



Received in the Trial Courts
State of Alaska Third District
at Palmer

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT PALMER

APR 22 2011

By _____ Clerk of the Trial Courts
Deputy

3 MATANUSKA-SUSITNA BOROUGH,)
4)
5 Plaintiff,)
6 vs.)
7 JUSTIN ROUSSEAU,)
8 Defendant.)

Case No. 3PA 11-1404 CI

PRELIMINARY INJUNCTION

10 THIS CAUSE coming to be heard upon the plaintiff, Matanuska-
11 Susitna Borough's Motion for Preliminary Injunction, the court having
12 considered the motion, any opposition and reply thereto:

13 THE COURT HEREBY MAKES THE FOLLOWING FINDINGS OF FACT AND LAW:

- 14 1. The Matanuska-Susitna Borough ("Borough") is a second class
15 Borough organized under the laws of the State of Alaska;
- 16 2. This lawsuit was brought by the Matanuska-Susitna Borough
17 against Justin Rousseau to compel compliance with the Matanuska-
18 Susitna Borough Code of Ordinances as they relate to special
19 event permits under MSB 8.55.010, 8.55.110;
- 20 3. The property upon which the subject of this lawsuit was brought
21 is MSB Tax Account #'s 25N05W15C002, 25N05W15C003;
- 22 4. At all times relevant to this lawsuit, Justin Rousseau has been
23 the buyer of the properties from the State of Alaska Department
24 of Natural Resources under a contract for sale; property;
- 25 5. At various times relevant to this lawsuit, Justin Rousseau has
26 violated MSB 8.55 by having mass outdoor gatherings attended by
27 more than 500 people without obtaining the proper permits;
- 28 6. The Borough was authorized to maintain this action pursuant to
AS 29.35.010(7), AS 29.35.010(14), AS 29.25.070(b), MSB
1.45.010, MSB 1.45.0110(A), MSB 1.45.060(A), MSB 8.55.030, MSB
8.55.010(A)(3), and MSB 8.55.100;
7. AS 29.25.070(b) and MSB 1.45.060 authorize the Superior Court to
grant injunctive relief to enjoin a violation of a municipal
ordinance upon a showing of an actual or threatened violation of
the municipal ordinance;

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- 1 8. The Matanuska-Susitna Borough must show a likelihood of success
 2 on the merits in order to be granted a preliminary injunction at
 3 this time;
 4 9. The exhibits and affidavit filed with the Motion for Preliminary
 5 Injunction support a clear showing that the Matanuska-Susitna
 6 Borough is likely to prevail in proving that Justin Rousseau
 7 violated MSB 8.55.030 twice and is threatening to violate this
 8 ordinance again;
 9 10. Under AS 29.25.070(b), an injunction on a preliminary basis is
 10 appropriate at this time.

11 IT IS THEREFORE ORDERED that the defendant, Justin Rousseau, his
 12 agents, employees, attorneys, and all persons acting in concert with
 13 them are hereby PROHIBITED and ENJOINED from the continued maintenance
 14 of a public nuisance in violation of MSB 8.55.030 at the subject
 15 property.

16 IT IS FURTHER ORDERED that this prohibition and preliminary
 17 injunction shall remain in effect until vacated or expressly
 18 superceded by order of court.

19 IT IS FURTHER ORDERED that the defendant shall cease his
 20 violation of Borough code immediately and that he shall provide proof
 21 to the Matanuska-Susitna Borough of the same.

22 5/9/11
 23 DATE

24 *Anna Kristiansen*
 25 SUPERIOR COURT JUDGE

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I certify that on 5-9-11
 a copy of this document was sent to
 CSSD
 Plaintiff's attorney(s) of record
 Other Defendant Aschurbert
 At the address(es) of record:
 Rec'd Jni _____
 Deputy Clerk AL