

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

**THE CATHOLIC BENEFITS  
ASSOCIATION LCA et al.,** )  
)

**Plaintiffs,** )

**v.** )

**Case No. CIV-14-240-R**

**SYLVIA M. BURWELL,** )  
**Secretary of the United** )  
**States Department of Health** )  
**and Human Services et al.,** )

**Defendants.** )

**ORDER**

Plaintiffs’ Verified Motion to Amend Preliminary Injunction (“Motion”) (Doc. No. 112) is before the Court. Defendants oppose the Motion (Doc. No. 113). For the reasons that follow, the Court **GRANTS** Plaintiffs’ Motion.

Plaintiffs’ Motion seeks to expand the scope of the preliminary injunction set forth in this Court’s June 4, 2014 (Doc. 68) and December 3, 2014 (Doc. No. 84) Orders to include six Group II and Group III Catholic employers that have joined the Catholic Benefits Association (“CBA”) after May 28, 2015. Doc. No. 112. To do so, Plaintiffs were required to, and did, comply with the procedures set forth in the Court’s May 28, 2015 Order (“May 28 Order”). *See* Doc. No. 107.

As explained in the May 28 Order, this Court has “general discretionary authority to review and revise interlocutory rulings prior to entry of final judgment,” and in this case, it is “not bound by the strict standards for altering or amending a judgment

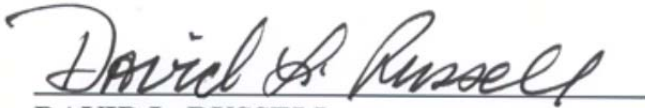
encompassed in Federal Rules of Civil Procedure 59(e) and 60(b).” Doc. No. 107 (quoting *Fye v. Oklahoma Corp. Comm’n*, 516 F.3d 1217, 1223 n.2 (10th Cir. 2008) (quoting *Wagoner v. Wagoner*, 938 F.2d 1120, 1122 n.1 (10th Cir. 1991))).

Defendants oppose the Motion, primarily in light of the Tenth Circuit’s decision in *Little Sisters of the Poor Home for the Aged v. Burwell*, 794 F.3d 1151 (10th Cir. 2015), *reh’g en banc denied*, 2015 WL 5166807 (10th Cir. Sept. 3, 2015), *mandate stayed*, Nos. 13-1540, 14-6026, 14-6028 (10th Cir. Aug. 21, 2015). As Plaintiffs assert, and Defendants acknowledge, however, the Tenth Circuit stayed its mandate pending the United States Supreme Court’s consideration of the certiorari petitions on file. *See Little Sisters of the Poor*, Nos. 13-1540, 14-6026, 14-6028 (10th Cir. Aug. 21, 2015).

Defendants also oppose Plaintiffs’ Motion “for all of the reasons stated in defendants’ prior briefs.” Doc. No. 113 at 1. The Court has addressed these reasons in its previous Motions. Doc. Nos. 68, 107.

Because Plaintiffs’ Motion comports with the Court’s May 28 Order and Defendants’ arguments do not preclude granting the Motion, Plaintiffs’ Motion (Doc. No. 112) is **GRANTED**. Preliminary injunctive relief is extended to those six Group II and Group III Catholic employers that have joined the CBA after May 28, 2015.

IT IS SO ORDERED this 30<sup>th</sup> day of November, 2015.

  
DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE