

ENDORSED
FILED IN MY OFFICE THIS

SEP 09 2016

Loupedes Perez
CLERK DISTRICT COURT

LOUPEDES PEREZ

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

HEALTHY WORKFORCE ABQ, THE OLÉ EDUCATION
FUND, REBECCA GLENN, KRISTEN GAMBOA, and
DELIRIA JARAMILLO;

Plaintiffs/Petitioners,

v.

THE CITY OF ALBUQUERQUE; THE CITY COUNCIL
OF THE CITY OF ALBUQUERQUE, NEW MEXICO; KEN
SANCHEZ, ISAAC BENTON, KLARISSA PEÑA, BRAD
WINTER, DAN LEWIS, PAT DAVIS, DIANE GIBSON,
TRUDY JONES, AND DON HARRIS, in their capacities as
Albuquerque City Councilors; THE BERNALILLO
COUNTY COMMISSION; DEBBIE O'MALLEY, ART DE
LA CRUZ, MAGGIE HART STEBBINS, LONNIE
TALBERT, AND WAYNE JOHNSON, in their capacities as
Bernalillo County Commissioners; MAGGIE TOULOUSE
OLIVER, as a Real Party in Interest in her capacity as
Bernalillo County Clerk,

Defendants/Respondents.

Case No. D-202-CV-2016-
05539

TEMPORARY RESTRAINING ORDER

The Court, having considered the complaint filed on September 9, 2016, along with the attachments to the complaint, Plaintiffs' motion for a temporary restraining order, accompanying memorandum of law and exhibits, hereby finds that a temporary restraining order pursuant to Rule 1-066 NMRA is warranted. Issuance of a temporary restraining order is warranted under the circumstances because:

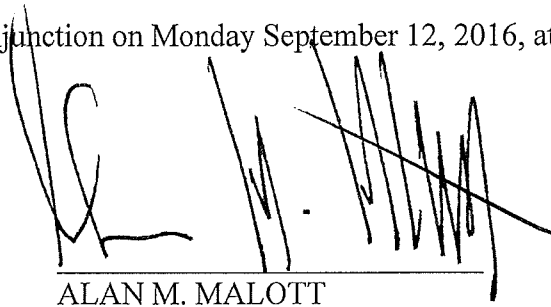
1. The general election ballots will be printed before this Court has an opportunity to rule on the merits of this action. This would prevent the citizens of Albuquerque from casting a vote on the Healthy Workforce Ordinance this November, regardless of the outcome of this case.

2. Plaintiffs' threatened injuries outweigh any harm that might be caused to Defendants from granting immediate injunctive relief;
3. granting the requested relief is in the public interest; and
4. Plaintiffs have a substantial likelihood of success on the merits of the underlying case.

IT IS THEREFORE ORDERED:

The Clerk of Bernalillo County , New Mexico , is restrained and enjoined from printing ballots for the November 8, 2016, general election which do not contain a summary of the " Healthy Workforce Ordinance unless and until further Order of this Court; and

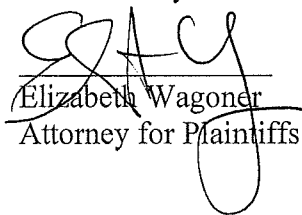
IT IS FURTHER ORDERED that this matter shall come on before the Court for consideration of a Preliminary Injunction on Monday September 12, 2016, at 4:00pm, and continuing until completed.



ALAN M. MALOTT
District Court Judge. Div. XV


9-9-16
2:50 pm

Submitted by:



Elizabeth Wagoner
Attorney for Plaintiffs

CERTIFIED AS A TRUE AND CORRECT COPY
OF THE ORIGINAL FILED IN MY OFFICE,
JAMES A. NOEL, Clerk
of the District Court.

By  SEP - 9 2016
Deputy Clerk Date