

DISTRICT COURT La Plata County, State of Colorado 1060 East Second Avenue Durango, CO 81301	DATE FILED February 23, 2026 9:27 PM CASE NUMBER: 2026CV30035
MARIA'S BOOKSHOP, the trade name of Maria's Bookshop Enterprises, Inc., a Colorado corporation, Plaintiff,  v.  CITY OF DURANGO, a political subdivision of the State of Colorado, and, DETECTIVE SYDNEY WALTERS, in her official capacity as a Detective with the Durango Police Department, Defendants.	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p> <hr/> Case Number: <b>2026CV</b> _____  Div.:                      Ctrm:
<b>TEMPORARY RESTRAINING ORDER</b>	

This matter comes before the Court on the motion by Plaintiff Maria's Bookshop for a temporary restraining order, and the Court, having reviewed the submissions from the plaintiff in this case, and being fully advised of the premises, **HEREBY FINDS AND ORDERS** as follows:

1. Based on the facts alleged in the plaintiff's Complaint for Declaratory and Injunctive Relief and in the submissions by plaintiff in support of the motion before the Court, including the supporting declarations filed with the plaintiff's motion, Maria's Bookshop has established the requisite elements for a Temporary Restraining Order:
  - a. Maria's Bookshop has demonstrated that it has a reasonable probability of success on its claim that no seizure of book-purchase records may be enforced absent a pre-seizure adversarial hearing at which the defendants meet the constitutional strict scrutiny requirements of showing a compelling government interest that is so great that it overcomes the harm to the constitutional interests in free expression and privacy that flow from the government's intrusion, and that there are no other reasonable alternative methods of meeting the government's asserted need, that the seizure would not be unduly broad, and that the seizure is unrelated to the content of the books bought by any particular customer.

- b. There exists a danger of real, immediate, and irreparable injury which may be prevented by injunctive relief.
- c. An injunction suspending the return date in the at-issue Court Order until such time as the Court has conducted the adversarial hearing required under *Tattered Cover, Inc. v. City of Thornton*, 44 P.3d 1044, 1047 (Colo. 2002), and the Court has ruled upon the constitutional questions presented in this matter will not harm the defendants' interest and will do no disservice to the public interest.
- d. The balance of equities favors granting this Temporary Restraining Order.
- e. The Temporary Restraining Order will preserve the status quo until such time as the Court has conducted the required adversarial hearing under *Tattered Cover*.

2. Based on the facts set forth in the filings in this case, immediate and irreparable harm will result unless an immediate injunction is issued, and accordingly, a Temporary Restraining Order is appropriate. Maria's Bookshop has (for the purposes of this order) sufficiently demonstrated that enforcement of the January 24, 2026, return date for production of book-purchase records prior to the full adversarial hearing required under *Tattered Cover* would cause irreparable injury to Maria's Bookshop and its customers.

3. In light of the equities at stake in this matter and the absence of any monetary harm to the defendants from the temporary suspension of the return date of the at-issue Court Order until such time as the Court has heard and resolved the constitutional issues at stake under *Tattered Cover*, the Court determines that no bond is required for this injunction, and therefore the Court sets the amount of security required to be posted by the plaintiff for this injunction at **zero dollars**.

**Accordingly**, IT IS HEREBY ORDERED that the Motion for Temporary Restraining Order by Maria's Bookshop is GRANTED. Defendants are ENJOINED and RESTRAINED from enforcing the return date of the at-issue Court Order served on Maria's Bookshop until such time as the Court has held a full adversarial hearing under *Tattered Cover* and issued its ruling on the constitutionality of the demand for copies of book-purchase records held by Maria's Bookshop.

This matter is set for a status conference on Feb. 26, 2026, at 3:30pmA/PM, in this Court to set a briefing schedule and hearing date on the *Tattered Cover* issues in this case. The parties will be permitted to appear virtually through the Court's WebEx virtual courtroom for this status conference.

The parties are directed to meet and confer as to whether they will agree to stipulate to the extension of this temporary order pending the Court's resolution of the *Tattered Cover* issues in this case.

Pursuant to C.R.C.P. 65(2)(b), this order will expire fourteen days from its issuance unless the parties stipulate to its extension or Plaintiff makes a sufficient showing to extend the duration of the relief granted herein.

IT IS SO ORDERED, this 23rd day of Feb., 2026, at  
9:25pm A/PM

BY THE COURT:

A handwritten signature in black ink, appearing to read "Nathaniel Bess", written over a horizontal line.

District Judge