

**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

Before the Court are the Catholic Benefits Association’s (“CBA”) Motion to Amend Preliminary Injunction, Doc. No. 87, and Plaintiffs’ Statement Regarding Procedure to Amend Preliminary Injunction to Include New CBA Members and Motion to Adopt Simplified Procedure, Doc. No. 95. Plaintiffs’ motions are granted in part and denied in part.

The 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).” *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)). Pursuant to such authority, the Court amends its Orders of June 4, 2014, Doc. No. 68, and December 3, 2014, Doc. No. 84, to include within the scope of the preliminary

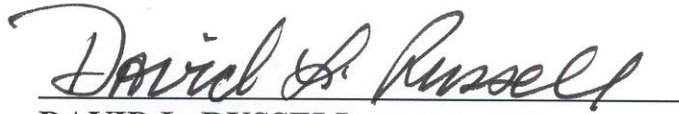
injunction the current Group II and Group III members, as the undersigned defined those members in these prior Orders, that joined the CBA after December 29, 2014 and have not had an adverse ruling on the merits issued against them in another case involving the CASC Mandate.

Additionally, the following procedures will apply to include organizations that join the CBA after the date of this Order within the scope of the preliminary injunction:

- (1) Plaintiffs may file a verified motion to amend the preliminary injunction with regard to new Group II and Group III CBA members that establishes the following:
 - (a) The CBA has a stated number of new members that are not yet protected from the CASC Mandate;
 - (b) The CBA's Membership Director or CEO has determined that these Catholic employers meet the CBA's strict membership criteria;
 - (c) The CBA's membership criteria have not changed since the CBA filed its complaint on March 12, 2014; and
 - (d) The new CBA members have not had an adverse ruling on the merits issued against them in another case involving the CASC Mandate.
- (2) Plaintiffs may not file such a motion more often than every three months (unless there is an emergency situation, such as the threatened imposition of substantial fines, the imminent risk of loss of health care coverage for employees of CBA members, or similar situations).
- (3) Defendants' previous objections to the issuance of a preliminary injunction shall be preserved for appeal with regard to the new members that are the subject of the motion.
- (4) Plaintiffs' previous objections to the denial of injunctive relief for Group I CBA members shall be preserved for appeal with regard to the new members that are the subject of the motion.

- (5) When Plaintiffs file a verified motion as described in paragraph 1, the Court shall issue the order extending injunctive relief without the need for a response brief by Defendants.
- (6) Any party may file a motion for the Court to modify or vacate this procedure at any time.

IT IS SO ORDERED this 28th day of May, 2015.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE