

STATE OF VERMONT

SUPERIOR COURT
RUTLAND UNIT

CIVIL DIVISION
DOCKET NO. 202-5-20
Rdcv

STATE OF VERMONT,)
Plaintiff,)
)
v.)
)
CLUB FITNESS OF VERMONT, INC. and)
SEAN MANOVILL,)
Defendants.)
)

FILED
MAY 15 2020
VERMONT SUPERIOR COURT
RUTLAND

[PROPOSED] 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 conducting in-person, indoor operations at any physical fitness center in violation of Executive Order 01-20 (EO 01-20) and subsequent addenda;

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 enforcing the terms of EO 01-20 against Defendants;
2. The State will suffer immediate and irreparable harm if Defendants continue to operate in violation of EO 01-20;
3. The balance of the equities and the public interest favor issuance of a temporary restraining order;

It is hereby ORDERED that, pursuant to V.R.C.P. 65(a), Defendants are RESTRAINED AND ENJOINED from conducting any in-person, indoor operations at any fitness center so long as EO 01-20 prohibits them from doing so.

It is further ORDERED that this order shall expire 14 days after the date of issuance, unless otherwise ordered by this Court.

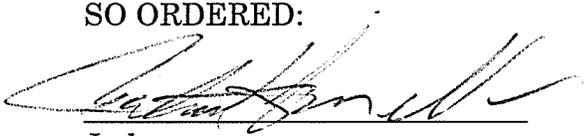
It is further ORDERED that a hearing on the State's motion for preliminary injunction be set for 29th day of May, 2020, before this Court in a format to be determined by the Court.

It is further ORDERED that service of this order and the papers upon which it is based on Defendants by email to sean@clubfitnessvt.com for both Defendants, followed by prompt delivery of paper copies by sheriff to 275 North Main Street, Rutland, Vermont and to 239 Creek Road, Castleton, Vermont, shall be deemed good and sufficient service of this order.

It is further ORDERED that Defendants' answering brief and affidavits or affirmations in opposition shall be served and filed with this Court on or before May 26, 2020; and

It is further ORDERED that Plaintiff's reply brief and affidavits or affirmations, if any, shall be served and filed with this Court on or before May 28, 2020.

SO ORDERED:


Judge _____

Date: 5/15/20