

DISTRICT COURT, CITY AND COUNTY OF DENVER, STATE OF COLORADO 1437 Bannock Street, Room 256 Denver, Colorado 80202 Phone: (303) 606-2300	DATE FILED February 11, 2025 11:20 AM FILING ID: EE42014F2630A CASE NUMBER: 2025CV30529
Plaintiff: DILLON COMPANIES, LLC d/b/a KING SOOPERS v. Defendants: UNITED FOOD AND COMMERCIAL WORKERS UNION LOCAL NO. 7; ALL THOSE ACTING IN CONCERT WITH LOCAL NO. 7; and DOES 1–8,000	▲ COURT USE ONLY ▲
	Case Number: _____ Div.: _____ Ctrm.: _____
ORDER GRANTING TEMPORARY RESTRAINING ORDER AND SETTING DATE FOR PRELIMINARY INJUNCTION HEARING	

THIS MATTER, having come before the Court on Plaintiff Dillon Companies, LLC d/b/a King Soopers’ (“King Soopers”) Motion for Temporary Restraining Order, Preliminary and Permanent Injunction (“Motion”), the Verified Complaint, and the supporting documentation filed concurrently therewith. The Court, having reviewed the same, HEREBY FINDS AND ORDERS as follows:

1. Based on the facts alleged in King Soopers’ Verified Complaint and the Motion and supporting affidavits, King Soopers has established the following requisite elements for a Temporary Restraining Order pursuant to C.R.C.P. 65(b):

a. King Soopers has demonstrated it has a reasonable probability of success on the merits of its claim. Specifically, for the purpose of issuance of the

Temporary Restraining Order, King Soopers has established that employees, customers and vendors have been threatened with violence and have been made to feel fear and intimidation. King Soopers has additionally established that actions by individuals engaging in the unlawful mass picket created a risk to both employee, customer and vendor physical safety and real property through the use of fire pits and propane heaters on King Soopers' premises. Additionally, King Soopers has made a showing that the unlawful mass picketing has obstructed the ingress and egress of access to certain King Soopers stores in violation of C.R.S. § 8-3-108(2)(a) & (f), including through the unlawful blocking and interference with the use of designated handicapped parking spaces.

b. There exists a danger of real, immediate, and irreparable injury that may be prevented by entry of a temporary restraining order. Certain employees, certain customers and certain vendors have felt physically threatened by the acts of the picketers, and that threat to physical safety is a real, immediate, and irreparable injury for those individuals. Specifically, this Court finds credible that the following actions on the part of picketers constitute a threat to the physical safety of employees, customers and vendors:

- i. Preventing customers from parking in handicap parking spaces;
- ii. Aggressively approaching customers while the customers are in their vehicles;
- iii. Refusing to allow customers into the store;

- iv. Acting to intimidate customers with the intent to prevent them from accessing the store;
 - v. Using and encouraging racially-charged statements by picketers against a group that has a long history of accompanying violence towards members of that racial group;
 - vi. Physically blocking the entrance of children to stores, making the children fear for their safety;
 - vii. Use of profanity directed at customers and employees;
 - viii. Getting into physical altercations with customers, leading to one incident where a customer brandished a firearm and threatened picketers; and
 - ix. Blocking traffic and stopping customers in the middle of active roadways and crosswalks, increasing the risk of those individuals being struck by an automobile.
- c. There is no plain, speedy and adequate remedy at law outside of the requested injunction because of: (i) the irreparable mental anguish associated with being subjected to threats of violence, and (ii) the potential for death and severe bodily injury through the negligent use of portable heaters and open fire.
- d. The Court recognizes that peaceful labor protests and lawful picketing are in the public interest, and any injunction issued by the Court will necessarily impact that public interest. However, given the acts and threats of violence

that are alleged to have occurred, the risk to physical harm to customers, employees and third parties from being struck by a vehicle, burnt by an open flame or heating devices utilized by the picketing employees and the potential physical harm to customers, employees and vendors through the picketer's use of mega horns, bullhorns and other audio amplification devices, an injunction is necessary to preserve the rights of customers, employees and vendors at various King Soopers locations to participate in their employment and their ability to shop for necessities without fear of violence to their physical safety. The Court intends to protect the important public interest, namely the important rights of picketers to protest what they view as unfair labor conditions, by narrowly drafting this Temporary Restraining Order in a manner that maximizes the public interest in a peaceful protest while protecting the physical safety of customers, employees and vendors.

- e. The balance of equities favors the granting of the injunction given the allegations regarding the threats of violence and the other potential risks of harm. By narrowly tailoring the Temporary Restraining Order, the Defendants will still be permitted a broad ability to picket consistent with their First Amendment rights, with only minimum restrictions to protect public and employee safety.

- f. An injunction will preserve the status quo of employees, customers and vendors being able to remain safe while working and conducting their necessary business.
- g. The Court finds, based on the allegations of King Soopers, that the stores which have had more than six (6) picketers, three on each side of the doors, at one time immediately next to the entrance of all stores.
- h. Shouting at an individual within twenty (20) feet of that individual is inherently intimidating.

2. Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion IS GRANTED, and this Court enters its Temporary Restraining Order pursuant to C.R.C.P. 65(b) and the Labor Peace Act (C.R.S. § 8-3-110(1)). Defendant United Food and Commercial Workers Local No. 7, its officers, agents, members, others acting in concert and participating with it and Does 1–8,000 are enjoined and restrained from:

- a. Using alcohol or drugs while on the picket line;
- b. Cursing or using profanity;
- c. Impeding the ingress or egress, including scissoring or carousel movement among picketers , of any customer, employee, vendor or vehicle;
- d. Blocking or impeding delivery trucks;
- e. Picketing, congregating, loitering or gathering in front of, on, or near King Soopers' facilities in any manner other than by the maintenance of 6 or fewer pickets on the premises and perimeter of each one of King Soopers' facilities, provided that such pickets shall not block or stand in front of

entrances, shall not block or stand in front of vehicles entering or leaving King Soopers' facilities, including delivery vehicles, shall not patrol or march within the parking lot itself or the cross-walk and shall not in any manner impede the ingress or egress of any vehicle, including delivery vehicles;

- f. Interfering with, injuring, menacing, threatening, molesting, intimidating, shouting at any person within 20 feet of that person, or physically obstructing, in any manner whatsoever, any person employed by King Soopers or any customer, supplier, visitor, officer, representative, for-hire carrier or agent of King Soopers or any other person with a lawful right of entry to King Soopers' facilities;
- g. Interfering with, injuring, menacing, threatening, molesting, intimidating, shouting at or obstructing, in any manner whatsoever, any person employed by King Soopers or any customer, supplier, visitor, officer, representative, for-hire carrier or agent of King Soopers, or any other person with a lawful right of entry to King Soopers' facilities;
- h. Taking, retaining, or remaining in unauthorized possession of property of King Soopers, including but not limited to, real property;
- i. Setting up or operating any portable heating device, including but not limited to propane-powered portable heating devices, or maintaining any open flame on the premises and perimeter of each one of King Soopers' facilities;

- j. Parking in no parking zones;
- k. Blocking or interfering with the use of designated handicap parking spaces/
- l. Establishing tents or awnings on company premises;
- m. Roving to other tenants' stores;
- n. Setting up tables and food services on company premises;
- o. Playing amplified music and using bullhorns or airhorns; and
- p. Banging on drums, boxes or plastic containers to distract customer attention and concentration.

3. This Court further ORDERS:

- a. Defendants to instruct their members, officers, agents, servants, attorneys and employees to refrain from the conduct subject to the injunction as described in Paragraphs 2.a-p, which includes but is not limited to advising picket captains of this injunction.
- b. Defendants to enforce these restrictions when they are violated.
- c. The scope of this temporary restraining order extends to the Denver Metropolitan Area, including the following counties: Denver, Arapahoe, Boulder, Jefferson, Adams, Douglas, Broomfield, Elbert and El Paso County, and further extends to the City and County of Pueblo and any other counties in which Plaintiff does business.
- d. That Public Law Enforcement Officers shall be empowered to enforce the Temporary Restraining Order entered by the Court.

4. If necessary, a hearing on King Soopers' Motion for Preliminary Injunction will be held on February ____, 2025 at _____ M. in Division ____ of the District Court of the City and County of Denver, Colorado located at 1437 Bannock Street, Room 256, Denver, Colorado 80202.

5. Plaintiff's counsel shall meet and confer with Defendants' counsel regarding the preliminary hearing logistics, including whether the hearing will be conducted via teleconference, videoconference, or both.

SO ORDERED THIS ____ day of February 2025.

BY THE COURT:

DENVER DISTRICT COURT JUDGE