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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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

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

Plaintiffs,

**[PROPOSED] ORDER
GRANTING PRELIMINARY
INJUNCTION**

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

v.

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

Defendant.

1 The Court, having considered the submissions of Hugh Held and Kelley
2 Richardson-Wright, on behalf of themselves and the class of similarly situated
3 individuals (collectively, “Plaintiffs”) in support of their Motion for Preliminary
4 Injunction and the submissions of Defendant Carolyn Colvin, Acting
5 Commissioner of Social Security, in her official capacity, in opposition thereto,
6 hereby FINDS THAT:

7 1. Plaintiffs have demonstrated that they are likely to succeed on the
8 merits of their claims that the Social Security Administration (“SSA”), by seeking
9 to recoup overpayments caused by SSA’s failure to recognize Plaintiffs’ marriages,
10 are violating the Social Security Act and the Equal Protection and Due Process
11 clauses of the Constitution.

12 2. Plaintiffs have demonstrated that they will likely suffer irreparable
13 harm if preliminary injunctive relief is not granted. As a group, Plaintiffs are both
14 financially vulnerable and among the blind, disabled, and aged. Allowing SSA to
15 recoup overpayments during the pendency of the case will cause immediate
16 hardships, and retroactive restoration of benefits would be an inadequate remedy.

17 3. Plaintiffs have demonstrated that the balance of hardships weighs in
18 favor of the issuance of a preliminary injunction.

19 4. Plaintiffs have demonstrated that a preliminary injunction will serve
24 the public interest.

1 THEREFORE, the Court hereby GRANTS the Motion, and pursuant to Rule
2 65 of the Federal Rules of Civil Procedure, ORDERS THAT, pending final
3 resolution of this case:

4 1. Defendant is hereby enjoined from making any effort to recoup
5 overpayments caused by SSA's failure to recognize Plaintiffs' marriages after the
6 *Windsor* decision, including without limitation:

- 7 a. Withholding benefits from class members that continue to receive SSI
8 benefits;
- 9 b. Accepting or requesting payments from class members that no longer
10 receive SSI benefits; and
- 11 c. Issuing notices of overpayment or taking any other steps to recover
12 such overpayments.

13 2. Defendant is hereby required to return any such funds already
14 withheld or otherwise received by Defendant.

15 3. Given the circumstances, Plaintiffs' strong showing of likelihood of
16 success on the merits, and because the preliminary injunction merely preserves the
17 status quo ante, no security shall be required.

18 IT IS SO ORDERED.

19 DATED: _____

The Honorable Percy Anderson
United States District Court Judge

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