IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

GENERAL CONFERENCE CORPORATION OF SEVENTH-DAY ADVENTISTS and GENERAL CONFERENCE OF SEVENTH-DAY ADVENTISTS, an Unincorporated Association,	)	
Plaintiffs,	)	
v.	)	Case No. 1:06-cv-01207-JDB
WALTER McGILL, d/b/a CREATION SEVENTH DAY ADVENTIST CHURCH, *et al.*,	)	
Defendants.	)	

ORDER

Before the Court is Plaintiffs' motion seeking to add further specific language to the May 28, 2009 permanent injunction [D.E. 195] and Plaintiffs' motion to compel [D.E. 213]. These matters have been referred to the Magistrate Judge for determination [D.E. 196 and D.E. 215].

On May 28, 2009, an Injunction Order was entered and further defined on January 6, 2010. This January 6, 2010 Order was entered after a recommendation by this Magistrate Judge finding that Defendant Walter McGill had failed to respond to the motion and further, failed to appear at the hearing.

Plaintiffs now seek to expand the already broad permanent injunction. Plaintiffs state that they have taken numerous steps to enforce the Injunction Order entered May 28, 2009, as was further defined by the Court's Order entered January 6, 2010. They claim that the instant Motion is necessary in order to provide further specific detail from the Court such that recipients of the Order will take the action necessary to effectuate the Court's previous orders and prevent the

conduct previously enjoined. Plaintiffs claim that "[a]s a result of developments, advancements, and changes in technology and internet-based communication, for effective enforcement," the Plaintiffs need to make myriad expansions to the language and coverage of the injunction.

In support of their position, Plaintiffs state that the power of a court of equity to modify a decree of injunctive relief is long-established, broad, and flexible. *Brown v. Plata*, 131 S. Ct. 1910 (2011). District courts may modify permanent injunctions to more accurately reflect the court's original findings. *See Bristol Technology, Inc. v. Microsoft Corp*., 127 F. Supp. 2d 61 (D. Conn. 2000).

Upon a showing of changed conditions, permanent injunctions may be reviewed, opened, vacated or modified. *See Smith v. O'Neill*, 813 S.W.2d 501 (Tex. 1991); *State ex rel. Bosch v. Denny's Place*, 98 Ohio App. 351, 57 Ohio Op. 385, 129 N.E.2d 532 (1st Dist. Butler County 1954); *Coalition of Black Leadership v. Cianci*, 570 F.2d 12, 24 Fed. R. Serv. 2d 1182 (1st Cir. 1978); *Association Against Discrimination in Employment, Inc. v. City of Bridgeport*, 710 F.2d 69, 32 Fair Empl. Prac. Cas. (BNA) 20, 32 Empl. Prac. Dec. (CCH) P 33686 (2d Cir. 1983).

Here, Plaintiffs have failed to show a change in conditions in technology since 2009, and the Court does not find that modifying this permanent injunction is appropriate. Notably, Defendant McGill objects to this Motion and points out that Plaintiff has not shown changed conditions, other than generalized statements. Indeed, it appears to the Court that what Plaintiffs are in essence seeking is a whole separate lawsuit than what was before this Court.

Plaintiffs also seek to compel Defendants to produce certain documents mentioned in discovery and to file a reply brief. The parties had previously agreed to a deposition of Defendant McGill relating to his activities (or lack thereof). The Court was hopeful that the

parties might find common ground and resolve this ongoing dispute between them. Instead, Plaintiffs continue to seek to widen the dispute, beyond the parameters of the original lawsuit. The permanent injunction in this case, which was crafted by Plaintiffs and entered without objection stands, but Plaintiffs' proposed extension is not well taken.

Accordingly, the Court DENIES Plaintiffs' motion seeking to add further specific language to the May 28, 2009 permanent injunction and DENIES Plaintiffs' Motion to Compel.

IT IS SO ORDERED this 17th day of February, 2016.

s/Edward G. Bryant
UNITED STATES MAGISTRATE JUDGE