

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

DO NO HARM,

Plaintiff,

v.

NATIONAL ASSOCIATION
OF EMERGENCY MEDICAL
TECHNICIANS,

Defendant.

Case No. 3:24-cv-00011-CWR-LGI

**URGENT AND NECESSITOUS
MOTION FOR TEMPORARY RESTRAINING
ORDER AND PRELIMINARY INJUNCTION
(RULINGS REQUESTED BY JANUARY 31 AND MARCH 31, 2024)**

NAEMT is operating a racially discriminatory program that violates the Civil Rights Act of 1866, 42 U.S.C. §1981. NAEMT awards scholarships to individuals pursuing an EMS program, but only if they are “students of color.” VC ¶3. Do No Harm’s members, like Member A, cannot compete on an equal footing for this opportunity. Member A is ready and able to apply once the Court orders NAEMT to stop discriminating against her based on race. A Decl. ¶12.

But time is of the essence. NAEMT will open the application window on February 1, 2024, and close it on March 31, 2024. VC ¶15. Once it’s closed, NAEMT will quickly choose winners, and Member A could forever lose her chance to compete because she had the wrong skin color. Absent an immediate order of this Court, she and

other non-minority applicants will be irreparably harmed. To preserve the status quo, Do No Harm asks this Court, **by January 31, 2024**, to enter a TRO prohibiting NAEMT from closing the application window or picking a winner until this Court resolves Do No Harm's request for a preliminary injunction. Do No Harm also asks this Court, **by March 31, 2024**, to enter a preliminary injunction barring NAEMT from closing the application window or picking a winner until further order of the Court.

The Court should also waive the bond requirement. *See* Fed. R. Civ. P. 65(c); *City of Atlanta v. Metro. Atlanta Rapid Transit Auth.*, 636 F.2d 1084, 1084 (5th Cir. 1981).

Dated: January 10, 2024

Respectfully submitted,

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*pro hac vice pending

Attorneys for Do No Harm

CERTIFICATE OF SERVICE

On January 10, 2024, I e-filed this motion and attachments with the Court. I will cause them to be mailed to Defendant's registered agent along with the other case-opening documents at the following address:

NAEMT (registered agent: Lisa Lindsay)
132-A East Northside Drive
Clinton, MS 39056

I will also send a process server who will deliver this motion, its attachments, and other case-opening documents.

/s/ Emily S. Nobile
Emily S. Nobile

**UNITED STATES DISTRICT COURT
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DO NO HARM, v. NATIONAL ASSOCIATION OF EMERGENCY MEDICAL TECHNICIANS, <i>Plaintiff,</i> <i>Defendant.</i>

Case No.

DECLARATION OF MEMBER A

I, Member A, declare as follows:

1. I am over the age of 18, of sound mind, and otherwise competent to sign this declaration.
2. I am a U.S. citizen.
3. I satisfy all of the nonracial criteria for NAEMT's diversity scholarship program.
4. I do not hold an EMS certification but intend to become an EMS practitioner.
5. I am signed up for an EMS course at a large public university that starts this year. The course lasts one semester.
6. I am committed to completing this certification training and becoming an EMT.

7. I have a commitment to community service and will strive to be a positive ambassador for the EMS profession. I have worked with the YMCA for nearly a decade, from cleaning bathrooms to serving on the leadership team. I love working with children, helping teach and mentor students of all ages, both able-bodied and disabled.

8. I have demonstrated financial need. Though my father had set aside money for my education, we are estranged and he will not let me access it. I have to work, but what little money I make cannot cover the cost of tuition.

9. I would use the scholarship to cover tuition.

10. I am white. I am not, and do not identify as, a student of color.

11. NAEMT's scholarship program expressly discriminates against me by excluding me from competing for the \$1,250 based on my race.

12. I am ready and able to apply for NAEMT's diversity scholarship, if a court ordered NAEMT to stop discriminating against white applicants.

13. If a court grants that relief, I would assemble and promptly submit all the requested application materials.

14. If I won, I am prepared to meet all requirements and expectations.

15. I became a member of Do No Harm because I support its mission.

16. I am signing this declaration under a pseudonym because I am an EMT student suing—alongside a well-known organization—the professional organization that represents EMTs over racial discrimination. If my participation in this litigation becomes public, I fear reprisal from other students, my teacher, future employers, and

the public. I also fear that NAEMT would hold my involvement against me when selecting scholarship winners.

17. Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 9, 2024

A handwritten signature in black ink that reads "Member A". The signature is written in a cursive, flowing style.

Member A

**UNITED STATES DISTRICT COURT
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Case No.

DECLARATION OF KRISTINA RASMUSSEN

I, Kristina Rasmussen, declare as follows:

1. I am over the age of 18, of sound mind, and otherwise competent to sign this declaration.
2. I am the Executive Director of Do No Harm.
3. Do No Harm is a nationwide membership organization consisting of a diverse group of physicians, healthcare professionals, students, patients, and policymakers who want to protect healthcare from radical, divisive, and discriminatory ideologies and policies. Do No Harm accomplishes its mission through education and advocacy about the divisive and discriminatory ideas being embedded within medical education, training, research, practice, and policy. It has, among other things, sued the Biden administration for introducing discriminatory “equity” criteria into Medicare, sued private medical organizations for creating racially exclusive fellowships, and filed Office of Civil

Rights complaints against medical schools that create fellowships and scholarships that exclude students based on race.

4. Do No Harm has at least one member who is ready and able to apply for the scholarship if NAEMT stops discriminating against white applicants, including Member A.

5. I know and have spoken to Member A. The statements contained in Member A's declaration are consistent with my conversations with her.

6. As Executive Director of Do No Harm, I know the concerns of Do No Harm's members. It is my experience that medical professionals, health researchers, and students in the health field who disagree with, and are gravely concerned about, the corrosive effects of the racialization of medicine are not likely to speak out publicly for fear of retaliation. And they would be far less likely to join Do No Harm if they could not be anonymous.

7. For example, I know medical professionals, many of whom are Do No Harm members, who lost their jobs (or would lose their jobs) if they decline to participate in so-called implicit bias training programs during which they must admit to unconsciously having racist biases and agree that the medical profession is systematically racist. Decent and honorable medical professionals who just want to care for everyone are concerned that these unjust racist labels sow distrust and weaken patients' confidence in the care they are receiving. These requirements are now being imposed

through the legal and/or licensing regimes, and medical professionals often must participate in these programs as part of the continuing medical education. I am also aware of medical professionals, many of whom are Do No Harm members, who are afraid to speak out against these initiatives publicly because they fear losing their jobs or certifications.

8. In my experience, medical professionals are also afraid to raise their grave concerns about the declining quality of care because the medical training and research institutions' growing obsession with the so-called "diversity, equity, and inclusion" programs. For instance, Do No Harm found that medical schools are considering not only race, but also whether the applicants would support DEI efforts, in their admissions decisions. These schools are also doing away with the objective, measurable standards like the MCAT scores or grades for admissions or graduation requirements. Often, these schools will pay exorbitant speaker fees for DEI speakers instead of using those resources toward training health professionals about medicine. I am also aware of many medical professionals who are afraid to speak out against these initiatives publicly because they fear retaliation or other negative consequences.

9. Indeed, many Do No Harm members who are medical professionals or students in the medical field would not participate in litigation like this to vindicate their rights if they could not participate anonymously. Those concerns are particularly present in the context of affirmative action. For example, Abigail Fisher—the named plaintiff who challenged affirmative action in *Fisher v. Univ. of Texas*, 570 U.S. 297 (2013), and

Fisher v. Univ. of Texas, 579 U.S. 365 (2016)—“endured consistent harassment since 2008” “[a]s a direct result of [her] involvement in that case,” *SFFA v. Harvard Coll.*, No. 1:14-cv-14176 (D. Mass. Apr. 29, 2016), ECF 150-4 ¶3. She experienced grotesque “threats” and “insults” from across the country and even suffered professionally. *See id.* ¶¶5, 9-10. According to Fisher, those experiences “often led [her] to second-guess [her] involvement in the case and as an advocate against unlawful affirmative action policies.” *Id.* ¶11.

10. Do No Harm brought this suit itself to ensure that its members—like Member A—will not face discipline, investigation, or any other negative repercussions, official or social, for vindicating their federal rights.

11. I understand that being the director of a national association that is sometimes the named plaintiff in lawsuits comes with risks. But most healthcare professionals, researchers, and students whose rights are being violated are, understandably, unwilling to endure the kind of retaliation that comes with high-profile litigation.

12. Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 9, 2024



Kristina Rasmussen
Executive Director of Do No Harm