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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

YVETTE FELARCA,
Plaintiff,

v.

BERKELEY UNIFIED SCHOOL
DISTRICT, et al.,
Defendants.

Case No. [16-cv-06184-RS](#)

**ORDER DENYING MOTION FOR
TEMPORARY RESTRAINING ORDER
AND SETTING HEARING ON MOTION
FOR PRELIMINARY INJUNCTION**

Plaintiff Yvette Felarca moves for a temporary restraining order and/or preliminary injunction enjoining the Berkeley Unified School District (“BUSD”) from restricting her ability to teach and interact with others during its investigation into her conduct.¹ On September 21, 2016, BUSD notified Felarca of its decision to place her on paid administrative leave while it investigates concerns that she may have engaged in inappropriate conduct. BUSD directed Felarca not to interfere with the investigation, including by contacting other employees or students. It also directed her not to enter school property without express authorization while the investigation is pending.

Felarca requests a temporary restraining order on the grounds that BUSD’s actions send a chilling message regarding the valid exercise of constitutional rights. A temporary restraining order is an extraordinary remedy that is generally reserved for emergency situations in which a party may suffer immediate irreparable harm. Felarca has not established sufficient urgency to justify such a drastic measure. Indeed, Felarca was placed on administrative leave thirty-five days ago. On September 30, 2016, Felarca informed BUSD of her intention to seek an injunction by

¹ Felarca also seeks to reclaim certain wages and to require BUSD to rescind a notice it sent her regarding unprofessional conduct.

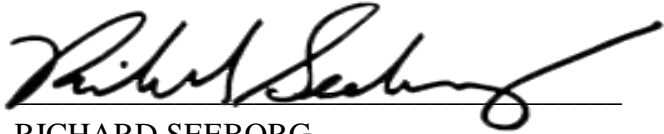
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October 5, 2016. She did not, however, file her motion until today. Felarca’s delay in seeking emergency relief undermines the sense of immediate urgency here.

A hearing on Felarca’s motion for preliminary injunction will be held on December 8, 2016, at 1:30 p.m. in Courtroom 3, 17th Floor, San Francisco. Defendants shall file their response on or before November 10, 2016. Felarca shall file her reply on or before November 17, 2016. Plaintiff is directed to serve her moving papers and a copy of this order on Defendants by tomorrow.

IT IS SO ORDERED.

Dated: October 26, 2016



RICHARD SEEBORG
United States District Judge