

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT
DOCKET NO. 2581CV1275

RYAN O'MALLEY, As President of the Malden City Council

v.

TRUSTEES OF THE MALDEN PUBLIC LIBRARY, ET AL¹**DECISION AND ORDER ON PLAINTIFF'S MOTION FOR TEMPORARY
RESTRAINING ORDER And PRELIMINARY INJUNCTION²**

Plaintiff, Ryan O'Malley ("O'Malley"), seeks, as President of the Malden City Council (the "Council"), an injunction compelling the Trustees of the Malden Public Library ("Trustees"), to recognize and afford him the same rights and privileges as an ex-officio member of the Malden Public Library (among other requests related to as described in O'Malley's complaint and in the present motion). O'Malley claims standing as the President of the Malden City Council yet asserts his claims as an individual resident of the City of Malden (the "City")³. After review of the pleadings, arguments forwarded by counsel for the defendants and O'Malley (pro-se, although a licensed attorney), and the standard by which the motion is reviewed, the motion is **DENIED**.

The court does not opine, at the present time, whether O'Malley has any standing to pursue the present action individually or on behalf of the Council. This court does reject O'Malley's assertions relative to the standing of an ex-officio Trustee as well as his belief that the library is a "public party". Even if the library was a "public party" the standard by which the motion would be reviewed would not, in any manner, alter the decision herein made.

¹ John Tramondozzi, Gregory Lucey, Nancy L. McPheeters, Frank Molis, Jayne Brown, Lisa Jaconson, Ann Durso-Rose, John Parcellin, Anthony Spadafora and Dora St. Martin.

² **Paper 4.**

³ The Council, by unanimous vote, on June 3, 2025, ordered the City's Solicitor's Office to dismiss the plaintiff's complaint (the plaintiff recused himself from the vote). In the same motion, counsel for O'Malley moves to withdraw upon the clear conflict of interest between his client and O'Malley. The motion to withdraw is **ALLOWED**. The affirmative motion to dismiss, by the City, (a non-party) is not addressed at this time. See **Paper 8**.

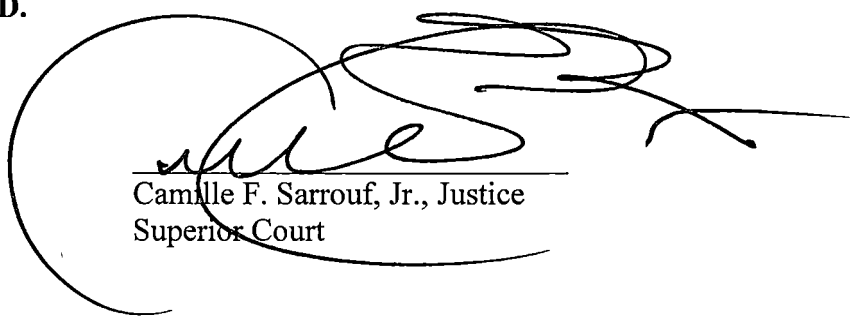
The standard by which the motion for preliminary injunction is addressed has a longstanding legal foundation. “To obtain a preliminary injunction, the applicant must show a likelihood of success on the merits of the underlying claim; actual or threatened irreparable harm in the absence of injunction; and a lesser degree of irreparable harm to the opposing party from the imposition of an injunction.” *Wilson v. Commissioner of Transitional Assistance*, 441 Mass. 846, 860 (2004). In other words, preliminary injunctive relief is permissible in cases involving private interests where the plaintiff “may suffer a loss of rights that cannot be vindicated should it prevail after a full hearing on the merits.” *Packaging Industries Group, Inc. v. Cheney*, 380 Mass. 609, 616 (1980). Here the answer is clear and convincing in favor of the plaintiff.

Understanding that a preliminary injunction functions to maintain the status quo pending a case’s resolution on the merits, *Town of Lancaster v. Smith*, No. 2008-1013-B, 2008 Mass Super. LEXIS 254, *2 (Super. Ct. Aug. 14, 2008), the question remains as to what status quo is prevailing in this matter is considering the status of O’Malley and the operations of the Trustees and/or the Library versus the extraordinary step O’Malley is asking this court to make. “A preliminary injunction is an extraordinary remedy never awarded as of right.” *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008). To the contrary, “the significant remedy of a preliminary injunction should not be granted unless the plaintiffs had made a clear showing of entitlement thereto.” *Student No. 9 v. Board of Educ.*, 440 Mass. 752, 762 (2004). Here there is no irreparable harm shown nor is there any discernible likelihood of success on the merits.

Therefore, and based upon the foregoing, the motion seeking a temporary restraining order or preliminary injunction is **DENIED**.

SO ORDERED.

Dated: June 10, 2025



Camille F. Sarrouf, Jr., Justice
Superior Court