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NIGHTINGALE COLLEGE, LLC, d/b/a
7 NIGHTINGALE EDUCATION GROUP

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **FOR THE COUNTY OF SACRAMENTO**

10 NIGHTINGALE COLLEGE, LLC dba,
11 NIGHTINGALE EDUCATION GROUP,
a Utah institution of higher education,

12 Petitioner and Plaintiff,

13 v.

14 CALIFORNIA BOARD OF REGISTERED
15 NURSING; LORETTA MELBY, in her
16 official capacity as Executive Officer
of the Board of Registered Nursing;
17 and DOES 1 through 100, inclusive,
Defendants.

18 Respondents and Defendants.
19

Case No. 26CV020260

**PETITIONER AND PLAINTIFF
NIGHTINGALE COLLEGE'S EX
PARTE NOTICE OF APPLICATION
FOR TEMPORARY RESTRAINING
ORDER; AND ORDER TO SHOW
CAUSE WHY PRELIMINARY
INJUNCTION SHOULD NOT ISSUE**

Reservation ID: 857134083821

Date: August 28, 2026
Time: 9:00 am
Judge: Honorable Richard K. Sueyoshi
Dept: 16D

Complaint filed: August 24, 2026

1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 **NOTICE IS HEREBY GIVEN** that on August 28, 2026, at 9:00 am in Department 16D of
3 the Sacramento Superior Court, Tani G. Cantil-Sakauye Sacramento County Courthouse, located at
4 500 G Street, Sacramento, CA 95814, Petitioner and Plaintiff, Nightingale College, LLC, dba
5 Nightingale Education Group (“Nightingale”), moves for a temporary restraining order and an order
6 to show cause why a preliminary injunction should not issue under California Code of Civil Procedure
7 sections 526 and 527. Nightingale asks the Court to enjoin Respondents and Defendants California
8 Board of Registered Nursing (“BRN”) and Loretta Melby (“Melby”) (collectively “Respondents” or
9 “Defendants”) from enforcing unadopted requirements in connection with applying for licensure as
10 a Registered Nurse in the State of California pursuant to Business & Professions Code section
11 2736(a)(2), including the programmatic requirement in Business & Professions Code section
12 2786(a)(2) and 16 California Code of Regulations section 1426(d)’s undefined concurrency
13 requirement. Further, Nightingale asks the Court to declare invalid and enjoin the BRN from relying
14 on, enforcing, or applying against Nightingale’s graduates the binding, substantive off-agenda
15 commitments made by Executive Officer Melby and BRN counsel at the July 29, 2026, and August
16 11, 2026, Nursing Education and Workforce Advisory Committee (“NEWAC”) and Education
17 Licensing Committee (“ELC”) public meetings without advance public notice or agenda items, in
18 violation of the Bagley-Keene Open Meeting Act (Gov. Code §§ 11121–11125.7).

19 Nightingale therefore seeks a narrow temporary restraining order that would (1) enjoin the
20 BRN from enforcing against Nightingale’s graduates the underground, unadopted requirements—the
21 500-hour direct patient care and 30-hour specialty-area requirements derived from Business &
22 Professions Code section 2786(a)(2), and the undefined concurrency requirement under 16 CCR
23 section 1426(d); (2) declare invalid the binding, substantive off-agenda commitments made by
24 Executive Officer Melby and BRN counsel at the July 29, 2026 NEWAC and August 11, 2026 ELC
25 public meetings, as actions taken in violation of the Bagley-Keene Open Meeting Act (Gov. Code §§
26 11121–11125.7), and enjoin the BRN from relying on, enforcing, or applying those commitments
27 against Nightingale’s graduates; (3) require the BRN to process Nightingale graduates’ pending
28 Authorization to Test (“ATT”) applications under the lawful, duly adopted standards, without

1 withholding or delaying them based on those requirements or commitments; and (4) set an Order to
2 Show Cause hearing on why a preliminary injunction should not issue pending a final determination
3 on the merits.

4 In accordance with California Rules of Court, rule 3.1203(a) Nightingale provided
5 Respondents' counsel with timely notice of this application for a temporary restraining order and an
6 order to show cause why a preliminary injunction should not issue under California Code of Civil
7 Procedure sections 526 and 527, as the accompanying declaration of Edward M. Cramp explains.

8 Nightingale bases this Application on this Notice, the Verified Complaint, the Memorandum
9 of Points and Authorities in Support of this Ex Parte Application, the Declaration of Juliet Kolde, the
10 Declaration of Mikhail Shneyder, the Declaration of Scott Martson, the Declaration of Edward M.
11 Cramp and its exhibits, the Request for Judicial Notice, the [Proposed] Order, and any further
12 evidence and arguments presented at the hearing on this Application.

13 Dated: August 27, 2026

DUANE MORRIS LLP

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15 By: Edward M. Cramp
16 Edward Cramp
17 Taylor Stewart
18 Attorneys for Petitioner and Plaintiff,
19 NIGHTINGALE COLLEGE, LLC, d/b/a
20 NIGHTINGALE EDUCATION GROUP
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