

NOT FOR PUBLICATION

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

**HOLLAND REDFIELD, GWENDOLYN D. HALL
BRADY, GEORGE H. LOGAN, WARREN B.
COLE, JOHN P. YOB, ERICA L. YOB, AND
LINDSEY EILON,**

SX-16-CV-254

PLAINTIFFS,

v.

JOHN CANEGATA,

DEFENDANT.

MEMORANDUM OPINION

THIS MATTER is before the Court on Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction, filed on April 15, 2016 (hereinafter, "Motion").

BACKGROUND

On March 10, 2016, the Republican Party of the U.S. Virgin Islands held the Virgin Islands Republican Caucus (hereinafter, "Caucus") pursuant to the Rules of the Republican Caucus (hereinafter, "Caucus Rules"). Motion, at 2; Verified Complaint, ¶ 5; James M. Oliver Decl.,¹ ¶ 5. The Caucus was required by the Rules of the Republican National Committee (hereinafter, "RNC Rules") and by the Call of the 2016 Republican National Convention, dated November 30, 2015 (hereinafter, "Call"). Motion, at 2; Verified Complaint, ¶ 5. The Caucus was duly approved by the Territorial Committee of the Republican Party of the U.S. Virgin Islands (hereinafter, "Territorial Committee") and the Republican National Committee (hereinafter, "RNC"). *Id.* According to the Caucus Rules, the Caucus will be held for the selection of six at-large delegates and six at-large alternates to the Republican National Convention during July 18-21, 2016. *See*, Caucus Rules.

¹ James M. Oliver is a member of the Territorial Committee and a member of the Certification Subcommittee for the Caucus. Oliver Decl., ¶¶ 2-3.

At the Caucus, Plaintiff Gwendolyn D. Hall Brady, Plaintiff George H. Logan, Plaintiff Warren B. Cole, Plaintiff John P. Yob, Plaintiff Erica L. Yob, and Plaintiff Lindsey Eilon were elected as delegates (hereinafter, “Elected Delegates”) to the 2016 Republican National Convention.² Motion, at 2; Verified Complaint, ¶ 3. The results of the elected delegates were “published via email” on March 11, 2016.³ Motion, at 2 (Exhibit B); Verified Complaint, ¶ 6 (Exhibit B).

On March 12, 2016, challenges to the election results were filed pursuant to Caucus Rules 9 and 10,⁴ Motion, at 2; Verified Complaint, ¶ 7. Subsequently, the Dispute Subcommittee resolved all disputes and challenges in favor of the Elected Delegates. *Id.* As provided in Caucus Rule 10, the decision of the Dispute Subcommittee is final. *Id.*

On March 21, 2016, Defendant John Canegata, in his capacity as the State Chairman of the Republican Party of the U.S. Virgin Islands, wrote a letter to the Chairman of RNC, Mr. Reince Priebus, indicating that the Elected Delegates failed to comply with Caucus Rule 11 when they failed to provide written confirmations of their election as delegates within five days (hereinafter, “Defendant’s March 21, 2016 Letter”). Motion, at 3 (Exhibit B); Verified Complaint, ¶ 11. Thus, Defendant concluded in his letter, these Elected Delegates will be stricken and replaced by the elected alternates, all of whom have provided timely written confirmation, pursuant to Caucus Rule 12. *Id.* A copy of this letter was also sent to: “Office of the Supervisor of Elections, Elections System of the Virgin Islands, Republican National Convention Delegates and Alternate Delegates.” Motion, (Exhibit B).

² Six alternates were also elected at the Caucus. Motion, at 2; Verified Complaint, ¶ 6.

³ While Plaintiffs stated that the election results were published via email, the corresponding attachment, Exhibit B, is not a copy of the email, but a “DRAFT OF RELEASE ON DELEGATE RACES.” It is unclear to whom this release was emailed to, if anyone, or if this is a release posted on the Republican Party of the U.S. Virgin Islands’ website, <http://usvigop.org>.

⁴ Caucus Rules 9 and 10 are set forth in Oliver’s Declaration, ¶ 4.

On March 26, 2016, a corrected notice of report of certification of election from James M. Oliver, a member of the Certification Subcommittee (hereinafter, "Notice of Certification"), was emailed to the Elected Delegates and alternates,⁵ pursuant to Caucus Rule 11.⁶ Motion, at 3; Verified Complaint, ¶ 7. The Notice of Certification stated in relevant part,

All election disputes filed on March 12, 2016 having now been rejected, with prejudice, and the results of the March 10, 2016 Caucus having now, as of this date, been certified; this will serve as the first notice to the elected Delegates and Alternates of certification their election, as required by Rule 11 of the Rules of the Virgin Islands Republican Caucus, as made effective for 2016. Verified Complaint, (Exhibit C).

The Notice of Certification requested the Elected Delegates and alternates to confirm in writing, within five days, his/her acceptance and his/her willingness and ability to attend the 2016 Republican National Convention, pursuant to Caucus Rule 11. Verified Complaint (Exhibit C). In response, the Elected Delegates provided written notice of their acceptance on March 27, 2016⁷ and March 28, 2016.⁸ Motion, at 3; Verified Complaint, ¶ 9 (Exhibit D).

On April 11, 2016, Plaintiff Holland Redfield, in his capacities as the Chairman of the 2016 Virgin Islands Delegation to the Republican National Convention and Republican National Committeeman, wrote a letter to Defendant, demanding Defendant to provide written assurance, within 48 hours, that he will promptly and properly certify the Elected Delegates as delegates to the 2016 Republican National Convention. Motion, at 3; Verified Complaint, ¶ 10 (Exhibit A). As of the date Plaintiffs filed their Verified Complaint and Motion, no written assurance have been provided by Defendant. Motion, at 3; Complaint, ¶ 10.

⁵ The email was also sent to: National Committeeman, National Committeewoman; State Chairman; Caucus Subcommittee (Leigh Goldman, Anne Golden, Jerry Runyon); and Secretary of the Territorial Committee. Verified Complaint, (Exhibit D).

⁶ Caucus Rule 11 is set forth in Oliver's Declaration, ¶ 4.

⁷ Plaintiff George H. Logan.

⁸ Plaintiff Gwendolyn D. Hall Brady, Plaintiff George H. Logan, Plaintiff Warren B. Cole, Plaintiff John P. Yob, Plaintiff Erica L. Yob, and Plaintiff Lindsey Eilon.

On April 15, 2016, Plaintiffs filed a Verified Complaint against Defendant, and this instant Motion. In their Motion, Plaintiffs requested the Court to issue a temporary restraining order and/or a preliminary injunction “forbidding Defendant from improperly certifying the alternates instead of the Elected Delegates.” Motion, at 7. Defendant was served a copy of this Motion via electronic mail.

STANARD OF REVIEW

Federal Rule of Civil Procedure 65 (hereinafter, “Rule 65”) governs temporary restraining orders (hereinafter, “TRO”) and preliminary injunctions.⁹ A TRO is an equitable procedural device to preserve the status quo until the court have the opportunity to consider a preliminary or permanent injunction. *Appleyard v. Juan F. Luis Hosp. & Med. Ctr.*, 2014 V.I. LEXIS 56, *4 (Super. Ct. 2014) (unpublished); *Pate v. Govt. of the V.I.*, 2014 V.I. LEXIS 112,*4 (Super. Ct. 2014) (unpublished). While “temporary restraining orders fall within an exception to the general rule requiring notice and an opportunity to be heard,”¹⁰ the Court may issue a TRO without “written or oral notice to the adverse party or its attorney only if specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant...and the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.” Fed. R. Civ. P. 65(b). A preliminary injunction is an “extraordinary and drastic remedy,” never awarded as of right. *Yusuf*, 59 V.I. at 847 (internal quotation omitted).

Precedents from the Supreme Court of the Virgin Islands (hereinafter, “Supreme Court”) establish that the Superior Court shall consider four factors in deciding a motion for temporary restraining order and preliminary injunction: (1) whether the movant has shown a reasonable

⁹ Federal Rule of Civil Procedure 65 applies in the Superior Court pursuant to Superior Court Rule 7. *Yusuf v. Hamed*, 59 V.I. 841, n.2 (V.I. 2013). The Supreme Court of the Virgin Islands (hereinafter, “Supreme Court”) have consistently recognized the availability of injunctive relief in the Virgin Islands. See, e.g., *Yusuf*, 59 V.I. 841; *3RC & Co.*, 2015 V.I. Supreme LEXIS 22; *Petrus v. Queen Charlotte Hotel Corp.*, 56 V.I. 548 (V.I. 2012); *Crucians in Focus, Inc. v. VI 4D, LLLP*, 57 V.I. 529 (V.I. 2012). Since there are precedents from the Supreme Court regarding motions for temporary restraining order and preliminary injunction, the Court will use the standard of review set forth in said precedents.

¹⁰ *Wessinger v. Wessinger*, 56 V.I. 481, n. 9 (V.I. 2012).

probability of success on the merits; (2) whether the movant will be irreparably injured by denial of the relief; (3) whether granting preliminary relief will result in even greater harm to the nonmoving party; and (4) whether granting the preliminary relief will be in the public interest.¹¹ *3RC & Co. Boynes Trucking Sys.*, 2015 V.I. Supreme LEXIS 22, *5 (V.I. 2015); *Petrus*, 56 V.I. 548.

The moving party has the burden of making some showing on all four factors. *3RC & Co.*, 2015 Supreme LEXIS at *18. In evaluating the injunctive motion, the Supreme Court instructed the Superior Court “must evaluate the moving party’s showing on all four factors under a sliding scale standard.” *Id.* The Supreme Court further instructed that, “[i]n conducting this sliding-scale analysis, the Superior Court must make findings on each of the four factors and determine whether—when the factors are considered together and weighed against one another—the moving party has made a clear showing that [it] is entitled to [injunctive] relief.”¹² *Id.* (internal quotation omitted).

DISCUSSION

Plaintiffs, the moving party, have the burden of making some showing on all four factors. *3RC & Co.*, 2015 Supreme LEXIS at *18.

1. Plaintiffs’ Reasonable Probability of Success on the Merits

Plaintiffs argued that they have more than a reasonable chance of prevailing on the merits because Defendant acted “unilaterally and contrary to the Caucus Rules” and that Defendant’s refusal to certify the Elected Delegates is a “transparent attempt to subvert the democratic process.” Motion, at 5.

¹¹ The factors to be considered when evaluating a temporary restraining order request are the same factors courts consider when evaluating whether to issue a preliminary injunction. *Appleyard*, 2014 V.I. LEXIS at *4; *Pate*, 2014 V.I. LEXIS at *7.

¹² The movant must “demonstrate primarily that irreparable harm is likely without the injunction.” *3RC & Co.*, 2015 Supreme LEXIS at *12. However, “irreparable injury [alone] is not enough to support equitable relief, [t]here must be a plausible claim on the merits. *Id.* at *13. Nevertheless, if the movant “makes out a very strong showing on the merits” then “injunctive relief may still be appropriate even where the moving party’s showing of certain and imminent harm... is much weaker, so long as the nonmoving party’s likelihood of irreparable harm is similarly very low.” *Id.* (internal quotation omitted). Finally, if the public interest factor will typically favor the moving party if he/she demonstrates both a likelihood of success on the merits and irreparable injury. *Id.* at 14.

Plaintiffs' Verified Complaint essentially alleged that Defendant violated various Caucus Rules, and therefore, they are entitled to injunctive and declarative relief. Plaintiffs did not present claims that the Party's delegate selection procedures were unconstitutional or in violation of local statutes. Rather, the dispute appears to arise from Plaintiffs and Defendant's differing interpretation of Caucus Rule 11¹³—namely, when does the clock start ticking for Elected Delegates to confirm in writing of their acceptance as a delegate and willingness and ability to attend the 2016 Republican National Convention.¹⁴ While the Supreme Court made it clear that the political question doctrine does not apply to the Superior Court¹⁵ and that the Superior Court can independently review a candidate's qualification,¹⁶ the Court may not always be the correct forum to determine intra-party disputes.¹⁷

¹³ Caucus Rule 11. Certification of Results and Notification of Delegates and Alternates: Prior to the Caucus Date the Territorial Chairman shall designate a Subcommittee of no fewer than three persons who are members of the Territorial Committee and not themselves Delegate Candidates (the "Certification Subcommittee"). The Certification Subcommittee may consist of the same persons as the Dispute Subcommittee. Such Subcommittee shall meet as soon as practicable after the receipt of the tallies by the Territorial Committee in accordance with Section 8, above. Final certification of the results shall be made once it is determined that no practical differences in results can be obtained by any reasonable resolution of the status of Provisional Ballots and pending disputes or challenges. Those Delegate Candidates receiving the six highest vote totals shall be certified as Delegates. Those Delegate Candidates receiving the next six highest vote totals shall be certified as Alternates. Ties shall be resolved by a draw of cards. As soon as practicable after the certification of results the Delegates and Alternates shall be notified in writing of their selection. If applicable, notification shall include the identity of the presidential candidate to whom such Delegate is pledged. Each Delegate and Alternate shall have five days to confirm, in writing, that he or she accepts election as a Delegate or Alternate and is presently willing and able to attend the Republican National Convention. If any Delegate or Alternate fails to so confirm, his or her name shall be struck and the list of selected Delegates and Alternates adjusted accordingly. The Territorial Chairman shall then notify the Republican National Committee of the names of the Delegates and Alternates to the Republican National Convention.

¹⁴ Plaintiffs argued that the clock does not start ticking until the March 26, 2016 Notice of Certification. According to Defendant's March 21, 2016 Letter, Defendant believed that the clock starts ticking at an earlier time. In said letter, Defendant claimed that all six alternates provided timely written confirmation, so presumably, they believed the clock started ticking at an earlier time as well.

¹⁵ *Bryan v. Fawkes*, 61 V.I. 201, n.6 (V.I. 2014).

¹⁶ In *Bryan*, the Supreme Court concluded that "nothing in the Revised Organic Act prohibits the Superior Court from exercising its powers under section 412 of title 18 of the Virgin Islands Code to independently review a certification decision." *Id.*, at 217-18.

¹⁷ In *Bryan*, the Supreme Court stated:

The Revised Organic Act of the Virgin Islands divides the power to govern the territory between a legislative branch, an executive branch, and a judicial branch, reflecting that Congress implicitly incorporated the principle of separation of powers into the law of the territory. Thus, unless otherwise expressly provided or incidental to the powers conferred, the legislature cannot exercise either executive or judicial power; the

RNC may provide a more appropriate forum for Plaintiffs to contest under the circumstances. RNC Rule 20 provides that “contests affecting delegates elected or selected at large shall be presented to the Republican National Committee”...and “the Republican National Committee may take jurisdiction thereof and hear and determine the same under the procedures provided in Rule Nos. 23 and 24.” RNC Rules 23¹⁸ and 24¹⁹ provides information regarding contest filing and contest procedure.

executive cannot exercise either legislative or judicial power; and the judiciary cannot exercise either executive or legislative power. *Id.* at 213 (internal quotations omitted) (internal citations omitted).

¹⁸ RNC Rule 23 provides:

Contest Filing.

- (a) Notices of contests shall state the grounds of the contest and shall be filed no later than thirty (30) days before the time set for the meeting of the national convention, with the secretary of the Republican National Committee and shall be sent, simultaneously, by registered mail to the person or persons being contested, except in the case of delegates or alternate delegates elected at a time or times in accordance with applicable state law rendering impossible the filing of the notice of contest within the time above specified.
- (b) Notices of contests may be filed only by a resident of the state whose delegation is challenged who was eligible to participate at any level in the delegate selection process of that state.
- (c) Only contests that are timely filed under these rules shall be considered.
- (d) For purposes of the rules relating to contests and credentials, the term “party” shall mean a person or persons who shall have filed a notice of contest pursuant to this Rule No. 23, and the person or persons whose right to be seated as a delegate or alternate delegate is the subject of such notice of contest.

¹⁹ RNC Rule 24 provides:

Contest Procedure:

- (a) The Standing Committee on Contests shall have the power to adopt procedural rules, not inconsistent with these rules, which shall govern the expeditious resolution of contests before the Standing Committee on Contests. When any deadline set out in this rule falls on a Sunday or legal holiday, such deadline shall be extended to the following day.
- (b) No later than twenty-two (22) days before the convening of the national convention (or, in the case of delegates or alternate delegates elected at a time or times in accordance with applicable state law rendering impossible compliance with this requirement, within five (5) days after such election), each of the parties shall file with the secretary of the Republican National Committee at least three (3) printed or typewritten copies of the statement of position in support of the party’s claim to sit as delegates or alternate delegates to the national convention together with such affidavits or other evidence as desired. The secretary of the Republican National Committee, upon receiving the statement of position of a party, shall furnish the opposing party a copy of said statement of position. Each statement of position shall begin with a summary of not more than one thousand (1,000) words setting forth succinctly a synopsis of the statement of position and a specific statement of the points relied upon.
- (c) The Standing Committee on Contests shall promptly hear the matter; decide which issues are involved, either of law or fact, or both; decide upon its recommendation for resolution of such issues; and submit such issues and its recommendations for resolution to the Republican National Committee. The 33 of 42 issues so submitted by the Standing Committee on Contests shall be the sole issues passed upon and determined by the Republican National Committee unless the Republican National Committee shall, by a majority vote, extend or change the same. If the Committee on Contests for any reason shall fail to state the issues either of law or fact, the Republican National Committee shall decide upon what issues the contest shall be tried, and the hearing shall be limited to such issues unless the Republican National Committee, by a majority vote, shall decide otherwise.
- (d) The Standing Committee on Contests shall make up a report of each contest filed, showing the grounds of contest; the statute and rule, if any, under which the contest is waged; and the contentions of each party thereto.

Moreover, the Elections System of the Virgin Islands, through the Office of the Supervisor of Elections²⁰ and/or the Boards of Elections,²¹ may also provide a more appropriate forum for Plaintiffs to contest.²² In fact, the Elections System of the Virgin Islands is likely already aware of this dispute given that a copy of Defendant's March 21, 2016 letter was sent to it.

The report shall conclude with a statement of the points of issue in the contest, both of fact and law, and a statement of the recommendation of the Standing Committee on Contests as to resolution of such points of issue, and shall be signed by the chairman or his designee. When the Standing Committee on Contests has prepared such report stating the issues of law and fact, a copy of the statement of such issues shall be submitted forthwith to a person in the convention city, whom the parties must appoint at the time of filing the contest to receive such statement, and a copy shall be served forthwith by the chairman of the Standing Committee on Contests upon the parties by the most expeditious method available, providing for written evidence of receipt including, but not limited to, overnight delivery service.

(e) The parties shall have eight (8) days to file written objections to the Standing Committee on Contests' statement of the issues of fact or law, or both, unless the Republican National Committee is called to act upon the contest sooner, in which case such objections shall be made before the meeting of the whole committee. The objections shall contain any additional statement of issues of either law or fact, or both, claimed by the party submitting the same to be involved in and necessary to be decided in the contest.

(f) When the Republican National Committee is called to pass upon any contest that may arise, the members of the Convention Committee on Credentials shall also be notified of the time and place of such meeting and shall have the right to attend all hearings of all contests but without the right to 34 of 42 participate in the discussion or the vote.

²⁰ According to Elections System of the Virgin Islands' website (www.vivote.gov), the Office of the Supervisor of Elections was established by Act 936 in February 1963, which was later amended by Act 5157, The Election Reform Act of 1984, and codified in Title 18, Chapter 1, Section 4, of the Virgin Islands Code. The Supervisor of Elections is charged with the responsibility of administering and regulating the election laws of the Territory and is subject to the direction, control, and supervision of the Boards of Elections.

²¹ According to Elections System of the Virgin Islands' website (www.vivote.gov), the Boards of Elections are established in Title 18, Chapter 3, Section 41, of the Virgin Islands Code. There are two election districts within the Virgin Islands: the District of St. Croix and the District of St. Thomas/St. John. Within their respective districts, the Boards of Elections shall have jurisdiction over the following:

- The registration of electors and the conduct of primaries and general elections;
- Performance of all functions with respect to party enrollment of electors;
- The preservation, storage and maintenance of registers and primary and general election equipment of all kinds;
- Issuance of certificates of appointment to election officers;
- Investigation of election frauds and irregularities;
- Receive from election officers the returns of all primaries and general elections, canvass and compute the returns, and certify, no later than one week following the primary or general elections, and forwarding of the results thereof to the Supervisor of Elections; and,
- Recommendations to the Legislature of amendments to the election laws in conjunction with the Supervisor of Elections.

²² The Elections System of the Virgin Islands and the Office of the Supervisor of Elections are currently in dispute with Plaintiff John P. Yob, Plaintiff Erica L. Yob, and Plaintiff Lindsey Eilon over their eligibility to participate in the Caucus. This matter, *John P. Yob, et al., v. Caroline Fawkes, et al.* (ST-16-CV0114) is currently pending before the Superior Court in St. Thomas.

It is Plaintiffs' burden to make some showing that they have a reasonable probability of success on the merits. Yet Plaintiffs' Motion was completely silent on the threshold issue of whether this matter is properly before the Court. If, at this time, judicial intervention is not proper under the circumstances presented here, then Plaintiffs do not have a reasonable probability of success on the merits. Accordingly, this factor weighs against the issuance of a TRO. The parties shall be prepared to address this issue at the hearing for preliminary injunction.

2. Likelihood of Irreparable Harm to Plaintiffs

Plaintiffs contended that, absent injunctive relief, Defendant's failure to promptly certify the Elected Delegates places their participation in jeopardy. As an example of the irreparable harm that they will suffer if not promptly certified, Plaintiffs pointed to their inability to participate in the convention committees. Motion, at n. 12. Furthermore, Plaintiffs also argued that although the deadline for certification is June 13, 2016,²³ "proper certification at the earliest possible time is advisable in order to allow an orderly process of Convention participation." *Id.* at 5. Nevertheless, Plaintiffs admitted that "[a] brief delay in certification will not in any way inconvenience anyone, insofar as the certification of the Delegates to the RNC is not due for some time." *Id.* at 7.

The injunctive relief Plaintiffs requested is for the Court enjoin Defendant from certifying anyone other than the Elected Delegates to the RNC. Regardless of whether the Court issues the TRO, there is no guarantee that there will be prompt certification of the Elected Delegates to the RNC. As Plaintiffs pointed out, Defendant have until June 13, 2016 to certify to RNC.²⁴

²³ Motion, (Exhibit E).

²⁴ RNC Rule 20 provides:

(c) No later than thirty-five (35) days before the time set for the meeting of the national convention, the credentials of each delegate and alternate delegate shall be filed with the secretary of the Republican National Committee for use by the secretary in making up the temporary roll of the national convention, except in the case of delegates or alternate delegates elected at a time or times in accordance with the laws of the state in which the election occurs rendering impossible the filing of credentials within the time above specified.

Even if a TRO is not issued and Defendant proceeds to certify the alternates, Plaintiffs will still not be irreparably harmed because they can still file their contests with RNC secretary, pursuant to RNC Rules.²⁵ RNC Rules 23 and 24 provide the protocol to contest the delegate(s) or alternate(s) selected.²⁶

Also, as noted above, the Elections System of the Virgin Islands may provide another forum for Plaintiffs to contest. Accordingly, this factor weighs against the issuance of a TRO.

3. Likelihood of Irreparable Harm to Defendant

Plaintiffs argued that the injunctive relief will not result in any harm to Defendant. Motion, 6. The Court agrees. Nothing indicates that Defendant will suffer irreparable harm if an injunction was issued. As noted above, the deadline for final certification of the delegates and alternates is not until June 13, 2016. Accordingly, this factor weighs in favor of the issuance of a TRO.

4. Public Interest

Plaintiffs argued that public interest—of promoting honesty and fairness—favors injunctive relief here. Plaintiffs' arguments are based on the assumption that their interpretation of the Caucus Rules is correct, and not Defendant's interpretation. In essence, Plaintiffs, via their Motion, are asking the Court to interpret the Caucus Rules. It is important to keep in mind the principle of separation of powers.²⁷ The Court believes that the public interest is better served by first determining whether the Court is the correct forum to resolve this intra-party dispute. Accordingly, this factor weighs against the issuance of a TRO.

²⁵ This is, of course, under the assumption that Defendant will timely certify to RNC, and thereby, provide ample time for Plaintiffs to file their contests under RNC Rules. While June 13, 2016 is the deadline for final certification of the delegates and alternates, RNC Rule 23 provides that the notices of contests must be filed no later than thirty days before the 2016 Republican National Convention. This remedy may not be available if Defendant waits until the last minute to certify.

²⁶ *Supra*, n. 18-19.

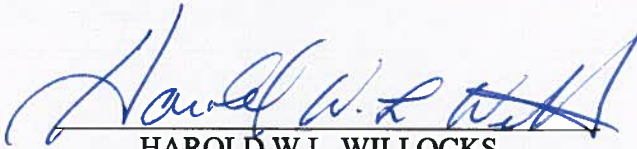
²⁷ *Supra*, n. 15.

CONCLUSION

Based on the foregoing analysis, three of the four factors weighed against the issuance of a TRO. Thus, the Court finds that Plaintiffs, the moving party, failed to make a clear showing that it is entitled to the extraordinary remedy of the issuance of a TRO. Accordingly, the Court will deny Plaintiffs' Motion as to TRO. A hearing will be set on the matter to determine whether a preliminary injunction should be granted.

DONE and so ORDERED this 20th day of April, 2016.

ATTEST:
Estrella H. George
Acting Clerk of the Court


HAROLD W.L. WILLOCKS
Administrative Judge of the Superior Court

By: 
Court Clerk Supervisor

Dated: 4/22/16