

Katherine Elsaesser, ISB#9287
ELSAESSER ANDERSON, Chtd.
Attorneys at Law
519 High Street
Post Office Box 369
Priest River, Idaho 83856
Phone: (208) 448-2990
Fax: (208) 448-2990
katie@eaidaho.com

Attorney for Plaintiff

Filed: 09/01/2023 16:00:43
First Judicial District, Bonner County
Michael W Rosedale, Clerk of the Court
By: Deputy Clerk - Seck, Melissa

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

PEGGYLEE A. SMITH, CITIZEN OF ZONE
2 of West Bonner County School District #83
and voter in Recall of Susan Brown, DANA
DOUGLAS as a CITIZEN OF ZONE 4 of
West Bonner County School District #83 and
voter in Recall of Keith Rutledge, individually
and collectively on behalf of the 1,386 voters
who voted in favor of recall, and on behalf of
the West Bonner County School District.

Plaintiffs,

v.

Keith Rutledge, individually and as Chairman
of West Bonner County School District #83,
Susan Brown, individually and as Vice
Chairman of West Bonner County School
District #83, and West Bonner County School
District #83 Board of Trustees

Defendants.

Case No. CV09-23-1365

ORDER GRANTING TEMPORARY
RESTRAINING ORDER

AND NOTICE OF HEARING

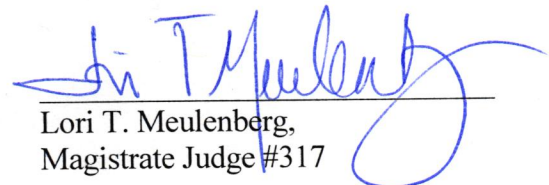
THIS MATTER having come before the court by Plaintiffs' request in their verified
complaint and request for emergency motion for Temporary Restraining Order under IRCP
65(b) based on the evidence before the court and good cause showing:

NOW, THEREFORE, it is hereby ordered that:

1. A Temporary Restraining Order is entered prohibiting any action at a Board Meeting that has bearing on the structure of the WBCSD Board, financially commits WBCSD, or contractually obligates WBCSD in any way until the August 29, 2023 election results are certified.
2. This Temporary Restraining Order is issued without notice on September 1, 2023 at the time of 3:52 PM.
3. The potential immediate and irreparable harm is that the actions and the proposed actions by Defendants proposed by the Agenda attached as Exhibit 1 to this Order, could have incomprehensible irreparable harm pursuant to Idaho Code §74-204, and including but not limited to what is set forth in the Plaintiffs' complaint:
 - a. dismantlement of a school district board of trustees in direct violation of Idaho Code;
 - b. ~~grant unprecedented authority to a Superintendent before a three-day weekend with unknown additional damages for the public and students set to start school on Tuesday, September 5, 2023;~~
 - c. permit open meeting violations to blatantly occur when the "necessary" requirement for a special meeting under Idaho code 33-506 has not been met;
 - d. agenda items are for the sole benefit of an individual, recalled trustees, and not the district, which is granted would cause irreparable financial harm of the Plaintiffs and all WBCSD residents;

- e. Actions threaten to subvert the results of lawful election results; and
 - f. Action items on Agenda, if not enjoined threatens to cost all collateral parties of West Bonner County School District #83 substantial financial costs and contractually obligate the collateral parties of West Bonner County School District #83 in a manner in direct violation with Idaho Code on School Boards and Governmental Agencies.
4. This order is entered without notice as Plaintiff's attorney provided verification and there was no time to provide notice when the public notice of the meeting and agenda by Defendants was posted after school districts office hours, at or around 5:00 p.m., August 31, 2023 and the complaint was filed first thing on September 1, 2023.
 5. This order remains in effect for 14 days of this order, unless further order of the court.
 6. The security required to be posted by Plaintiffs per I.R.C.P. 65(c) is \$1,000.00
 7. Plaintiffs are required to serve Defendants by email within one hour of this order being issued and personal service within 24 hours of the issuance of this order.
 8. **A Temporary Restraining Order hearing is scheduled for September 12, 2023 at 3:00 PM at the Bonner County Courthouse, Sandpoint, Idaho.**

September 1,
2023

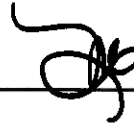

Lori T. Meulenberg,
Magistrate Judge #317

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing on the individuals listed below:

Katherine Elsaesser: katie@eaidaho.com

9/1/2023 4:01:45 PM

A handwritten signature in black ink, consisting of a stylized 'K' and 'E' intertwined, positioned above a horizontal line.
