member of the public will suffer a cognizable harm if the injunction is granted. In fact, when dealing with an issue of public health such as this, the public will benefit from an injunction by obtaining a decision about the carcinogenicity of styrene that follows HHS' internal procedures and that comports with the strictures of federal procedural and substantive law.

Wherefore, for the reasons set forth above and with greater detail in the accompanying memorandum of points and authorities, Plaintiffs respectfully request that this Court issue a preliminary injunction ordering Defendants to withdraw from publication the RoC as it relates to the chemical styrene until the conclusion of the underlying litigation.

Pursuant to Local Rule 7(f), Plaintiffs respectfully request oral argument on their Motion for Preliminary Injunction.

Dated: June 16, 2011

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 16, 2011, a copy of the foregoing was filed with the Court's CM/ECF software and served via the same on Defendants' counsel of record.

/s/ Robert A. Sheffield
Robert A. Sheffield