

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

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UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

BRIAN CROTEAU, SR., LARRY PRIEST,)
and RICHARD PURSELL, on behalf of)
themselves and all other similarly situated,)

Plaintiffs,)

v.)

CITY OF BURLINGTON,)

Defendant.)

Case No. 5:17-cv-207

TEMPORARY RESTRAINING ORDER

The court issues the following temporary restraining order based upon the complaint and motion filed on October 20, 2017. The court recognizes that the defendant, City of Burlington (“City”), has not had an opportunity to respond to the motion. The TRO is intended to maintain the current status of the parties until both sides can come to court for a hearing on a preliminary injunction.

The court finds that the affidavits of the named plaintiffs are sufficient to establish specific facts which clearly show that these plaintiffs face immediate and irreparable loss through the threatened seizure and disposal of their belongings, the loss of their temporary home sites, and the threat of criminal prosecution. Because the clearance of the homeless encampment is planned for Monday, October 23, 2017, these harms are likely to occur before the City can file an opposition or other response to the motion for a TRO.

Pursuant to F.R.Civ.P. 65(b)(2), the court notes as follows:

This order is issued at 4:00 pm on October 20, 2017;

The irreparable injury includes the loss of the home sites where the named plaintiffs currently reside together with the seizure and disposal of their personal property.

The order is issued without notice because the lawsuit was filed on October 20 – 3 days before the threatened action by the City and before the City has an opportunity to respond to the motion or appear for hearing.

The terms of the TRO are as follows:

Defendant is enjoined from taking action to evict plaintiffs from their encampment in the vicinity of North Avenue in Burlington. Defendant is further enjoined from seizing or destroying their personal property.

This order shall last until Wednesday, October 25, 2017, at 9:30 am at the U.S. Courthouse in Rutland, Vermont. The court has scheduled a hearing at that time concerning issuance of a preliminary injunction pursuant to F.R.Civ.P. 65(b)(3). No monetary security is required from plaintiffs.

SO ORDERED.

Dated at Burlington, in the District of Vermont, this 20th day of October, 2017.



Geoffrey W. Crawford, Judge
United States District Court