

DISTRICT COURT, EL PASO COUNTY, COLORADO 270 South Tejon Street Colorado Springs, Colorado 80903 Phone: 719.452.5000	<div data-bbox="980 302 1354 415" data-label="Text"> <p> DATE FILED December 6, 2024 1:03 AM FILING ID: 47028B1B4C027 CASE NUMBER: 2024CV32336 </p> </div> <div data-bbox="1065 581 1403 615" data-label="Text"> <p>▲ COURT USE ONLY ▲</p> </div>
<p>Plaintiffs: Veronica, Jack and Trevor Baker, individuals; Svetlana Nudelman, an individual; COS Reads, a nonprofit corporation; Westside Watch, a nonprofit corporation; and Integrity Matters, a nonprofit corporation</p> <p>v.</p> <p>Defendant: EL PASO COUNTY, acting through the Board of County Commissioners; CITY OF COLORADO SPRINGS, a home rule City and Colorado municipal corporation, acting through the city council of the City of Colorado Springs; Pikes Peak Library District (PPLD), acting through the PPLD Board of Trustees; and Teona Shainidze-Krebs, Chief Librarian and Chief Executive Officer, acting in her official capacity</p>	
<p>Attorney for Plaintiffs</p> <p>Katherine Gayle, #20089</p> <p>Chief Legal Counsel Integrity Matters Chief Legal Counsel Westside Watch</p> <p>13790 Voyager Parkway Colorado Springs, CO 80921</p> <p>Phone: 970-278-6884</p> <p>Email: katlaw065@gmail.com</p>	<p>Case No:</p> <p>Division:</p>
<p>COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF</p>	

Plaintiffs, by and through their undersigned attorney, Katherine Gayle, for their Complaint state and address as follows:

I. INTRODUCTION

Plaintiffs bring this action to halt the closure of the Rockrimmon Library branch of the Pikes Peak Library District (PPLD), scheduled for December 31, 2024. The decision was made without public notice, meaningful engagement, or required financial analysis. The Board's actions violate Colorado's Open Meetings Law (C.R.S. § 24-6-402), Colorado statutes governing public libraries C.R.S. § 24-90-101 et seq, and PPLD's own Bylaws, in particular, but not limited to Article II, Section 8(a,c & g). This decision is a breach of public trust, violation of fiduciary duties, and ignores PPLD's

paid consultant's recommendations. The closure is unwarranted given the library's high usage, low operational costs, and its role as a critical asset upon which the community deeply depends.

Plaintiffs seek declaratory judgment (C.R.C.P. 57) and injunctive relief (C.R.C.P. 65) to ensure compliance with statutory and procedural obligations.

II. PARTIES, JURISDICTION AND VENUE

1. Plaintiffs Virginia, Jack and Trevor Baker are residents of the City of Colorado Springs, Colorado with an address of 1115 War Eagle Dr. N, Colorado Springs, CO, 80919.
2. Plaintiff Svetlana Nudelman is a resident of the City of Colorado Springs, Colorado with an address of 1550 Bison Ridge Dr., Colorado Springs, CO, 80919.
3. COS Reads is a nonprofit corporation formed to protect and support community libraries in the PPLD and to promote and maintain the proper administration of the various boards and government entities, especially in the areas of budget, staffing, maintenance and proposed expansion, as government oversight, appointments and decisions impact individual library branches; with an address of 1455 Casson Court, Colorado Springs, CO, 80919.
4. Westside Watch is a nonprofit corporation formed to promote the proper administration of government, especially with regard to public safety including wildfire evacuation, with a mailing address of P.O. Box 38802, Colorado Springs, CO, 80937.
5. Integrity Matters is a nonprofit corporation formed to promote the proper administration of government, including but not limited to integrity, accountability and transparency, with a mailing address of P.O. Box 60082, Colorado Springs, CO, 80960.
6. Defendant, El Paso County Board of County Commissioners ("BOCC"), is the governing board for El Paso County Colorado, with its principal offices at 200 South Cascade Avenue, Suite 100, Colorado Springs, CO 80903. The BOCC acts for and on behalf of El Paso County, Colorado (the "County"). The County is a political subdivision of the State of Colorado with its principal offices at 200 South Cascade Avenue, Suite 100, Colorado Springs, CO 80903. The BOCC has the power to appoint and remove trustees to the PPLD Board of Trustees in conjunction with the Colorado Springs City Council.
7. Defendant City of Colorado Springs, Colorado (the "City") is a home rule city and a Colorado municipal corporation that exercises the powers granted to home rule cities under Article XX of the Colorado Constitution, including the power to appoint and remove trustees of the Pikes Peak Library Board of Trustees in conjunction with the BOCC. The City has its principal offices at 30 South Nevada Avenue, Ste. 101, Colorado Springs, CO 80903.
8. Defendant PPLD, acting through its Governing Board, also known as the Board of Trustees, is responsible for setting the budget and determining policies of the PPLD. The Board appoints the Chief Librarian and CEO to manage the day-to-day operations of the PPLD on its behalf. Teona Shainidze-Krebs, PPLD Chief Librarian and Chief Executive Officer, is responsible for carrying

out the policies adopted by the PPLD Board. The principal office is located at Penrose Library, 20 N. Cascade Ave., Colorado Springs, CO 80903.

9. This Court has personal jurisdiction over the parties to this claim and subject matter jurisdiction over the claim asserted.
10. Venue is proper in this court pursuant to C.R.C.P. 57, C.R.C.P. 65, and C.R.C.P. 98.

III. GENERAL ALLEGATIONS AND STATEMENT OF FACTS

(Applicable to All Claims for Relief)

11. Plaintiffs hereby incorporate the allegations contained in Paragraphs 1 through 10 above as it relates herein.

Vote of electors is required to abolish a library

12. According to (C.R.S. § 24-90-114) (1), **A public library, other than a joint library, established, operated, or maintained pursuant to this part 1 may be abolished only by vote of the registered electors in that library's legal service area**, taken in the manner prescribed in section 24-90-107 (3) for a vote to establish a library.
13. Rockrimmon Library and Rockrimmon Service Area was established by a vote of the electors in PPLD in 1986. [\[See Exhibit B, Page 8\]](#)
14. From at least 1983, PPLD was divided into service areas. [\[See Exhibit B, Pages 6-10\]](#)
15. In 1983, the electors of the PPLD service area voted for a \$9.998,000 bond for the construction and implementation of a major library facility in the east service area. This became the East Library. [\[See Exhibit B, Page 7\]](#)
16. In 1986, the PPLD voted in favor of a mill levy to build 4 (four) libraries. Rockrimmon was one of these libraries. Since the mill levy campaign, a branch located in the Rockrimmon area was publicized. [\[See Exhibit B, Page 8\]](#)
17. The ballot language read:

Whereas, the Pikes Peak Library District has requested this Board to submit the question of increasing the maximum tax levy from two (2) mills to four (4) mills for the establishment and maintenance of certain libraries to a vote of the qualified electors residing in El Paso County...

“Shall the Legislative body of the Pikes Peak Library District be authorized to increase the maximum tax levy from two (2) mills to no more than four (4) mills for the establishment and maintenance of public libraries?” [\[See Exhibit B, Page 11\]](#)

18. In 1987, the Board of Trustees were advised to consider the voting behavior in the Rockrimmon Service Area compared with the Southeast Service Area. [\[See Exhibit B, Page 9\]](#)

19. In 2012, electors in the City of Manitou Springs voted to join the PPLD. Previously, the Manitou Springs Public Library was a stand alone library that served Manitou Springs. The status of libraries is still decided by a vote of electors in the service area. [\[See Exhibit B, Page 9\]](#)

Breach of Fiduciary Duty

20. There has been no PPLD mill levy increase placed on the ballot since 1986.
21. In 2022, Trustee and former President of PPLD Board of Trustees, Aaron Salt recommended against placing a Mill Levy to increase tax revenue for the PPLD on the ballot.
22. In the first half of 2023, PPLD received a grant of \$199,115 in the American Rescue Plan Act (a.k.a. State and Local Fiscal Recovery Funds Report (SLFRF)) funds through the City of Colorado Springs Digital Equity Grant Program. This money was never used. PPLD declined the award and returned it to the City.. [\[See Exhibit I, Page 21, K, Pages 23-26\]](#)
23. The February 21, 2024, PPLD Board minutes show a resolution made in a Special Meeting on February 6, 2024, to correct the budget approved on January 9, 2024, that reflected an allocation nearly \$7 million below the actual budget due to an “inadvertent error.” [\[See Exhibit J Pages 21-22\]](#)
24. The PPLD did not apply to receive funds from the E-Rate Program for 2024 or 2025. This program subsidizes broadband and other telecommunication service in schools and libraries. In 2022, PPLD received \$655,000.
25. The above are only a few of multiple irregularities, mismanagement and neglect of the finances of the PPLD.
26. In 2023, PPLD hired a team of consultants comprising two architectural firms,, HB&A and Farnsworth Group, and Rethinking Libraries, to develop a 2024 Facilities Master Plan (FMP). The cost was approximately \$285,000 far exceeding the renegotiated Rockrimmon lease cost of \$220,000. [\[See Exhibit C, Page 18\]](#)
27. At the June 19, 2024, PPLD Board meeting, the PPLD Board of Trustees’ paid consultants presented very general draft outlines of three possible options for the FMP. Only one option mentioned potential library closures; it was also the only option that did not plan to increase revenue. The other two options proposed in the long-term to shift Rockrimmon to an owned location [\[See Exhibit A, Pages 3-4\]](#)
28. The consultants specifically stated that the community was receptive to increasing funds. [\[See Exhibit, D Page 19, item 1 time-stamp 53:24-53:40, 54:10\]](#). Despite the likelihood of a successful ballot initiative for a mill levy increase, the Board did not even consider it.
29. None of the consultants’ 3 options recommended **taking immediate action** to close libraries. Curiously, the Board cherry-picked one library, Rockrimmon, to close, exclusive of any other

actions. This occurred barely 6 weeks after the October Board meeting, leaving a month left in the lease to vacate the building.

30. PPLD's paid consultants stated that closure decisions should be deferred until comprehensive financial models and extended customer usage analyses were completed and shared with the public. [\[See Exhibit D, page 19, item 1 time-stamp 43:48-43:54, 50:44-50:50\]](#) These financial analyses were never conducted: this was a breach of the Board's fiduciary duty to the citizens of PPLD and El Paso County. Any action taken to implement any aspect of the FMP without conducting an intervening detailed financial model is fiscally unsound.
31. During the June 19, 2024, meeting, consultants explicitly stated:

"A really detailed financial model is not part of our scope...you're going to have to look at potentially some service reductions Branch closures relocations. Again, you're going to need some more financial modeling to really get to the to the heart of that...it probably makes sense to to do that Financial modeling of how much money do you free up by by letting go of a certain lease what does that do for your future and kind of model that out um yeah along with some tax revenue modeling too."

[\[See Exhibit D, Page 18, item 1 time-stamp 42:50-42:58, 43:48, 50:44-50:50\]](#)

Multiple Violations of Open Meeting Law

32. At the July 17, 2024 PPLD Board of Trustees meeting, Board members reassured the public that *"no decisions will be made at this meeting nor will we have any discussions about the findings in the preliminary facilities master plan report. that was presented during the June board meeting. The board will hold all discussions about any course of action until the final report is received and that's going to be a while yet in several months"* [\[See Exhibit D, Page 19, item 2 time-stamp 2:01-2:24\]](#)
33. On August 8, 2024, PPLD CEO Teona Shainidze-Krebs, Trustee Scott Taylor and Trustee Debbie English met with City Council Member Dave Donelson, assuring him that no decision on the Rockrimmon Library's closure would be made in 2024, and deliberations would continue into 2025. Relying on this representation, Donelson relayed these assurances to his constituents in a public interview with KOAA. [\[See Exhibit E, Page 18, Exhibit F, Page 19\]](#)
34. August 21, 2024, PPLD Board of Trustees meeting included Trustee English's description of August 8 meeting with Councilmember Donelson in which she stated, *"Teona, Scott and I had a meeting with Councilman Donelson. He was interested because the Rockrimmon branch is in his district ... in hearing more about the facility's master plan and the process that goes on with that and ... it was a really good meeting ... we were able to clarify with him that again that that was a preliminary report from the consultant that none of us had seen it before it flashed onto the screen and so ... that it's a long process. His concern was that it was going to happen in a short time frame, and he was very pleased to find out that that was not the case that **we were already working on next year's budget that did not include closing anything**"* [\[See Exhibit D, Page 19, Item 3, Time Stamp: 20:22-21:36\]](#)

35. Not only did the Trustees and the Chief Librarian tell Councilman Donelson at their meeting that no library would be closed in 2024, but they also encouraged him to spread the information to his constituents, which he did. They reiterated the content of this meeting at their August 21 public Board meeting.

“... and that he would be happy to help spread the word so ... I told him that we really appreciated his efforts on that. He asked a lot of good questions and ... I think he came away with a lot of good information too. So, it was a really productive meeting. [\[See Exhibit D, Page 19, Item 3, Time Stamp: 21:15\]](#)”

36. September 18, 2024, at the PPLD Board meeting, President Dora Gonzales stated:

“...at this time because decisions have not been made and we try not to make ... give answers to public...” [\[See Exhibit D, Page 19, Item 4, Time Stamp: 23:50\]](#)

37. The September 27, 2024, the PPLD Board of Trustees Retreat yielded a proposed 2025 budget which included a line item for Rockrimmon library of \$454,541.

38. Two weeks later, without prior notice and in direct contradiction to multiple prior statements at public meetings, as well as a meeting with Councilman Dave Donelson - on October 16, 2024, at the PPLD Board of Trustees meeting, Board President Dora Gonzales read from a prepared written statement:

“...therefore, the lease for Rockrimmon library will not be renewed when it expires on December 31st, 2024.” [\[See Exhibit D, Page 19, Item 5, Time Stamp: 2:40:01\]](#)

39. Gonzales’s statement was made prior to ANY presentation of data, analysis, discussion or even a motion to vote on this extreme action.

40. The Board went from the prepared statement by the Board President declaring that the lease would not be renewed to a convoluted question and answer as to what motion should be put forward - whether it should be a motion to have a discussion or a motion to vote.

41. Trustee Debbie English asked,

“So how do you want to proceed? You want a motion on the floor to either was to (sic) renew or not renew the lease and not discuss it? Or do you want a motion to discuss it and then a motion to go?” [\[See Exhibit D, page 19, Item 5, Time Stamp: 2:42:24\]](#)

42. Trustee Aaron Salt then said,

“I move that the Pikes Peak Library District Board of Trustees not renew the lease for the Rockrimmon.” [\[See Exhibit D, page 19, Item 5, Time Stamp: 2:43:21\]](#)

43. Following 30 minutes of only Board member comments, but no professional presentation, detailed explanation or public comments, the PPLD Board voted 5 - 2 not to renew the lease and thereby abolish Rockrimmon Library.
44. The closing date for the Rockrimmon Library was set for December 1, 2024, **merely six weeks after the ambush-announcement** - leaving the month of December to vacate the premises by the end of the lease.
45. This decision without notice, public comment, and contrary to numerous previous representations by PPLD Board members and staff is a blatant violation of the Colorado Open Meetings Law (Sunshine Law). (C.R.S. § 24-6-402).
46. Plaintiffs repeatedly asked Chief Librarian Teona Shainidze-Krebs, PPLD Board and Colorado Springs City Council which of the three options presented at the June meeting was decided upon. No response was ever received. [\[See Exhibit J, Page 18\]](#)
47. At two City Council meetings, November 12, 2024, and November 26, 2024; the BOCC meeting of November 19, 2024, and the November 20, 2024, PPLD Board meeting, multiple citizens with financial expertise, including a Chief Financial Officer and Chief Technology Officer of medium-sized corporations provided independent, in-depth analysis of the true financial state of the PPLD. [\[See Exhibit C, Pages 12-18\]](#)
48. PPLD will have a \$4 - 6 million budget surplus at the end of 2024. This is in addition to the more than \$15 million in reserves. [\[See Exhibit B, Pages 17 & 14\]](#)
49. PPLD trustees refused to reconsider their decision even after the presentation of these expert financial analyses. As noted previously, the paid consultants declared that further in-depth financial modeling must be conducted before any decisions were made. Any decision made without completing this step negates the findings of the study.
50. Rockrimmon Library building owner, Ismet “Matt” Sahin, offered a decrease in rent to approximately \$220,000 per year with a lease term of one year instead of five. He further committed to covering any expenses related to future flooding or sinkholes. He also indicated that he would be open to further negotiations.
51. Trustees refused to reconsider the lease renewal even with this significant reduction in cost and improvement in lease terms.
52. Ten days after the PPLD Board’s decision to close the Rockrimmon branch, on October 26, 2024, more than 100 patrons of Rockrimmon Library met to discuss next steps and offer solutions to the PPLD Board to reverse the closure decision. In the following five weeks, these individuals have raised nearly \$90,000 in pledges as well as commitments for volunteer hours in excess of 100 hours per week.
53. Despite multiple solutions proffered by citizens and the landlord, the Trustees continued to refuse

to reconsider their decision to permanently close the library by terminating the lease.

54. Rockrimmon Library had the **second-highest circulation rate** among the 12+ community libraries in 2022, even exceeding Penrose Library, the district's flagship location. [\[See Exhibit C, page 12\]](#)
55. Rockrimmon Library is ranked **fourth most cost-efficient** in terms of operational cost per circulated item, and **third most cost-efficient** when factoring in deferred maintenance costs. [\[See Exhibit C, pages 12 - 13\]](#)
56. FMP consultants stated that personnel would be moved to more efficient libraries [\[See Exhibit D, page 18, item 1 51:38-51:44\]](#) BUT the Board closed one of the most efficient libraries in the system.
57. The annual lease for Rockrimmon Library represents ½ of 1 percent of the PPLD's total budget. The cost of the lease is mathematically insignificant in terms of the PPLD's total budget of \$40 million. [\[See Exhibit C, page 14\]](#)
58. Rockrimmon Library has played the role of a community center for 35 years where no other community center exists. Activities ranging from Girl Scout meetings, traditional yoga, Toddler Time, Trauma Informed Yoga, writers' workshops, art classes, book groups, including the Mostly Fiction Book Club, and numerous other meetings and lectures occur on a weekly basis.
59. The FMP indicates that a population of 339,480 citizens live within a 15 minute drive of Rockrimmon. The user base is 57,887. Of these, 9,468 are registered users. [\[See Exhibit B, Page 6, Service Use Area boundaries, defined in the 2024 Facilities Master Plan\]](#)
60. Plaintiffs Veronica Baker and her sons, Jack and Trevor depend on the Rockrimmon Library for walkable access to classes, materials and other services as Jack and Trevor are unable to drive due to neurological conditions. Veronica Baker has worked with Jack and Trevor for years teaching and practicing the route to the library so they can access its myriad services.
61. PPLD's website states that:

"Pikes Peak Library District is committed to providing equitable access to library resources and services, mindful of accessibility standards for persons with disabilities. We are committed to selecting and acquiring, whenever possible, those resources and technologies that are accessible and compliant with the Americans with Disabilities Act (ADA). We are committed to providing reasonable accommodations and timely access for our patrons."
62. Plaintiff Svetlana Nudelman is a long-term yoga instructor at Rockrimmon Library. Her classes routinely support 10 – 15 students. It is difficult for Nudelman to travel the increased distance across I-25 and Academy Blvd. to either 21C or East Library even if there were classroom space available.

63. Hundreds of citizens formally objected during public meetings, citing the lack of transparency and public engagement. Citizens' comments also rebutted the Board's unfounded claims and justifications for closure. Hundreds of additional citizens attended meetings and sent communications to El Paso County BOCC, Colorado Springs City Council, PPLD Board Members, and the PPLD Administrative Staff.
64. More than 360 citizens attended the November 20, 2024, PPLD Board meeting at East Library with more than 120 citizens online. This included 4 City Council members and one County Commissioner – elect who all opposed the closure.
65. Five City Council members signed a letter to the Board of Trustees recommending that a one-year lease extension be granted with time to adequately evaluate the financial models and community needs.
66. In a blatant attempt to correct the Sunshine Law/Open Meetings Law violations of the October 16, 2024, PPLD Board Meeting vote, the Board published the Agenda for the December 4, 2024, Board of Trustees meeting that explicitly stated that a Decision would be made whether to rescind the 24-10-2 decision from October 16, 2024. After scripted comments from the five (5) Board members who originally voted no, then general discussion, the Board voted not to rescind the earlier decision by the same 5 - 2 votes. [\[See Exhibit M, Page 32\]](#)
67. Pikes Peak Library District (PPLD) Board of Trustees acted improperly and in violation of legal, procedural, and fiduciary standards by voting to close the Rockrimmon Library effective December 31st, 2024. This decision was made without adequate public notice, meaningful community engagement, or necessary financial analysis
68. This complaint seeks declaratory and injunctive relief to prevent the closure of the Rockrimmon Library and to ensure the PPLD complies with its statutory and fiduciary obligations in future decision making.

IV. FIRST CLAIM FOR RELIEF (Declaratory Judgment) [C.R.C.P. 57]

69. Plaintiffs hereby incorporate their allegations contained in Paragraphs 1 through 68 above as is recited herein.
70. C.R.C.P. 57 provides for parties to obtain declaratory judgments when governmental action is contrary to law.
71. The PPLD Board failed to follow statutory and procedural requirements for deliberation and decision-making.
72. Plaintiff is entitled to a declaratory judgment pursuant to C.R.C.P. 57 because the Board's de facto decision to close Rockrimmon Library by not renewing the lease, without prior notice or public hearing of the Board's intent, is a failure to comply with Colorado's Open Meetings Law

(C.R.S. § 24-6-402).

73. The PPLD Board of Trustees and its members, approving the motion for the non-renewal of the lease violated Colorado's Library Law (C.R.S. § 24-90-101 et seq). The failure to conduct a thorough analysis of financial considerations and public impact was a breach of fiduciary duty. Trustees must ensure that their decisions serve the public interest and align with the library's statutory mission to provide accessible resources and services.
74. The PPLD Board of Trustees and its members, approving the motion for the non-renewal of the lease, and thereby abolishing Rockrimmon Library, violated Colorado's Library Law (C.R.S. § 24-90-114) **(1) A public library, other than a joint library, established, operated, or maintained pursuant to this part 1 may be abolished only by vote of the registered electors in that library's legal service area,** taken in the manner prescribed in section 24-90-107 (3) for a vote to establish a library.
75. While the legal service area of the entire PPLD is El Paso County, minus the Widefield School District, the PPLD FMP itself defines the service area of Rockrimmon Library. As the service area of Rockrimmon Library is distinct and unique, the permanent closure of Rockrimmon Library constitutes an abolishment of a library. The Rockrimmon Service Area was defined and discussed when the 1986 Mill Levy was placed on the ballot. (See Service Use Area boundaries, Exhibit J defined in the 2024 Facilities Master Plan)
76. The PPLD Board of Trustees and its members, approving the motion for the non-renewal of the lease violated the PPLD's Bylaws, in particular, Article II, Section 8(a, c & g): which describes unethical conduct and not acting in the PPLD's best interest and Bylaws Article IV, Transparency in Governance, Trustees must comply with Colorado Open Meetings Law requiring public participation and transparency in decision making. Public notice must be given for all board meetings, and decisions affecting the library must be made in an open forum to ensure community trust and accountability.
77. The PPLD Board of Trustees and its members, in approving the motion for the non-renewal of the lease failed to act in the best interests of the community and breached their fiduciary duty by:
 - A. Continually misrepresenting the status of the closure decision to the public and elected officials;
 - B. Ignoring financial data showing sufficient resources to maintain operations; and
 - C. Disregarding consultant recommendations for comprehensive financial modeling and analysis and public process prior to making any decisions.
78. The Board's actions provided unequal treatment to residents of the west side of Colorado Springs, showing bias in favor of the current and future residents of the newly built areas east of Powers.
79. The Board's decision disregarded the closure's impact on the health, safety, and welfare of the

neighboring Rockrimmon community.

80. The Plaintiffs are entitled to an order pursuant to C.R.C.P. 57 vacating the non-renewal decision of the Rockrimmon Library lease.

V. SECOND CLAIM FOR RELIEF
(Injunction) [C.R.C.P. 65]

81. Plaintiff hereby incorporates the allegations contained in paragraphs 1 through 80 above as recited herein.
82. C.R.C.P. 65 provides for parties to obtain injunctive relief.
83. Plaintiffs request a preliminary injunction to require the PPLD to extend the lease by one year at the new reduced rate in order to preserve Rockrimmon Library.
84. Plaintiffs are likely to succeed on the merits as Defendants have violated three fundamental rules of law: a) **C.R.S. § 24-90-114**, the closure of a distinct legal service area requires a vote of the electors, b) Breach of Fiduciary duty of Board of Trustees as defined by **C.R.S. § 24-90-109** and the **PPLD Bylaws**, and c) **C.R.S. § 24-6-402**.
85. The Balance of Equities favors the Plaintiffs. The harm to the community far outweighs any potential inconvenience to PPLD, particularly given its significant financial reserves compared to the loss of vital educational, informational and technological resources that serves a community of over 57,000 people.
86. A Preliminary Injunction is necessary to maintain the status quo and prevent the landlord from potentially leasing the current premises of Rockrimmon Library to another tenant. There are no other speedy remedies available.
87. If that should occur, Rockrimmon Library would cease to exist regardless of the outcome of this case as Rockrimmon Library has no other possible location at this time constituting irreparable harm.
88. The granting of a preliminary injunction serves the public interest as it protects the library facilities and access for the community patrons.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request the following:

- A. A determination, pursuant to C.R.C.P. 57 that the PPLD Board of Trustees and its members violated multiple laws in denying the renewal of the Rockrimmon lease without transparency, public input, or detailed financial modeling;
- B. An order and declaratory judgment vacating the October 16, 2024, action of the PPLD

Board of Trustees and its members when they voted against the renewal of the lease of Rockrimmon Library premises;

- C. A declaratory judgment that the Defendants' actions in denying the lease are contrary to Colorado's Open Meetings Law (C.R.S. § 24-6-402);
- D. Mandamus relief requiring the PPLD Board of Trustees or its agents to approve a one (1) year extension of the lease and conduct a thorough standard financial review of the costs of Rockrimmon Library with financial modeling and Rockrimmon patron input and that any further decisions must be in compliance with regard to the Open Meetings provision of the Colorado Sunshine Law, Colorado Library Law and the PPLD Board Bylaws;
- E. Award of court costs; and
- F. Such other and further relief as this Court deems just and proper.

Dated: December 6, 2024

By: /s/ Katherine Gayle
Katherine Gayle, Atty. No. 20089

Attorney for Plaintiffs

13790 Voyager Parkway
Colorado Springs, CO 80921
Phone: 970-278-6884