

EXHIBIT B

DISTRICT COURT, LARIMER COUNTY, COLORADO 201 LaPorte Avenue Fort Collins, CO 80521	DATE FILED: December 13, 2018 2:29 PM FILED BY: JEFFREY A. FIBERG CASE NUMBER: 2018CV149
Plaintiffs: THE TOWN OF TIMNATH, COLORADO; TIMNATH DEVELOPMENT AUTHORITY, an Urban Renewal Authority; v. Defendant: ERIC SUTHERLAND	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> Case Number: 18CV30567 Division: 3C
TEMPORARY RESTRAINING ORDER	

Presently before the Court is Plaintiffs’ Motion for Temporary Restraining Order (“Motion”). After considering the evidence and arguments in favor of and in opposition to the Motion, as well as the relevant legal authorities, the Court hereby enters a temporary restraining order against Defendant Eric Sutherland (“Sutherland”), as follows:

STANDARD OF LAW AND FINDING OF FACT

A party seeking a preliminary injunction under C.R.C.P. 65 must show: “(1) a reasonable probability of success on the merits; (2) a danger of real, immediate, and irreparable injury which may be prevented by injunctive relief; (3) lack of a plain, speedy, and adequate remedy at law; (4) no disservice to the public interest; (5) balance of equities in favor of the injunction; and (6) preservation by the injunction of the status quo pending a trial on the merits.” *Gitlitz v. Bellock*, 171 P.3d 1274, 1278 (Colo. App. 2007) (citing *Rathke v. MacFarlane*, 648 P.2d 648, 653–54 (Colo. 1982)).

Based upon the record of the trial held on November 29 and 30, 2018, the court finds that each the requirements for issuance of a Temporary Injunction has been satisfied and such an

injunction should be issued. It should be noted that this court has no present jurisdiction over any matters presently on appeal and the order set forth below shall not apply to such proceedings unless a mandate is issued by the appellate court that returns the matter to the 8th Judicial District.

IT IS HEREBY ORDERED THAT,

1. Sutherland is hereby enjoined from filing, without the representation of an attorney licensed by the State of Colorado, any civil claims, or petitions in the 8th Judicial District, unless Sutherland first requests permission to file his claims, or petitions from a court within the 8th Judicial District by filing a Petition for Leave to File Pro Se, and the Petition for Leave to File Pro Se is granted by the court in which it is filed.
2. A Petition for Leave to File Pro Se shall consist of:
 - a. A petition requesting permission to file a pro se action containing (1) a copy of this Temporary Restraining Order, and a statement advising the court that the petition to file a pro se action is being submitted pursuant to this Temporary Restraining Order; (2) a statement advising the court whether any defendant to the lawsuit was a party, litigant, judge, attorney, court officer, public official or participant to, or was any way involved in, any prior lawsuit involving Sutherland; and (3) a list of all lawsuits in the courts of this state, the United States District Court for the District of Colorado; and the Court of Appeals for the Tenth Circuit in which Sutherland was or is a party. This list shall include the name, case number, and citation, if applicable, of each case; a statement indicating the nature of Sutherland's involvement in the lawsuit; and its current status or disposition. If judgment was rendered against Sutherland, he must

indicate the amount of the judgment, the amount of the judgment that remains outstanding, if any, and the reasons that amount remains outstanding. Sutherland must also identify the procedural or monetary sanctions, assessment of attorney fees, contempt orders, or jail sentences arising out of a civil prosecution imposed against him by any court, including all appellate courts, if any. Sutherland shall include a brief statement explaining the sanctions, contempt order, attorney fees or jail sentence imposed; the type or amount of sanctions; the outstanding amount of any sanctions or attorney fees; and the current status or disposition of the matter.

- b. An affidavit containing recitals (1) that the claim(s), petition(s) or counterclaim(s) Sutherland wishes to present have never before been raised by him and disposed of by any state or federal court and are not, to the best of his knowledge, barred by collateral estoppel or res judicata; (2) that to the best of his knowledge the claim(s), petition(s) or counterclaim(s) are not frivolous or taken in bad faith; that they are well grounded in fact and warranted by existing law or a good faith argument for the extension, modification or reversal of existing law; that the lawsuit is not interposed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation, or to avoid the execution of a valid judgment; (3) that the claim or claims are not meant to harass any judicial officer, attorney, individual, organization, or entity; and (4) that in prosecuting the action, Sutherland will comply with all state and local rules of procedure, including those requiring service to other parties of all pleadings and papers filed with the court and will provide the court with acceptable proof that such service was made.

- c. A copy of the complaint or claims sought to be filed in the district, along with any other documents associated therewith.
3. Based on these documents, the court in which Sutherland files his Petition for Leave to File Pro Se shall either approve or disapprove the Petition for Leave to File Pro Se. In doing so, the court shall consider:
 - a. whether Sutherland has complied with this Temporary Restraining Order;
 - b. whether Sutherland's petition, complaint, or counterclaim complies with the Colorado Rules of Civil Procedure and the Local Rules of Practice;
 - c. whether the petition, complaint, or counterclaim is frivolous, abusive, harassing, or malicious;
 - d. whether the claims raised in Sutherland's petition, complaint, or counterclaim have been previously adjudicated by any state or federal court;
 - e. whether Sutherland has complied in all respects with Colo. R. Civ. P. 11;
 - f. whether the petition, complaint, or counterclaim alleges claims against judges, court officials, public officers, or any other individuals who may have immunity from suit; and,
 - g. whether the petition, complaint, or counterclaim meets such other reasonable requirements established by the court in which Sutherland intends to file his action.

4. This Temporary Restraining Order shall expire upon this Court's issuance of a final order of judgment with respect to Plaintiffs request for a Permanent Injunction in this matter.

Dated: December 13, 2018

A handwritten signature in black ink, appearing to read "J. Robert Lowenbach". The signature is fluid and cursive, with a prominent initial "J." and a long, sweeping underline.

J. Robert Lowenbach
Senior District Court Judge