

David R. Irvine (Utah Bar No. 1621)
Attorney and Counselor at Law
747 East South Temple Street, Suite 130
Salt Lake City, Utah 84102
Telephone: (801) 579-0802
Telecopier: (801) 579-0801
E-Mail: Drirvine@aol.com

Alan L. Smith (Utah Bar No. 2988)
Attorney and Counselor at Law
1169 East 4020 South
Salt Lake City, Utah 84124
Telephone: (801) 262-0555
Telecopier: (801) 262-3009
E-Mail: Alanakaed@aol.com

Attorneys for plaintiffs

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE STATE OF UTAH, CENTRAL DIVISION

Utahns for Ethical Government,
a Utah political issues committee,
Jane Does 1 through 4, individuals,
and John Does 1 through 4,
individuals,

Plaintiffs,

vs.

The clerks of all counties in
the state of Utah in their
official capacities, including
Paul B. Barton, Beaver County Clerk,
Robert P. Pero, Carbon County
Clerk, Diane Freston, Duchesne
County Clerk, Diana Carroll,
Grand County Clerk, Karla
Johnson, Kane County Clerk,
Valeen H. Brown, Piute
County Clerk, Norm Johnson,
San Juan County Clerk,
Kent H. Jones, Summit

**TEMPORARY
RESTRAINING ORDER**

Case No. 2:10cv00333

Judge: Dale A. Kimball

County Clerk, Bryan E.)
 Thompson, Utah County)
 Clerk, Ryan Torgerson, Wayne)
 County Clerk, LuAnn Adams,)
 Box Elder County Clerk,)
 Vickie McKee, Daggett County)
 Clerk, Brenda Dugmore,)
 Emery County Clerk, David)
 I. Yardley, Iron County Clerk,)
 Norma Brunson, Millard County)
 Clerk, Becky Peart, Rich County)
 Clerk, Sandy Neill, Sanpete)
 County Clerk, Marilyn K. Gillette,)
 Tooele County Clerk, Brent R.)
 Titcomb, Wasatch County Clerk,)
 Alan D. McEwan, Weber County)
 Clerk, Jill Zollinger, Cache)
 County Clerk, Steve Rawlings,)
 Davis County Clerk, Camille)
 Moore, Garfield County Clerk,)
 Patricia Ingram, Juab County)
 Clerk, Stacy Lafitte, Morgan)
 County Clerk, Sherrie Swensen,)
 Salt Lake County Clerk, Steven)
 C. Wall, Sevier County Clerk,)
 Mike Wilkins, Uintah County)
 Clerk, Kim C. Hafen,)
 Washington County Clerk,)
 the Honorable Greg Bell,)
 in his official capacity as)
 Lieutenant Governor of)
 the state of Utah, and the)
 Honorable Mark)
 Shurtleff, in his official)
 capacity as Attorney General)
 of the state of Utah,)
)
)
 Defendants.)
)

Plaintiffs have asked the Court, pursuant to Federal Rule of Civil Procedure
 65(b), temporarily to restrain and, then, preliminarily to enjoin the defendants from
 administering, enforcing, or otherwise following the requirements of Utah Code, section

20A-7-206(8)¹ on the ground that the publication of names pursuant to that section of the Utah elections code would abridge the right of plaintiffs to speak with anonymity in connection with their advocacy of an initiative petition, "Government Ethics Reform," which they seek to place on the ballot of the next general election in the state of Utah in November, 2010.

After due consideration of the parties' filings and oral arguments, and otherwise being fully advised,

IT IS HEREBY ORDERED, for the reasons stated on the record, that:

1. Pending further order of this court, defendants hereby are ordered that they shall not administer, enforce, or otherwise follow the requirements of Utah Code, section 20A-7-206(8). In particular, defendants shall not release any of the names or other identifying information found on the initiative packets which have been submitted to them in connection with the "Government Ethics Reform" initiative petition which is spearheaded by plaintiff Utahns for Ethical Government. This ruling likewise applies to any other section or statute that would allow or require the release of such identifying information.

2. This matter is set for hearing on plaintiffs' request for a preliminary injunction on **April 28, 2010, at 9:00 a.m.** The parties shall submit any additional supporting memoranda no later than **April 26, 2010.**

3. Upon representation of counsel for defendants who presented oral argument, security is hereby waived.


4. Motion by Todd Weiler to intervene is reserved. Any opposition brief to

¹ Prior to reformatting, this section was numbered as Utah Code § 20A-7-206(7), which reads: "Initiative packets are public once they are delivered to the county clerks."

the motion shall be filed by **April 22, 2010**. Oral argument on the motion will be heard at the time set for the preliminary injunction hearing.

5. Upon the oral motion of the plaintiffs, the Verified First Amended Complaint is hereby sealed. Plaintiffs have leave and are required to re-file the same complaint substituting the individual plaintiffs' names with pseudonyms. The modified complaint shall be filed by **12:00 p.m. on April 16, 2010**.

Dated this 15th day of April, 2010.


Clark Waddoups
United States District Court Judge