

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

Dena K. Brown, by her brother and)	
next friend, Donald C. Brown,)	
Plaintiff,)	
v.)	
)	
ROBERT M. DAY, in his official capacity as)	CIVIL ACTION
Director, Kansas Division of Health Policy)	
and Finance (HPF), and)	No. 06-2212-KHV
GARY J. DANIELS, in his official capacity as)	
Secretary, Kansas Department of Social and)	
Rehabilitation Services (SRS),)	
Defendants.)	

TEMPORARY RESTRAINING ORDER

On the 1st day of June 2006, the Plaintiff's Motion for a Temporary Restraining Order came before the Court for hearing. Plaintiff, Dena K. Brown, appeared through counsel, Molly M. Wood, Stevens & Brand, L.L.P. Defendant Dr. Robert M. Day in his official capacity as Director, Division of Health Policy and Finance appeared through counsel, Reid Stacey. Defendant Gary J. Daniels in his official capacity as Secretary, Department of Social and Rehabilitation Services appeared through counsel, Danny Baumgartner. There were no other appearances.

After reviewing the verified Petition, the attached exhibits, the Motion and Memoranda, and after hearing arguments of counsel, the Court found as follows:

The plaintiff has established the elements precedent to the issuance of a temporary restraining order, that is, (1) a substantial likelihood of prevailing on the merits; (2) irreparable harm in the absence of the injunction; (3) proof that the threatened harm outweighs any damage the injunction may cause to the party opposing it; and (4) that the injunction will not be adverse to the public interest.

IT IS THEREFORE ORDERED as follows:

A. Defendant Day, in his official capacity as Director, Health Policy and Finance is enjoined from terminating the plaintiff's medical assistance benefits until the conclusion of the hearing on plaintiff's motion for a preliminary injunction on June 7, 2006 at 9:30 a.m. in the United States District Court in Kansas City, Kansas;

B. This Order shall be binding upon the parties, their officers, agents, servants, employees, and attorneys, and upon those persons in concert or participation with them;

C. This order shall become effective when plaintiff provides the Court a bond in the amount of \$980, drawn to the order of the Clerk of the Court for the District of Kansas, to be held pursuant to FRCP 65.1 pending further order of the Court.

IT IS SO ORDERED.

Dated this 2nd day of June, 2006 at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge