

31

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UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT 2005 MAY 16 P 4: 33

JOHN SCOTT BECHTEL, et al.,
Plaintiffs,

UNITED STATES DEPARTMENT
OF LABOR,
Intervening Plaintiff,

v.

COMPETITIVE TECHNOLOGIES, INC.,
Defendant.

Civil Action No. 05-00629 (AVC)
DISTRICT COURT
HARTFORD CT

May 16, 2005

**DEFENDANT'S MOTION FOR-RECONSIDERATION
AND, ALTERNATIVELY, FOR SUSPENSION OR
MODIFICATION OF PRELIMINARY INJUNCTION PENDING APPEAL**

Pursuant to D. Conn. L. Civ. R. 7(c), defendant Competitive Technologies, Inc. (hereinafter "CTT"), respectfully requests that the Court reconsider its Ruling on the Plaintiffs'

Application for Preliminary Injunction dated May 13, 2005 (the "Ruling") and deny the Plaintiffs' request for a preliminary injunction. In issuing the Ruling, the Court relied on Brock v. Roadway Express, Inc., 481 U.S. 252 (1987), to support the proposition that "the plaintiffs are entitled to an injunction enforcing the Secretary's preliminary order regardless of whether the elements for preliminary injunctive relief have also been established," see Ruling at pp. 8-9, but overlooked the fact that in this case, as in Brock, there was a denial of due process because the employer (here CTT) was denied access during the Secretary's investigation to the information upon which the Secretary based the order for preliminary reinstatement.

Alternatively, if the Court does not reconsider the Ruling and deny the preliminary injunctive relief requested by the Plaintiffs, pursuant to Fed. R. Civ. P. 62(c), CTT respectfully

ORAL ARGUMENT IS REQUESTED

The motion for reconsideration is granted. All relief requested, including suspension or modification of the preliminary injunction pending appeal, however, is denied. SO ORDERED. May 23, 2005.

Alfred V. Covello, U.S.D.J.

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