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8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**

10 STATE OF WASHINGTON,

11 Plaintiff,

12 v.

13 DONALD TRUMP, in his official
14 capacity as President of the United
15 States; U.S. DEPARTMENT OF
16 HOMELAND SECURITY; JOHN F.
17 KELLY, in his official capacity as
18 Secretary of the Department of
19 Homeland Security; TOM SHANNON,
20 in his official capacity as Acting
21 Secretary of State; and the UNITED
22 STATES OF AMERICA,

23 Defendants.

CIVIL ACTION NO.

[PROPOSED] TEMPORARY
RESTRAINING ORDER

24 **TEMPORARY RESTRAINING ORDER**

25 This matter came before the Court on a Motion for a Temporary Restraining Order
26 brought by the Attorney General of the State of Washington. The Court has considered the
motion and documents filed therewith, including declarations, the exhibits attached thereto, the
State of Washington's Complaint for Declaratory and Injunctive Relief, and the arguments of
counsel provided at an emergency hearing held _____, at _____ a.m./ p.m. in open

1 court. Having considered the foregoing, the Court hereby enters the following findings of fact
2 and conclusions of law.

3 4 **FINDINGS OF FACT**

- 5 1. Plaintiff took the following steps to provide sufficient notice to Defendants:
- 6 a. Delivered a copy of the Complaint, the motion, declarations, and exhibits, to the
7 United States Attorney for the Western District of Washington;
- 8 b. Sent a copy of the same by certified mail to the Attorney General of the United
9 States at Washington D.C.; and
- 10 c. Called the offices of the United States Attorney for the Western District of
11 Washington at 8:30 a.m. to notify the office of Plaintiff's intention to file the
12 motion today.
- 13 2. Plaintiff faces an immediate and irreparable injury as a result of the signing and
14 implementation of this Executive Order. The Executive Order affects Plaintiff's
15 residents in areas of employment, education, business, and travel, and affects the State
16 itself through harm to its employees, students, and tax revenue.
- 17 3. These harms are ongoing and significant.
- 18 4. A temporary restraining order against Defendants, as provided below, is necessary until
19 a determination of the merits of Plaintiff's claims can be held.

20 **CONCLUSIONS OF LAW**

- 21 5. The Court has jurisdiction over Defendants and the subject matter of this action.
- 22 6. Plaintiff's efforts to contact Defendants reasonably and substantially complied with the
23 requirements of Federal Rule of Civil Procedure 65(b).
- 24 7. The Court deems no security bond is required under Federal Rule of Civil Procedure
25 65(c).
- 26

- 1 8. To obtain a temporary restraining order, the Plaintiff must establish 1) a likelihood of
2 success on the merits; 2) that irreparable harm is likely in the absence of preliminary
3 relief; 3) that the balance of equities tips in the Plaintiff's favor; and 4) that an
4 injunction is in the public interest. *Winter v. Nat'l Res. Def. Council, Inc.*, 555 U.S. 7,
5 20, 129 S. Ct. 365, 172 L. Ed. 2d 249 (2008).
6
7 9. Based on the Findings of Fact set forth above, there is a strong likelihood that Plaintiff
8 will succeed on the merits of its claim and irreparable injury is likely if the requested
9 restraining order is not issued.
10
11 10. The balance of equities tips toward the Plaintiff and the public interest weighs in favor
12 of entering temporary relief.

13 **TEMPORARY RESTRAINING ORDER**

14 Now, therefore, it is hereby ORDERED that:

- 15 1. Defendants and all their respective officers, agents, servants, employees and attorneys,
16 and persons in active concert or participation with them who receive actual notice of
17 this order are hereby fully enjoined from the following:
18
19 a. Enforcing Section 3(c) of the Executive Order;
20 b. Enforcing Section 5(a) of the Executive Order;
21 c. Enforcing Section 5(b) of the Executive Order, or proceeding with any action
22 that prioritizes only the refugee claims of certain religious minorities; and
23 d. Enforcing Section 5(c) of the Executive Order;
24 e. Enforcing Section 5(e) of the Executive Order, to the extent Section 5(e)
25 purports to prioritize only the refugee claims of certain religious minorities.
26
2. This injunction is granted nationwide, and prohibits enforcement of Sections 3(c),
5(a)–(c), and 5(e) at all United States borders, ports of entry, and in the issuance of
visas, pending further orders from this Court.

1 3. Defendants shall remain enjoined until an expedited hearing can be held at ____
2 a.m./p.m. on ____ day of _____ 2017.
3

4 DATED this ____ day of January, 2017, at _____ a.m./p.m.
5
6

7 _____
8 UNITED STATES DISTRICT COURT JUDGE [or UNITED STATES MAGISTRATE
9 JUDGE]
10
11

12 Presented by:
13

14 _____
15 NOAH G. PURCELL
16 WSBA #43492
17 Solicitor General
18 Office of the Attorney General
19 800 Fifth Avenue, Suite 2000
20 Seattle, WA 98104
21 (206) 464-7744
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