

<p>DISTRICT COURT, MOFFAT COUNTY, STATE OF COLORADO 221 West Victory Way, Suite 300 Craig, CO 81625</p> <hr/> <p>Plaintiff: FRANCISCO REINA a/k/a FRANCISCO REINA RAMOS</p> <p>v.</p> <p>Defendant: CITY OF CRAIG, COLORADO</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> <p>Case No.: 09 CV 65</p> <p>Div.: 2</p>
<p>ORDER APPROVING STIPULATION FOR ENTRY OF INJUNCTION AND FOR STAY OF PROCEEDINGS</p>	

This matter comes before the Court on the parties' Stipulation for Entry of Injunction and for Stay of Proceedings, the Court having reviewed the same and being fully advised, the Court finds and orders as follows

1. On June 15, 2009, Plaintiff filed a Complaint for Declaratory and Injunctive Relief ("Complaint"). The Complaint alleges that Article VI, Section 4, of the Home Rule Charter of the City of Craig, Colorado, which states that the amount expended by any candidate in any City election "shall not exceed 500 dollars", is facially unconstitutional and unconstitutional as applied.
2. The City agrees that the holding of the U.S. Supreme Court decision *in Buckley v. Valeo*, 424 US 1 (1976) renders Article VI, Section 4, of the Home Rule Charter of the City unconstitutional.
3. The City has passed and approved on the second reading Ordinance No. 992. This Ordinance, initiated by the City, provides for a vote of the registered electors of the City at the election on November 3, 2009, the question of whether to amend the Home Rule Charter of the City to delete Article VI, Section 4, and making conforming revisions in connection therewith.
4. The Court enters a temporary injunction barring the City from enforcing Article VI, Section 4 of the Home Rule Charter of the City. Said injunction shall last until November 3, 2009.

5. If, on November 3, 2009, the registered electors of the City approve Ordinance No. 992, the temporary injunction will dissolve. If the registered electors of the City do not approve Ordinance No. 992, effective November 4, 2009, the temporary injunction shall convert to a permanent injunction against the City, thereby barring enforcement by the City of Article VI, Section 4, of the Home Rule Charter. Counsel for Plaintiff and Defendant shall stipulate and file with the Court an appropriate pleading notifying the Court of the outcome of the November 3, 2009 election results.

6. From the time the Court approves this Stipulation until November 3, 2009, this case is stayed. Effective November 4, 2009, this case will be dismissed, with prejudice, if (1) Ordinance No. 992 is approved, or (2) upon entry of a judgment for permanent injunction should the voters fail to approve Ordinance No. 992 as described in the preceding paragraph.. Except as provided herein, and subject to the Court entering orders approving of this stipulation, the Plaintiff fully releases the City and its representatives from any and all claims arising out of or in anyway related to the matters that are the subject of Plaintiff's Complaint, and Plaintiff shall not bring any further actions against the City arising out of or in anyway related to the matters that are the subject of Plaintiff's Complaint. Nothing herein precludes Plaintiff from bringing a future challenge to any amended Charter provision as contemplated in paragraph 8 below.

7. The City agrees to reimburse the Plaintiff his attorney fees and costs. In connection therewith, within 14 days of the parties' execution of this Stipulation, a check in the amount of \$2,243.50, payable to the American Civil Liberties Union of Colorado, will be mailed to Plaintiff's attorneys. Plaintiff waives all other claims to additional attorney fees and costs upon the Court's entry of orders dismissing this action, with prejudice, upon (1) approval by the electorate of the Ordinance No. 992, or (2) upon entry of a judgment for permanent injunction should the voters failed to approve Ordinance No. 992 as described in paragraph 6 above.

8. In the event that the U.S. Supreme Court issues a decision overruling *Buckley v. Valeo*, 424 U.S. 1 (1976), or otherwise ruling that a provision such as is contained in Article VI, Section 4, of the City Charter is constitutional, nothing herein precludes the City from seeking to amend its Home Rule Charter to adopt a provision consistent with such a decision. Nothing in this Stipulation shall prohibit the City from filing a motion or action to dissolve the injunction, with notice of the same to Plaintiff and the American Civil Liberties Union of Colorado, in the event the U.S. Supreme Court issues a decision overruling *Buckley v. Valeo*, *id.*

9. Except as provided herein, the parties agree to pay their own attorney fees, costs, and expenses.

DATED: JULY _____, 2009

BY THE COURT

Moffat County District Court