

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

RICHARD ROE, ET AL.,

Plaintiffs,

v.

PATRICK M. SHANAHAN, ET AL.,

Defendants.

CIVIL ACTION NO. 1:18-cv-01565

PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiffs respectfully move for a preliminary injunction to preserve the status quo until a judgment on the merits of Plaintiffs' claims is entered by preventing the separation of Roe and Voe, as well as any other similarly situated service members subject to separation because of restrictions on deployability due to HIV status; and by preventing Defendants from restricting Roe and Voe and others similarly situated from being promoted, changing duty station, or re-training on the same terms as other service members living with HIV who are not being separated.

A preliminary injunction is warranted here because Plaintiffs Roe and Voe are likely to succeed on the merits, will suffer irreparable harm in the absence of such relief, and because the balance of the equities and public interest weigh in favor of granting such relief. Plaintiffs refer the Court to the accompanying Memorandum in Support of Plaintiffs' Motion for a Preliminary Injunction for additional support for this motion. For the reasons contained therein, Plaintiffs Roe and Voe respectfully request that their Motion for a Preliminary Injunction be granted.

Dated: January 11, 2018

Respectfully Submitted

/s/ Scott Schoettes

Scott Schoettes*

SSchoettes@lambdalegal.org

Kara Ingelhart*

KIngelhart@lambdalegal.org

LAMBDA LEGAL DEFENSE AND EDUCATION

FUND, INC.

105 W. Adams St., Suite 2600

Chicago, IL 60603

T: (312) 663-4413

Peter E. Perkowski*

PeterP@outserve.org

OUTSERVE-SLDN, INC.

P.O. Box 65301

Washington, DC 20035-5301

T: (800) 538-7418

Attorneys for Plaintiffs

**pro hac vice*

/s/ Andrew R. Sommer

Andrew R. Sommer

Virginia State Bar No. 70304

ASommer@winston.com

Lauren Gailey *

LGailey@winston.com

Laura Cooley

Virginia State Bar No. 93446

LCoolley@winston.com

WINSTON & STRAWN LLP

1700 K St., NW

Washington, DC 20006

T: (202) 282-5000

Julie A. Bauer*

JBauer@winston.com

WINSTON & STRAWN LLP

35 W. Wacker Dr.

Chicago, IL 60601

T: (312) 558-560

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of January, 2019, I caused the foregoing to be filed electronically using the Court's CM/ECF system, which automatically sent a notice of electronic filing to all counsel of record.

Dated: January 11, 2019

Respectfully submitted,

/s/ Andrew R. Sommer
Andrew R. Sommer