

PUBLIC COPY

DISTRICT COURT, WELD COUNTY, COLORADO 901 9th Ave P.O. Box 2038 (80632) Greeley, CO 80631 Telephone: 970-475-2400		
Plaintiff: ELIJAH HATCH, resident and taxpayer of Weld County, Colorado, v. Defendant: THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WELD, COLORADO.		
<i>Attorneys for Plaintiff, Elijah Hatch:</i> Sean D. G. Camacho, #49906 Morgan B. Murphy, #59426 Taylor J. Vogel, #62992 DENTONS US LLP 1900 16th Street, Suite 1350 Denver, Colorado 80202 Telephone: (303) 634-4000 Facsimile: (303) 634-4400 Email: sean.camacho@dentons.com morgan.murphy@dentonsgov.us taylor.vogel@dentonsgov.us		Case Number: Div./Ctrm.:
PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION AND REQUEST FOR EXPEDITED CONSIDERATION		

Under C.R.C.P. 65, plaintiff, Elijah Hatch (“Hatch”), respectfully submits this Motion for Preliminary Injunction (“Motion”) barring the Board of County Commissioners of the County of Weld, Colorado (“Weld County,” the “County,” or “Defendant”) from continuing construction of the Judicial Center complex (“Judicial Center”) and from making any further expenditures on the Judicial Center. To prevent irreparable harm to Hatch, as well as other similarly situated

taxpayers, Hatch respectfully requests that this Court: (i) set a date for a hearing on Hatch's Motion; and (ii) preliminarily enjoin Weld County from construction of the Judicial Center until the Court enters a final judgment on the merits.

CERTIFICATION UNDER C.R.C.P. 121 § 1–15(8)

Counsel for Hatch conferred on this Motion in good faith with counsel for Weld County on August 12, 2026. Counsel for Weld County represented that they oppose this Motion.

INTRODUCTION

Democracy is not a suggestion; it is the law. "All political power is vested in and derived from the people; all government, of right, originates from the people, is founded upon their will only, and is instituted solely for the good of the whole." Colo. Const. art. II, § 1. The Colorado Constitution and the Weld County Home Rule Charter (the "Charter") are clear that voter approval is required before Weld County can commit hundreds of millions of dollars to a single capital project. Instead of upholding the County's constitutional and charter mandates, Weld County has turned its back on the people and is proceeding with a \$490 million project to construct a new Judicial Center without submitting the expenditure to a vote.

The County's action is not in compliance with the Colorado Constitution or the Charter. Specifically, the Taxpayer Bill of Rights ("TABOR") prohibits local governments from creating multi-year financial obligations without voter approval unless adequate present cash reserves are irrevocably pledged to cover all future payments. Weld County has no such reserves; its own budget documents show reliance on future property tax collections to pay for this project. Likewise, Section 14-8 of the Charter requires voter approval for any single project requiring capital expenditure from ad valorem tax funds exceeding a three mill levy for three years

(approximately \$177 million). The Judicial Center costs nearly three times that amount. The County has not sought voter approval under either provision and seeks to subvert the power of the people. This Motion asks the Court to enforce the law and halt further construction and expenditures on the Judicial Center until Weld County allows its electorate to exercise its constitutionally and charter mandated rights.

BACKGROUND

Hatch is a citizen, property owner, resident, and taxpayer in Weld County, Colorado. *See* Affidavit of Elijah Hatch at ¶¶ 2–4 [hereinafter “Hatch Aff.”], attached as **Exhibit A**. Hatch paid taxes in 2025 and 2026, a portion of which were allocated to the Weld County Capital Expenditures Fund.¹ *See* County of Weld 2026 Final Budget, 93 (Dec. 2025) [hereinafter “Budget”], attached as **Exhibit B**, <https://www.weld.gov/files/sharedassets/training/v/3/departments/accounting/documents/budget-2026/2026-final-budget-book-2.pdf>; *see also* Hatch Aff. ¶ 3. The Capital Expenditures Fund is the very fund from which the Judicial Center expenditures are being made. *See* Budget, 412–13, 421–27. Defendant is the Board of County Commissioners of the County of Weld, Colorado, the governing body of Weld County responsible for approving and directing expenditures of County funds. *See* Charter, art. I, § 5-1-10.

¹ Hatch respectfully requests the Court take judicial notice of the contents of Weld County’s official publications because they are not subject to reasonable dispute and the publications are self-authenticating. *See* Colo. R. Evid. 201; *see also* *Shook v. Pitkin Cnty. Bd. Cnty. Comm’rs*, 411 P.3d 158, 161 n.4 (Colo. App. 2015); *One Hour Cleaners v. Indus. Claim Appeals Off. State Colo.*, 914 P.2d 501, 504 (Colo. App. 1995) (“Judicial notice may be taken of matters of public record and of common knowledge to an interested public.”).

Weld County has undertaken construction of a new Judicial Center in Greeley, Colorado, as part of the Weld County Facilities Master Plan, at an estimated total cost of approximately \$490 million. *See* Res. 2025-2128 (Jul. 28, 2025), attached as **Exhibit C**, <https://minutes.weld.gov/WebLink/DocView.aspx?id=53370&dbid=0&repo=CTBIMAGES&searchid=2fabbb1d1-c9b2-4e81-95ad-7112eab90a04>; *see also* *Commissioners choose downtown option for new judicial center*, WELD COUNTY JUSTICE CENTER (Jul. 28, 2025) [hereinafter “Downtown Selection Article”], attached as **Exhibit D**, <https://wcjc.weld.gov/News-Articles/News-and-Information/Commissioners-choose-downtown-option-for-new-judicial-center>. The County’s five-year capital schedule allocates the following amounts to the Judicial Center and related projects²: approximately \$71.8 million in FY 2027; \$153.2 million in FY 2028; \$120.9 million in FY 2029; and \$72 million in FY 2030. *See* Budget, 424. Construction of the Judicial Center is scheduled to commence on or about November 1, 2026. *See* *WCJC Concept Design Meeting*, WELD COUNTY JUDICIAL CENTER (Mar. 2, 2026), attached as **Exhibit E**, <https://wcjc.weld.gov/files/content/weldwaits/v/1/supporting-documents/wcjc-2026.0302-concept-design-meeting-notes.pdf> (November 1, 2026 groundbreaking identified as “critical”). Demolition is complete at the site and crews are now wrapping up site preparation work. *See* *Time-lapse: Demolition update 7/31 through 8/6*, WELD COUNTY JUSTICE CENTER (Aug. 6, 2026) [hereinafter “Demolition Article”], attached as **Exhibit F**, <https://wcjc.weld.gov/News-Articles/News-and-Information/Time-lapse-Demolition-update-731-through-86>. The County

² Weld County has approved the development of a new county administration building in tandem with the Judicial Center. *See* Res. 2025-2128 (a new county administration building is needed “when the courts move to the new judicial center”).

intends to enter or has already entered into binding contracts for design, engineering, and construction services that obligate payments across fiscal years 2026 through 2030. *See Board advances Justice Center CM/GC RFP*, WELD COUNTY JUSTICE CENTER (May 15, 2026) [hereinafter “Contracts Article”], attached as **Exhibit G**, <https://www.weld.gov/Newsroom/2026-News/Board-directs-staff-to-move-forward-with-Justice-Center-Construction-Manager-General-Contractor-Request-for-Proposal>. The County’s Capital Expenditures Fund budget demonstrates inadequate reserves for estimated project costs and a reliance on future, uncollected tax revenue to fund the Judicial Center project. *See Budget*, 426.

Weld County has not irrevocably pledged any cash reserves to the construction of the Judicial Center. *See Res. 2026-1553* (Jun. 22, 2026), attached as **Exhibit H**, <https://minutes.weld.gov/WebLink/DocView.aspx?id=159159&dbid=0&repo=CTBIMAGES&searchid=77e4de79-6cb4-45cd-b716-d2e859d0d98e> (Weld County “put an estimated \$346,821,265 in the Capital Projects Five Year Plan in the 2026 Budget for all the pieces of the Justice center” and “has sufficient funds available to construct the Justice Center” but has not irrevocably pledged any present cash reserves to the project); *Res. 2025-2128* (no mention of irrevocably pledged present cash reserves). No resolution, escrow, or other action exists that irrevocably sets aside present cash reserves for future-year payments. *See, e.g., Res. 2025-2128; Res. 2026-1553; see also Defining Fiscal Responsibility: Funding the Weld County Justice Center*, WELD COUNTY JUSTICE CENTER (Jul. 30, 2026) [hereinafter “Funding Article”], attached as **Exhibit I**, <https://wcjc.weld.gov/News-Articles/News-and-Information/Defining-Fiscal-Responsibility-Funding-the-Weld-County-Justice-Center> (suggesting that Weld County has yet to determine how to fund the Judicial Center, let alone irrevocably pledge present cash reserves).

Weld County has publicly stated that it will not submit the Judicial Center expenditure to a vote of the people, notwithstanding the requirements of TABOR and Section 14-8 of the Charter. *See* Res. 2026-1553 (“no vote of the County’s qualified electors is necessary for the Board to construct the Justice Center”). The voter-approval threshold under Section 14-8 of the Charter is approximately \$177 million. *See* Charter, art. XIV, § 14-8; *see also* Contracts Article. The Judicial Center project, at \$490 million, exceeds this threshold by nearly three times. *See* Downtown Selection Article.

MOTION

The Court has inherent authority to act in equity and the power under the Colorado Rules to grant a preliminary injunction in favor of Hatch. *See Snyder v. Sullivan*, 705 P.2d 510, 513 (Colo. 1985) (“An injunction is generally a preventative and protective remedy, aimed at future acts; it is not intended to redress past wrongs.”); *see also* Colo. R. Civ. P. 65. Exercising that authority here is warranted because Hatch satisfies the six-part test for obtaining a preliminary injunction:

- (1) a reasonable probability of success on the merits;
- (2) a danger of real, immediate, and irreparable injury which may be prevented by injunctive relief;
- (3) there is no plain, speedy, and adequate remedy at law;
- (4) the granting of a preliminary injunction will not disserve the public interest;
- (5) the balance of equities favors the injunction; and
- (6) the injunction will preserve the status quo pending a trial on the merits.

See Rathke v. MacFarlane, 648 P.2d 648, 653–54 (Colo. 1982); *see also Dallman v. Ritter*, 225 P.3d 610, 621 (Colo. 2010) (“The standard for a preliminary injunction is essentially the same as for a permanent injunction with the exception that the plaintiff must show a likelihood of success on the merits rather than actual success.”) (citation omitted). As shown below, Hatch satisfies all six *Rathke* factors for injunctive relief.

A. Hatch Will Likely Succeed on the Merits.

Hatch will prevail on the merits because Weld County’s construction of the \$490 million Judicial Center violates both TABOR’s prohibition on multiple-fiscal year financial obligations and Section 14-8 of the Charter’s voter-approval requirement.

Article X, Section 20(4)(b) of the Colorado Constitution prohibits the “creation of any multiple-fiscal year direct or indirect district debt or other financial obligation whatsoever without adequate present cash reserves pledged irrevocably and held for payments in all future fiscal years.” TABOR’s protections are self-executing, and individuals may file enforcement suits which shall have the “highest civil priority of resolution.” Colo. Const. art. X, § 20(1). The Judicial Center creates the type of multi-year financial obligation that TABOR was designed to subject to voter approval. Weld County has committed to expenditures spanning fiscal years 2026 through 2030, including approximately \$71.8 million in FY 2027, \$153.2 million in FY 2028, \$120.9 million in FY 2029, and \$72 million in FY 2030. *See* Budget, 424. These obligations arise from binding contracts for design, engineering, and construction services. *See* Res. 2026-1553 (discussing the architect, construction management, and general contractor selection process); *see also* Contracts Article.

Critically, Weld County has failed to irrevocably pledge adequate present cash reserves to cover these future-year payments. No resolution, escrow, or other action exists that irrevocably sets aside present cash reserves. *See, e.g.*, Res. 2026-1553; Res. 2025-2128; *see also* Funding Article (suggesting that Weld County has yet to determine how to fund the Judicial Center, let alone irrevocably pledge present cash reserves). The County’s demonstrated lack of irrevocably pledged present cash reserves together with reliance on future, uncollected tax revenue to fund the Judicial Center directly opposes the precise mechanism TABOR subjects to voter control. *See* Colo. Const. art. X, § 20(4)(b). Weld County’s budget does not show present cash reserves irrevocably pledged and held for all future Judicial Center payments; instead, it shows a cash-flow plan funded by annual property tax revenue, transfers, and declining Capital Expenditures Fund balances through 2030. *See* Budget, 91–124, 424–26. The budget directs that capital fund resources should “remain available” to maximize “flexibility and creativity in utilizing the funds available to meet all the identified capital needs.” Budget, 427. This directed flexibility is antithetical to the irrevocably pledged present cash reserves required by TABOR. None of the narrow exceptions to TABOR’s voter-approval requirement (refinancing existing obligations at a lower interest rate or additions to pension plans) apply here. *See* Colo. Const. art. X, § 20(4)(b). Regardless of Weld County’s framing, it cannot evade TABOR’s voter approval requirement.

Hatch is also likely to succeed on his claim as it relates to Weld County’s violation of Section 14-8 of the Charter. Section 14-8 independently mandates voter approval:

Any one project, except hospital projects, **requiring a capital expenditure out of funds procured by ad valorem taxation equal to a three mill levy for three years**, or a hospital project requiring a capital expenditure from ad valorem tax funds equal to a three mill levy for three years, **shall be prohibited until such**

time as the question of expenditure of said funds shall have been first submitted to a vote of the qualified electors at a general or special election and shall have received a majority vote approving such expenditure.

Weld County Home Rule Charter, art. XIV, § 14-8 (emphasis added).

The voter-approval threshold under this provision is approximately \$177 million. *See* Charter, art. XIV, § 14-8; *see also* Contracts Article. The Judicial Center, at \$490 million, exceeds this threshold by nearly threefold. All funding for the project flows through the Capital Expenditures Fund, which is financed by a dedicated ad valorem property tax levy constituting approximately 27-28% of the County’s total mill levy. *See* Budget, 93. The project unquestionably constitutes “a capital expenditure out of funds procured by ad valorem taxation” exceeding the charter threshold, and no voter approval has been obtained. While the County has been careful to avoid implementing a new tax to fund this project, the funds they propose to use, and the vast majority of funds collected by the County originate as ad valorem taxes. Thus, the Judicial Center expenditures, which significantly exceed the \$177 million threshold, must be put to a vote of qualified electors, and Hatch’s probability of success on both claims is overwhelming.

B. Weld County’s Continued Construction Will Cause Irreparable Harm.

Without injunctive relief, Hatch and Weld County taxpayers will suffer irreparable constitutional injury that no monetary remedy can redress. *See Gitlitz v. Bellock*, 171 P.3d 1274, 1278–79 (Colo. App. 2007) (“‘Irreparable harm’ is a pliant term adaptable to the unique circumstances that an individual case might present.”) (citation omitted). Injuries are irreparable “where monetary damages are difficult to ascertain or where there exists no certain pecuniary standard for the measurement of the damages.” *Id.* at 1279 (citations omitted).

Hatch will face irreparable harm because once the taxpayer funds are expended to construct the Judicial Center, Hatch's constitutionally protected rights under the Colorado Constitution will have been violated and no pecuniary standard exists with which to provide recovery for that harm. *See Free the Nipple-Fort Collins v. City of Fort Collins*, 916 F.3d 792, 805–06 (10th Cir. 2019) (“[A]ny deprivation of any constitutional right” constitutes irreparable harm.) (citation omitted).

The harm is also direct and personal to Hatch. Hatch paid taxes in 2025 and 2026, and these funds are being used in support of the construction of the Judicial Center. *See Hatch Aff.* ¶ 3. Each dollar spent on the Judicial Center without voter approval represents a direct injury to Hatch's constitutionally protected right to vote on major expenditures of his tax dollars. Weld County's expenditure of these funds cannot be undone or remedied monetarily. Once construction begins, Hatch and other Weld County voters will be without remedy; the right to vote on the expenditure will be permanently lost. TABOR and Section 14-8 protect the right of Weld County voters to approve major expenditures of their tax dollars. *See Colo. Const. art. X, § 20(4); Charter, art. XIV, § 14-8.*

The harm is also immediate: demolition activities have concluded, and full construction is scheduled to commence on November 1, 2026. *See Demolition Article.* Without immediate judicial intervention, Hatch and other Weld County voters' rights under TABOR and Section 14-8 of the Charter will suffer irreparable injury should construction of the Judicial Center proceed without a vote. *See Free the Nipple-Fort Collins*, 916 F.3d at 805–06 (holding that “any deprivation of any constitutional right” constitutes irreparable harm and affirming preliminary injunction where ordinance likely violated plaintiffs' constitutional rights).

C. No Adequate Remedy at Law Exists.

No legal remedy can restore Hatch’s constitutional right to vote on this expenditure once Weld County has already spent nearly half a billion dollars of taxpayer funds. *See Rathke*, 648 P.2d at 650–51 (finding no adequate remedy at law for protection of plaintiff’s constitutional rights). For example, no damages judgment can undo hundreds of millions in construction expenditures already made; nor would a monetary award restore the voters’ right to approve or disapprove the expenditure once it has already occurred. The injury to constitutional and charter rights of self-governance is, by its nature, not susceptible to monetary valuation. *See id.*

Moreover, the inadequacy of legal remedies is particularly acute here because of the time pressure: construction is scheduled to begin on November 1, 2026, and any delay in equitable relief will result in the permanent loss of the very rights Plaintiff seeks to vindicate. *See id.*

D. Granting the Injunction Serves the Public Interest.

Enforcing TABOR and the Charter serves the public interest far more than permitting Weld County to circumvent the constitutional protections that safeguard all taxpayers. TABOR was enacted to “restrain most the growth of government.” Colo. Const. art. X, § 20(1). Section 14-8 of the Charter likewise reflects this principle at the county level. *See* Charter, art. XIV, § 14-8 (“Any one project . . . requiring a capital expenditure out of funds procured by ad valorem taxation equal to a three mill levy for three years . . . shall be prohibited until such time as the question of expenditure of said funds shall have been first submitted to a vote of the qualified electors at a general or special election and shall have received a majority vote approving such expenditure.”)

The public interest is served by upholding the rule of law and ensuring that the democratic process is respected. *See Am. Television and Commc'ns Corp. v. Manning*, 651 P.2d 440, 446 (Colo. App. 1982) (an interest should not “be protected when that interest is a benefit being derived from the alleged unauthorized activity”); *see also Chabad S. Ohio & Congregation Lubavitch v. Cincinnati*, 363 F.3d 427, 436 (6th Cir. 2004) (“the public interest is served by preventing the violation of constitutional rights”). There is no public interest in permitting a government entity to circumvent its legal obligations, regardless of how desirable the underlying project may be. Where, as here, Weld County is in violation of TABOR and Section 14-8, the public interest is not furthered. Conversely, the public interest is furthered by enjoining Weld County from proceeding with the Judicial Center until Weld County addresses the TABOR and Charter violations caused by its actions. Indeed, Weld County has publicly stated that it will not submit the Judicial Center expenditure to a vote of the people. This defiance of constitutional and charter mandates underscores why judicial intervention is necessary, as the County has made clear that it will not voluntarily comply with the law. The public interest is served by compelling compliance, not by rewarding deliberate circumvention.

E. The Balance of Equities Weighs Decisively in Hatch’s Favor.

The irreversible deprivation of Hatch’s constitutional voting rights far outweighs any temporary inconvenience to Weld County from pausing a construction project. A preliminary injunction would merely require the County to pause construction until it obtains the voter approval required by law, or until this Court adjudicates the merits. The County is not harmed by a requirement to comply with TABOR and the County’s own Charter. *See Douglas Cnty. v. State*, 591 P.3d 482, 490–91 (Colo. App. 2026) (the County suffered no injury to a legally

protected interest as a result of the requirement that it follow the law); *League of Women Voters of Greeley, Weld Cnty., Inc. v. Bd. of Cnty. Comm'rs of Cnty. of Weld*, 563 P.3d 1192, 1199 (Colo. 2025) (“the Colorado Constitution requires home rule counties to carry out statutorily mandated functions”). Any delay associated with holding a lawful election is a consequence of the County’s own decision to proceed without one, not a harm attributable to a preliminary injunction.

Weld County may argue that it has an obligation to provide adequate court facilities. Even if true, that obligation does not authorize the County to violate the Colorado Constitution and its own Charter. The County has used the existing Weld County Courthouse for over a century, and no evidence suggests that a brief pause in construction to allow the required voter approval will endanger public safety or the administration of justice. The County’s failure to seek voter approval before commencing this \$490 million project is not a reason to excuse compliance; it is the very conduct this Court should enjoin. By contrast, denial of injunctive relief would allow the permanent expenditure of hundreds of millions of taxpayer dollars without the required voter approval—an outcome that can never be undone. For all of the reasons discussed above, the nonissuance of a preliminary injunction would result in greater injury to Hatch and other Weld County taxpayers than an order enjoining Weld County from proceeding with construction of the Judicial Center.

F. The Injunction Will Preserve the Status Quo.

A preliminary injunction will maintain the status quo by halting construction before Weld County permanently commits \$490 million in taxpayer funds without voter approval. *See Golden v. Simpson*, 83 P.3d 87, 96 (Colo. 2004) (“A preliminary injunction is designed to preserve the

status quo or protect rights pending the final determination of a cause.”). An injunction requiring Weld County to halt construction and further expenditures preserves the status quo and maintains the Court’s ability to grant effective relief after a full adjudication on the merits. Absent an injunction, Weld County will proceed with the project, and no subsequent court order will redress the constitutional harm suffered by voters.

REQUEST FOR EXPEDITED CONSIDERATION

Plaintiff respectfully requests that this Court set this Motion for expedited hearing. Construction of the Judicial Center is scheduled to commence on or about November 1, 2026. Without immediate action, Hatch and the taxpayers of Weld County will suffer irreparable harm. For these reasons, Hatch respectfully requests that this Court provide for expedited consideration of this Motion.

REQUEST FOR WAIVER OF BOND REQUIREMENTS

A preliminary injunction serves the public interest. TABOR and Section 14-8 of the Charter exist to protect Weld County taxpayers by ensuring that significant financial commitments are approved by the electorate. Enforcing these voter-protection provisions serves the public interest in government accountability and fiscal transparency. Because this action seeks to enforce constitutional rights and protect the public interest, Hatch respectfully requests that the Court waive any bond requirement. Requiring a substantial bond would effectively deny Hatch access to the courts to vindicate constitutional rights shared by all Weld County taxpayers. Because the County suffers no injury as a result of the requirement to follow the law, there is no cost or damage to the County that a bond would secure against. *See Douglas Cnty.*, 591 P.3d at 490–91.

CONCLUSION

WHEREFORE, for the reasons set forth above, Hatch respectfully requests that this Court enter a preliminary injunction:

- (i) Enjoining Defendant from continuing construction of the Judicial Center project; and
- (ii) Enjoining Defendant from making any further expenditures on the Judicial Center project, including but not limited to payments for design, engineering, construction, demolition, procurement, or any other costs associated with the project, until the question of such expenditure has been submitted to and approved by the voters of Weld County in compliance with TABOR and Section 14-8 of the Charter.

Respectfully submitted this 13th day of August, 2026.

DENTONS US LLP

s/ Sean D. G. Camacho

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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of August, 2026, a true and correct copy of the foregoing **PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION AND REQUEST FOR EXPEDITED CONSIDERATION** was served via the Colorado Courts E-Filing system upon:

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s/ Denise Lawrence
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