

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case. No.: 11-22026-Civ-COOKE/TURNOFF

DR. BERND WOLLSCHLAEGER,
et al.,

Plaintiffs

vs.

RICK SCOTT, *In his official capacity*
as Governor of the State of Florida,
et al.,

Defendants.

[PROPOSED] ORDER GRANTING PRELIMINARY INJUNCTION

THIS MATTER is before the Court on the Plaintiffs, Dr. Bernd Wollschlaeger, et al.,
Motion for Preliminary Injunction, ECF No. __, filed June 24, 2011.

The Court, having reviewed the Motion and being fully advised in the premises, hereby
ORDERS and ADJUDGES as follows:

1. Plaintiffs' motion for a preliminary injunction is GRANTED. Plaintiffs have demonstrated that: (i) they are likely to succeed on the merits in this action; (ii) they will suffer irreparable harm if they are not granted a preliminary injunction; (iii) the balance of hardships tips in their favor; and (iv) the public interest favors granting the interim relief sought in their motion.

2. The Defendants—Frank Farmer, in his official capacity as the State Surgeon General of Florida; Elizabeth Dudek, in her official capacity as Secretary of Health Care Administration of the State of Florida; and George Thomas, Jason Rosenberg, Zachariah P. Zachariah, Elisabeth Tucker, Trina Espinola, Merle Stringer, James Orr, Gary Winchester, Nabil El Sanadi, Robert Nuss, Onelia Lage, Fred Bearison, Donald Mullins, Brigitte Rivera Goersch, and Bradley Levine, in their official capacities as Members of the Board of Medicine of the Florida Department of Health—shall be immediately enjoined and restrained from taking any action, including investigation of a complaint, to enforce any provision of Florida Statutes sections 381.026, 395.1055, 790.338 and 456.072 as created or amended by CS/HB/HB 155, “An act relating to the privacy of firearm owners.”

3. Defendants shall file with the Court and serve upon Plaintiffs’ counsel within thirty days of the entry of this Order an affidavit or declaration attesting to and detailing Defendants’ compliance with it.

4. No bond is required. The balance of hardships favors Plaintiffs, who are experiencing harm to fundamental Constitutional rights, while Defendants do not face a likelihood of financial or other harm from complying with this injunction.

DONE and ORDERED in chambers, Miami, Florida, this ___ day of _____, 2011.

MARCIA G. COOKE
UNITED STATES DISTRICT JUDGE

Copies furnished to:
William C. Turnoff, U.S. Magistrate Judge
Counsel of record