

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

CATHERINE DARLING, *et al*,

Case No. 3:21-cv-1787

Plaintiffs,

v.

SACRED HEART HEALTH SYSTEM, INC., a  
Florida nonprofit corporation, ST.  
VINCENT'S HEALTH SYSTEM, INC., a  
Florida nonprofit corporation, ST.  
VINCENT'S MEDICAL CENTER-CLAY  
COUNTY, INC., a Florida nonprofit  
corporation, ST. VINCENT'S AMBULATORY  
CARE, INC., a Florida nonprofit corporation,  
ST. VINCENT'S MEDICAL CENTER, INC., a  
Florida nonprofit corporation, ST. LUKE'S-  
ST. VINCENT'S HEALTHCARE, INC., a  
Florida nonprofit corporation, and  
ASCENSION HEALTH ALLIANCE, a  
Missouri non-profit corporation,

Defendants.

\_\_\_\_\_ /

**PLAINTIFFS' EMERGENCY MOTION  
FOR A TEMPORARY RESTRAINING ORDER  
AND A PRELIMINARY INJUNCTION**

COME NOW Plaintiffs, requesting the Court enter an emergency temporary restraining order (with notice) and a preliminary injunction pursuant to Fed. R. Civ. P. 65, forbidding Defendants, their subsidiaries,



affiliates, agents, employees, and those acting in concert with them, from terminating the Plaintiffs or disciplining the Plaintiffs in any way for failing to comply with Defendants' Mandatory Vaccination Policy, and saying:

Plaintiffs are facing imminent irreparable harm from loss of employment and professional standing for their decision to refuse an unwanted medical vaccination treatment.

In particular, Plaintiffs seek an Order: Restraining and enjoining the Defendants, their subsidiaries, affiliates, officers, agents, employees, attorneys and successors in office, and all other persons in active concert or participation with them, be preliminarily ENJOINED from enforcing, threatening to enforce, attempting to enforce, or otherwise requiring compliance with the Vaccine Mandate; and (b) prohibiting the Defendants from terminating or modifying the contract of any party for failing to comply with the Vaccine Mandate.

The Vaccine Mandate, both facially and as applied to these Plaintiffs, violates Plaintiffs' constitutional right to privacy, which restrains the Defendants, who are state actors subject to constitutional limitations and scrutiny. Under applicable federal law, when a vaccine mandate is at issue, state law applies and a state actor must show that the policy furthers a



compelling state interest using the least restrictive means. The balancing of hardships favors the Plaintiffs, since the policy is presumptively unconstitutional, and because the Defendants have already navigated the worst of the pandemic when morbidity and mortality rates were highest, vaccines were unavailable, and early and alternative treatment options were unavailable. Furthermore, many of the Plaintiffs already have durable and long-lasting natural immunity from prior Covid exposure.

The Vaccine Mandate and the Defendants' failure to provide religious accommodations to Plaintiffs violates their rights under Title VII, the Florida Civil Rights Act, and 42 U.S.C. § 1983.

Should these motions and request for leave be denied, Plaintiffs also move for an injunction or stay pending appeal under Fed. R. Civ. P. Rule 8(a)(1).

Plaintiffs rely upon the Verified Complaint and exhibits and the Memorandum of Law filed contemporaneously with this motion, as well as the declarations of the Plaintiffs and their experts, to be filed contemporaneously or in short order.



Dated this 28<sup>th</sup> day of October, 2021.



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished this day by electronic mail or U.S. Regular Pre-Paid Mail to the following:

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