

CRANK LEGAL GROUP, P.C.
1815 Evans Ave.
Cheyenne, WY 82001
(307) 634-2994
Fax: (307) 635-7155
pat@cranklegallgroup.com

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

2022 JAN 25 AM 10:38

MARGARET BOTKINS, CLERK
CHEYENNE

ATTORNEY FOR PLAINTIFFS

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

JOHN B. "JACK" SPEIGHT, REX ARNEY,
ROBIN HURLESS, CHRISTOPHER O. BOSWELL,
TAMSIN JOHNSON, DOUG CAMBLIN,
TOM LUBNAU, ANNE LADD, KATHY VETTER,
CHARLES PELKEY, DAN NEAL,
STEVE SIMONTON, GEORGE SIMONTON,
DAVE NORTHRUP, GAIL SYMONS, and
RUTH ANN PETROFF,

Plaintiffs,

W. FRANK EATHORNE in his capacity as
chairman of THE WYOMING REPUBLICAN PARTY,
THE WYOMING REPUBLICAN STATE CENTRAL
COMMITTEE, and MARK GORDON, in his capacity
as Governor of the State of Wyoming

Defendants.

Case Number: 22-CV-16-S

**MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY
INJUNCTION**

COMES NOW, John B. "Jack" Speight, Rex Arney, Robin Hurless, Christopher O. Boswell, Tamsin Johnson, Doug Camblin, Tom Lubnau, Anne Ladd, Kathy Vetter, Charles Pelkey, Dan Neal, Steve Simonton, George Simonton, Dave Northrup, Gail Symons, and Ruth

Ann Petroff, (“Plaintiffs”) by and through undersigned counsel, pursuant to Fed.R.Civ.P. 65(b) moves for a Temporary Restraining Order and Preliminary Injunction in this matter against Defendants Mark Gordon, W. Frank Eathorne, and The Wyoming Republican Party. Plaintiffs pray that the court:

1. Temporarily, via the issuance of a Preliminary Injunction, enjoin the Defendants from taking any actions to select candidates for vacancies in Statewide or federal offices in any manner that violates the constitutional principle of one man one vote and the equal protection provisions of the United States and Wyoming Constitutions.

2. Temporarily, via the issuance of a Temporary Restraining Order and Preliminary Injunction enjoin Wyoming Governor Mark Gordon from filling the vacant position of Superintendent of Public Instruction with any of the candidates forwarded to him by the Defendants on or about January 22, 2022.

3. A proposed order is attached.

DATED this 25th day of January, 2022.



Patrick J. Crank 5-2305
Crank Legal Group, P.C.
1815 Evans Ave.
Cheyenne, WY 82001
(307) 634-2994
Fax: (307) 635-7155

ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF SERVICE

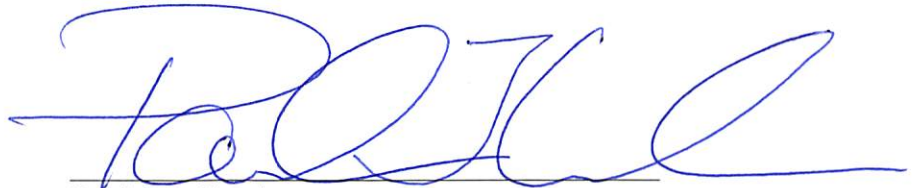
I hereby certify that on this 25th day of January, 2022, a true and correct copy of the foregoing was served upon counsel as follows:

Bridget Hill
Wyoming Attorney General
109 State Capitol
Cheyenne, WY 82002
Bridget.hill@wyo.gov

[] U.S. Mail
[X] E-Mail
[] Fax
[] Hand Delivered

Brian Shuck
State Republican Legal Counsel
2122 Warren Avenue
Cheyenne, WY 82001
brianshuck@vcn.com

[] U.S. Mail
[X] E-Mail
[] Fax
[] Hand Delivered



Patrick J. Crank

IN THE UNITED STATES DISTRICT COURT
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Case Number: 22-CV-16-S

TEMPORARY RESTRAINING ORDER ISSUED PURSUANT TO RULE 65(B)(2), FRCP

THIS MATTER having come before the Court pursuant to the *Motion for Temporary Restraining Order and Preliminary Injunction* and *Memorandum in Support of Plaintiffs Motion for Temporary Restraining Order and Preliminary Injunction* filed with the court in this matter and court being advised, hereby ORDERS as follows:

This Temporary Restraining Order is issued at _____ AM/PM on this ____ day of January, 2022.

The Court hereby finds that based on the pleadings filed in this matter, that failure to issue the Temporary Restraining Order will result in irreparable harm to the Plaintiffs in this matter. That harm includes the loss of the Plaintiff's equal protection rights under the 14th Amendment to

the United States Constitution. If the Wyoming Governor, the Honorable Mark Gordon, selects a candidate to replace the vacant office of Wyoming Superintendent of Public Instruction from the list of candidates forwarded to Governor Gordon on the statutory deadline of Thursday, January 27, 2022, the Plaintiffs constitutional rights to equal protection will likely be forfeited. The Plaintiffs have satisfied this court at this preliminary stage that Plaintiffs are likely to succeed on the merits in this matter, that the issuance of this order will maintain the status quo until the court can conduct further hearings including a preliminary injunction hearing, that the potential prejudice of the issuance this Temporary Restraining Order is outweighed by the irreparable harm that may occur to the Plaintiffs, and that issuance of the Temporary Restraining Order will not harm the public interest.

Plaintiff's Counsel Patrick J. Crank has filed a pleading entitled Certification Pursuant to Rule 65(b)(1)(B), F.R.C.P., which details the Plaintiffs efforts to contact defense counsel in this matter. The Court is issuing this Temporary Restraining Order without notice to W. Frank Eathorne in his capacity as chairman of The Wyoming Republican Party and The Wyoming Republic State Central Committee. This Order is being issued after consultation with representatives of Governor Gordon from the Wyoming Attorney General's Office.

Based on all of the foregoing, this court Orders, Adjudges and Decrees that the Honorable Mark Gordon, Governor of the State of Wyoming, is hereby enjoined from filling the vacant office of the Wyoming Superintendent of Instruction from the list of candidates forwarded to Governor Gordon on January 22, 2022, by The Republican Central Committee, pursuant to Wyoming Statutes until further order of this court. This Temporary Restraining Order shall expire 14 days after issuance of this Order, unless before that time, the court, for good cause, either terminates or extends this order in writing.

The Court will schedule a Preliminary Injunction hearing at the earliest possible date convenient to the Court and the Parties.

The Court finds that at this time there is no need for Plaintiffs to post a bond in this matter pursuant to Rule 65(c).

Entered this _____ day of January, 2022.

BY THE COURT:

US District Court Judge