ASSOCIATED STUDENTS OF UCI

Judicial Board

Preliminary Injunction on R56-19

BY ORDER OF THE ASUCI JUDICIAL BOARD

Dated: October 5th, 2020

ORDER:

On October 4th, the Plaintiff's Counsel petitioned the Judicial Board for injunction against the ASUCI Senate for improperly following the procedures to amend the bylaws. *See: Mansfield v. ASUCI Senate Et al* (__). Included among these allegations was a violation of notice and transparency, as referred to in the ASUCI Bylaws. Defendant responded that the Senate was permitted to ignore procedures set forth in the bylaws, if such procedures violated the constitution.

In analyzing this case, the Judicial Board maintains a two-tier policy, as echoed by *Damavandi* (2019), in issuing any injunction. More specifically, first, we analyze the potential for irreparable harm. On face, the Court believes that a violation of the procedural protections to the public is a serious, continuing harm, which by its nature would yield further actions null and void. These procedures, as reiterated by *Knight v. Elections Commission* (2020), at 6, cannot be arbitrarily taken away from any member, without the due process of law: "The rules of order, furthermore, prohibit the suspension of any additional rights of members without a disciplinary process: 'Rules protecting a basic right of the individual member cannot be suspended.' RONR (11th ed.), p. 264, ll. 6 – 7." Second, we find there are indeed reasonable grounds for both the defense and plaintiff to argue on, with the defense's rebuttal at best, as phrased by defense counsel's own admission, "a legal grey zone." For this reason, we find this petition to be reasonable.

Without being an affirmative ruling in favor of either party, we therefore concur with the filing of the plaintiff that a preliminary injunction is required to protect the rights of parties involved.

Therefore, the Judicial Board, by a unanimous consensus, in order to properly examine the issue, and pursuant to our authority under §7.1.4.1 of the Judicial Code, hereby enjoins the Senate to rescind or postpone the proposal of R56-19, subject to the findings of our board.

BY ORDER OF THE JUDICIAL BOARD,

Kimo Gandall Chief Justice	Madison Craw Vice Chief Justice
Logan Knight Associate Justice	Heriberto Mendez Associate Justice
Joshua Wolfe Associate Justice	Nicholas Ortiz Associate Justice