

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

LADONNA DEGAN, *et al.*,

Plaintiffs,

v.

THE BOARD OF THE TRUSTEES OF  
THE DALLAS POLICE AND FIRE  
PENSION SYSTEM, *et al.*,

Defendants.

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Civil Action No. 3:17-CV-01596-N

**ORDER**

This Order addresses Plaintiffs LaDonna Degan, Ric Terrones, John McGuire, Reed Higgins, Mike Gurley, Larry Eddington, and Steven McBride’s motion for a temporary restraining order against Defendant the Board of Trustees of the Dallas Police and Fire Pension System (the “Board”) [74]. The Court denies the application.

Plaintiffs seek to enjoin the Board from implementing the annuitization provision of H.B. 3158 and compel the Board to issue distributions to Deferred Retirement Option Plan (“DROP”) participants pursuant to their election under the Board’s January 12, 2017 DROP Policy Addendum. Because of the immediacy of the issue, the Court will be brief.

Before a court may issue a temporary restraining order or preliminary injunction, a plaintiff must establish the following four elements:

- (1) a substantial likelihood that plaintiff will prevail on the merits, (2) a substantial threat that plaintiff will suffer irreparable injury if the injunction is

not granted, (3) that the threatened injury to plaintiff outweighs the threatened harm the injunction may do to defendant, and (4) that granting the preliminary injunction will not disserve the public interest.

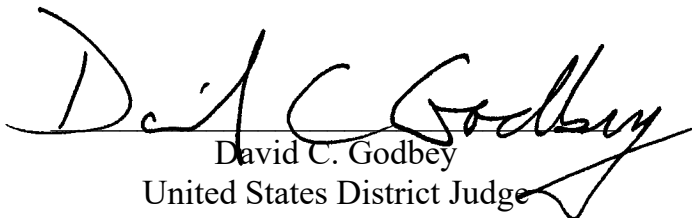
*Canal Auth. of State of Fla. v. Callaway*, 489 F.2d 567, 572 (5th Cir. 1974) (citations omitted). “The party seeking such relief must satisfy a cumulative burden of proving each of the four elements enumerated before a temporary restraining order or preliminary injunction can be granted.” *Clark v. Prichard*, 812 F.2d 991, 993 (5th Cir. 1987) (citations omitted).

Plaintiffs claim they face a substantial threat of irreparable injury if the Court does not grant the injunction because implementation of the annuitization provision will deprive Plaintiffs of their ability to provide for their families and could cause unwanted tax consequences for them and the Dallas Police and Fire Pension System itself. However, Plaintiffs have not demonstrated that such alleged harm is irreparable or that it cannot be adequately compensated by money damages.

The Court defers consideration of the merits of the case pending Plaintiffs’ response to the Board’s motion to dismiss. Because Plaintiffs have not demonstrated a substantial threat that they will suffer irreparable injury if the Court does not grant the injunction, the Court denies the application.

Accordingly, the Court denies Plaintiffs’ motion for a temporary restraining order without prejudice.

Signed August 24, 2017.

  
David C. Godbey  
United States District Judge