

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Daniel D. Domenico**

Civil Action No. 1:23-cv-01971-DDD-MDB

LOGAN RUTHS,

Plaintiff,

v.

WOODLAND PARK SCHOOL DISTRICT RE-2;
WOODLAND PARK BOARD OF EDUCATION; and
KEN WITT, Superintendent, in his individual and official capacities,

Defendants.

**ORDER REGARDING PLAINTIFF’S MOTION
FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

Before the Court is Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction. Doc. 9. Plaintiff Logan Ruths, a resident of Woodland Park, Colorado, seeks an order requiring Defendants Woodland Park School District RE-2 (the “District”), Woodland Park Board of Education (the “Board”), and Superintendent Ken Witt to allow him to attend meetings of the Board.

To the extent Mr. Ruths seeks issuance of a temporary restraining order without notice to the defendants and an opportunity for them to be heard, that request is denied. I will treat the motion as a motion for a preliminary injunction pursuant to Federal Rule of Civil Procedure 65(a).

It is therefore **ORDERED** that:

The plaintiff must, as soon as possible but no later than 5:00 p.m. on August 4, 2023, serve each defendant with a summons, a copy of the operative complaint and all exhibits thereto, a copy of the motion and all exhibits thereto, and a copy of this Order in accordance with the requirements of Federal Rule of Civil Procedure 4, and must promptly file proof of such service in accordance with Federal Rule of Civil Procedure 4(l)(1);

The defendants must respond to the motion by August 7, 2023;¹

The plaintiff may file a reply in support of the motion by 3:00 p.m. on August 8, 2023; and

The parties must submit all pertinent exhibits and direct witness testimony (by affidavit or declaration) as attachments to their briefs. After reviewing the defendants' response(s) and the plaintiff's reply, if any, the Court will determine whether to (a) set a preliminary-injunction hearing to be held prior to the August 9, 2023 Board meeting, (b) request supplemental briefing from the parties on specific legal or factual questions, or (c) decide the motion on the papers submitted. Live testimony at the preliminary-injunction hearing, if one is held, will be limited to cross-examination and redirect examination. The parties are directed to reserve the morning of August 9, 2023 for a possible

¹ If the plaintiff does not serve the defendants by 5:00 pm on August 4, the defendants' response deadline will be extended to 5:00 pm on August 8, provided the defendants are served by 5:00 pm on August 7. If the plaintiff does not serve the defendants by 5:00 pm on August 7, the defendants' response deadline will be further extended, and no order will issue on the plaintiff's motion in advance of the upcoming August 9 Board meeting.

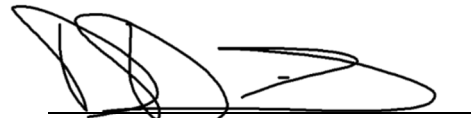
preliminary-injunction hearing, although the Court anticipates deciding the motion on the papers.

It is **FURTHER ORDERED** that:

In the interest of disclosure, I wish to inform that parties that I have known Craig May, one of the plaintiff's attorneys, socially for many years (including during law school), and I have known Brad Miller, the District's attorney, including in the context of representing a school district (but not the District). I do not believe either acquaintance will affect or reasonably call into question my impartiality or cause any bias or prejudice for or against any party in this case, but if any party thinks otherwise, it must file a request for my recusal no later than 4:30 pm on August 7, 2023.

DATED: August 3, 2023

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Daniel D. Domenico', written over a horizontal line.

Daniel D. Domenico
United States District Judge