

<b>DISTRICT COURT, PUEBLO COUNTY</b> <b>STATE OF COLORADO</b> 501 North Elizabeth Street Pueblo, Colorado 81003	DATE FILED: June 6, 2024 1:45 PM CASE NUMBER: 2024CV30274
<b>Plaintiffs:</b> COLORADO HEALTH NETWORK INC., a nonprofit corporation and SOUTHERN COLORADO HARM REDUCTION ASSOCIATION, a nonprofit corporation  v.  <b>Defendants:</b> CITY OF PUEBLO.	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p> Case No.: 2024CV30274  Division: 406
<b>ORDER GRANTING PLAINTIFFS' REQUEST FOR  TEMPORARY RESTRAINING ORDER</b>	

This matter comes before the Court on June 6, 2024, for a hearing on Plaintiffs' request for the issuance of a Temporary Restraining Order. The Court, having considered the arguments and reviewing any evidence and the case file, makes the following findings and orders:

1. Pursuant to C.R.C.P. Rule 65(b) and for the Court to grant Plaintiffs' request for a Temporary Restraining Order, Plaintiffs must show that immediate and irreparable injury, loss or damage will result to Plaintiffs prior to a hearing on a preliminary injunction.
2. The Court has considered Plaintiffs Motion for Temporary Restraining Order and supporting affidavits along with the evidence presented at the hearing.
3. The Court concludes that under the terms of Ordinance No. 10698, Plaintiffs are prohibited from operating two syringe exchange programs in the city of Pueblo.
4. The Court finds that the Ordinance prevents Plaintiffs' from offering harm reduction and prevention services to the public. Specifically, both Plaintiffs previously provided access to sterile syringes, overdose prevention medications such as naloxone, and medical waste disposal for used syringes. See Solano Decl., Ex.2; Vigil Decl. Ex. 3.

5. There was evidence presented via affidavit that in addition to harm reduction and prevention services, Plaintiffs also provided overdose education services, vaccines, treatment through telehealth and a mental health clinic, referrals to other medical and mental health providers, on-site testing for HIV, Hepatitis C, sexually transmitted infections, and other blood-borne infections. See Solano Dec., Ex 2; Vigil Dec. Ex. 3.
6. Once the Ordinance was enacted Plaintiffs discontinued all operations of syringe exchange programs within Pueblo and witnessed a marked decline in individuals utilizing the other services provided.
7. The evidence demonstrates that since the Ordinance became effective, Plaintiffs have experienced a 40% decline in the public utilizing their additional public health services.
8. The Court finds that Plaintiffs are at risk of criminal penalty pursuant to the Ordinance if Plaintiffs were to continue their syringe exchange services to the community.
9. Persuasive to the Court was the evidence presented demonstrating that the closest syringe exchange service is located in Colorado Springs, Colorado, therefore severely limiting access to such programs for individuals who have little to no access to transportation.
10. There was evidence that the essential functions of syringe exchange programs are to provide community-based prevention programs that reduce harm associated with drug use, infectious disease, and drug overdose. The Court finds, based on the evidence presented, that one of the primary purposes of the syringe exchange programs in which Plaintiffs operated, is to reduce overdose risk and save lives, which the Ordinance, at least in part, prohibits them from doing. Therefore, the risk is immediate, irreparable, and not speculative.
11. The Court finds, as a preliminary matter related to the issuance of a Temporary Restraining Order, that Plaintiffs have shown that immediate and irreparable injury, loss or damage will result if the Defendant is not enjoined from enforcing the Ordinance before it can be heard in opposition to Plaintiffs' Motion. The Court further finds that these injuries are imminent and not adequately remedied by money damages.
12. The Court further finds that the issuance of a Temporary Restraining Order will preserve the status quo until a preliminary injunction hearing is held.
13. C.R.C.P. 65(c) requires the Court to set a security bond for a temporary restraining order to pay damages sustained by a party that is wrongfully restrained by the order.
14. At the hearing, Defendant did not object to the Court setting a nominal bond in this case.

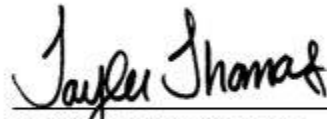
15. Therefore, the Court finds that a nominal bond is appropriate under these circumstances. The security bond is set in the amount of \$1.00.

16. Defendant further stipulated to continue the Temporary Restraining Order past the expiration date of fourteen days (14) days from today to expire on July 10, 2024, at 8:30 a.m.

THEREFORE, the Court hereby GRANTS the Motion and orders that Defendant is prohibited from enforcing Pueblo Ordinance No. 10698 until a hearing regarding the preliminary injunction is held on July 10, 2024, at 8:30 a.m. at which time the Temporary Restraining Order will expire.

Done this 6<sup>th</sup> day of June 2024.

BY THE COURT:

A handwritten signature in black ink that reads "Taylor Thomas". The signature is written in a cursive style with a horizontal line extending to the right across the signature.

Taylor M. Thomas  
District Court Judge