

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

NURSES UNITED OF THE NATIONAL  
CAPITAL REGION,

Plaintiff,

and

Case 1:10-cv-00154 PLF  
Judge Paul L. Friedman

WASHINGTON HOSPITAL CENTER  
CORP.,

Defendant

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**APPLICATION FOR TEMPORARY RESTRAINING ORDER,  
INJUNCTIVE RELIEF PENDING ARBITRATION,  
AND ORDER TO SHOW CAUSE**

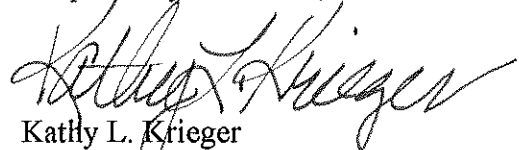
Pursuant to Section 301(a) of the Labor Management Relations Act ("LMRA"), 29 U.S.C. § 185(a), and Fed. R. Civ. P. 65(b), the Plaintiff, Nurses United of the National Capital Region ("Nurses United" or "Union"), hereby applies for a Temporary Restraining Order and Preliminary Injunction enjoining the Defendant Washington Hospital Center Corporation ("Washington Hospital Center" or "Employer"), its agents, and its employees, pending arbitration of a grievance, from terminating, suspending or disciplining Union-represented nurses ("Nurses") who fail to submit to seasonal flu vaccination. Washington Hospital Center has advised the Union that Nurses who do not take the seasonal flu vaccine by February 1, 2010 will be suspended from their jobs without pay as of that date, and then fired if they still decline the vaccine.

This Application is based upon the grounds that the Union has disputed the impending adverse action against unvaccinated nurses as a violation of the parties' Collective Bargaining Agreement ("CBA" or "Agreement") covering Nurses; that the CBA provides for arbitration of

this dispute; that the Union has demanded arbitration and has filed an action seeking to compel arbitration; that the arbitration award the Union is entitled to will be rendered futile without provisional relief; and that the Union, the Nurses, and the Hospital's patients will all suffer irreparable harm absent such relief.

This Application is based upon the Declarations of Stephen Frum, Megan Honor Caine, Geraldine V. Lee, Susan L'Heureux, and Lori J. Marlowe, together with attached Exhibits. It is also supported by the accompanying Memorandum in Support of Plaintiff's Application for Temporary Restraining Order and Injunctive Relief Pending Arbitration.

Respectfully submitted,



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Attorneys for Nurses United of the  
National Capital Region

Dated: January 28, 2010

**CERTIFICATE OF SERVICE**

By my signature below, I hereby certify that I caused the instant APPLICATION FOR TEMPORARY RESTRAINING ORDER, INJUNCTIVE RELIEF PENDING ARBITRATION, AND ORDER TO SHOW CAUSE, accompanying MEMORANDUM and DECLARATIONS in support thereof, and COMPLAINT to be served upon Washington Hospital Center. Service was made by email, sent at <sup>12:30 pm</sup> \_\_, January 28, 2010, to Kathleen Chapman, Assistant VP of Human Resources ([Kathleen.F.Chapman@Medstar.net](mailto:Kathleen.F.Chapman@Medstar.net)), G. Roger King, Esq. ([gking@jonesday.com](mailto:gking@jonesday.com)), and M. Carter Delome, Esq. ([cdelorme@JonesDay.com](mailto:cdelorme@JonesDay.com)). Service was also made by hand delivery to Jones Day; 51 Louisiana Ave., NW; Washington, DC 20001 at \_\_ p.m., January 28, 2010, and to CT Corporation System, 1015 15th St., NW, Suite 1000; Washington, DC 20005 at \_\_ p.m., January 28, 2010.

Dated: January 28, 2010



Darin M. Dalmat  
Attorney for Plaintiff