

IN DISTRICT COURT, BARNES COUNTY, NORTH DAKOTA

Robert Drake,)	
)	
Plaintiff,)	ORDER RE: APPLICATION
vs.)	FOR TEMPORARY RESTRAINING
)	ORDER/PRELIMINARY INJUNCTION
City of Valley City,)	
)	02-2018-CV-121
Defendants.)	

[¶1] Plaintiff Robert Drake brought this action to require the defendant City of Valley City to accept an initiated measure relating to a downtown redevelopment project known as the "Streetscape Project." The plaintiff also filed a Motion for Temporary Restraining and Preliminary Injunction to prevent or delay the bid opening for the Project set for May 11, 2018.

[¶2] A hearing was held on the motion for preliminary injunctive relief on May 8, 2018. The plaintiff appeared personally; the defendant appeared through its attorneys, Joseph Quinn and Lilie Schoenack.

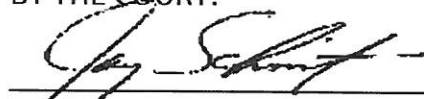
[¶3] At the hearing, counsel for the City informed the court that the bid opening was being conducted by the North Dakota Department of Transportation at its offices in Bismarck. The NDDOT is providing grant money for the Project. I find as a matter of fact and conclude as a matter of law that the court cannot enjoin the NDDOT from conducting the bid opening because the NDDOT has not been named as a party or

served with any notice of this proceeding. Therefore, the court lacks jurisdiction to grant the requested relief.

[¶5] THEREFORE, IT IS HEREBY ORDERED that the motion for temporary restraining order and preliminary injunction is DENIED.

Dated May 10, 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Jay Schmitz", is written over a horizontal line.

Jay Schmitz, Judge of the District Court