

SEP 26 2023

HAMPDEN, ss.

**SUPERIOR COURT
CIVIL ACTION
No. 2379 CV 00438**

James J. Jones
CLERK OF COURTS

**LINDA VACON, WILMER PUELLO, KEVIN JOURDAIN, AND DAVID BARTLEY,
INDIVIDUALLY AND IN THEIR OFFICIAL CAPACITIES AS CITY COUNCILORS
OF THE CITY OF HOLYOKE**

vs.

**JOSHUA M. GARCIS, IN HIS CAPACITY AS MAYOR OF THE CITY OF HOLYOKE,
AND BRENNA MURPHY MCGREE, IN HER CAPACITY AS CITY CLERK OF THE
CITY OF HOLYOKE**

**DECISION AND ORDER ON PLAINTIFFS' MOTION FOR PRELIMINARY
INJUNCTION**

After thorough consideration of the arguments of counsel and all filings in this matter, the court finds that the plaintiffs have not shown a reasonable likelihood of success on the merits as the Community Preservation Act (CPA) does not preempt or override Holyoke's city charter. Even if it did, the plaintiffs failed to follow the procedure for amending the surcharge as required in the CPA G.L. c. 44B, §16(a). Additionally, the court finds that the plaintiffs have failed to establish that irreparable harm will result from denial of the injunction. Economic loss is insufficient as irreparable harm, and there has been no showing of any other harm if the surcharge reduction question appears on the November 2024 ballot instead of November 2023, as agreed to by defendant Garcia.

ORDER

For the foregoing reasons, the plaintiffs' motion for preliminary injunction is **DENIED**.


JANE E. MULQUEEN
Justice of the Superior Court

DATE: September 26, 2023