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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

HUGH HELD and
KELLEY RICHARDSON-WRIGHT,
on behalf of themselves
and all other similarly situated,

Plaintiffs,

v.

CAROLYN W. COLVIN,
Acting Commissioner of Social
Security, in her official capacity,

Defendant.

Case No. 2:15-cv-1732 PA (JCx)

**PLAINTIFFS' NOTICE OF
MOTION AND MOTION FOR
PRELIMINARY INJUNCTION**

[Memorandum of Points and
Authorities; Supporting Declarations;
and [Proposed] Order filed
concurrently]

Date: Monday, July 20, 2015
Time: 1:30 p.m.
Courtroom: 15

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT on Monday, July 20, 2015, at 1:30 p.m., or
3 as soon thereafter as the matter may be heard, in Courtroom 15 of the United
4 States District Court for the Central District of California, located at 312 North
5 Spring Street, Los Angeles, California 90012, before the Honorable Percy
6 Anderson, Plaintiffs Hugh Held and Kelley Richardson-Wright will and do hereby
7 move for entry of a preliminary injunction pursuant to Rule 65 of the Federal
8 Rules of Civil Procedure against Defendant Carolyn Colvin, Acting Commissioner
9 of Social Security, in her official capacity, and as grounds therefore state as
10 follows:

11 1. Plaintiffs Hugh Held and Kelley Richardson-Wright are Supplemental
12 Security Income (“SSI”) recipients married to someone of the same sex who have
13 been targeted by the Social Security Administration (“SSA”) for recoupment of
14 overpayments caused by SSA’s failure to recognize their marriages. Mr. Held and
15 Ms. Richardson-Wright bring this class action on behalf of themselves and
16 similarly situated individuals (collectively, “Plaintiffs”). SSA’s discrimination
17 violates the Social Security Act and the Equal Protection and Due Process clauses
18 of the Constitution.

19 2. Permitting SSA, during the pendency of this case, to withhold or seek
24 recovery of overpayments caused by its unlawful conduct will cause Plaintiffs,

1 who are among the most poor and vulnerable people in this country, irreparable
2 harm.

3 3. The serious financial harm, uncertainty, and emotional strain that
4 SSA's recoupment efforts have already caused and will cause Plaintiffs outweigh
5 the purely administrative cost to SSA of temporarily halting its recoupment efforts.

6 4. Depriving Plaintiffs, the poor and needy, of first their Constitutional
7 rights and then what little income they have not only harms those individuals, it
8 harms the public as well.

9 5. For these reasons, the Court should (1) preliminarily enjoin Defendant
10 from making any effort to recoup overpayments caused by SSA's failure to
11 recognize Plaintiffs' marriages after the *Windsor* decision, including without
12 limitation, (a) withholding benefits from class members that continue to receive
13 SSI benefits, (b) accepting or requesting payments from class members that no
14 longer receive SSI benefits, and (c) issuing notices of overpayment or taking any
15 other steps to recover such overpayments; and (2) require Defendant to return any
16 such funds already withheld or otherwise received by Defendant.

17 This Motion is based upon this Notice of Motion and Motion, the
18 accompanying Memorandum of Points and Authorities, the supporting declarations
19 and exhibits, the pleadings and papers on file in this action, and on such further
24 argument and evidence as the Court may consider.

1 Dated: June 17, 2015.

2 **HUGH HELD and**
3 **KELLEY RICHARDSON-WRIGHT**

4 By their attorneys,

5 /s/ Stephen T. Bychowski

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