

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

GOVERNOR M. JODI RELL et al., :
Plaintiffs, :
 :
VS. : Civil No. 3:05CV1363 (AVC)
 :
DONALD RUMSFELD and THE :
DEFENSE BASE CLOSURE AND :
REALIGNMENT COMMISSION et :
al., :
Defendants. :

TEMPORARY RESTRAINING ORDER

_____WHEREAS the plaintiffs have submitted an application for a temporary restraining order pursuant to Federal Rule of Civil Procedure 65; and

WHEREAS the court has reviewed the affidavit of Assistant Attorney General Perry Zinn Rowthorn, the affidavit of David C. Hague, General Counsel of the 2005 BRAC Commission, and the arguments of counsel; and

WHEREAS, the court finds that the plaintiffs have demonstrated that there exists a risk of irreparable harm if the application is not granted, and that there exists a likelihood of success on the merits of the underlying claim;

NOW THEREFORE, IT IS ORDERED that the defendant Base Closure and Realignment Commission shall be enjoined from transmitting a final report to the President of the United States, pursuant to the Base Closure and Realignment Act of 1990, 104 Stat. 1808, as amended, note following 10 U.S.C. § 2687, that includes the recommendation to realign the Connecticut 103rd Fighter Wing located at Bradley Air National Guard Station in Windsor Locks, Connecticut, until the court has ruled on the plaintiff's motion

for preliminary injunction, which is scheduled to be heard on September 7, 2005 at 11:30 am;

IT IS FURTHER ORDERED that the plaintiffs shall furnish \$0 as security for costs pursuant to Federal Rule of Civil Procedure 65(c); and

IT IS FURTHER ORDERED that the plaintiffs shall serve the defendants with a copy of this order, the application for a temporary restraining order and all attachments by certified mail on or before the close of business on Thursday, September 1, 2005.

It is so ordered this 30th day of August, 2005 at Hartford, Connecticut.

_____/s/_____
Alfred V. Covello
United States District Judge