

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

<p>ELIZABETH ETHELTON, Plaintiff, v. JOSEPH R. BIDEN et al., Defendants.</p>	<p>No. TRO REQUESTED BY 2PM, MONDAY, FEBRUARY 28 Motion for Temporary Restraining Order</p>
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Pursuant to Fed. R. Civ. P. 65, Plaintiff requests that this Court issue a temporary restraining order by 2 p.m. E.S.T. on Monday, February 28, stating that:

1. Defendants may not reduce Head Start funding or otherwise punish Fairfax County Public Schools for allowing Ms. Etherton to remain unvaccinated without an approved religious or medical exemption; and
2. Fairfax County Public Schools may not terminate Ms. Etherton for failure to become vaccinated or secure an approved religious or medical exemption pursuant to the Head Start Rule,¹

¹ Under Fed. R. Civ. P. 65 (d)(2)(C), the Court may enjoin “other persons who are in active concert or participation with anyone described in 65(d)(2)(A) and (B).” Subsections (A) and (B) reference “parties” and agents and officers of parties. Here, Fairfax County Public Schools is in active concert with Defendants specific to its receipt and administration of Head Start funds pursuant to federal Head Start standards, including the vaccine mandate. *See Buffalo Wings Factory, Inc. v. Mohd*, No. 1:07cv612 (JCC), 2008 U.S. Dist. LEXIS 82247, at *23 (E.D. Va. Oct. 15, 2008).

until this Court can hear and decide a motion for a preliminary injunction to ensure ongoing the status quo remains stable as the case is litigated.

Dated: February 23, 2022

Respectfully Submitted,

/s/ Jeffrey J. Jennings
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I will serve the foregoing, and corresponding supporting memorandum, declaration, and exhibits per the Federal Rules of Civil Procedure, and will also send the same to counsel for Defendants in similar cases by email in order to secure prompt resolution if possible.

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