

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

ALICIA HANSEN

Plaintiff)

)

)

)

vs)

ST. CROIX BOARD OF ELECTIONS
ET. AL.,)

)

)

)

Defendant

CASE NO. SX-16-CV-0000553

ACTION FOR: INJUNCTIVE RELIEF

**NOTICE OF ENTRY OF
ORDER DENYING MOTION
AND SCHEDULING
HEARING**

TO: LEE J. ROHN, ESQ.

Please take notice that on September 12, 2016 a(n) ORDER DENYING
MOTION AND SCHEDULING HEARING dated September 12, 2016 was
entered by the Clerk in the above-entitled matter.

Dated: September 12, 2016

Estrella H. George
Acting Clerk of the Court

IRIS D. CINTRON
COURT CLERK II

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

ALICIA "CHUCKY" HANSEN,

Plaintiff,

v.

ST. CROIX BOARD OF ELECTIONS,
JOINT BOARD OF ELECTIONS,
CAROLINE FAWKES, in her capacity as
Supervisor of Elections for the U.S.V.I.,
THE DEMOCRATIC PARTY OF THE
VIRGIN ISLANDS, and ADELBERT
(BERT) BRYAN,

Defendants.

CIVIL NO. SX-16-CV-553

ACTION FOR
DECLARATORY JUDGMENT
AND INJUNCTIVE RELIEF

ORDER

THIS MATTER is before the Court on Plaintiff's Emergency Motion for Temporary Restraining Order and Preliminary Injunction (Motion), filed September 9, 2016.

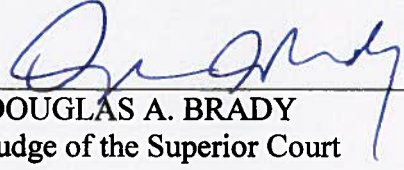
Under Rule 65 the Court may only issue a temporary restraining order without notice to the adverse party if: "A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss or damage will result to the movant *before the adverse party can be heard in opposition*; and B) the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required." FED. R. CIV. P. 65(b) (emphasis added).¹

Although Plaintiff's Motion presents a compelling argument to demonstrate that she will suffer irreparable injury if the Board of Elections is allowed to disqualify her from running as a candidate on the 2016 election ballot, the Motion clearly states that ballots are not set to be printed until September 16, 2016. Thus Plaintiff, by her own admission, will suffer no immediate, irreparable injury justifying the issuance of a temporary restraining order *ex parte*, provided that Defendants may be heard in opposition prior to September 16, 2016. Therefore, the Court will deny Plaintiff's Motion for Temporary Restraining Order and set Plaintiff's Motion for Preliminary Injunction for hearing on September 14, 2016 at 2:00pm. In light of the foregoing, it is hereby

ORDERED that Plaintiff's Motion for Temporary Restraining Order is denied. It is further

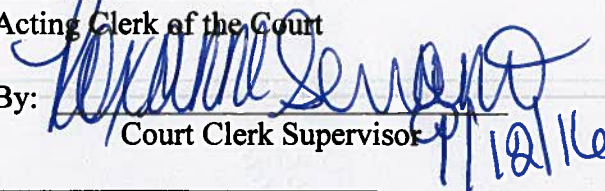
ORDERED that Plaintiff's Motion for Preliminary Injunction shall come on for hearing on Wednesday September 14, 2016 at 2:00pm.

September 12, 2016


DOUGLAS A. BRADY
Judge of the Superior Court

ATTEST:

ESTRELLA GEORGE
Acting Clerk of the Court

By: 

Court Clerk Supervisor

¹ See *Yusuf v. Hamed*, 59 V.I. 841, 847 n.2 (V.I. 2013) ("Because Federal Rule of Civil Procedure 65, governing preliminary injunctions and temporary restraining orders, applies in Superior Court pursuant to Rule 7, we rely on federal case law in reviewing [motions for temporary restraining orders and preliminary injunctions]").