

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

Municipality of Anchorage,

Plaintiff,

vs.

Kriner's Diner, LLC.,

Defendants.

3AN-20-7394 CI

**ORDER GRANTING PLAINTIFF'S MOTION FOR TEMPORARY
INJUNCTION**

The Plaintiff's motion for a temporary injunction is GRANTED.

Defendants are ordered to comply with EO-15. Specifically they are prohibited from providing, allowing or facilitating, directly or indirectly, indoor dining.

The Plaintiff has demonstrated that the Anchorage public will suffer irreparable harm by allowing businesses such as Kriner's Diner to violate Emergency Order – 15. Specifically, that indoor dining exacerbates the risk of the spread of COVID-19. If infected with COVID-19, individuals face a significant risk of serious harm to their health to include death.

The economic interests of Kriner's Diner and businesses similarly situated are adequately protected by the ability to continue business operations by serving food outdoors, curbside, to-go orders or for delivery. That the nature of the potential harm to the Anchorage public is of such significant importance, that the

closure of a business would be warranted. A property interest cannot outweigh a person's interest in life.

The issues raised by the Plaintiff, specifically the Defendant's willful non-compliance with EO-15, raise serious and substantial questions regarding the merits of the case. The Plaintiff demonstrated and the defendants did not oppose that the Mayor of Anchorage has the authority to issue emergency orders; that EO-15 was issued; that the defendants received notice of EO-15; and that the defendants willfully violated EO-15.

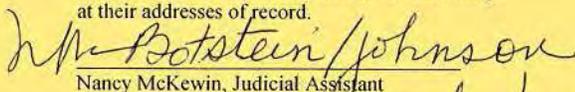
IT IS SO ORDERED.

Dated at Anchorage, Alaska this 7th day of August 2020.



Eric A. Aarseth
Superior Court Judge

I certify that on 8/7/2020 a copy
of the above was mailed to each of the following
at their addresses of record.


Nancy McKewin, Judicial Assistant

