IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CHARLES "CHED" MACQUIGG,
Plaintiff,

vs. Civ. No. 12-1137 MCA/KBM

THE ALBUQUERQUE PUBLIC SCHOOLS BOARD OF EDUCATION, *et al.*,
Defendants.

ORDER GRANTING PRELIMINARY INJUNCTION

This case is before the Court upon Plaintiff's Motion for a Preliminary Injunction [Doc. 23]. The Court has considered the written submissions of the parties, the record in this case, and the applicable law, and is otherwise fully advised.

Plaintiff seeks a preliminary injunction prohibiting Defendants from enforcing a provision in a September 1, 2010 letter from Defendants Esquivel and Tellez "revoking" Plaintiff's "privilege" to attend meetings of the Board [Doc. 22-1].

BACKGROUND

Defendant APS Board of Education ("the Board") comprises seven elected members, who exercise the powers conferred by NMSA 1978, § 22-5-4. The Board employs a superintendent, Defendant Brooks, who is the chief executive officer of the school district.

Plaintiff is a former APS teacher. During his employment with APS, Plaintiff was exposed to a "values based education curriculum" known as Character Counts [Doc. 22 at 7]. APS adopted, then phased out, the Character Counts curriculum. Plaintiff appears obsessed with his belief that individual Board members and APS administrators are shirking their responsibilities to APS students by not publicly committing themselves to serve as Character Counts role models. Plaintiff retired from APS in 2004 under circumstances that left him with bitter feelings toward APS. He established a blog site, *Diogenes' Six*, which he uses to belabor the Board and APS administrators about his concerns. Between August 2006 and September 2010, he posted 4,200 blog entries. Examples of his posts are set out in paragraphs 34 and 35 of his Amended Complaint [Doc. 22 at 8-9].

The Board holds regular meetings, which are open to the public. The meetings are broadcast live over the internet and may be viewed at the APS website. By practice and policy, the Board sets aside thirty minutes of each meeting for public comment. Plaintiff has attended numerous meetings of the Board and its committees. On between fifty and one-hundred occasions, Plaintiff has spoken during the public comment segment of Board meetings, criticizing Board members for failing to act as Character Counts role models. The Board generally treats Plaintiff courteously, listening to Plaintiff's remarks without interfering or interrupting Plaintiff.

However, Plaintiff has been ejected from several Board and committee meetings. On some occasions, he has spoken out of turn. On one occasion he was ejected for wearing a homemade elephant mask and refusing to take it off.

On November 4, 2009, Plaintiff attended a regular meeting of the Board. He signed up to speak during the public comment period. He was recognized by the Chair, and began to speak to the Board, addressing individual Board members by name. The interaction between Plaintiff and the Board is set out in paragraph 49 of the Amended Complaint [Doc. 22 at 13-14], and can be viewed on a video provided by Plaintiff [Doc. 96, Ex. B]. Plaintiff was ejected from the meeting at the direction of Defendant Esquivel.

On November 5, 2009, Defendant Esquivel wrote Plaintiff elaborating on why he had been ejected from the November 4, 2009 meeting, and warning him that if he ignored the Board's rules of decorum at future meetings, he would be asked to leave or would be removed [Doc. 57-4].

On August 25, 2010, Defendant Robbins ejected Plaintiff from a meeting of the Audit Committee. The interaction between Defendant Robbins and Plaintiff is set out in paragraph 77 of the Amended Complaint [Doc. 22 at 19-22] and can be viewed on a video provided by Plaintiff [Doc. 96, Ex. D]. Robbins mistakenly believed that Plaintiff or Plaintiff's associate had recorded a closed portion of the meeting in violation of Robbins' instructions to attendees.

On September 1, 2010, Defendants Esquivel and Tellez sent Plaintiff a letter informing him that "we are revoking your privilege to attend meetings of the Board of Education. This revocation of your privilege to attend meetings is based on concerns for the safety of not only board members but of APS employees, some of whom have expressed concerns that they do not feel safe with you attending meetings" [Doc. 22-1]. The letter further stated that "[i]f you would like your attendance privilege reinstated,

then you must make arrangements to meet with me and Deputy Chief Tellez to discuss acceptable decorum from you and to clarify processes involving interaction between members of the public and the APS Board of Education."

Plaintiff has not met with Defendants Esquivel and Tellez, and Defendants have not reinstated Plaintiff's "attendance privilege."

DISCUSSION

"To obtain a preliminary injunction the moving party must demonstrate: (1) a likelihood of success on the merits; (2) a likelihood that the moving party will suffer irreparable harm if the injunction is not granted; (3) the balance of equities is in the moving party's favor; and (4) the preliminary injunction is in the public interest." *Republican Party of New Mexico v. King*, 741 F.3d 1089, 1092 (10th Cir. Dec. 18, 2013).

Likelihood of Success on the Merits

The Court's analysis of the merits of Plaintiff's First Amendment challenge involves three questions: (1) is Plaintiff's speech protected speech? (2) what type of the forum is a Board meeting? and (3) do the justifications for restricting speech proffered by the Board satisfy the First Amendment standard applicable to the type of forum in question? *Summum v. Callaghan*, 130 F.3d 906, 913 (10th Cir. 1997). The Board bears the burden of establishing that the justifications proffered by the Board satisfy the applicable First Amendment standard. *Doe v. City of Albuquerque*, 667 F.3d 1111, 1120 (10th Cir. 2012). The Court addresses both facial and as-applied challenges by "applying the relevant constitutional test" to the challenged regulation of speech. *Id.* at 1124. The distinction between facial and as-applied challenges "goes to the breadth of the remedy

employed by the Court." *Id.* at 1124 (quoting *Citizens United v. FEC*, 558 U.S. 310, 331 (2010)) (internal quotation marks omitted).

1. Plaintiff's Speech is Protected Speech.

There is no serious question here that the speech that Plaintiff typically engages in at Board meetings constitutes protected speech. *Eichenlaub v. Twp. of Indiana*, 385 F.3d 274, 282-83 (3d Cir. 2004) ("[E]xcept for certain narrow categories deemed unworthy of full First Amendment protection—such as obscenity, 'fighting words' and libel—all speech is protected by the first Amendment.").

2. Board Meetings are Limited Public Forums for Speech by Attendees

The New Mexico Legislature requires public meetings to be open so that the public may "attend and listen." NMSA 1978, § 10-15-1. The Court finds that by operation of § 10-15-1, Board meetings, with the exception of those portions permitted or required to be closed by New Mexico law, are limited public forums for the *receipt* of information about the Board's business.[1] However, the Legislature has not designated public meetings as public forums for speech or debate by attendees. *Mesa v. White*, 197 F.3d 1041, 1046 (10th Cir. 1999).

Apart from state law, the Board itself, by practice and policy, generally sets aside a thirty minute segment of each meeting for public comment related to the administration of APS. The Court finds that this thirty minute segment of each Board meeting is a limited public forum for speech by members of the public relating to the administration

[1] The example of a public library convincingly demonstrates that opening a forum for the receipt of information does necessarily mean that the forum has been opened for all First Amendment activities. *Doe*, 667 F.3d at 1128-29 (recognizing that public libraries are not been designated as forums for speech or debate).

of APS. *Green v. Nocciero*, 676 F.3d 748, 753 (8th Cir. 2012) (observing that school board meeting was "what has variously been called a nonpublic or a limited public forum"); *Fairchild v. Liberty Indep. Sch. Dist.*, 597 F.3d 747, 759 (5th Cir. 2010) (observing that "[t]he Board meeting here—and the comment session in particular—is a limited public forum"); *Featherstone v. Columbus City Sch. Dist. Bd. of Educ.*, 92 Fed. Appx. 279, 282 (6th Cir. 2004) ("A school board meeting, when opened to the public, is a limited public forum for discussion of subjects relating to the operation of the schools."); *Jones v. Bay Shore Union Free Sch. Dist.*, 947 F. Supp. 2d. 270, 278 (E.D. N.Y. 2013) ("Typically, school board meetings are limited public fora."); *Garrett v. City of Seattle*, No. C10-00094 MJP, 2010WL4236946 *3 (W.D. Wash. Oct. 20, 2010) ("The school board meeting was a limited public forum."); *Liggins v. Clarke County Sch. Bd.*, Civil Action No. 5:09CV00077, 2010WL3664054 *7 (W.D. Va. Sept. 17, 2010) ([I]t is clear from the record that the School Board's April 14, 2008 meeting constituted a limited public forum."); *Caldwell v. Roseville Joint Union High Sch. Dist.*, No. CIV. S-05-0061 FCD JFM, 2007 WL2669545 *15 (E.D. Cal. Sept 7, 2007) (concluding that "the California Legislature has designated school board meetings as limited public fora, i.e., fora open to the public in general, but limited to comments related to the school board's subject matter"); *Moore v. Asbury Park Bd. of Educ.*, No. Civ.A.05-2971 MLC, 2005WL2033687 *9 (D. N.J. Aug. 23, 2005) ("The parties agree that the forum here, the Board meeting, is a limited public forum.").

Given the nature of the public comment segment of Board meetings as a limited public forum, the Board may impose restrictions on attendees' speech if the restrictions

are viewpoint neutral and are reasonable in light of the purpose served by meetings of the Board. *Shero v. City of Grove, Okla.*, 510 F.3d 1196, 1202 (10th Cir. 2007). "In traditional and designated public fora, content-based restrictions draw strict scrutiny. But in a limited public forum, speech restrictions are constitutional so long as they: (1) comport with the definition of the forum (for example, the government cannot exclude election speech from a forum that it has opened specifically for election speech); (2) are reasonable in light of the purpose of the forum; and (3) do not discriminate by viewpoint." *OSU Student Alliance v. Ray*, 699 F.3d 1053, 1062 (9th Cir. 2012).

3. The Board's Restrictions on Plaintiff's Speech

Here, the Board has adopted a practice and policy of prohibiting public comment on personnel matters. Under New Mexico law, the superintendent, not the Board, is responsible for personnel decisions. NMSA 1978, § 22-5-14(B)(3) (conferring on the local superintendent, the power to "employ, fix the salaries of, assign, terminate or discharge all employees of the school district"). Given the Board's limited authority over personnel matters, the Court finds that a prohibition on comments about personnel matters generally operates as a reasonable, viewpoint-neutral restriction. *Fairchild*, 597 F.3d at 759-61; *Prestopnik v. Whelan*, 83 Fed. Appx. 363, 365 (2d Cir. 2003). The Court has some concern, however, as to whether a personnel-matters restriction can be applied to speech commenting on Superintendent Brooks' job performance. In contrast to other APS employees, Superintendent Brooks is hired by the Board. NMSA 1978, § 22-5-4(B). In view of the central role of Superintendent Brooks in the administration of APS, NMSA 1978, § 22-5-14(B), and the Board's direct authority over him, prohibiting

public comment on Superintendent Brook's job performance would be akin to the example of an impermissible restriction given by the Ninth Circuit Court of Appeals in *OSU Student Alliance*: excluding election speech from a forum that has been opened specifically for election speech. 699 F.3d. at 1062. The Court concludes that a practice or policy of prohibiting speech commenting on Superintendent Brook's job performance likely violates the First Amendment.

The Board has adopted a practice and policy of restricting "personal attacks." The Board's policies concerning personal attacks are set out in paragraph 29 of the Amended Complaint [Doc. 22 at 6-7]. Significantly, prior to August 18, 2010, personal attacks merely were *discouraged*, not prohibited. It was not until August 18, 2010, well after the November 4, 2009 meeting from which Plaintiff was expelled, that the Board adopted a practice and policy *prohibiting* "personal attacks." In *Scroggins v. City of Topeka, Kansas*, 2 F. Supp. 2d 1362 (D. Kan. 1998), a sister court upheld against a First Amendment challenge a city council's policy prohibiting personal attacks on an appointee to the mayor's commission on families. In *Steinberg v. Chesterfield County Planning Comm.*, 527 F.3d 377 (4th Cir. 2008), the Fourth Circuit Court of Appeals rejected a facial challenge to what it viewed as a "content-neutral policy against personal attacks."[2] Taking a different view of personal attacks, the court in *Dowd v. City of Los*

[2]The Court questions whether a policy against personal attacks truly is content-neutral. In *Acosta*, the Ninth Circuit Court of Appeals, in the course of rejecting a proposed construction of a city council's rule of decorum prohibiting "personal, impertinent, profane, [or] insolent… remarks," observed that under the proposed construction "a comment amounting to nothing more than bold criticism of City Council members would fall in this [prohibited] category, whereas complimentary comments would be allowed." The Court of Appeals rejected the proposed construction reasoning that the rule of decorum so construed would violate the "bedrock principle . . .that the government may not prohibit the expression of an idea because society finds the idea itself offensive or disagreeable." *Acosta*, 718 F.3d at 816 (quoting *Texas v. Johnson*, 491 U.S. 397, 414 (1989)).

Angeles found that calling the city council president "pathetic and hopeless" and saying that she was "not doing a very good job and you need to get together and lose her" is "political speech at the heart of the First Amendment." No. CV 09-06731 DDP (SSx), 2013WL4039043 *19 (C.D. Cal. Aug. 7, 2013) (internal quotation marks omitted). A court considers a First Amendment challenge to government action "against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials." *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964). The Court agrees with the Court in *Dowd* that the First Amendment limits the power of the government to "sacrifice political speech to a formula of civility." *Id.* at *21. The Court concludes that a ban on personal attacks is likely to be unconstitutional if applied to all speech criticizing individual Board members for their conduct in office.

Plaintiff was ejected from a Board meeting for wearing an elephant mask. In some circumstances wearing a mask or disguise may be expressive conduct entitled to First Amendment protection. *See Irwin v. TVA*, No. 3:12-cv-35, 2013WL1681838 *4-6 (April 17, 2013) (discussing First Amendment protection afforded to plaintiffs' expressive conduct in wearing "zombie," Santa Claus, Ben Franklin and pirate costumes to public meeting; concluding that "the costumes were identifiable symbols of protest"; finding TVA no-costume policy "is not a reasonable time, place, and manner restriction"); *City of Dayton v. Esrati*, 707 N.E.2d 1140 (Ohio. Ct. App. 1997) (holding that attendee's donning of "ninja" mask at open meeting of city commission was

symbolic speech protected by the First Amendment). The Court concludes that, depending on the circumstances and specific context, a practice or policy prohibiting the wearing of masks may violate the First Amendment.

The Board claims the authority to exclude attendees from Board meetings on grounds of security. The Court has no doubt that a policy of excluding from a public forum individuals who present an identifiable risk of harm to the Board or to fellow attendees is facially valid under the First Amendment. Protecting persons and property from injury is a legitimate governmental interest "of the highest order." *See Huminski v. Corsones*, 396 F.3d 53, 86 (2d Cir. 2005). The Court concludes that a practice or policy of excluding persons who present an identifiable risk of harm to persons attending Board meetings is a reasonable, viewpoint-neutral restriction.

4. The Justifications Offered by the Board Are Insufficient to Support Excluding Plaintiff from Future Board Meetings

Having reviewed the video recording of the November 4, 2009 meeting, the Court finds that it was what Plaintiff said rather than any non-verbal conduct that offended the Board and led to his expulsion. Plaintiff addressed the handling of whistleblower complaints, resistance to an internal audit to uncover mismanagement, the possible cover-up of criminal misconduct, and APS finances--legitimate issues of public concern. Defendants have not demonstrated that as of November 4, 2009 the Board had an established practice or policy prohibiting a speaker from addressing remarks to individual Board members. *Cf. Featherstone v. Columbus City Sch. Dist. Bd. of Educ.*, 92 Fed. Appx. 279, 281 (6th Cir. 2004) (noting that defendant school board had briefly

adopted a policy whereby speakers were directed to refrain from mentioning members of the board or others by name, but that defendant had rescinded policy after a court entered a TRO prohibiting its enforcement). The Court further finds that Plaintiff's remarks could not reasonably have been understood as remarks about a "personnel issue"—the rationale relied on by Defendant Esquivel at the time. [Doc. 22 at 14] The Court further finds that although Plaintiff's remarks were addressed to individual Board members and APS administrators, his remarks could not reasonably have been understood as personal attacks on the persons to whom they were addressed. And even if his remarks reasonably could have been understood as personal attacks, the policy in effect on November 4, 2009 merely "discouraged" personal attacks, it did not prohibit them. Lastly, the Court finds that application of a policy prohibiting personal attacks to Plaintiff's remarks at the November 4, 2009 meeting would violate the First Amendment either as an unreasonable restriction on the content of speech or as discrimination against Plaintiff for his viewpoint.

As to the August 25, 2010 Audit Committee meeting, the evidence suggests that Plaintiff did not attempt to record the closed portion of the August 25, 2010 Audit Committee meeting, and therefore, that this ground for excluding Plaintiff is based on a mistaken understanding of the facts. Furthermore, some of Defendant Robbins' comments following Plaintiff's expulsion suggest that Robbins was angered by Plaintiff's viewpoint—*i.e.*, the "derogatory" character of statements previously made by Plaintiff.

As to Plaintiff's wearing a mask, the Court has not been directed to any established policy precluding the wearing of masks at Board meetings. The record

includes a photo of Plaintiff wearing the mask [Doc. 57-2]. Having viewed the photograph of Plaintiff wearing his mask, the Court rejects Defendants' attempt to characterize the mask as "menacing." Plaintiff's mask communicated the message that there was "an elephant in the room"—*i.e.*, the Board's continuing failure to serve as Character Counts role models.[3] The Court finds that Plaintiff's wearing the mask was symbolic speech understood as such by others present at the meeting [Doc. 59-1 at 14 ("[O]n the second time, on the second mask, Rigo Chavez, I believe, came up to me and said, 'You're the elephant in the room, right?'")], and was "sufficiently imbued with elements of communication" as to be entitled to First Amendment protection. *Cressman v. Thompson*, 719 F.3d 1139, 1151 (10th Cir. 2013). Defendants' objection to Plaintiff's mask appears to have been based on an unwritten *ad hoc* rule of order, directed solely at Plaintiff. Defendants have not shown that Plaintiff's wearing of his mask actually interfered with the conduct of the Board's business or that requiring Plaintiff to remove his mask was reasonably necessary to further the Board's interest in conducting an orderly meeting. The Court concludes that the Board violated Plaintiff's First Amendment rights by requiring him to remove his mask. To the extent that the Board relied on Plaintiff's refusal to remove the mask as grounds for issuing the September 1, 2010 letter, the Board compounded its violation of Plaintiff's First Amendment rights.

With respect to the security concerns referred to in the September 1, 2010 letter, the Court does not doubt that at least some Defendants and APS employees genuinely are

[3] "'Elephant in the room' is an English metaphorical idiom for an obvious truth that is either being ignored or going unaddressed. The idiomatic expression also applies to an obvious problem or risk no one wants to discuss." Wikipedia, http://wikipedia.org/wiki/Elephant_in_the_room (visited March 31, 2014).

concerned that Plaintiff is a "ticking time bomb." [Doc. 57-3 at 9] Plaintiff has exhibited idiosyncratic behaviors: he unquestionably is obsessed with Character Counts and with his belief that the Board and APS administrators have failed to live up to its precepts and at the same time he is oblivious to the possibility that reasonable persons might not share his esteem for Character Counts. He has displayed inappropriate affect on several occasions—breaking down during meetings with Defendants Esquivel and Tellez and assuming an "aggressive stance" toward APS employees. But to justify the exclusion of Plaintiff from a limited public forum on grounds of safety, Defendants' apprehension of harm must be reasonable, not merely subjectively genuine. The Court finds that Plaintiff's behavior does not provide objectively reasonable grounds for believing that Plaintiff at this time presents a risk of physical harm to Board members or APS employees.

The Court finds that the real reason for excluding Plaintiff from Board meetings is the Board's frustration with Plaintiff's *ad nauseam* belaboring of the Board about Character Counts, and that the justifications offered by the Board are pretexts masking viewpoint discrimination.

The Court finds that Plaintiff has demonstrated a likelihood of success on the merits[4] of his claim that the September 1, 2010 letter barring him from attending Board meetings violates his First Amendment rights.

[4] The Court is not persuaded by Defendants' argument that Plaintiff must make a heightened showing of likelihood of success on the merits because he seeks a "disfavored" type of injunction. [Doc. 59 at 10 (citing *O Centro Espirita Beneficiene Uniao Do Vegetal v. Ashcroft*, 389 F.3d 973, 975-76 (10th Cir. 2004)] First, the injunction sought by Plaintiff does not alter the *status quo*. The *status quo* was the state of affairs that existed prior to the September 1, 2010 letter, when Plaintiff was regularly attending Board meetings. *See Schrier v. Univ. of Colo.*, 427

Irreparable Harm

Plaintiff has protected First Amendment interests in receiving information during Board meetings and in speaking during the public comment segment of each Board meeting. The loss of First Amendment rights for even a minimal period of time is considered irreparable injury. *Hobby Lobby Stores, Inc., v. Sebelius*, 723 F.3d 1114, 1145 (10th Cir. 2013). The harm to Plaintiff's First Amendment interest in receiving information is to some extent mitigated by Plaintiff's ability to view the Board's meeting over the internet on the APS website. However, Plaintiff has no adequate substitute for speaking during the public comment segment of Board meetings, where his remarks are heard not only by the members of the Board, but also by the members of the public attending the meeting or watching the proceedings on APS's website. The Court finds that Plaintiff has established that he will suffer irreparable harm if the Court does not issue a preliminary injunction prohibiting the Board from enforcing the ban in the September 1, 2010 letter.

Balance of Equities

When governmental action is likely unconstitutional, the interest of the public in sustaining the government's position does not outweigh the individual plaintiff's interest

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F.3d 1253, 1260 (10th Cir. 2005). Second, the injunction requested by Plaintiff is not a disfavored mandatory injunction because it operates to restrain Defendants, not to compel them to take affirmative action. Lastly, the injunction requested by Plaintiff is not a disfavored injunction that affords the movant all the relief that it could receive after a trial on the merits because it does not afford a remedy for past injuries that Plaintiff claims to have suffered as a result of having been excluded from Board meetings between September 1, 2010 and the date the injunction is entered. *See Dominion Video Satellite, Inc. v. Echostar Satellite Corp.*, 269 F.3d 1149, 1156 (10th Cir. 2001) (concluding that preliminary injunction did not afford movant all the relief its was entitled to after a trial on the merits; noting that preliminary injunction did address movant's claim for damages). Because, as discussed below, the other three factors tip in Plaintiff's favor, to satisfy the success-on-the-merits prong, Plaintiff need only show "questions going to the merits so serious, substantial, difficult and doubtful, as to make them a fair ground for litigation." *Prairie Band of Potawatomi Indians v. Pierce*, 253 F.3d 1234, 1246 (10th Cir. 2001).

in protecting his constitutional rights. *Hobby Lobby Stores*, 723 F.3d at 1145 (citation omitted). The Court emphasizes that an injunction against enforcement of the September 1, 2010 letter will not tie the Board's hands with respect to future meetings of the Board. Unquestionably, the Board has the authority, consistent with the First Amendment, to expel an attendee who actually disrupts or impedes the orderly conduct of the Board business. The First Amendment leaves the Board with considerable latitude to adopt rules of order so long as they are reasonable and viewpoint neutral, and to enforce those rules even-handedly at future meetings.

A preliminary injunction restoring Plaintiff's right to attend Board meetings and speak during the public comment segment should not impair the Board's ability to conduct orderly meetings. Having balanced the irreparable harm to Plaintiff's First Amendment interests in the absence of a preliminary injunction against the limited interference with the Board's authority to control the conduct of Board meetings flowing from the issuance of a preliminary injunction, the Court finds that the balance of equities favors Plaintiff.

Where the Public Interest Lies

"[I]t is always in the public interest to prevent the violation of a party's constitutional rights[.]" *Hobby Lobby Stores*, 723 F.3d at 1145 (citation omitted). The public has an interest in seeing public meetings conducted in a manner that respects attendees' First Amendment rights. The Court finds that the public interest would be served by the issuance of a preliminary injunction.

CONCLUSION

The Court concludes that as each of the four factors weigh in Plaintiff's favor, a preliminary injunction should be issued to prohibit Defendants from enforcing the ban set out in the September 1, 2010 letter.

IT IS THEREFORE HEREBY ORDERED that Defendants are enjoined from enforcing the provisions in the September 1, 2010 letter from Defendants Esquivel and Tellez "revoking your [Plaintiff's] privilege" to attend meetings of the Board of Education; provided, however, that nothing in this order shall prevent the Board from evenhandedly enforcing restrictions on speech that are viewpoint neutral and that are reasonably necessary for the orderly conduct of its meetings.

So ordered this 31st day of March, 2014.

M. CHRISTINA ARMIJO
Chief United States District Judge