

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
Louisville Division

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 317-cv-432-DJH
)	
RUSTY THOMAS, JAMES SODERNA,)	
THOMAS RADDELL, DAVID GRAVES,)	
LAURA BUCK, CHRIS KEYS,)	
JAMES ZASTROW, EVA EDL,)	
EVA ZASTROW, and DENNIS GREEN,)	
)	
Defendants.)	
_____)	

**MOTION OF THE UNITED STATES OF AMERICA
FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Pursuant to Rule 65 of the Federal Rules of Civil Procedure and the Freedom of Access to Clinic Entrances Act (“FACE”), 18 U.S.C. § 248, the United States of America (the “United States”) moves for a temporary restraining order and preliminary injunction prohibiting Defendants and any representatives, agents, employees, or any others acting in concert or participation with any Defendant, from using physical obstruction to intentionally interfere with any person, or attempt to intentionally interfere with any person, because the person was or had been obtaining or providing reproductive health services at EMW Women’s Surgical Center (“EMW”); and from coming within a “buffer zone” directly outside the EMW’s entrance, located at 136 W. Market Street, Louisville, Kentucky, between EMW property and the curbside patient drop off zone (marked by a solid yellow rectangle on Exhibits A and B to the United States’

Complaint and comprising a grid of 5-by-7 concrete sidewalk slabs, approximately 15 feet from south to north (extending from EMW's property line to the patient drop zone), by approximately 7.5 feet from east to west (extending to and from columns supporting an overhang to EMW's entrance) during facility hours or within the two hour periods before opening or after closing; and prohibiting Defendants and any representatives, agents, employees, or any others acting in concert or participation with any Defendant, from entering onto EMW property, identified by the solid white line on the pavement in front of EMW abutting the sidewalk running east and west along West Market Street (See Exhibit A to the United States' Complaint).

In support hereof, the United States incorporates herein its complaint; the declaration of undersigned counsel, Assistant U.S. Attorney Jessica R.C. Malloy; the affidavit of Special Agent Paul Sparke; and the attached memorandum of law in support of the present motion.

Respectfully Submitted,

JOHN E. KUHN, JR.
United States Attorney
Western District of Kentucky

/s/ Jessica R. C. Malloy
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CERTIFICATE OF SERVICE

On July 18, 2017, the forgoing was filed with the Court through the Court's CM/ECF system, and a copy was mailed to the following:

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