

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 Preliminary Injunction filed by Plaintiff Jeanna Norris, on behalf of herself and others similarly situated, and in accordance with Rule 65(a) of the Federal Rules of Civil Procedure, the Court concludes that the Motion is hereby granted and a preliminary injunction as described below should remain in effect during the pendency of this litigation.

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 (hereafter collectively “Plaintiff”) have demonstrable, naturally acquired immunity to COVID-19 and therefore do not want to receive a vaccine. Plaintiff has established a substantial likelihood of success on the merits of her claims: that requiring her to receive a COVID-19 vaccine (1) infringes upon her rights to bodily autonomy and to decline medical interventions under the Ninth, Tenth, and Fourteenth Amendments to the United States Constitution; and (2) violates her right to informed consent under the Emergency Use Authorization (EUA) statute, which preempts the Directive in accord with the Supremacy Clause of the United States Constitution.

Because her constitutional rights are at stake and taking a COVID-19 vaccine is irreversible, Plaintiff will suffer irreparable harm if a preliminary injunction is not granted. Furthermore, the balance of equities weighs in Plaintiff’s favor. Since she possesses natural immunity to COVID-19 and works remotely, Defendants will not be harmed if she remains unvaccinated. Finally, the public has an interest in seeing Plaintiff’s constitutional and statutory rights vindicated and the public interest and balance-of-the-equities factors merge, in any event, in this case against the Michigan State University (“MSU”) governmental Defendants.

In sum, the Court finds that Plaintiff has demonstrated that she will likely succeed on the merits of her claim that MSU’s Directive violates her constitutional and statutory rights, and that she and others similarly situated will suffer irreparable harm if this motion is not granted, and that both the balance of hardships and the public interest favor granting a preliminary injunction.

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 Vassar, in their official capacities, or anyone acting on Defendants’ behalf, are hereby prohibited from applying the Directive to MSU

employees who have natural immunity to COVID-19 that they can demonstrate through antibody tests, until such time as this Court resolves this litigation;

- (2) More specifically, this Order shall remain in effect until this Court issues a final judgment with respect to relief sought by the named Plaintiff and others similarly situated in the Complaint.

THUS DONE AND SIGNED this _____ day of _____, 2021 in
_____, Michigan.

JUDGE

WESTERN DISTRICT OF MICHIGAN