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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.,

CASE NO.: 1:23-cv-03035

14 Plaintiffs,

15 **(PROPOSED) ORDER**
16 **GRANTING PLAINTIFFS’**
17 **MOTION FOR EXPEDITED**
18 **TEMPORARY RESTRAINING**
19 **ORDER TO PRESERVE THE**
20 **STATUS QUO**

16 v.

17 SCOTT RODGERS, et al.,

18 Defendants.

20 March 17, 2023
21 Without Oral Argument

22 (PROPOSED) ORDER GRANTING
23 PLAINTIFFS’ MOTION
24 FOR EXPEDITED TEMPORARY
25 RESTRAINING ORDER TO
26 PRESERVE THE STATUS QUO

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Pasco, WA 99301

1 Based on the Plaintiffs' Motion for Expedited Motion for Temporary
2 Restraining Order to Preserve the Status Quo, now therefore;

3
4 **IT IS HEREBY ORDERED:**

5 Plaintiffs' motion for temporary restraining order is granted for the limited
6 period while Plaintiffs' motion for preliminary injunction is briefed by the parties
7 and considered by this Court. The Court finds that Plaintiffs have shown a
8 likelihood of success on the merits of their claims, and that substantial irreparable
9 harm would befall the Plaintiffs if the status quo is not maintained during the
10 pendency of the preliminary injunction motion practice as each Plaintiff is at a risk
11 of imminently losing his license throughout the pendency of such briefing. Plaintiff
12 Wilkinson's licensure hearing is scheduled for 5 days, April 3 through April 7,
13 2023, less than 30 days from the date of the filing of this motion. Plaintiff
14 Eggleston's hearing is scheduled for May 24 - 26, 2023. Plaintiff Cole's hearing is
15 not yet scheduled, although Plaintiff Cole remains under investigation by the
16 Washington Medical Commission.
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22 The Court further finds, provisionally, that Plaintiffs have no remedy at law
23 to cease these proceedings outside of a Temporary Restraining Order or an
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26 (PROPOSED) ORDER GRANTING
27 PLAINTIFFS' MOTION
28 FOR EXPEDITED TEMPORARY
RESTRAINING ORDER TO
PRESERVE THE STATUS QUO
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1 Injunction, and the balance of the equities tips sharply in their favor. Plaintiffs face
2 irreparable and substantial harm in the absence of an injunction. By contrast, the
3
4 Washington Medical Commission will not be prejudiced by the delay of the
5 prosecution of each Plaintiff's case.
6

7
8 DATED this _____ of March, 2023.
9

10
11 _____
12 Hon. NAME
United States District Court Judge

13 PRESENTED BY:

14
15 /s/Simon Peter Serrano
16 S. Peter Serrano, WSBA #54769
17 Attorney for Plaintiffs
18 Karen L. Osborne, WSBA No. 51433
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23
24
25

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3 **CERTIFICATE OF SERVICE**

4 I hereby certify that on this 10th day of March 2023, I electronically filed the
5 foregoing document with the Clerk of the United States District Court using the
6 CM/ECF system which will send notification of such filing to all parties who are
7 registered with the CM/ECF system.
8

9
10 DATED this 10th day of March 2023.

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13 /s/Madeline Johnson
14 Madeline Johnson
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25
26 (PROPOSED) ORDER GRANTING
27 PLAINTIFFS' MOTION
28 FOR EXPEDITED TEMPORARY
RESTRAINING ORDER TO
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