

IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS
STATE OF MISSOURI

FILED

SEP 25 2006

JOAN M. GILMER
CIRCUIT CLERK, ST. LOUIS COUNTY

STEPHANIE REYNOLDS, FLORENCE)
STREETER, JACQUELINE GRAY, and)
THE METROPOLITAN ST. LOUIS)
EQUAL HOUSING OPPORTUNITY)
COUNSEL, INC.,)

Plaintiffs,)

v.)

Cause No. 06-CC-3802

CITY OF VALLEY PARK, MO,)
JEFFERY WHITTEAKER, in his official)
capacity as Mayor of the City of)
Valley Park, MO, and JOHN BRUST,)
DANIEL ADAMS, RANDY HELTON,)
DON CARROLL, MICHAEL PENNISE,)
ED WALKER, STEVE DRAKE, and)
J. MICHAEL WHITE, in their official)
capacity as Aldermen of the City of)
Valley Park, MO))

Division No. 42

Defendants.)

TEMPORARY RESTRAINING ORDER

This cause came on for a hearing on Plaintiffs' Motion for a Temporary Restraining Order. Defendants received notice on Friday, September 22, 2006, by telephone, facsimile, and service of a copy of the Petition and Motion. Both Plaintiffs and Defendants appear by counsel. The Court has considered the Motion for a Temporary Restraining Order, the Memorandum in Support thereof, Plaintiffs' Petition for Injunctive and Declaratory Relief, and the arguments of counsel, and based thereon hereby Orders that Plaintiffs' Motion is **GRANTED**. The Court finds and concludes that:

1. Valley Park Ordinance No. 1708 is being enforced in the City of Valley Park, Missouri;

2. Plaintiffs are likely to succeed on the merits of their claim that Ordinance No. 1708 is void to one or more of the following reasons: ~~(1) it usurps the exclusive federal authority to regulate immigration, and is thus preempted by federal law under the Supremacy Clause, U.S. Const., art. VI, cl. 2;~~ (2) it was enacted in excess of Valley Park's delegated authority, and is repugnant to the Missouri Constitution; (3) it is so vague and overbroad that it provides no notice of its own scope, therefore violating the state and federal constitutional right to due process; (4) it impairs existing contracts in violation of both the Missouri and United States Constitutions; (5) it impedes interstate commerce, and thus violates the Commerce Clause of the United States Constitution, art. I, § 8, cl. 3; ~~(6) it promotes discrimination in housing and hence violates, and is preempted by, the Fair Housing Act; and (7) it violates the constitutional guarantee of free speech set forth in the First Amendment to the United States Constitution.~~

3. Plaintiffs each have a protectable interest that has suffered and will continue to suffer irreparable injury by the enforcement of Ordinance No. 1708. Entry of a temporary restraining order is warranted to prevent this immediate and irreparable injury.

4. Defendants will suffer no harm by the entry of a temporary restraining order, and the public interest weighs in favor of entering one.

ACCORDINGLY, THE COURT HEREBY ORDERS THAT:

Defendants City of Valley Park, Missouri, Jeffery Whitteaker, John Brust, Daniel Adams, Randy Helton, Don Carroll, Michael Pennise, Ed Walker, Steve Drake, and J. Michael White are hereby enjoined from enforcing Ordinance No. 1708. This Order shall be binding upon Defendants and their agents, including any police officials operating in the City of Valley Park who are acting under contract with, or as agents of, that City.

It is further ORDERED that the bond required by Missouri Rule 92.02, shall be waived.

This Order shall remain in effect ^{by consent Nov 1} for ~~fifteen days, i.e.,~~ through October __, 2006, unless extended in accordance with the Missouri Rules of Civil Procedure.

The hearing on Plaintiffs' Motion for a Preliminary Injunction is scheduled for ^{Nov} October 1, 2006.

Bond @ \$250, personal check of counsel acceptable

SO ORDERED this 25th day of September, 2006, at 4:00 p.m.:

Barbara W. Wallace
Honorable ~~Sandra Farragut-Hemphill~~
~~Associate~~ Circuit Judge *Barbara W. Wallace*