

IN THE SUPREME COURT)
)
 Action No. 22-008)
)
 Samuel C. Robinson)
 PLAINTIFF)
)
 Versus)
)
 David R. Bass, and)
 Bass for Student Body President Campaign,)
 DEFENDANT)
)

PLAINTIFF’S MOTION
 FOR A TEMPORARY
 RESTRAINING ORDER

MOTION

1. Pursuant to R. 38, a party may move for a Temporary Restraining Order (TRO) or extraordinary writ to prevent the opposing party from engaging in some act until the case may be tried.
2. Pursuant to R. 38, a motion for TRO shall be granted only provided that “the granting of the TRO or extraordinary writ is necessary to preserve the jurisdiction of the Court, the rights of the party requesting the order, or the availability of remedies; and the party requesting the TRO or extraordinary writ must be clearly entitled to the relief requested.”
3. This motion presents a unique question of law. All meaningful precedent or prior rulings on motions with application to elections law is in the context of an injunction against the Board of Elections. We delineate this case from one in which the “extreme circumstances and when necessary” doctrine might be applied. Such doctrine can be seen in its application to motions in *Broadhurst v. Kushner, et al.* (2017), *Horowitz, et al. v. Medlin and Phillips* (2011), *Santoro v. Phillips* (2011), *Holgate v. Gillooly* (2010), *Seelinger v. Gillooly* (2010), and *Nichols v. Raynor* (2009). Precedent stemming from *Nichols v. Raynor* 1 S.S.C. 226 (2009) traces its roots to III S.G.C. §410 which limited the injunctive relief capabilities of this Court to “stopping an election.” Through 2016, this provision existed in the Student Government Code, in its last iteration being found at III S.G.C. §631(A) and now today found in III J.C.S.G. §541(A), providing that the Court “may issue temporary injunctions against the Board of Elections stopping an election to protect the Court’s jurisdiction or to preserve the status quo until a judicial determination can be reached.” This authority is distinct from that established in R. 38.
4. In seeking a TRO, Plaintiff must 1) establish a clear right to relief or 2) establish that denial of relief would cause adverse harm. This standard, established in *Whittemore v. Ruffin* 1 S.S.C. 2 (1970), must be viewed with a contemporary lens, as *Whittemore* assumes the absence of equal protection provisions that have since been codified into the

Student Constitution under the Non-Discrimination Policy. *Whittemore* similarly places value on consistency between the body of Student Law and University Policy, which includes fundamental equal protection provisions.

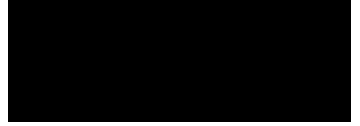
5. We assert that the electoral fundamentals are shaped by Defendant's flagrant and notorious disinformation campaign which amounts to coercion and undue influence. Denial of a TRO would cause substantive harm to the electoral process and the rights of the Plaintiff, a candidate for Student Body President. The whole of Defendant's campaign benefits from the undue influence exerted by Defendant upon voters in a manner which unduly increases Defendant's ability to satisfy the requirements of a candidate for the office of Student Body President. Thus, the continued operation of Defendant's campaign necessarily harms the rights of Plaintiff by continuing to place Plaintiff at a competitive disadvantage compared to Defendant. Specifically, the operation of the campaign in the time intervening between the filing of the complaint and the trial of that action will continue to see the Defendant benefit from their coercive actions and thus continue to increase the competitive disadvantage of Plaintiff.
6. The Order of this Court issued on or about the 1st of February, 2023 grants seven (7) days for Defendant to prepare an Answer. During such time, Defendant maintains a platform for communication and messaging built with tactics alleged to be in violation of the Student Constitution. Defendant holds no incentive to Answer the Plaintiff's Complaint in a timely manner, but continues to fundamentally shape the narrative of this election.
7. The TRO as requested in this motion would protect Plaintiff's rights as a candidate to a fair election in compliance with the body of student law and minimize the potential for damage to electoral climate created by the Bass for Student Body President Campaign. Violations of electoral law which occur earlier in an election cycle are viewed by this Court as more significant and a greater cause for relief, per *Klein v. Morgan* 1 S.S.C. 212 (2008).
8. Plaintiff moves for a TRO or other extraordinary writ such that:
 - a. Defendant be ordered to immediately suspend the David Bass for Student Body President campaign and to immediately cease all campaign-related operations until such time as the complaint may be tried; and
 - b. The Board of Elections be ordered to immediately foreclose David Bass's ability to register ballot signatures by the online Board of Elections form until such time as the complaint may be tried; and
 - c. The Board of Elections be prohibited from receiving and verifying signatures collected on behalf of the David Bass for Student Body President campaign by paper petition until such time that this complaint may be tried.

I do affirm that I have read in full the foregoing complaint and that the allegations contained therein are true to the best of my knowledge and belief.

/s/ Samuel C. Robinson
PLAINTIFF



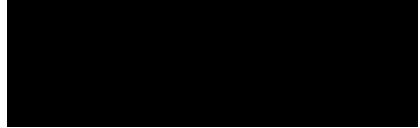
/s/ Andrew H. Gary
CAMPAIGN COUNSEL



/s/ Callie E. Stevens
CO-COUNSEL



/s/ Christopher C. McClanahan
DEPUTY COUNSEL



Filed this the 3rd day of February, 2023, at 12:00 a.m.