

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
No.**

NANCY LUND, LIESA MONTAG-SIEGEL, and ROBERT VOELKER,)
)
Plaintiffs,)
)
v.)
)
ROWAN COUNTY, NORTH CAROLINA,)
)
Defendant.)
_____)

**PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 65(a)**

NOW COME the Plaintiffs in the above-captioned case, pursuant to Rule 65(a) of the Federal Rules of Civil Procedure and Local Civil Rule 65.1(b), and move the Court for a preliminary injunction against Defendant. In support thereof, Plaintiffs state as follows:

1. On March 12, 2013, Plaintiffs filed a Verified Complaint, alleging, pursuant to 42 U.S.C. § 1983, that Plaintiffs are entitled to relief from this Court for violations of their rights under the First and Fourteenth Amendments to the United States Constitution. The Verified Complaint also alleges that Plaintiffs are entitled to relief from this Court for violations of their rights under Article I, §§ 13 and 19 of the Constitution of North Carolina.

2. Plaintiffs seek a preliminary injunction enjoining Defendant, its officers, agents, affiliates, subsidiaries, servants, employees, successors, assigns, those persons in active concert or participation with Defendant, and all other persons within the scope of Federal Rule of Civil Procedure 65, from knowingly and/or intentionally delivering or allowing to be delivered sectarian prayers at meetings of the Rowan County Board of Commissioners.

3. Federal Rule of Civil Procedure 65 provides for the issuance of a preliminary injunction under circumstances such as those that exist in the present case.

4. In support of this motion, Plaintiffs submit a Memorandum of Law, addressing all necessary elements for the entry of a preliminary injunction, as well as affidavits from Plaintiffs Nancy Lund, Liesa Montag-Siegel, and Robert Voelker. Plaintiffs also submit the affidavit of Christopher A. Brook.

5. Plaintiffs seek leave to present oral argument in support of this Motion pursuant to Local Civil Rule 65.1(b).

WHEREFORE, for the foregoing reasons, and for those set forth in Plaintiffs' supporting Memorandum of Law, Plaintiffs respectfully move that the Court enter a preliminary injunction enjoining Defendant, its officers, agents, affiliates, subsidiaries, servants, employees, successors, assigns, those persons in active concert or participation with Defendant, and all other persons within the scope of Federal Rule of Civil Procedure 65, from knowingly and/or intentionally delivering or allowing to be delivered sectarian prayers at meetings of the Rowan County Board of Commissioners.

Respectfully submitted,

/s/ Christopher A. Brook

Christopher A. Brook

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* Appearing pursuant to Local Rule 83.1(d)

Counsel for Plaintiffs

DATED: March 12, 2013

CERTIFICATE OF SERVICE

I hereby certify that on March 12, 2013, I electronically filed the foregoing Motion for Preliminary Injunction using the CM/ECF system which will send notification of such filings to the following counsel:

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Counsel for Defendant

This is the 12th day of March, 2013.

/s/ Christopher A. Brook
Christopher A. Brook