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HONORABLE THOMAS O. RICE

10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF WASHINGTON**
12 **AT YAKIMA**

13 RICHARD S. WILKINSON, et al.,

NO.: 1:23-cv-03035

14 Plaintiffs,

15 **MOTION TO EXPEDITE**
16 **TEMPORARY RESTRAINING**
17 **ORDER TO PRESERVE THE**
18 **STATUS QUO**

19 v.

20 SCOTT RODGERS, et al.,

21 Defendants.

22 March 17, 2023
23 Without Oral Argument

24 **INTRODUCTION**

25 COME NOW Plaintiffs, Plaintiffs Ryan N. Cole, Richard S. Wilkinson, and
26 Richard Eggleston (“Plaintiffs”), by and through their counsel of record, and
27 respectfully move this Court to GRANT an expedited hearing, altering the hearing

28 PLAINTIFFS’ MOTION TO EXPEDITE
TEMPORARY RESTRAINING ORDER
TO PRESERVE STATUS QUO

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1 time requirements under L. Civ. R. 7(i)(2)(B), on Plaintiffs' request for on a
2 Temporary Restraining Order ("TRO"). Plaintiffs seek this TRO to prevent further
3 enforcement or prosecution by the Washington Medical related to each Plaintiffs'
4 speech or prescription/treatment of COVID-19 with Ivermectin, as alleged in each
5 Plaintiff's Statement of Charges issued by the Washington Medical Commission
6 ("WMC"). These charges are attached to the Complaint as exhibits, and are,
7 respectively:

- 8 • Plaintiff Ryan Cole: Statement of Charges, No.: M2022-207;
- 9 • Plaintiff Richard Eggleston: Statement of Charges, No.: M2022-204; and
- 10 • Plaintiff Richard Wilkinson: Statement of Charges, No.: M2022-196.

11 Plaintiff Wilkinson has a 5-day hearing based on the Statement of Charges
12 scheduled for April 3 - 7, 2023. Plaintiff Eggleston's hearing is scheduled for May
13 24 - 26, 2023. Plaintiffs Cole presently has no hearing scheduled, although he
14 remains under investigation. With the imminency of Wilkinson's hearing, and the
15 ongoing nature of Plaintiff Cole and Eggleston's investigations, each Plaintiff's
16 right to speak freely on the COVID-19 pandemic remains curbed at the risk of
17 losing his license.

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BACKGROUND

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2 Plaintiff’s counsel participated in a Pre-hearing status conference in Plaintiff
3 Richard Wilkinson’s licensure case pending before the Washington Medical
4 Commission, Matter No.: M2022-196. In that conference, counsel for the
5 Washington Medical Commission was present, Ms. Kristin Brewer, Assistant
6 Attorney General. Plaintiffs’ Counsel Silent Majority Foundation intended to bring
7 a Motion for Temporary Restraining Order and/or Injunctive Relief related to the
8 WMC’s COVID-19 Position Statement at the core of this matter. *See*: Serrano Decl.
9 in Support of Temporary Restraining Order, ¶ 3.
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14 Subsequently, Plaintiffs’ counsel emailed *all* defendants and the Attorney
15 General’s Office and the Washington Medical Commission on March 7, 2023. *Id.*,
16 at ¶ 4 and Exhs. A, B. No Defendant, nor representative of the Washington Medical
17 Commission or the Attorney General’s Office has responded to Plaintiffs’ counsel
18 on whether a Defendant or representative organization takes a position on the request
19 to expedite the hearing.
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22 Because Plaintiffs are set to imminently defend their professional licenses due
23 to the actions by the Defendants a court issued TRO or injunction to prevent such
24 irreparable loss is necessary. Should the Plaintiffs be delayed the minimum 30 days,
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1 for non-dispositive motions before this Court, the preventable damage to Plaintiff
2 Wilkinson (and likely, Plaintiff Eggleston, too) will be irreparable as Wilkinson will
3 be required to undergo a 5-day hearing where all or some of the charges of the
4 underlying Statement of Charges may be mooted with the requested
5 TRO/preliminary injunction. In sum, Plaintiffs require immediate attention to their
6 motion for TRO to avoid severe injury and loss stemming from Defendants'
7 enforcement actions.
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11 MOTION

12 Pursuant to L. Civ. R. 7(i)(2)(C), Plaintiffs move that the Court enter an order
13 as follows:
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- 15 1. The hearing on Plaintiffs' Motion for Temporary Restraining Order be
16 noted for DAY, DATE.
- 17 2. The Defendants' Response, if any, be filed on or before DATE.
18

19 CONCLUSION

20 For these reasons, the Court should issue a Temporary Restraining Order
21 preventing enforcement of the Statement of Charges related to any Plaintiffs: (1)
22 COVID-19-related speech; (2) speech related to treatment of COVID-19 with
23 Ivermectin; and (3) treatment of COVID-19 with Ivermectin. The issuance of such
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1 a TRO will afford the parties to fully brief the issues and will allow this Court to
2 thoughtfully consider the case before issuing its preliminary ruling without extrinsic
3 time pressures related to the underlying licensure matters.
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5 Based on the foregoing, Plaintiffs request that the Court GRANT the
6 Plaintiffs' Motion to Expedite Plaintiffs' Temporary Restraining Order to Preserve
7 the Status Quo.
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11 Dated this 10th of March, 2023.
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14 /s/Simon Peter Serrano
15 S. Peter Serrano, WSBA #54769
16 Attorney for Plaintiffs
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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of March 2023, I electronically filed the foregoing document with the Clerk of the United States District Court using the CM/ECF system which will send notification of such filing to all parties who are registered with the CM/ECF system.

DATED this 10th day of March 2023.

/s/Madeline Johnson
Madeline Johnson

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