

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BREAD FOR THE CITY, *et al.*,

Plaintiffs,

v.

**KATE JESBERG, Interim Director, District of
Columbia Department of Human Services *et al.*,**

Defendants.

Civil Action No.

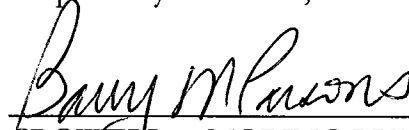
APPLICATION FOR TEMPORARY RESTRAINING ORDER

Pursuant to Federal Rule of Civil Procedure 65(b) and Local Rule 65.1, Plaintiffs Bread for the City, *et al.*, hereby apply for a Temporary Restraining Order to maintain the status quo for 10 days, enjoining Defendants Kate Jesberg, *et al.*, from implementing new citizenship documentation requirements for Medicaid applicants and beneficiaries in recertification, including any documentation requirements based on the June 9, 2006, Guidance issued by the United States Department of Health & Human Services' Centers for Medicare & Medicaid Services.

Plaintiffs represent, by and through their counsel, that in the days prior to this filing, they provided notice of their intention to file to the Defendants and spoke about the intention to file to the Deputy Attorney General, Civil Litigation Division, for the District of Columbia. Before filing the Complaint, this Application for Temporary Restraining Order, and associated papers, Plaintiffs sent copies of all papers by "PDF" to the Civil Litigation Division, Office of the Attorney General for the District of Columbia and initiated hand service of all papers filed in the action to date upon each of the Defendants.

In support of this Application, the Court is referred to the attached memorandum and points and authorities, declarations and exhibits. A proposed order is also attached. Plaintiffs request a hearing on this Application on an expedited basis.

Respectfully submitted,



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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of June 2006, I caused a copy of the foregoing Plaintiffs' Application for a Temporary Restraining Order and accompanying Proposed Order and Memorandum of Points and Authorities in Support, to be served by hand delivery upon:

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TEMPORARY RESTRAINING ORDER

Upon consideration of the motion of Plaintiffs Bread for the City, *et al.*, and upon consideration of the supporting declarations, memoranda, and the entire record herein, and it appearing that Plaintiffs have established (1) serious questions of law and a likelihood of success on the merits; (2) that it will be irreparably harmed if a preliminary injunction does not issue; (3) that the interests of all affected parties are properly balanced by said relief; and (4) that the public interest is clearly served by the issuance of this Order, it is hereby

ORDERED, pursuant to Fed. R. Civ. Pro. 65, that Plaintiffs' Motion for a Temporary Restraining Order is GRANTED, and, it is further ordered that for a period of 10 days Defendants are hereby enjoined from implementing new citizenship documentation requirements for new Medicaid applicants and for Medicaid beneficiaries in recertification based on the June 9, 2006, Guidance issued by the United States Department of Health & Human Services' Centers for Medicare & Medicaid Services.

It is further ORDERED that defendants shall respond to Plaintiffs' Motion For a Preliminary Injunction, by hand-serving its response in 5 days; that Plaintiffs may file and hand-

serve a reply up until 24 hours before the hearing on the Motion for Preliminary Injunction, and that said hearing will be set for July _____, 2006 at _____.

United States District Judge

Dated: _____

Copies to:

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