

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT

Binah Gordon, et al. v. Aetna Life Insurance Company

No. 3:24-cv-1447 (VAB) (D. Conn. May 15, 2026) · No. 3:24-cv-1447 (VAB) · Decided May 15, 2026

SUMMARY

The United States District Court for the District of Connecticut denies Aetna Life Insurance Company’s motion to stay a preliminary injunction pending interlocutory appeal. The court holds that Aetna has not shown a substantial likelihood of success on appeal or irreparable harm, emphasizing the applicability of Bostock to the plaintiffs’ statutory sex-discrimination claims. The court denies the plaintiffs’ motion to enforce the injunction without prejudice because the prior order did not specify a deadline for compliance, while stating that Aetna must act with reasonable diligence.

CASE DETAILS

COURT	United States District Court for the District of Connecticut
WRITING FOR THE COURT	Victor A. Bolden
JURISDICTION	United States District Court for the District of Connecticut
DECIDED	May 15, 2026
DOCKET	3:24-cv-1447 (VAB)
DISPOSITION	other
PROCEDURAL POSTURE	The court considered Aetna's motion to stay a preliminary injunction pending interlocutory appeal and the plaintiffs' emergency motion to enforce the injunction and obtain an order to show cause for contempt.
STANDARD OF REVIEW	A stay pending appeal is evaluated under four factors: irreparable injury to the movant absent a stay, substantial injury to another party if a stay issues, substantial possibility of success on appeal, and the public interest. The probability of success and irreparable harm are the two most critical factors, and the movant bears a heavy burden. A contempt-related enforcement motion requires clear and convincing proof that a clear and unambiguous order was violated and that the alleged contemnor did not diligently attempt to comply in a reasonable manner.
PRECEDENTIAL VALUE	Unknown
PARTIES	Aetna Life Insurance Company v. Binah Gordon, Kay Mayers, Alma Avale, Jamie Homnick, Gennifer Herley, S.N.

TOPICS

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QUESTIONS PRESENTED

1. Whether Aetna satisfied the four-factor standard for a stay of the preliminary injunction pending interlocutory appeal.
2. Whether the plaintiffs were entitled to enforcement of the preliminary injunction or an order requiring Aetna to show cause why it should not be held in contempt.
3. Whether the absence of a deadline for Aetna's individualized medical-necessity determinations meant that Aetna had failed to comply within a time specified under Federal Rule of Civil Procedure 70(a).

HOLDINGS

1. Aetna did not establish a substantial possibility of success on appeal or irreparable injury sufficient to justify a stay, and the remaining factors also favored denial; therefore, the motion to stay was denied.
2. The pending interlocutory appeal did not relieve Aetna of its obligation to comply with the preliminary injunction because the court denied the requested stay.
3. The plaintiffs were not entitled at that time to an order requiring Aetna to show cause why it should not be held in contempt, but the motion was denied without prejudice to renewal if Aetna failed to take reasonable and diligent steps to comply.

KEY QUOTATIONS

“There is binding precedent on how to address the statutory claims of sex discrimination presented in this case: Bostock, not Skrametti.” (III.A)

“The Court did not require Aetna to make the individualized medical necessity determinations “immediately” or by a fixed deadline.” (III.B)

“Aetna’s motion to stay is DENIED and the Plaintiffs’ motion to enforce is DENIED without prejudice to renewal.” (Conclusion)

FACTUAL BACKGROUND

The plaintiffs are transgender women who sought or received gender-affirming facial reconstruction procedures that they alleged were medically necessary to treat gender dysphoria. Aetna's Clinical Policy Bulletin 0615 categorically excluded such procedures when used to treat gender dysphoria. The court's preliminary injunction required Aetna to make individualized medical-necessity determinations for Jamie Homnick and Gennifer Herley rather than categorically exclude their claims. Aetna had not yet made those determinations when it sought a stay and the plaintiffs sought enforcement.

PROCEDURAL HISTORY

Plaintiffs filed suit under Section 1557 of the Affordable Care Act challenging Aetna's categorical exclusion of gender-affirming facial reconstruction procedures used to treat gender dysphoria. After amendments to the complaint, the court denied Aetna's motion to dismiss and granted Jamie Homnick and Gennifer Herley's motion for a preliminary injunction, requiring individualized medical-necessity determinations. Aetna noticed an interlocutory appeal and moved for a stay, while the plaintiffs moved to enforce the injunction and seek contempt-related relief. The court denied the stay and denied the enforcement motion without prejudice to renewal.

DISPOSITION

other

CASES CITED

- Hirschfeld v. Bd. of Elections in City of New York, 984 F.2d 35, 39 (2d Cir. 1993)
- Mitchell v. City of New Haven, 854 F. Supp. 2d 238, 255 (D. Conn. 2012)
- Optimum Shipping & Trading, S.A. v. Prestige Marine Services PTE. LTD., 613 F. Supp. 2d 502, 503 (S.D.N.Y. 2009)
- King v. Allied Vision, Ltd., 65 F.3d 1051, 1058 (2d Cir. 1995)
- Hart Shaffner & Marx v. Alexander's Dep't Stores, Inc., 341 F.2d 101, 102 (2d Cir. 1965)
- N.Y. State Nat'l Org. for Women v. Terry, 886 F.2d 1339, 1351 (2d Cir. 1989)
- United States v. Skrmetti, 605 U.S. 495, 520 (2025)
- Anderson v. Crouch, No. 22-1927, 2026 WL 667919 (4th Cir. Mar. 10, 2026)
- Pritchard on behalf of C.P. v. Blue Cross Blue Shield of Ill., 159 F.4th 646 (9th Cir. 2025)
- Lange v. Houston County, 152 F.4th 1245 (11th Cir. 2025) (en banc)
- Brandt by and through Brandt v. Griffin, 147 F.4th 867 (8th Cir. 2025)
- Poe by and through Poe v. Drummond, 149 F.4th 1107 (10th Cir. 2025)
- Rodriguez de Quijas v. Shearson/American Express, Inc., 490 U.S. 477, 484 (1989)
- Delux Pub. Charter, LLC v. County of Westchester, No. 22-CV-01930 (PMH), 2024 WL 3744167, at *1 (S.D.N.Y. July 25, 2024)
- Doe v. Trump Corp., No. 18-CV-09936, 2020 WL 2538400, at *6 (S.D.N.Y. May 18, 2020)
- In re Anderson, 560 B.R. 84, 91 (S.D.N.Y. 2016)
- Mohammed v. Reno, 309 F.3d 95, 101 (2d Cir. 2002)
- L.V.M. v. Lloyd, 318 F. Supp. 3d 601, 620 (S.D.N.Y. 2018)
- State Emps. Fed. Credit Union v. S.G.F. Props., LLC, No. 1:15-CV-00418 (MAD), 2015 WL 7573220, at *3 (N.D.N.Y. Nov. 25, 2015)
- Eastman Kodak Co. v. Bayer Corp., No. 04 CIV. 5132 (MGC), 2005 WL 3090985, at *2 (S.D.N.Y. Nov. 18, 2005)
- In re DBSD N. Am., Inc., No. 09 Civ. 10156, 2010 WL 1838630, at *1 (S.D.N.Y. May 7, 2010)

- In re Adelphia Commc'ns Corp., 361 B.R. 337, 347-48 (S.D.N.Y. 2007)
- In re Mongiello, No. 24-CV-694 (CS), 2024 WL 729865, at *2 (S.D.N.Y. Feb. 22, 2024)
- U.S. S.E.C. v. Daspin, 557 F. App'x 46, 49 (2d Cir. 2014)
- In re Moreau, 135 B.R. 209, 215 (N.D.N.Y. 1992)
- In re St. Johnsbury Trucking Co., 185 B.R. 687, 690 n.1
- Liberty Synergistics, Inc. v. Microflo Ltd., No. 11-CV-523 MKB, 2013 WL 101427, at *2 n.3 (E.D.N.Y. Jan. 8, 2013)
- Paramedics Electromedicina Comercial, Ltda. v. GE Med. Sys. Info. Tech., Inc., 369 F.3d 645, 655 (2d Cir. 2004)
- Varsity Corp. v. Howe, 516 U.S. 489, 497 (1996)

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