

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

**JEANNA NORRIS, on behalf of herself)
and all others similarly situated.)**

Plaintiffs,)

v.)

Case No: _____

**SAMUEL L. STANLEY, JR.)
in his official capacity as President of)
Michigan State University; DIANNE)
BYRUM, in her official capacity as Chair)
of the Board of Trustees, DAN KELLY,)
in his official capacity as Vice Chair)
of the Board of Trustees; and RENEE)
JEFFERSON, PAT O’KEEFE,)
BRIANNA T. SCOTT, KELLY TEBAY,)
and REMA VASSAR in their official)
capacities as Members of the Board of)
Trustees of Michigan State University,)**

Defendants.)

[PROPOSED] ORDER

Upon Consideration of the Motion for a Temporary Restraining Order filed by Plaintiff Jeanna Norris, on behalf of herself and others similarly situated, and in accordance with Rule 65(b) of the Federal Rules of Civil Procedure, the Court concludes that the Motion should be granted and remain in effect for 14 days, without prejudice to an extension on good cause shown.

Defendants have instituted a vaccine mandate (“the Directive”) requiring all employees to receive a COVID-19 vaccine by August 31, 2021 unless they receive a medical or religious exemption. Failure to comply with the Directive subjects employees to potential disciplinary action, including termination of employment.

Plaintiff and those similarly situated have demonstrable, naturally acquired immunity to COVID-19. On these grounds, Plaintiff alleges that requiring her to receive a COVID-19 vaccine infringes upon her rights to bodily autonomy and to decline medical interventions under the Ninth, Tenth, and Fourteenth Amendments to the United States Constitution. Plaintiff also contends that the Directive is preempted by the federal Emergency Use Authorization (EUA) statute, pursuant to the Supremacy Clause of the United States Constitution.

The Court finds that Plaintiff has demonstrated that she and others similarly situated will suffer irreparable harm if this motion is not granted because the Directive violates their constitutional and statutory rights. Neither Defendants nor the community will be put at significant risk if the TRO remains in effect for two weeks. And given that the named Plaintiff is working remotely, there is no risk to the Michigan State University community from granting the TRO as to the named Plaintiff in particular.

IT IS THEREFORE ORDERED THAT:

- (1) Defendants Samuel L. Stanley, Dianne Byrum, Dan Kelly, Renee Jefferson, Pat O’Keefe, Brianna T. Scott, Kelly Tebay, and Rema Vasssar in their official capacities, or anyone acting on Defendants’ behalf, are hereby prohibited from applying the Directive to employees who have natural immunity to COVID-19 that they can demonstrate through antibody tests;
- (2) This Order shall remain in effect for 14 days (two weeks), until the Court has had the parties have had the opportunity to fully brief and argue the Motion for a Preliminary Injunction.

THUS DONE AND SIGNED this _____ day of _____, 2021 at the hour of __
[am or pm] on this day. in _____, Michigan.

JUDGE

WESTERN DISTRICT OF MICHIGAN