

1 HARDY MYERS
Attorney General
2 STEPHEN K. BUSHONG #85130
Assistant Attorney General
3 Department of Justice
1162 Court Street NE
4 Salem, OR 97301-4096
Telephone: (503) 378-6313
5
6 Attorneys for Plaintiff

7
8
9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE DISTRICT OF OREGON

12 STATE OF OREGON,

13 Plaintiff,

14 &

15 RICHARD HOLMES; KARL STANSELL;
16 JAMES ROMNEY; JANE DOE #1;
17 PETER A. RASMUSSEN, M.D.; and
DAVID MALCOM HOCHHALTER, Rph,

18 Plaintiffs-Intervenors,

19 v.

20 JOHN ASHCROFT, in his official capacity as
United States Attorney General; ASA
21 HUTCHINSON, in his official capacity as
Administrator of the Drug Enforcement
22 Administration; KENNETH W. MAGEE, in his
official capacity as Director of the Drug
23 Enforcement Administration, Portland Office;
UNITED STATES OF AMERICA; UNITED
24 STATES DEPARTMENT OF JUSTICE; and
UNITED STATES DRUG ENFORCEMENT
25 ADMINISTRATION,

26 Defendants.

Case No. CV01-1647-JO

PRELIMINARY INJUNCTION (PROPOSED)

1 This matter came before the court on November 20, 2001, for hearing on plaintiff's
2 motion for a preliminary injunction. The court, having considered the oral and written
3 arguments of the parties and the affidavits filed herein, finds sufficient grounds for concluding
4 that irreparable injury to Oregon physicians, terminally-ill patients, and the sovereign and
5 regulatory interests of Oregon will likely occur while this case is pending absent entry of a
6 preliminary injunction. Therefore, it is hereby ordered as follows:

7 1. Defendants are preliminarily enjoined from enforcing, applying, or otherwise
8 giving any legal effect to the directive issued by Attorney General John Ashcroft on or about
9 November 6, 2001 (attached as Exhibit 1) pending further order of the court. Physicians,
10 pharmacists, and other health care providers in Oregon shall not be subject to criminal
11 prosecution, professional disciplinary action or other administrative proceedings for any actions
12 taken in compliance with the Oregon Death with Dignity Act while this preliminary injunction
13 remains in effect.

14 2. This preliminary injunction shall remain in effect until final resolution of this case
15 on the merits, subject to further order of this court.

16 3. This preliminary injunction shall become effective immediately upon entry by the
17 court. Oregon is not required to post a bond or other security.

18 4. The temporary restraining order previously entered in this case expires upon entry
19 of this order.

20
21 DATED this ____ day of November, 2001.

22

23

24

ROBERT E. JONES
UNITED STATES DISTRICT COURT JUDGE

25 Submitted by: Stephen K. Bushong
26 Assistant Attorney General
 Of Attorneys for Plaintiff