

IN THE SUPREME COURT)	
)	
Action No. 12 SSC 001)	
)	
Connor Brady,)	
PLAINTIFF)	
)	
versus)	ORDER DENYING
)	PLAINTIFF'S
)	MOTION FOR A
Will Leimenstoll,)	TEMPORARY
Student Body President,)	RESTRAINING ORDER
Rachel Myrick,)	
Student Body Vice-President,)	
DEFENDANTS.)	

I. BACKGROUND

On Wednesday, January 9, 2013, Plaintiff, Connor Brady, former Chairperson of the Hardship Parking Committee, filed a complaint against Defendants Will Leimenstoll and Rachel Myrick, in their official capacities as Student Body President and Student Body Vice-President, respectively. The complaint alleged Defendants violated I S.G.C. 204 (E) by allegedly appointing Ms. Brittany Reeves as the provisional chair of the Hardship Parking Committee without then providing notice of the alleged appointment to the Speaker of Student Congress within 48 hours. *See* Amended Complaint of Brady, ¶¶ IV (A), *Brady v. Leimenstoll and Myrick*, 12 SSC 001, (2013).

On Friday, January 11, 2013, Plaintiff additionally filed a motion requesting that Defendants be temporarily restrained from filing resolutions to the Student Congress petitioning for the consideration of Ms. Reeves as the provisional appointee to the Hardship Parking Committee Chairship until such time that the present case be resolved. *See* Motion for Temporary Restraining Order of Brady, ¶¶ II, *Brady v. Leimenstoll and Myrick*, 12 SSC 001, (2013).

II. ANALYSIS

A. The standard of law to be applied.

III S.G.C. 731 (B) provides the two-prong test that the Court must apply when deciding whether it may lawfully issue a temporary restraining order. Specifically, the statute states:

“B. A motion requesting a temporary restraining order shall be granted and the proper order issued only if it is determined that:

1. The granting of the temporary restraining order is necessary to preserve the jurisdiction of the court or the rights and remedies of the party requesting the order; *and*¹
2. The party requesting the temporary restraining order be issued is clearly entitled to the relief requested under principles of justice.

As the test is two-pronged, both prongs must be met before the Court can lawfully issue a temporary restraining order. The Court considers now the first prong of the test.

1. Analysis of III S.G.C. 731 (B) (1).

III S.G.C. 731 (B) (1) mandates that in order for the Court to lawfully issue a temporary restraining order, the moving party must show circumstances sufficient to prove “the granting of the temporary restraining order is necessary to preserve the jurisdiction of the court *or*² the rights and remedies of the party requesting the order.” *Id.*

As to jurisdiction of the Court, it is clear that the jurisdiction of the Court over the alleged violation presently before it is preserved regardless of whether Defendants choose to take additional action regarding Ms. Reeves’ alleged appointment because both the violation alleged and the relief sought as pleaded in Plaintiff’s complaint—and thus the only issues over which the Court presently has jurisdiction and may rightfully consider-- are quite narrow. Specifically, in his complaint, Plaintiff alleges only a past, discrete violation by Defendants of I S.G.C. 204 (E), and requests for his remedy simply, should the Court find that Defendants indeed did violate I S.G.C. 204 (E), that it, “order Defendants to . . . notify the Speaker of Student Congress of their provisional appointment . . . of Brittany Reeves with an appointment date of December 13, 2012” and “[t]hat the Court order the provisional appointment . . . to expire on Friday, January 11, 2013 at 5:00 pm in accordance with I S.G.C. 204(B).” *See* Amended Complaint of Brady, ¶¶ V, *Brady v. Leimenstoll and Myrick*, 12 SSC 001, (2013). While, as Plaintiff correctly alludes in his motion, it may very well be the case that if Defendants decide to push through their resolutions to Congress prior to the Court deciding the legality of their past alleged actions they may find themselves the authors of an ultimately invalid or even illegal second act,-- and perhaps even Defendants in a second case-- that potential second case would be based solely on the contested validity of those future actions—with no bearing on the jurisdiction or authority of the Court to administer justice in the present case.

¹ Emphasis added.

² Emphasis added.

Similarly, due to the narrow scope of the relief requested in Plaintiff's complaint, it is the well-considered opinion of the Court that there is no threat that the future action of Defendants regarding Ms. Reeves' alleged appointment contemplated in Plaintiff's motion will deprive Plaintiff of his "rights and remedies" as pleaded in the present case—even if those contemplated acts are carried out prior to the final adjudication of the present case. This is because in his complaint, Plaintiff asserts no right other than his right as a student body member to take to task the Executive Branch for allegedly when it failing to comply with the Student Code when executing its duties in a past action. Similarly, as his remedy, he asks only that, should the Court find such a breach in said past execution, that it order Defendants to provide notice to the Speaker of Student Congress in a manner that reflects the proper date of its contested action, causing expiration of the alleged appointment. Due to the narrow scope of this request, the Court is fully able to order the requested remedy as related to the alleged violation presently before it—which, again, are the only actions properly before it at this time-- regardless of what future acts Defendants may take regarding the alleged provisional appointment--because the presently contested act and any future actions taken by Defendant are separate and discrete from each other—even if regarding the same ultimate subject matter. The discrete nature of the past alleged act contested in this case and any future act taken concerning its subject allow those future acts to be examined by the Court in a future case—which ensures the preservation of both present and future rights and remedies of the Plaintiff.

Finally, in light of the Court's finding that Plaintiff's motion for a temporary restraining order fails to pass III S.G.C. 731 (B) (1), the Court need not consider whether Plaintiff's motion is sufficient under III S.G.C. 731 (B) (2).

III. ORDER

ACCORDINGLY,

Plaintiff's motion for a temporary restraining order is DENIED.

Done this 13th day of January 2013, at 11:33 p.m.

/s/Jessica E.H. Womack
Jessica E.H. Womack, C.J.
for the Court