

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**KATHLEEN A. RAMSEY and
ALBERT A. BRUNN,**

CIVIL ACTION NO. 2:10-CV-1305-DSC

Plaintiffs,

District Judge David Stewart Cercone

v.

**CITY OF PITTSBURGH,
Pennsylvania.**

Defendant.

_____/

**PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER,
OR, IN THE ALTERNATIVE,
MOTION FOR PRELIMINARY INJUNCTION**

Plaintiffs Kathleen Ramsey and Albert Brunn are pro-life advocates who wish to distribute pro-life literature on public and private property in the City of Pittsburgh, including by handing such literature to people and by placing it on unoccupied parked cars, to educate the public on pro-life matters, especially as they relate to the election on November 2, 2010. Pittsburgh Ordinance § 601.02 unconstitutionally restricts plaintiffs' distribution of literature within the City of Pittsburgh, and plaintiffs will likely be subjected to financial penalties, and court costs, for violating Section 601.02.

To allow them to exercise their constitutional rights and distribute literature to educate the public before the November 2, 2010, election without fear of being penalized by defendant, plaintiffs seek a temporary restraining order and preliminary injunction pursuant to Federal Rule of Civil Procedure 65, declaring Section 601.02 unconstitutional on its face and enjoining defendant from enforcing Section 601.02 against them and others not before this court while they exercise their protected freedoms of speech and expression in the City of Pittsburgh.

In support of this motion for temporary restraining order/preliminary injunction, plaintiffs have separately filed a memorandum of law. In that memorandum, plaintiffs establish that they have a likelihood of success on the merits, that they will suffer irreparable harm if the injunction is denied, that the granting of the injunction will not result in greater harm to the defendant, that the granting of the injunction will be in the interest of the public, and that this court should not impose a bond on plaintiffs.

Accordingly, plaintiffs respectfully request that this court grant their motion for a temporary restraining order/preliminary injunction and grant them the following relief:

1. Declare Pittsburgh Ordinance § 601.02 unconstitutional on its face because it is overboard and vague;
2. Enjoin defendant, its officers, agents, attorneys, employees, successors in office, police, prosecutors, and those acting in concert with them from enforcing Pittsburgh Ordinance § 601.02 against plaintiffs and others not before this court, including through arrest, charge, citation, or prosecution, while they are exercising their protected freedoms of speech and expression, through the distribution of leaflets, flyers, and the like on public and private property in the City of Pittsburgh;
3. Direct defendant to notify immediately its officers, agents, attorneys, employees, successors in office, police, prosecutors, and those acting in concert with them of this court's order enjoining the enforcement of Pittsburgh Ordinance § 601.02; and
4. Not impose a bond on plaintiffs.

Respectfully submitted on this 6th day of October, 2010,

/s/ Edward L. White III
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CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2010, a true and correct copy of the foregoing Motion and Proposed Order were (1) filed with this court by using this court's CM/ECF system, which will serve notice on all attorneys of record in this case who are registered with the CM/ECF system, and (2) were caused to be sent by overnight delivery and facsimile transmission to the following:

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