



Office of the Governor

MICHELLE LUJAN GRISHAM

FOR IMMEDIATE RELEASE

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July 20, 2020

Supreme Court grants governor's request
for stay in indoor dining case
Essential public health restrictions remain in effect

SANTA FE – The state Supreme Court on Monday afternoon granted Gov. Michelle Lujan Grisham's emergency request to stay an order issued by a judge in Carlsbad earlier Monday that would have temporarily permitted indoor dining at restaurants in New Mexico despite the state's emergency public health order and the emergent need to take all necessary action to prevent the spread of COVID-19.

As a result, all provisions of [the state's emergency public health order of July 13](#) remain in effect.

The action by the state Supreme Court effectively blocks the temporary restraining order issued earlier Monday by Judge Raymond L. Romero. The judge's order temporarily restricted the Lujan Grisham administration from enforcing its emergency public health prohibition on indoor dining as a means of slowing the statewide spread of COVID-19. That earlier order is now stayed until further order of the Supreme Court.

The Lujan Grisham administration filed an emergency petition with the Supreme Court subsequent to the judge's order.

The state Supreme Court order granting the governor's emergency request for a stay is attached to this news release. Also attached is the governor's request.

"I am grateful for the court's quick action," said Gov. Lujan Grisham. **"Businesses all across New Mexico have been battered by the effects of this pandemic; they are owed consistency and fairness, which my administration has endeavored to provide at every opportunity. We will continue to provide that while taking every single possible action to protect the health and well-being of New Mexicans -- including workers and customers at our restaurants. I appreciate the high court's recognition of the importance of consistent application and enforcement and the opportunity to bolster our case that high-contact indoor environments where face-coverings cannot be worn present an untenable risk given the incredible danger of COVID-19 at the moment."**

Per state regulations to slow the spread of COVID-19 and protect public health, restaurants in New Mexico are permitted to operate outdoor and patio dine-in services at 50 percent capacity [in accordance with COVID-Safe Practices](#). Restaurants may also provide carryout and delivery services. Dine-in service in indoor seating areas is prohibited.

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Joey D. Moya

1 **IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

2 **July 20, 2020**

3 **NO. S-1-SC-38396**

4 **MICHELLE LUJAN GRISHAM,**
5 **Governor of New Mexico; and**
6 **KATHYLEEN KUNKEL, Secretary of the**
7 **New Mexico Department of Health,**

8 Petitioners,

9 v.

10 **HON. RAYMOND L. ROMERO,**

11 Respondent,

12 and

13 **OUTLAW MEATS, LLC,**
14 **a New Mexico Limited Liability Company,**
15 **F-2 ENTERPRISES, INC., d/b/a TEXAS CLUB**
16 **GRILL & BAR, a New Mexico Corporation,**
17 **K-BOBS OF RATON, INC., a New Mexico Corporation,**
18 **K-BOBS OF LAS VEGAS, INC., a New Mexico Corporation,**
19 **B.M.B. FINANCIAL, LLC, d/b/a TRINITY HOTEL,**
20 **a New Mexico Limited Liability Company,**
21 **RED RIVER BREWING COMPANY, LLC,**
22 **a New Mexico Limited Liability Company,**
23 **NEW MEXICO RESTAURANT ASSOCIATION,**

24 Real Parties in Interest.

25 **ORDER**

26 WHEREAS, this matter came on for consideration by the Court upon
27 Emergency Verified Petition for Superintending Control and Request for Stay of

1 Temporary Restraining Order Against Enforcement of Directives Contained
2 Within the Public Health Order, and the Court having considered the petition and
3 request for stay and being sufficiently advised, Justice Barbara J. Vigil, Justice
4 Judith K. Nakamura, and Justice David K. Thomson concurring;

5 NOW, THEREFORE, IT IS ORDERED that a response shall be timely if
6 filed on or before **Monday, July 27, 2020, at 3:00 p.m.;**

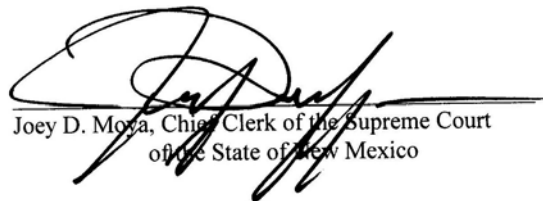
7 IT IS FURTHER ORDERED that a reply to the response shall be timely if
8 filed on or before **Thursday, July 30, 2020, at 3:00 p.m.;** and

9 IT IS FURTHER ORDERED that the request for stay is GRANTED until
10 further order of this Court.

11 IT IS SO ORDERED.



WITNESS, the Honorable Michael E. Vigil, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 20th day of July, 2020.


Joey D. Moya, Chief Clerk of the Supreme Court
of the State of New Mexico

I CERTIFY AND ATTEST:
A true copy was served on all parties
or their counsel of record on date filed.
Joey D. Moya
Chief Clerk of the Supreme Court
of the State of New Mexico