

Judge temporarily blocks gov.'s ban on indoor dining

BY EDMUNDO CARRILLO / JOURNAL STAFF WRITER

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Staff members from 66 Diner on Central join the “Let Us Serve” protest on July 9 asking Gov. Michelle Lujan Grisham to reverse a newly reinstated ban on in-person dining at New Mexico restaurants and breweries. (Roberto E. Rosales/Albuquerque Journal)

ALBUQUERQUE, N.M. — A state district judge in Carlsbad has issued a restraining order temporarily barring Gov. Michelle Lujan Grisham and her administration from enforcing its ban on indoor dining at restaurants and breweries.

Judge Raymond L. Romero issued the temporary restraining order on Monday, noting that the state had failed to respond to the request for the order filed by several New Mexico businesses, including Outlaw Meats, LLC, K-Bobs of Raton and Las Vegas, Trinity Hotel and Red River Brewing Company.

The judge's order remains in effect until July 30, when a hearing in the case is scheduled. But the Governor's Office said it would file an emergency motion asking the state Supreme Court to intervene.

"Sustained indoor contact in an environment where face-coverings cannot be worn, such as at restaurants, is unsafe," said Tripp Stelnicki, a spokesman for the governor. "A bad ruling by a judge doesn't change that. New Mexico business operators should continue to abide by the state's guidelines and restrictions; anything less is to risk the health and safety of employees, customers, their communities and indeed our entire state."

Stelnicki said the danger of COVID-19 transmission has risen and continues to rise.

"New Mexico cannot afford to let up in its fight against this virus," he added in the statement.

In his order, Judge Romero said that restaurants and breweries would be required to adhere to health orders in effect before they were amended on July 13. Under the previous health order, restaurants and breweries were allowed to provide dine-in service, though their occupancy was capped at 50%.

The New Mexico Restaurant Association and other eateries filed a lawsuit last week in the 5th Judicial District Court in Eddy County after Lujan Grisham once again banned indoor dining across the state amid a spike in COVID-19 cases. Restaurants were still allowed to operate outdoor dining at 50% capacity and to provide delivery and curbside service.