

DISTRICT COURT, COUNTY OF ARAPAHOE, STATE OF COLORADO Court Address: 7325 South Potomac Street Centennial, CO 80112 Plaintiff: Jeffrey Brown v. Defendants: City of Aurora, Colorado; Kadee Rodriguez, in her official capacity as Aurora City Clerk and Designated Official; Arapahoe County Clerk and Recorder, Joan Lopez, in her official capacity.	DATE FILED October 4, 2026 7:29 PM CASE NUMBER: 2026CV388 ^FOR COURT USE ONLY^ Case No: 2026CV388 Div.: 14
ORDER RE: PETITIONER’S MOTION FOR EXPEDITED HEARING AND EMERGENCY INTERIM RELIEF	

This matter comes before the Court on the attached Petitioner’s Motion for Expedited Hearing and Emergency Interim Relief.

Procedural Background

Plaintiff filed his Verified Petition under C.R.S. §1-1-113 for Order Requiring Substantial Compliance with Colorado Election Law and Request for Expedited Emergency Relief, and Petitioner’s Motion for Expedited Hearing and Emergency Interim Relief and Expedited Election Matter—Tabor Notices Scheduled for Mailing October 2, 2026, on September 29, 2026.

Plaintiff alleges in his Petition that the City of Aurora referred three sales and use tax ballot issues (3A, 3B, and 3C) regarding facilities, public safety, and transportation to voters. Plaintiff asserts that as an eligible elector, he timely submitted written opposition comments for inclusion in the required TABOR ballot notice, which must summarize filed arguments for and against ballot proposals under the Colorado Constitution and state statute.

Plaintiff contends that while the City of Aurora published a 90-word collective opposition summary mentioning general preferences for private investment and economic growth over tax increases, it omitted several of his specific, distinct arguments—including Aurora's overall infrastructure needs, benchmark metrics for retail activity, and regional visitor spending impacts.

Analysis

As an initial matter, Plaintiff filed his Petition *pro se*. While the right to self-representation is fundamental, it comes with significant risks, as *pro se* litigants may lack the legal expertise to effectively present their case, potentially hampering their own cause. *See e.g. People v. Waller*, 412 P.3d 866 (Colo. App. 2016). *Pro se* litigants are restricted to the same rules of evidence and rules of procedure that are applicable to litigants with legal representation. *Manka v. Martin*, 614 P.2d 875, 880 (Colo. 1980). It is well established that “if a litigant, for whatever reason, sees fit to rely upon his own understanding of legal principles and the procedures involved in the courts, he must be prepared to accept the consequences of his mistakes and errors.” *Id.* (citing *Viles v. Scofield*, 261 P.2d 148 (Colo. 1953)).

Courts are not required to provide *pro se* litigants with opportunities beyond those normally accorded to attorneys. A *pro se* litigant must adhere to the same rules, procedures, and substantive law as a licensed attorney, and cannot expect preferential treatment from the court. *People v. Romero*, 694 P.2d 1256, 1266 (Colo. 1985).

With that said, Plaintiff is not seeking a preliminary injunction so that the Court can decide whether his political opinions are right or wrong, nor is he asking for his exact words to be published. In short, Plaintiff is asking the court to quickly check whether the official summary of the public's opposing arguments was done properly and fairly pursuant to C.R.S. §1-7-903.

A plaintiff may move for a preliminary injunction to preserve the status quo or to protect rights pending the final determination of a cause. *City of Golden v. Simpson*, 83 P.3d 87, 96 (Colo. 2004). Like a temporary restraining order, its purpose is to prevent irreparable harm prior to a decision on the merits of a case. *Id.* Additionally, no preliminary injunction shall be issued without notice to the adverse party. C.R.C.P. Rule 65(a)(1).

The purpose of a preliminary injunction is to prevent irreparable harm prior to a decision on the merits of a case. *City of Golden v. Simpson*, 83 P.3d at 96. The moving party must satisfy six factors to obtain a preliminary injunction: 1) a reasonable probability of success on the merits; 2) a danger of real, immediate, and irreparable injury which may be prevented by injunctive relief; 3) lack of a plain, speedy, and adequate remedy at law; 4) no disservice to the public interest; 5) balance of equities in favor of the injunction; and 6) the injunction will preserve the status quo pending a trial on the merits. *Id.* Emphasis added.

Here, Plaintiff did not address any of the six factors in his Verified Petition. Plaintiff concedes that the Taxpayers' Bill of Rights ("TABOR") does not require publication of his comments verbatim or guarantee him 500 words in the notice. Petition, ¶10. Plaintiff also does not ask this Court to determine whether his political arguments are persuasive. Petition, ¶11. Rather, Plaintiff seeks enforcement of the designated election official's statutory duty to summarize the relevant filed opposition comments and the constitutional requirement that relevant written comments be accurately summarized. Petition, ¶12.

Plaintiff offers no argument to demonstrate that granting preliminary injunctive relief—a mere thirty days prior to Election Day—would serve, rather than disserve, the interests of the City of Aurora's 250,000+ registered voters. Additionally, Plaintiff offers no argument or evidence showing that the current summary poses a risk of real, immediate, and irreparable harm. To reiterate, Plaintiff does not seek a judicial determination regarding the merits of his political views. Instead, Plaintiff grounds his application for preliminary injunctive relief solely on his allegation that the City of Aurora's mandatory ballot measure explanations and pro/con arguments fall short of statutory standards.

Under Colorado law, a court may deny a plaintiff's request for a preliminary injunction when the plaintiff fails to satisfy one or more of the required elements established by the Colorado Supreme Court. Preliminary injunctive relief is an extraordinary remedy granted at a court's discretion to maintain the status quo pending a final hearing. The threshold requirements for granting such relief commonly include a showing that the plaintiff will suffer irreparable harm without the injunction, that there is no adequate remedy at law, and that the plaintiff has a reasonable likelihood of success on the merits. Plaintiff fails to meet this standard.

Conclusion

For the foregoing reasons and authorities, the Court **DENIES** Petitioner's Motion for Expedited Hearing and Emergency Interim Relief.

DONE THIS 4th day of October, 2026.

BY THE COURT:

Don Jesse Toussaint

Judge