

**United States District Court
Eastern District of Louisiana**

Paul Gros,

Plaintiff

v.

City of New Orleans, Mitchell J. Landrieu, in his official capacity as Mayor of the City of New Orleans, **Stacy Head, Jacquelyn Brechtel Clarkson, Susan G. Guidry, Diana Bajoie, Kristin G. Palmer, Cynthia Hedge-Morrell, Ernest F. Charbonnet,** in their official capacity as Councilmembers for New Orleans City Council, **Ronal Serpas,** in his official capacity as Superintendent for the New Orleans Police Department, and **M.J. Field,** individually and in his official capacity as Police Officer for the New Orleans Police Department,

Defendants

Civ. No. _____

Section No. _____

ORAL ARGUMENT REQUESTED

Estimated Time Needed: 1 Hour

Plaintiff's Motion for Preliminary Injunction

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiff Paul Gros ("Pastor Gros") respectfully moves this Court for an order preliminarily enjoining enforcement of NEW ORLEANS CITY CODE, 1995 ("CODE") section 54-419, which prohibits religious, political, and social speech on Bourbon Street after dark (the "Religious Speech Ban"). In support of his motion, Pastor Gros states as follows:

1. Pastor Gros files concurrently with this Motion his verified complaint and his memorandum of law in support of this Motion.

2. As set forth more fully in the verified complaint and the memorandum of law, the Religious Speech Ban is unconstitutional under the First and Fourteenth Amendments to the United States Constitution. It impermissibly burdens and chills Pastor Gros's speech. It therefore is irreparably harming Pastor Gros, and will continue to do so, until it is enjoined.

3. The balance of hardships tips in favor of granting a preliminary injunction.
4. The public interest favors granting a preliminary injunction.
5. Exhibit 1 to this motion is a true and correct copy of the Religious Speech Ban.
6. Exhibit 2 to this motion is a news article documenting continued enforcement of the Religious Speech Ban against those engaged in religious speech on Bourbon Street after dark.

This motion is made on the grounds specified in this motion, the exhibits supporting this motion, Plaintiff's memorandum in support thereof, the Verified Complaint, and such other and further evidence as may be presented to the Court at the time of the hearing.

Dated: September 20, 2012

Respectfully submitted,

/s/Nate Kellum

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/s/R. Bradley Lewis

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*Pro hac vice application to be made when case number is assigned.

Certificate of Service

I hereby certify that the foregoing document, styled *Plaintiff's Motion for Preliminary Injunction*, was filed with the Court's CM/ECF system on September 20, 2012. It was also delivered to a process server for service, along with the Verified Complaint, upon each Defendant.

/s/ R. Bradley Lewis

R. Bradley Lewis