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Amy M. Iberlin, W.S.B. #7-5322
WILLIAMS, PORTER, DAY & NEVILLE, P.C.
P. O. Box 10700
Casper, WY 82601
Phone: 307.265.0700
Facsimile: 307.266.2306
Email: aiberlin@wpdn.net

*Attorney for Defendants Brian Kozak,
in his official capacity, and Laramie County
Sheriff's Office*

IN THE DISTRICT COURT, FIRST JUDICIAL DISTRICT
LARAMIE COUNTY, STATE OF WYOMING

JUNTOS, THE UNITARIAN UNIVERSALIST	)	
CHURCH OF CHEYENNE, AND DREW'S	)	
BARBERSHOP,	)	Civil Action No. 2026-CV-0204232
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
BRIAN KOZAK, in his official capacity as	)	
Laramie County Sheriff, and the LARAMIE	)	
COUNTY SHERIFF'S OFFICE,	)	
	)	
Defendants.	)	

**DEFENDANTS' BRIAN KOZAK AND LARAMIE COUNTY SHERIFF'S OFFICE
RESPONSE IN OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTIVE RELIEF**

Defendants Brian Kozak, in his official capacity as Laramie County Sheriff, and the Laramie County Sheriff's Office (collectively, "Defendants"), by and through undersigned counsel, respectfully submit this *Response in Opposition to Plaintiffs' Motion for Preliminary Injunctive Relief*. Plaintiffs seek the extraordinary remedy of a preliminary injunction on the strength of a *Complaint* that is jurisdictionally barred and legally untenable from its inception. As

set forth below, and as more fully briefed in Defendants’ pending *Motion to Dismiss* pursuant to Wyo. R. Civ. P. 12(b)(1) and 12(b)(6), Plaintiffs cannot establish the threshold elements required for injunctive relief. The Motion should be denied.

I. INTRODUCTION

Before a plaintiff may obtain any relief on the merits — preliminary or otherwise — it must first demonstrate that a court has the power to hear its claims. Plaintiffs have not cleared that initial, non-negotiable hurdle. Their *Complaint*, which at its core challenges alleged wrongful conduct by a county sheriff acting in his official capacity, is governed by the Wyoming Governmental Claims Act (“WGCA”), WYO. STAT. ANN. § 1-39-101 *et seq.* The WGCA establishes a mandatory, jurisdictional pre-suit notice requirement, and Plaintiffs have not alleged — because they cannot — that they ever satisfied it. Their *Complaint* is silent as to any notice of claim, silent as to the jurisdictional averments Wyoming law requires them to plead, and silent as to any personal right in the specific statutes they invoke. Layered atop this jurisdictional defect, none of the three Plaintiffs has the kind of personal, particularized stake in this controversy that Wyoming law requires for standing to seek declaratory or injunctive relief.

The Wyoming Supreme Court’s decision in *Coffinberry v. Board of County Commissioners of the County of Hot Springs*, 2008 WY 110, 192 P.3d 978 (Wyo. 2008), illustrates both defects in a single case. There, the Court held that a district court lacks jurisdiction to consider even the monetary component of a declaratory judgment action where the plaintiff failed to comply with the WGCA’s claim-presentment procedures, *id.* ¶ 4, 192 P.3d at 980, and separately affirmed dismissal of the plaintiff’s declaratory relief claim because he failed to establish that he possessed “personal rights” under the specific statute he invoked that could be “determined or declared”

under WYO. STAT. ANN. § 1-37-103, *id.* ¶ 8, 192 P.3d at 981 (citing *Amrein v. Wyo. Livestock Bd.*, 851 P.2d 769, 772 (Wyo. 1993)). Both defects are present here, and either independently defeats Plaintiffs’ Motion.

II. LEGAL STANDARD

Preliminary injunctions are authorized by WYO. STAT. ANN. § 1-28-102 and Wyo. R. Civ. P. 65, and are ultimately “requests for equitable relief.” *Brown v. Best Home Health & Hospice, LLC*, 2021 WY 83, ¶ 8, 491 P.3d 1021, 1026 (Wyo. 2021). The movant bears the burden of establishing (1) a likelihood of success on the merits, and (2) the possibility of irreparable injury absent the injunction. *Id.* ¶ 7, 491 P.3d at 1026. This is a demanding standard, and the failure to establish either element is independently fatal to a request for this extraordinary remedy. Plaintiffs’ *Motion* collapses under the weight of the first prong alone: their claims are not merely unlikely to succeed on the merits — this Court may lack the power to hear them at all, and even if it does, no Plaintiff has the personal stake the law requires to bring them.

III. ARGUMENT

A. Plaintiffs Have No Likelihood of Success on the Merits Because This Court Lacks Jurisdiction Over Their Claims Under the Wyoming Governmental Claims Act.

1. The WGCA’s notice-of-claim requirement is a mandatory, jurisdictional prerequisite that Plaintiffs never satisfied.

The WGCA affords governmental entities and their employees broad immunity: “[a] governmental entity and its public employees while acting within the scope of duties are granted immunity from liability for any tort except as provided by W.S. 1-39-105 through 1-39-112.” WYO. STAT. ANN. § 1-39-104(a). The Wyoming Supreme Court has repeatedly and emphatically

held that under this statutory scheme, “immunity is the rule and liability is the exception.” *Wyoming State Hosp. v. Romine*, 2021 WY 47, ¶ 11, 483 P.3d 840, 844 (Wyo. 2021). The WGCA is a “‘close-ended’ tort claims act,” meaning a claim against a governmental entity is barred unless it falls within one of the Act’s enumerated exceptions. *Campbell Cnty. Mem’l Hosp. v. Pfeifle*, 2014 WY 3, ¶ 20, 317 P.3d 573, 579 (Wyo. 2014).

Before any such action may proceed, a claimant must present a written notice of claim within two years of the alleged act, error, or omission. WYO. STAT. ANN. § 1-39-113(a) (“No action shall be brought under this act against a governmental entity unless the claim upon which the action is based is presented to the entity as an itemized statement in writing within two (2) years of the date of the alleged act, error or omission”). The Wyoming Supreme Court has been “unequivocal in holding that failure to file a claim with the governmental entity within the two-year period provided in § 1-39-113(a) is an absolute bar to suit.” *Stroth v. N. Lincoln Cnty. Hosp. Dist.*, 2014 WY 81, ¶ 9, 327 P.3d 121, 126 (Wyo. 2014). This requirement is jurisdictional, not procedural: “[w]hen a claimant fails to comply with § 1-39-113, a district court has no jurisdiction to consider claims brought against a governmental entity.” *City of Gillette v. Hladky Constr., Inc.*, 2008 WY 34, ¶ 18, 196 P.3d 184, 193 (Wyo. 2008); *see also Amrein v. Wyo. Livestock Bd.*, 851 P.2d 769, 771 (Wyo. 1993) (a court lacks jurisdiction over a claim where the petition does not allege or reflect compliance with the WGCA’s claims procedures). If a court lacks subject matter jurisdiction, it lacks any authority to proceed, and any order other than dismissal is “utterly void and of no effect for any purpose.” *Elliott v. Natrona Cnty. Bd. of Commissioners*, 2023 WY 61, ¶ 9, 530 P.3d 1078, 1082 (Wyo. 2023).

As set forth fully in Defendants’ pending *Motion to Dismiss*, Plaintiffs’ *Complaint* — despite spanning 34 pages, and 172 numbered paragraphs — contains no allegation that any

Plaintiff ever presented a notice of claim to the LCSO, let alone one satisfying the content requirements of WYO. STAT. ANN. § 1-39-113(b). Nor does the *Complaint* contain the mandatory jurisdictional averments required by § 1-39-113(d) — that a claim was filed, the date it was filed, and that it complied with the signature and certification requirements of Article 16, Section 7 of the Wyoming Constitution. *See Garman v. Campbell Cnty. Sch. Dist. No. 1*, 630 F.3d 977, 984-85 (10th Cir. 2010) (applying Wyoming law and holding that a complaint’s failure to plead constitutional and statutory compliance means “the district court never acquire[s] subject matter jurisdiction over the action”). The acts of which Plaintiffs complain — the signing of the three 287(g) agreements — occurred in May and June of 2025, well more than a year before this suit was filed. Plaintiffs’ silence on notice is not an oversight the *Complaint* can survive; it is a jurisdictional void.

2. Coffinberry confirms that the WGCA independently bars the monetary relief Plaintiffs seek in this declaratory action.

Plaintiffs have styled their *Complaint* as one for declaratory and injunctive relief, but each of their three counts also demands “costs, including attorneys’ fees ... pursuant to W.S. § 1-37-112.” That request cannot be squared with the WGCA. In *Coffinberry*, an unsuccessful bidder for a county airport lease filed a Petition for Declaratory Judgment against a board of county commissioners seeking both a declaration that the awarded contract was null and void and an award of monetary damages. 2008 WY 110, ¶ 1, 192 P.3d at 979. The Wyoming Supreme Court held that because the petition “[did] not allege or reflect compliance with the required claims procedures contained in the [WGCA],” both the district court and the Supreme Court itself lacked jurisdiction to consider the monetary component of that declaratory action. *Id.* ¶ 4, 192 P.3d at 980. The same defect exists here in even sharper form: Plaintiffs’ *Complaint* does not — because

it cannot — allege compliance with the WGCA’s notice procedures, yet each count seeks a monetary award of costs and fees. Under *Coffinberry*, this Court lacks jurisdiction to grant that relief, and Plaintiffs’ request for a preliminary injunction — itself sought to preserve the status quo pending an ultimate judgment that includes an unauthorized monetary component — cannot be said to have any likelihood of success.

3. Plaintiffs cannot escape the WGCA’s reach by labeling Sheriff Kozak’s conduct “ultra vires” rather than tortious.

Plaintiffs’ theory throughout the *Complaint* is that Sheriff Kozak, a public employee, exceeded his lawful authority and violated statutory duties owed to Plaintiffs and the public. That is, at its core, an allegation of wrongful conduct by a governmental employee acting under color of his office — the precise category of claim the WGCA was enacted to channel through its notice-of-claim gateway before a governmental entity is hauled into court. *See Campbell Cnty. Mem’l Hosp.*, 2014 WY 3, ¶ 20, 317 P.3d at 579. Plaintiffs cannot sidestep that gateway simply by captioning their claims as “declaratory” or “injunctive” rather than as claims for damages. At minimum, whether the WGCA’s notice requirement reaches claims framed as declaratory challenges to a sheriff’s contracting and rulemaking authority — as opposed to conventional tort claims for damages — is itself a substantial and unresolved legal question that this Court must decide before it can reach the merits. *See Coffinberry*, 2008 WY 110, ¶ 4, 192 P.3d at 980. A live, unresolved, and potentially dispositive jurisdictional dispute of this kind is the antithesis of a “likelihood of success on the merits,” and it independently requires denial of Plaintiffs’ *Motion*.

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B. Plaintiffs Independently Lack Standing to Seek Declaratory or Injunctive Relief.

Even if Plaintiffs could surmount the WGCA’s jurisdictional bar, their claims fail for the independent reason that none of them has standing. Standing under the Uniform Declaratory Judgments Act, WYO. STAT. ANN. § 1-37-103 — the very statute Plaintiffs invoke — requires more than a general interest in how government business is conducted. A plaintiff’s interest “must be distinguishable from that which could be raised by any citizen,” and “[i]t is not enough that a party cares deeply about an issue or is affected only as a member of the public at large.” *Williams v. Bd. of Cnty. Commissioners of Johnson Cnty.*, 2025 WY 127, ¶ 12, 579 P.3d 1128, 1133 (Wyo. 2025) (quoting *Allred v. Bebout*, 2018 WY 8, ¶ 43, 409 P.3d 260, 273-74 (Wyo. 2018)). Wyoming law goes a step further still: a plaintiff invoking § 1-37-103 must show that he has “personal rights” under the particular statute, ordinance, contract, or constitutional provision he asks the court to construe. *Coffinberry*, 2008 WY 110, ¶ 8, 192 P.3d at 981 (affirming summary judgment where plaintiff failed to establish that, as a person whose bid was not accepted, he had “personal rights” under the airport-leasing statute “that could be determined or declared” under § 1-37-103) (citing *Amrein*, 851 P.2d at 772).

Plaintiffs Juntos and the Unitarian Universalist Church of Cheyenne allege only that they were denied the opportunity to lobby, comment on, or otherwise participate in the adoption of the 287(g) agreements, and that they chose to spend their own resources responding to community concerns about immigration enforcement. *See Compl.* ¶¶ 97-101, 108-113, 119-125. Neither organization identifies any personal right it holds under WYO. STAT. ANN. §§ 18-2-101 or 18-6-313 — statutes that allocate contracting and expenditure authority between a sheriff and a board of county commissioners, and that create no rights running to advocacy organizations or members of the public — or under WAPA’s rulemaking procedures, which likewise exist to structure the

relationship between agencies and the public generally, not to vest an enforceable personal right in any particular advocacy group. These are precisely the kind of generalized policy grievances that both *Williams* and *Coffinberry* hold insufficient to confer standing. An organization cannot manufacture a personal stake simply by choosing to divert its own funds and staff time to oppose a policy it dislikes; if it could, standing would be available to any advocacy group for any government action anywhere in the state, and the doctrine would cease to perform any limiting function at all.

Plaintiff Drew's Barbershop fares no better, though for a different reason: causation. Its alleged financial injury stems from the arrest and federal removal of an employee, Carlos Montes, under federal immigration law. *See Compl.* ¶¶ 140-146. That result would have occurred whether the arresting officer wore an LCSO badge or an ICE badge; the 287(g) agreements changed only which sovereign's officer executed a federal immigration function; they did not create the legal basis for Mr. Montes's removal. The Barbershop has no legally protected interest in which government's officers enforce federal immigration law, and its injury is accordingly not fairly traceable to the specific state-law defect Plaintiffs allege here — Sheriff Kozak's purported lack of authority under Wyoming law to sign the agreements. Without a personal right under the challenged statutes and without traceability to the challenged conduct, none of the three Plaintiffs can establish standing, and none can show a likelihood of success on the merits of any claim in the *Complaint*.

C. Plaintiffs Have Not Demonstrated Irreparable Harm.

Because Plaintiffs cannot establish a likelihood of success on the merits, the Court need not reach the second prong of the preliminary injunction analysis. *See Brown*, 2021 WY 83, ¶¶ 31,

35, 491 P.3d at 1032. Should the Court reach it, Plaintiffs’ showing fares no better. An injury is irreparable only if it is of a “peculiar nature, so that compensation in money cannot atone for it.” *Id.* ¶ 7, 491 P.2d at 1026. Plaintiffs’ central theory — that they were deprived of the opportunity to participate in County Commission meetings or a WAPA notice-and-comment period — is circular: Plaintiffs have no freestanding right to those procedures in connection with a lawsuit this Court may lack jurisdiction to hear and that Plaintiffs lack standing to bring. Having failed to satisfy the WGCA’s gateway requirement, Plaintiffs cannot claim to be irreparably harmed by their inability to walk through a courthouse door that was never legally open to them in the first place.

The remaining harms alleged by Juntos and the Church — redirected funds, reallocated staff time, and altered programming — are self-inflicted, quantifiable organizational choices made in response to a policy they oppose, not injuries “of a peculiar nature” that money cannot remedy. And the harm alleged by Drew’s Barbershop is, as explained above, not traceable to Defendants’ conduct at all. None of the harms Plaintiffs identify justifies the extraordinary remedy of a preliminary injunction.

D. If the Court Is Inclined to Grant Any Relief, It Should Require a Substantial Bond Under Wyo. R. Civ. P. 65(c).

Plaintiffs ask the Court to waive Rule 65(c)’s security requirement entirely, asserting that Defendants will suffer no harm from an injunction. That assertion does not withstand scrutiny. The 287(g) agreements are cooperative law-enforcement arrangements between the LCSO and its federal partners. Enjoining LCSO’s participation mid-stream would require the agency to unwind operational commitments, reassign or stand down trained deputies, and interrupt its working relationship with ICE, all while the threshold jurisdictional and standing defects identified above

remain unresolved. These are real, tangible harms to Defendants and to the public they serve, even if they are not easily reduced to a dollar figure. The public interest lies in allowing a law enforcement agency to carry out its lawful duties without disruption from a suit that this Court may have no power to hear. Should the Court nonetheless be inclined to grant interim relief, it should, at minimum, condition that relief on Plaintiffs' posting of a substantial bond pending resolution of Defendants' *Motion to Dismiss*.

IV. CONCLUSION

Plaintiffs ask this Court to grant extraordinary equitable relief on claims that were never properly presented to Defendants under the WGCA, that the *Complaint* does not adequately plead as jurisdictionally sound, that seek monetary relief this Court lacks jurisdiction to award under *Coffinberry*, and that no Plaintiff has standing to bring under *Coffinberry*, *Amrein*, and *Williams*. Because Plaintiffs cannot establish a likelihood of success on the merits — the threshold requirement for any preliminary injunction — the *Motion* should be denied in its entirety, or, in the alternative, held in abeyance pending resolution of Defendants' pending *Motion to Dismiss*.

WHEREFORE, Defendants Brian Kozak and the Laramie County Sheriff's Office respectfully request that the Court deny *Plaintiffs' Motion for Preliminary Injunctive Relief*, or, in the alternative, defer ruling on the *Motion* until after the Court resolves Defendants' pending *Motion to Dismiss*, and grant such other and further relief as the Court deems just and proper.

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DATED this 16th day of July 2026.



Amy M. Iberlin, WSB No. 7-5322
WILLIAMS, PORTER, DAY & NEVILLE, P.C.
159 North Wolcott Street, Suite 400
Casper, WY 82601
Ph. 307/265-0700
Fax: 307/266-2306
aiberlin@wpdn.net

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served this 16th day of July 2026, addressed to:

Elizabeth B. Lance
Lance & Hall LLP
219 E. 18th Street
P.O. Box 1108
Cheyenne, WY 82003
elizabeth@lanceandhall.com

[X] File & ServeXpress (FSX)
[] E-mail
[] U. S. Mail (prepaid)
[] Fax
[] Overnight Delivery
[] Hand Delivery

Andrew Malone
P.O. Box 91952
Sioux Falls, DS 57109
amalone@aclu.org

Attorneys for Plaintiffs

[X] File & ServeXpress (FSX)
[] E-mail
[] U. S. Mail (prepaid)
[] Fax
[] Overnight Delivery
[] Hand Delivery


Amy M. Iberlin