

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:22-cv-477

**PARABLE,
RON HANKS,
LAUREL IMER,
DAVE PETERS,
CHARLES W. “CASPER” STOCKHAM,
JOANN WINDHOLZ,**

Plaintiffs,

v.

JENA GRISWOLD, in her official capacity as Colorado Secretary of State,

Defendant.

MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure 65, Plaintiffs PARABLE, Ron Hanks, Laurel Imer, Dave Peters, Charles W. “Casper” Stockham, and JoAnn Windholz move for a preliminary injunction to enjoin Defendant Jena Griswold, the Colorado Secretary of State, from enforcing Colorado’s Open Primary law adopted by Proposition 108 and its implementing statutes (collectively, “Proposition 108”).

Plaintiffs are likely to succeed on the merits of their claims, as Proposition 108 violates the First and Fourteenth Amendments to the United States Constitution. Specifically, Proposition 108 violates Plaintiffs’ Freedom of Association, Freedom of Speech, and Equal Protection rights.

Plaintiffs will suffer irreparable harm if Proposition 108 is not enjoined because the

deprivation of constitutional rights constitutes irreparable harm. The next election that is scheduled to occur under the unconstitutional “open primary” mandate of Proposition 108 is set for June 28, 2022. Finally, given the significant constitutional injuries here, the public interest favors Plaintiffs and the balance of equities tips in their favor.

This Motion is based on Plaintiffs’ Preliminary Injunction Memorandum, pleadings and papers on record herein, and any argument presented at the hearing on this matter.

Pursuant to D.C.COLO.LCivR 7.1, Plaintiffs’ counsel made a good faith effort to confer with Defendant regarding her position on this Motion by calling the Attorney General’s office and leaving a voice mail in the mailbox counsel was directed to this morning, by emailing multiple Assistant Attorneys General with whom counsel has had prior contact looking for the proper recipient, and by ultimately forwarding drafts of the Complaint, Motion for Preliminary Injunction and the Brief in support of same, along with a notice of intent to seek expedited briefing, to Assistant Solicitor General Grant Sullivan who responded to Plaintiff’s counsel and identified himself as the first point of contact. As of this filing, no position has been identified and Plaintiffs’ counsel assumes opposition to this motion.

Pursuant to Federal Rule of Civil Procedure 65(a), Defendant has been issued Notice of this Motion via mail and via email.

WHEREFORE, Plaintiffs pray that this Court grant Plaintiffs’ Motion for Preliminary Injunction enjoining Proposition 108 and directing the Secretary of State to allow a major political party to notify the Secretary by April 14, 2022, pursuant to CRS § 1-4-1304(1.5)(c), that it wishes to prohibit unaffiliated electors from voting in its primary election on June 28, 2022.

Dated: February 24, 2022

Respectfully Submitted,

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