

DISTRICT COURT, CITY AND COUNTY OF DENVER,
STATE OF COLORADO

Court Address: 1437 Bannock Street
Denver, Colorado 80202

Plaintiffs:

Leon Hill, Diana Galliano, Michael Sullivan, Colorado Coalition
for the Homeless

▲ COURT USE ONLY ▲

Defendants:

M. Michael Cooke, Executive Director, Colorado Department of
Revenue;
Colorado Department of Revenue, a Colorado state agency; and
Colorado Division of Motor Vehicles, a Colorado state agency.

Case No. 06-cv-12012

ORDER GRANTING PRELIMINARY INJUNCTION

THIS MATTER is before the Court on Plaintiffs' Motion for Preliminary Injunction. Upon consideration of that motion, of the briefs and exhibits submitted by both sides in support of and in opposition thereto, and of the evidence and argument presented at the hearing held December 14, 2006:

It is hereby ORDERED that the Motion is GRANTED. The Court hereby finds and determines, for reasons more fully set forth on the record at the conclusion of the hearing and incorporated by reference herein, that Plaintiffs have satisfied the CRCP 65 preliminary injunction standards as set forth in Rathke v. MacFarlane, 648 P.2d 648, 653-54 (Colo. 1982). Specifically, the Court finds and determines that: 1) Plaintiffs have demonstrated that they are likely to succeed on the merits of their claim that the Division of Motor Vehicles' so-called two-document rule was promulgated in violation of the Colorado Administrative Procedure Act (APA); 2) the two-document rule is causing real, immediate, and irreparable injury which may only be prevented by injunctive relief; 3) there is an absence of a plain, speedy, and adequate legal remedy; 4) the granting of a preliminary injunction will not disserve the public interest; 5) the balance of the equities favors the injunction; and 6) the injunction will preserve the status quo pending trial on the merits.

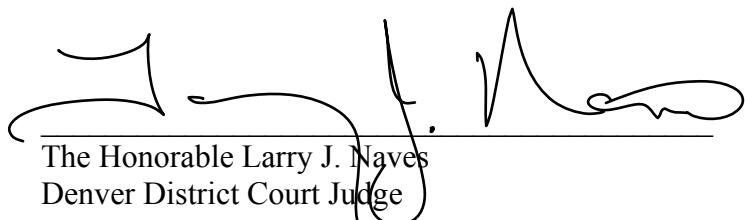
It accordingly is ORDERED that Defendants and their agents:

- 1) SHALL NOT apply the two-document rule or any other requirement not found in statute or validly-promulgated regulations as a basis for denying or refusing to complete identification card and driver's license applications; and
- 2) SHALL process identification card and driver's license applications in accordance with Colorado statutory standards (under which applicants must prove their identity, age, and lawful presence), but without respect to any non-statutory administrative requirements (other than as hereinafter may be established pursuant to the Colorado APA) as to the number and type of documents necessary to prove those requirements; and
- 3) SHALL, beginning no later than 30 days after the effective date of this order, issue a written statement explaining the basis of any denial of an identification card or driver's license (including a refusal to process such an application) with sufficient specificity as to why the statutory criteria were not met.

It is further ORDERED that this preliminary injunction shall take effect upon Plaintiffs' counsel posting security in the form of \$1.00 cash, and that it shall remain in effect until any order entered upon trial of the merits.

DATED this 15 day of December, 2006.

BY THE COURT:



The Honorable Larry J. Naves
Denver District Court Judge