

<b>DISTRICT COURT, GUNNISON COUNTY,          COLORADO          200 E. Virginia Ave.          Gunnison, Colorado 81230</b>	DATE FILED: December 9, 2022 3:04 PM
<b>DAVID JUSTICE, Plaintiff</b>  v.  <b>JENA GRISWOLD. In her official capacity as          Secretary of State, KATHY SIMILLION in her official          capacity as Clerk and Recorder of the County of          Gunnison, Mandy Roberts in her official capacity          Canvas Board Member and VIKKI ARCHULETA in          her official capacity as Canvas Board Member,          Defendant.</b>	<p style="text-align: center;"><b>COURT USE ONLY</b></p>
	<b>Case Number: 22CV11</b>  <b>Division: 2</b>
<p style="text-align: center;"><b>ORDER ON DEFENDANT'S MOTION FOR EMERGENCY RESTRAINING ORDER</b></p>	

In this case Plaintiff filed at 1:38 p.m. on December 9, 2022, Defendant seeks an Emergency Restraining Order and to have the matter set for a Preliminary Injunction Hearing.

The applicable Rule of Civil Procedure, Rule 65 (b) of the Colorado Rules of Civil Procedure, permits such an order only if:

- (1) It clearly appears from specific facts shown by affidavit or by the verified complaint or by testimony that immediate and irreparable injury, loss or damage will result to the applicant before the adverse party or his attorney can be heard in opposition.

That standard has not been established by the filing. That request is denied.

The Court will set a status conference on Monday December 12, 2022 at 4:00 p.m. Plaintiff shall have served and otherwise notified all Defendants, as soon as practicable and in any event prior to the hearing.

Dated this 9th day of December, 2022

BY THE COURT:



J. Steven Patrick, District Court Judge