

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

DO NO HARM,

*Plaintiff,*

**Emergency Motion**

v.

VITUITY, also known as,  
CEP AMERICA LLC,

*Defendant.*

Case No. 3:23-cv-24746-TKW-HTC

**EMERGENCY MOTION FOR EX PARTE  
TEMPORARY RESTRAINING ORDER  
(RULING REQUESTED BY DECEMBER 17, 2023)**

Plaintiff, Do No Harm, moves for a temporary restraining order, including *ex parte* if necessary. Defendant Vituity is operating a racially discriminatory program that violates the Civil Rights Act of 1866, 42 U.S.C. §1981, and the Affordable Care Act, §18116(a). Vituity, through its new Bridge to Brilliance Incentive Program, offers a partnership and a \$100,000 signing bonus to physicians who agree to work at any Vituity location, including Pensacola, but only if they're black. Ex. A. Do No Harm's physician members, like Doctor A, cannot compete on an equal footing for this opportunity. Doctor A is ready and able to apply once the Court orders Vituity to stop discriminating against him based on race. VC ¶¶30-39.

Time is of the essence. The deadline for applicants is **December 17, 2023**. Ex. D. Absent an immediate order of this Court restraining Vituity from closing the application

period, non-black physicians now ineligible to apply will be irreparably harmed by Vituity's unlawful racial discrimination. To preserve the status quo, Do No Harm respectfully asks this Court to grant this motion for a temporary restraining order by **December 17, 2023**. Doing so will preserve this Court's ability to review the legality of Vituity's program, including Do No Harm's forthcoming motion for a preliminary injunction.

This motion is supported by the accompanying memorandum of law. The memorandum demonstrates that Do No Harm satisfies all the requirements for this relief.

This Court should not require an injunction bond. *See* Fed. R. Civ. P. 65(c). Granting this motion would maintain the status quo, so Vituity won't incur damages or costs from this temporary relief. And Do No Harm is "engaged in public-interest litigation, an area in which the courts have recognized an exception to the Rule 65 security requirement." *City of Atlanta v. Metro. Atlanta Rapid Transit Auth.*, 636 F.2d 1084, 1984 (5th Cir. 1981). If a bond is ordered, the amount should be nominal.

Dated: December 8, 2023

Respectfully submitted,

/s/ Taylor A.R. Meehan

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Attorneys for Do No Harm

### **RULE 7.1(F) CERTIFICATION**

Pursuant to Local Rule 7.1(F), I certify that the forgoing motion is 317 words, excluding those parts that can be excluded.

/s/ Taylor A.R. Meehan  
Taylor A.R. Meehan

### **RULE 7.1 CERTIFICATION OF CONFERENCE**

Do No Harm's counsel could not confer with opposing counsel because, when this time-sensitive emergency motion was filed, no counsel had entered an appearance. This motion is properly filed *ex parte* for the reasons discussed in the accompanying Memorandum.

/s/ Taylor A.R. Meehan  
Taylor A.R. Meehan

### **CERTIFICATE OF SERVICE**

On December 8, 2023, I e-filed this motion and attachments with the Court and co-counsel emailed it to Defendant's general counsel. Do No Harm's counsel will also send this motion and attachments, via certified mail, to Defendant along with the other case-opening documents.

/s/ Taylor A.R. Meehan  
Taylor A.R. Meehan