

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**CLAUDIA G. COTE, M.D.; DIANE T.
GOWSKI, M.D.; and SALLY B.
ZACHARIAH, M.D.,**

Plaintiffs,

v.

Case No. 8:07-cv-1524-T-30TBM

**R. JAMES NICHOLSON, Secretary,
Department of Veterans Affairs,**

Defendant.

/

ORDER

THIS CAUSE comes before the Court upon the Plaintiffs' Motion for Temporary Restraining Order (Dkt. 2), and Motion for Preliminary Injunction and Hearing (Dkt. 3). Plaintiffs seek to enjoin the Bay Pines VA Health Care System from suspending or terminating the employment of Dr. Diane T. Gowski or Dr. Sally B. Zachariah without further order of this Court.

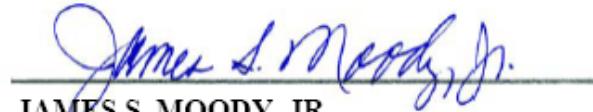
Plaintiffs' counsel has indicated that he has served a copy of the complaint, the motion for temporary restraining order and memorandum in support thereof, exhibits, a proposed order, and a motion for preliminary injunction on Defendant's counsel via email. However, Defendant has not had the opportunity to respond to Plaintiffs' Motions or be heard in the case. The Court, having reviewed Plaintiffs' Motions, determines that Plaintiffs are not threatened with irreparable injury so imminent that notice and a hearing on the application

for preliminary injunction is impractical, if not impossible, pursuant to Rule 65(b), Fed.R.Civ.P., and Local Rule 4.05(b)(2) of the M.D.Fla.

It is therefore ORDERED AND ADJUDGED that:

1. Plaintiffs' Motion for Temporary Restraining Order (Dkt. 2) is **DENIED**.
2. Pursuant to 28 U.S.C. Section 636(b)(1)(B), Plaintiffs' Motion for Preliminary Injunction and Hearing (Dkt. 3) is hereby **REFERRED** to the Honorable Thomas B. McCoun, III, who shall submit proposed findings of fact and recommendation as to the appropriate disposition of the motion.

DONE and **ORDERED** in Tampa, Florida on August 29, 2007.



James S. Moody, Jr.
JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel/Parties of Record

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