

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

SUSANA CASTILLO, CLARISSA  
VASQUEZ, VERONICA BOTELLO,  
DULCE SOSTENES, DORAELIA  
NUNEZ, MANUEL NUNEZ  
MORALES, JR., TRUE BLUE  
BERRY MANAGEMENT, LLC, a  
Michigan limited liability company,  
SMELTZER ORCHARDS CO., LLC, a  
Michigan limited liability company,  
individually and on behalf of all others  
similarly situated,

Case No. 1:20-cv-751

Honorable Paul L. Maloney

Plaintiffs,

v.

GRETCHEN WHITMER, in her  
official capacity as Governor of the  
State of Michigan, ROBERT  
GORDON, in his official capacity as  
the Director of the Michigan  
Department of Health and Human  
Services, and GARY MCDOWELL, in  
his official capacity as the Director of  
the Michigan Department of  
Agriculture and Rural Development,

Defendants.

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**PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER**

**EXPEDITED CONSIDERATION REQUESTED**

Plaintiffs, by and through their attorneys, Varnum LLP, move this Court for the entry of a temporary restraining order to prevent the Defendants from enforcing Director Gordon's August 3, 2020 Emergency Order (the "Order"), until the Court rules on Plaintiffs' Emergency Motion for Preliminary Injunction. Plaintiffs rely upon their Amended Complaint, and Emergency Motion for Preliminary Injunction (ECF No. 3) and Brief in Support ("Preliminary Injunction Brief") (ECF No. 6), which is incorporated herein by reference.

As required by Western District of Michigan Local Rule 7.1(d), Plaintiffs certify that the undersigned counsel contacted counsel for the State Defendants regarding Plaintiffs' Motion for a Temporary Restraining Order on August 13, 2020. Counsel for Defendants do not concur in the relief requested.

This motion requires expedited consideration because Director Gordon's August 3, 2020 Emergency Order infringes upon Plaintiffs' constitutional rights. Although the Order has a technical compliance deadline of August 24, 2020, the State is actively implementing its requirements now, including through coercing Latino workers to submit for testing. For all practical purposes, those covered by the Order must begin compliance now or risk penalties. Without temporary injunctive relief, Plaintiffs, and other similarly situated Michiganders, will face irreparable harm from the Order's mandates.

WHEREFORE, Plaintiffs requests that the Court enter a temporary restraining order, enjoining Defendants, and all persons acting in concert, or under their direction, from implementing the Order, including instructing covered workers that they must be tested for COVID-19, until further order of this Court. A proposed order is attached as **Exhibit A**.

Respectfully submitted,  
VARNUM LLP

Dated: August 13, 2020

By: /s/ Aaron M. Phelps  
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**CERTIFICATE OF SERVICE**

I hereby certify that on August 13, 2020, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to all registered ECF participants listed for this case.

Varnum LLP  
Attorneys for Plaintiff

Dated: August 13, 2020

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