

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

JANE DOE et al.,

Plaintiffs,

v.

CASE NO. 4:23cv114-RH-MAF

JOSEPH A. LADAPO et al.,

Defendants.

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**ORDER SETTING AN ADDITIONAL HEARING ON THE
MOTIONS FOR A TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

This action presents a constitutional challenge to a Florida statute and rules. Three plaintiffs have moved for a temporary restraining order and preliminary injunction. The defendants are the Florida Surgeon General, the Florida Board of Medicine and its members, the Florida Board of Osteopathic Medicine and its members, the Florida Attorney General, and each of Florida’s 20 State Attorneys. The individuals are defendants only in their official capacities. This order refers to the Surgeon General, the Boards, and their members as the “medical defendants.” The order refers to the Attorney General and State Attorneys as the “law-enforcement defendants.”

Prior hearings on the pending motions—one on procedural issues and the other on the merits—were attended by attorneys for the plaintiffs and the medical defendants. Those parties stipulated to submission of the pending motions based on the written filings in this case and the record compiled in a separate case in this court with overlapping issues, *Dekker v. Weida*, No. 4:22cv325-RH-MAF. A complete bench trial has been conducted in *Dekker*.

The motion for a preliminary injunction is ripe as to the medical defendants. But at the time of the hearings, the law-enforcement defendants had not been served with process and might not have been aware of the action. The plaintiffs did not meet the requirements for a temporary restraining order without notice. *See* Fed. R. Civ. P. 65(b)(1)(A) & (B). This order sets a hearing so that the law-enforcement defendants have an opportunity to address the motions.

IT IS ORDERED:

1. A hearing by telephone on the motions for a temporary restraining order and preliminary injunction will occur on June 1, 2009, at 2:00 p.m. The clerk must issue a notice of the hearing.

2. The plaintiffs' attorneys must attempt to learn as soon as possible the identity of the attorneys for the Attorney General, for the State Attorneys whose jurisdictions include St. Johns, Lee, and Miami-Dade Counties, and for the State Attorneys whose jurisdictions include locations where the plaintiffs seek to obtain

care based on a preliminary injunction. The plaintiffs' attorneys must provide to those attorneys, immediately upon learning their identities—or, if their identities are already known, immediately upon receipt of this order—copies of:

- the second amended complaint,
- the motions and supporting papers,
- this order, and
- the clerk's notice of hearing.

Copies must be provided by the most expeditious feasible method and, if different, by the most reliable method. The plaintiffs must serve copies on these defendants by noon on May 31, 2023, in the manner provided by law for service of process, if by that time the plaintiffs' attorneys have not learned the identity of these defendants' attorneys. But copies need not be provided of documents the plaintiffs have already served or provided to these defendants or that the plaintiffs learn are already in their possession.

SO ORDERED on May 30, 2023.

s/Robert L. Hinkle
United States District Judge