

VERMONT SUPERIOR COURT
Orleans Unit
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www.vermontjudiciary.org



CIVIL DIVISION
Case No. 21-CV-00332

State of Vermont v. HNR Desautels, LLC et al

ORDER

EX PARTE TEMPORARY RESTRAINING ORDER

WHEREAS Plaintiff State of Vermont has filed an emergency motion for an ex parte temporary restraining order and preliminary injunction to enjoin Defendants from violating Amended and Restated Executive Order 01-20 (Restated EO 1-20) and addenda and the Agency of Commerce and Community Development's (ACCD's) Phased Restart Work Safe Guidance, specifically by failing to ensure that employees wear masks or facial coverings over their nose and mouth while working in the presence of others;

WHEREAS this court, having considered the motion for temporary restraining order and the documents filed therewith, finds good cause to grant the State's motion because:

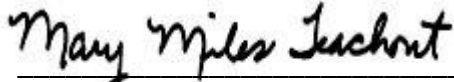
1. The State is likely to succeed on the merits of its action seeking enforcement of the terms of EO 01-20 and its addenda;
2. The State and the public at large will suffer immediate and irreparable harm if Defendants continue to violate EO 01-20 in that as a result of such violations, others, including Defendants' employees and members of the public, will be at risk of contracting the potentially deadly Covid-19 virus through community spread and then further transmitting the virus to others in their families and in the community at large; and
3. The balance of equities and public interest favor issuance of a temporary restraining order.

THEREFORE, it is hereby ORDERED pursuant to V.R.C.P. 65(a) that Defendants are RESTRAINED and ENJOINED FROM VIOLATING Restated EO 01-20 and its addenda and ACCD's Phased Restart Work Safe Guidance. Specifically, Defendants shall not employ any persons or open any premises for business without compliance with EO 01-20 and its addenda and ACCD's Phased Restart Work Safe Guidance.

It is further ORDERED that a hearing on the State's motion for a preliminary injunction shall take place on the 5th day of March, 2021, at 10:00 am by Webex in accordance with the attached Instructions.

This Order shall expire 14 days after the date of issuance unless otherwise ordered by this court.

Electronically signed pursuant to V.R.E.F. 9(d) on February 23, 2021 at 3:34 PM.



Mary Miles Teachout
Superior Court Judge

So Ordered