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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

OCCUPY SACRAMENTO, an unincorporated
association; CHRISTINA PLUMB, DAVID
WITKIN, SEAN C. LANEY, TURQUOISE
THOMAS, SCOTT CONROY, and JOEL
USSERY,

Plaintiffs,

vs.

CITY OF SACRAMENTO; JOHN F. SHIREY,
Sacramento City Manger, in his official capacity;
JIM COMBS, Sacramento City Director of Parks
and Recreation, in his official capacity,

Defendants.

Case No. 2:11-cv-02873-MCE-GGH

**AMENDED MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY
INJUNCTION**

1 Plaintiffs, and each of them, by and through undersigned counsel and pursuant to Federal Civil
2 Rule 65(a) and (b), hereby respectfully move this Court to enter a Temporary Restraining Order, based
3 on the Verified Complaint, and after a hearing, a Preliminary Injunction, restraining and enjoining the
4 Defendants, their officials, officers, agents, employees, contractors, and any other persons acting for
5 them, with them, through or on their behalf, who have received actual notice of that Order, from
6 enforcing Sacramento City Code § 12.72.090 and/or any other law or ordinance to prohibit the same
7 from picketing, protesting, speaking, leafleting, assembling, engaging in “teach-ins” and otherwise
8 peacefully engaging in expressive activity protected by the First Amendment, between the hours of 11:00
9 p.m. and 5:00 a.m. weekdays and between the hours of midnight and 5:00 a.m. weekends, in Cesar
10 Chavez Park in the center of the City of Sacramento.
11

12 The grounds for this motion are set forth in the First Amended Verified Complaint and
13 Memorandum of Law which are being filed together with this Motion and are expressly incorporated by
14 reference herein.
15

16 DATED: November 2, 2011

Respectfully Submitted,

17 /s/ “Mark E. Merin”
18 By: _____
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