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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

VETERANS FOR COMMON SENSE, and
VETERANS UNITED FOR TRUTH, INC.,

Plaintiffs,

v.

JAMES B. PEAKE, M.D., Secretary of Veterans
Affairs, *et al.*,

Defendants.

Case No. C-07-3758-SC

CLASS ACTION

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

(Fed. R. Civ. P. 65(a); Civil L.R. 65-2)

Date: __ March 7, 2008

Time: 10:00 a.m.

Ctrm: 1, 17th Floor

Complaint Filed July 23, 2007

1 The Court, having reviewed the papers filed in support of and in opposition to Plaintiffs'
2 Motion for Preliminary Injunction, and having heard oral argument thereon, hereby finds and orders
3 as follows:

4 1. Plaintiffs are likely to prevail on the merits of the claims involved in their request for a
5 preliminary injunction;

6 2. The balance of hardships tips decidedly in favor of Plaintiffs;

7 3. Veterans suffering from PTSD are likely to suffer irreparable injury if the preliminary
8 injunction is denied; and

9 4. Consideration of the public interest weighs heavily in favor of granting the Plaintiffs'
10 Motion for Preliminary Injunction.

11 THEREFORE, the Court grants Plaintiffs' Motion for a Preliminary Injunction pursuant to
12 Rule 65 of the Federal Rules of Civil Procedure and, pending trial on the merits, enjoins Defendants,
13 and each of them, and every person acting in concert with them from doing any of the following:

14 1. For any veteran who has sought mental health care for post traumatic stress disorder or
15 traumatic brain injury, from failing or refusing to provide all necessary health care for any disease or
16 condition which is the subject of an existing claim for service-connection, or where a potential claim
17 for service-connection exists;

18 2. Failing or refusing to provide an immediate thorough evaluation and mental health
19 care to any veteran who is eligible for medical care under the Five-Year Statute or is otherwise
20 eligible for VA medical care and seeks medical treatment at any VA facility and who self-reports
21 suicidal intentions, or has been the subject of a documented suicide attempt or threat since leaving
22 military service, or who is found by a VA physician or other medical professional to be at risk for
23 suicide, or who demonstrates a risk of suicide applying professionally accepted standards of suicidal
24 risk or ideation.

25 It is so ORDERED.

26 _____
27 Dated

26 _____
27 HONORABLE SAMUEL CONTI
28 Senior United States District Judge