

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

MILAN PUSKAR HEALTH RIGHT,  
LAWSON KOEPPPEL,  
ALINA LEMIRE, and  
CARRIE WARE,

Plaintiffs,

v.

CIVIL ACTION NO. 3:21-0370

BILL J. CROUCH, in his official capacity as  
Cabinet Secretary of the West Virginia  
Department of Health and Human Resources,  
JOLYNN MARRA, in her official capacity as  
Interim Inspector General and Director of the  
Office of Health Facility Licensure and Certification, and  
STEVE HARRISON, in his official capacity as Clerk  
of the House of Delegates and Keeper of the Rolls,

Defendants.

**TEMPORARY RESTRAINING ORDER**

This matter comes before the Court on Plaintiffs' Motion for a temporary restraining order, or, in the alternative, expedited preliminary injunctive relief, filed by Plaintiffs, by and through counsel. Having reviewed the papers filed in support of this motion, the Court finds that Plaintiffs have submitted proof of notice so as to satisfy Federal Rule of Civil Procedure 65 (*Summons Returned Executed*, ECF Nos. 7-9; *Certificate of Service*, ECF No. 10), as well as demonstrated that (1) they are likely to succeed on the merits; (2) they are likely to suffer irreparable harm absent a preliminary injunction; (3) the balance of hardships weighs in their favor; and (4) preliminary relief is in the public interest. Therefore, the Court **GRANTS** Plaintiffs' motion (ECF No. 4) for good cause shown.

Accordingly, it is **ORDERED** that:

1. The Court hereby temporarily restrains and enjoins State Defendants from enforcing Senate Bill 334;
2. The Court hereby temporarily restrains and enjoins the Clerk of the House of Delegates and Keeper of the Rolls from exercising any authority granted to him under House Rule 20 to amend Senate Bill 334; and,
3. The requirement for bond or security from Plaintiffs is waived.

This Order shall take effect on this day at 5:00 p.m.

The Court **SCHEDULES** a preliminary injunction hearing for Thursday, July 8, 2021 at 1:00 p.m. At such time, the Court will determine whether the temporary restraining order shall be dissolved or whether a preliminary injunction shall issue. Defendants shall file a response **no later than Friday, July 2, 2021, at 12:00 p.m.**, and Plaintiffs shall file a reply **no later than Tuesday, July 6, 2021, at 12:00 p.m.**

Plaintiffs' counsel is further **DIRECTED** to immediately send a copy of this Order via e-mail to the Office of the West Virginia Attorney General.

The Clerk is **DIRECTED** to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: June 28, 2021



ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE