

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

JOHN DOE #1-#14 and JANE DOE #1-#2,)

Plaintiffs,)

vs.)

LLOYD AUSTIN, III, in his official)
capacity as Secretary of Defense, U.S.)
Department of Defense)

XAVIER BECERRA, in his official)
capacity as Secretary of the U.S.)
Department of Health and Human)
Services,)

FRANK KENDALL, in his official)
capacity as Secretary of the Air Force,)
Department of the Air Force,)

CARLOS DEL TORO, in his official)
capacity as Secretary of the Navy,)
Department of the Navy, and)

JANET WOODCOCK, in her official)
capacity as Acting Commissioner of the)
U.S. Food and Drug Administration, and)

CHRISTINE WORMUTH, in her official)
capacity as Secretary of the Army,)
Department of the Army,)

Defendants.)

CIVIL ACTION NO.
3:21-cv-01211-TKW-HTC

(ORAL ARGUMENT
REQUESTED)

ORDER GRANTING STAY AND TEMPORARY RESTRAINING ORDER

1. On October 6, 2021, the plaintiffs filed a complaint and a motion for declaratory judgment, administrative stay, temporary restraining order, and preliminary injunction to stay the effective date of and enjoin Defendant Department of Defense (“DOD”), and the component armed services (Air Force, Army, Marine Corps, and Navy, collectively the “Armed Services”) from implementing its August 24, 2021 mandate requiring Plaintiff service members to receive an injection of a COVID-19 vaccine (“DOD Mandate”), and to stay the effective date of, vacate, and remand to the Defendant Food and Drug Administration (“FDA”) its August 23, 2021 approval of the Comirnaty vaccine (“FDA Comirnaty Approval”).

2. Having examined the complaint, and the enclosures thereto, and the motion, and enclosures thereto, it is hereby:

ORDERED, that: (1) the effective date of the DOD Mandate, and any implementation thereof by the Armed Services, and the FDA Comirnaty Approval; (2) Defendant DOD and Armed Services are temporarily enjoined from enforcing the DOD Mandate with respect to, or administering any COVID-19 vaccine, the Plaintiffs or similarly situated individuals; and (3) Defendant DOD and Armed Services are temporarily enjoined from taking any adverse employment or disciplinary actions against Plaintiffs for non-

**compliance with the DOD Mandate or related orders or implementation by the
Armed Services or unit commanders.**

Dated: October ____, 2021

T. Kent Wetherell II
United States District Court Judge