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6 **THE DISTRICT COURT OF GUAM**

CIVIL ACTION NO. 16-00080

8 JON P. FERNANDEZ,

9 Plaintiff,

-vs-

**ORDER GRANTING STIPULATED MOTION  
FOR PRELIMINARY INJUNCTION**

10 GUAM EDUCATION BOARD,  
11 LOURDES B. SAN NICOLAS,  
individually and as the chairperson and a  
12 member of the Guam Education Board,  
ROSIE R. TAINATONGO, individually  
13 and as the vice chairperson and a member of  
the Guam Education Board, KENNETH P.  
14 CHARGUALAF, individually and as a  
member of the Guam Education Board,  
15 JOSE Q. CRUZ, individually and as a  
member of the Guam Education Board,  
16 RYAN F. TORRES, individually and as a  
member of the Guam Education Board,  
17 CHARLENE D. CONCEPCION,  
individually and as a member of the Guam  
18 Education Board,,

19 Defendants.

20 Before the court is a Stipulated Motion for Preliminary Injunction (“Motion”). *See* ECF  
21 No. 15. Upon consideration of the parties’ Motion, the court hereby finds that Plaintiff will suffer  
22 irreparable injury to his occupation, reputation, and standing in the community, and deprivation  
23 of liberty and property without due process of law, if the preliminary injunction is not granted.  
24 Accordingly, the court hereby orders that Defendants Guam Education Board, Lourdes B. San  
25 Nicolas, Rosie R. Tainatongo, Kenneth P. Chargualaf, Jose Q. Cruz, Ryan F. Torres, and  
26 Charlene D. Concepcion shall be preliminarily enjoined during the pendency of this action from:  
27  
28

1 (1) Proceeding on and taking action in furtherance of their 6-3 vote to terminate Plaintiff's  
2 employment as Superintendent of the Guam Department of Education, taken on or around  
3 October 4, 2016;

4 (2) Proceeding on and taking action in furtherance of the "Bill of Particulars" served upon  
5 Plaintiff; and  
6

7 (3) Holding any Guam Education Board hearing or meeting having the same agenda or  
8 purpose (i.e., to proceed in furtherance of the 6-3 vote to terminate Plaintiff's employment as  
9 Superintendent of the Guam Department of Education, taken on or around October 4, 2016) as the  
10 Board hearing or meeting previously scheduled for November 21, 2016; and

11 (4) Disclosing facts or information in the disputed "Bill of Particulars" or any  
12 investigative report that formed the basis for the "Bill of Particulars."  
13

14 The preliminary injunction briefing schedule set by Order filed November 22, 2016, is  
15 hereby ordered vacated. Additionally, the filing deadline for exhibits and witness lists and the  
16 preliminary injunction hearing scheduled for December 2, 2016, at 9:30 a.m., as set by Order  
17 filed November 23, 2016, are hereby ordered vacated.

18 **SO ORDERED.**



/s/ Frances M. Tydingco-Gatewood  
Chief Judge  
Dated: Nov 25, 2016