

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

THE CATHOLIC BENEFITS)
ASSOCIATION LCA et al.,)
))
Plaintiffs,)
))
v.)
))
SYLVIA M. BURWELL,)
Secretary of the United)
States Department of Health)
and Human Services et al.,)
))
Defendants.)

Case No. CIV-14-240-R

ORDER

Plaintiffs’ Verified Motion to Amend Preliminary Injunction (“Motion”) and subsequent supplements (Doc. Nos. 124, 125, and 126) are before the Court. Defendants oppose the Motion (Doc. No. 127). For the reasons that follow, the Court **GRANTS in part and DENIES in part** Plaintiffs’ Motion.

Plaintiffs filed the present Motion on April 15, 2016 to expand the scope of the preliminary injunction to include fifteen Group II and Group III employers that have joined the Catholic Benefits Association (“CBA”) after November 30, 2015. Doc. No. 124. Plaintiffs subsequently filed two supplements seeking to expand the scope to ten additional employers who joined the CBA after April 15, 2016. Doc. Nos. 125 (filed on April 20, 2016), 126 (filed on May 5, 2016). Plaintiffs file the Motion pursuant to the protocol set forth in this Court’s Order of May 28, 2015 (“May 28 Order”), Doc. No. 107.

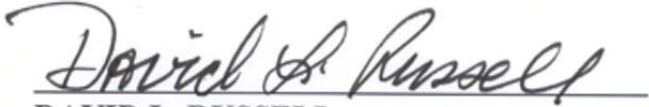
As explained in the May 28 Order, this Court has “general discretionary authority to review and revise interlocutory rulings prior to entry of final judgment,” and in this case, it is “not bound by the strict standards for altering or amending a judgment encompassed in Federal Rules of Civil Procedure 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))). The May 28 Order set forth the procedure for Plaintiffs to follow when seeking to expand the scope of the preliminary injunction to include new Group II and Group III CBA members. *Id.* Among other things, the May 28 Order prohibited Plaintiffs from filing such motions more often than every three months. *Id.* at 2.

Defendants oppose Plaintiffs’ Motion “for all of the reasons stated in defendants’ prior briefs.” Doc. No. 127 at 1. The Court has addressed these reasons in its previous Orders. Doc. Nos. 68, 107; *see also* Doc. No. 116. Defendants also note that Plaintiffs’ supplements constitute additional motions which do not abide by the three-month requirement set forth in its Order of May 28, 2015 (“May 28 Order”). Doc. No. 127 at 1 n. 1. Plaintiffs have not filed a reply.

As to the fifteen employers referenced in their April 15, 2016 Motion (Doc. No. 124), Plaintiffs complied with the procedures set forth in the May 28 Order. *See* Doc. No. 107. However, as to the ten members referenced in their supplemental filings, Plaintiffs filed those requests just days after their Motion and thus did not wait the requisite three months as these new members. *See* Doc. Nos. 125-126 (filed April 20, 2016 and May 5, 2016); *see also* Doc. 107, at 2.

Accordingly, Plaintiffs' Motion (Doc. No. 124) is **GRANTED in part and DENIED in part**. Preliminary injunctive relief is extended to those fifteen Group II and Group III Catholic employers, referenced in the Motion that have joined the CBA between November 30, 2015 and April 15, 2016. Preliminary injunctive relief is denied as to those ten Group II and Group III Catholic employers, referenced in Plaintiffs' supplements (Doc. Nos. 125-126) that have joined since April 15, 2016, for failure to comply with the procedure set forth in the May 28 Order.

IT IS SO ORDERED this 16th day of May, 2016.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE