

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT
C. A. No. 22-2805 G

JOHN DOE,	Plaintiff
v	
BOSTON MEDICAL CENTER et alia,	Defendants

SUFFOLK SUPERIOR COURT
CIVIL CLERK'S OFFICE
2022 DEC 12 P 1:38
MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE

**PLAINTIFF'S MOTION FOR PRELIMINARY RELIEF REQUIRING BOSTON
MEDICAL CENTER DEFENDANTS TO RESUME PLAINTIFF'S HIV TREATMENT
AND ENJOINING ENFORCEMENT OF DEFENDANT COOKE'S COVID-19 ORDER
NO. 2022-19 AGAINST PLAINTIFF**

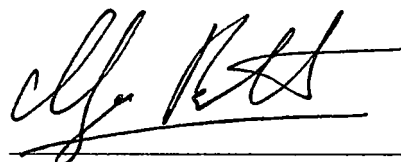
Plaintiff hereby moves pursuant to Mass. R. Civ. P. 65, G.L. c. 12, 11J, and this Court's general and statutory equity powers under G.L. c. 214, §§ 1 & 2 that this Honorable Court grant the preliminary relief requested in the attached Proposed Order as a temporary restraining order without notice to Defendants; and that this Honorable Court then grant the same relief as a preliminary injunction after notice to Defendants and hearing at the earliest possible time. As part of such relief, Plaintiff moves that the Honorable Court order that Defendants Boston Medical Center Corporation, Arjana Asundi, and Jai Marathe shall immediately resume Plaintiff's HIV treatment, providing Plaintiff with the standard of care of the average qualified physician in their area of specialty; and that these Defendants are enjoined from enforcing the Massachusetts Public Health Commissioner's COVID-19 Order No. 2022-19 against Plaintiff or from otherwise requiring that Plaintiff wear a face mask during his HIV treatment. As grounds

therefor, Plaintiff files the Proposed Order and a separate Memorandum of Law in support of this Motion, which are incorporated as if fully stated herein.

REQUEST FOR HEARING

Pursuant to Mass. R. Civ. P. 65(a), Plaintiff requests a hearing on his motion for a preliminary injunction at the earliest possible time.

Plaintiff,
By his attorney,

A handwritten signature in black ink, appearing to read 'Ilya I. Feoktistov', is written over a horizontal line.

Ilya I. Feoktistov, Esq.
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December 11, 2022

**PROPOSED ORDER OF PRELIMINARY RELIEF REQUIRING BOSTON MEDICAL
CENTER DEFENDANTS TO RESUME PLAINTIFF'S HIV TREATMENT AND
ENJOINING ENFORCEMENT OF DEFENDANT COOKE'S COVID-19 ORDER NO.
2022-19 AGAINST PLAINTIFF**

After hearing, and after consideration of arguments of counsel and review of the affidavits and memoranda filed, the Court, finding irreparable harm and probability of success on the merits, and balancing the interests involved, hereby ORDERS that Defendants Boston Medical Center Corporation, Arjana Asundi, and Jai Marathe, and their officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them:

1. Shall immediately resume Plaintiff's HIV treatment, providing Plaintiff with the standard of care of the average qualified physician in their area of specialty; and
2. Are enjoined from enforcing any face mask requirements against Plaintiff or otherwise requiring that Plaintiff wear a face mask during his HIV treatment, until further order of the Court.

PURSUANT TO M.G.L. c. 12, § 11J, VIOLATION OF THIS ORDER IS A CRIMINAL
OFFENSE