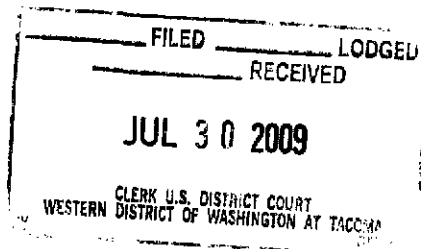




09-CV-05465-ORD

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMAUNITED STATES MISSION  
CORPORATION, d/b/a UNITED STATES  
MISSION,

Plaintiff,

v.

CITY OF PUYALLUP; BARBARA J.  
PRICE, in her official capacity as  
City Clerk for the City of Puyallup,

Defendants.

No.

**C09 5465** BHS[PROPOSED] ORDER GRANTING MOTION  
FOR PRELIMINARY INJUNCTION

THIS MATTER came before this Court on the Motion for Preliminary Injunction submitted by plaintiff United States Mission Corporation. The Court has considered the parties' submissions in support of and in opposition to the motion, it has considered the oral argument, if any, of all parties, and it hereby finds and rules as follows. Plaintiff's motion for a preliminary injunction is GRANTED for the following reasons.

"A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." *Winter v. Natural Res. Def. Council, Inc.*, 129 S. Ct. 365, 374 (2008).

The Court finds that plaintiff has demonstrated a likelihood of success on the merits that the relevant portions of the Puyallup Municipal Code constitute an improper restraint on speech protected by the First Amendment and are impermissibly vague, chilling constitutionally protected speech. The Court finds that plaintiff will be irreparably harmed if enforcement or

[PROPOSED] ORDER (No. ) – 1

ORIGINAL

Perkins Coie LLP  
1201 Third Avenue, Suite 4800  
Seattle, WA 98101-3099  
Phone: 206.359.8000  
Fax: 206.359.9000

1 threatened enforcement of Ordinance 2792 is not enjoined. The balance of equities tips in  
2 plaintiff's favor, and an injunction is in the public interest.  
3

4 The Court hereby enters a preliminary injunction enjoining, under penalty of law, the  
5 City of Puyallup and its officers, agents, servants, and employees, including Barbara J. Price,  
6 acting in her official capacity as City Clerk, from enforcing or threatening to enforce any  
7 provision of Chapter 5.64 of the Puyallup Municipal Code until further order of this Court.  
8

9 Because the rights sought to be enforced or protected by this preliminary injunction are  
10 matters of constitutional significance and in the public interest, and because defendants are  
11 unlikely to suffer economic damages as a result of this order, the Court waives any requirement  
12 that a bond be posted by plaintiff.  
13

14 SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2009.  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

26 UNITED STATES DISTRICT JUDGE  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51

1 Presented by:

2  
3 **PERKINS COIE LLP**

4  
5 s/ *Kevin J. Hamilton* # 40198  
6 Kevin J. Hamilton, WSBA No. 15648  
7 KHamilton@perkinscoie.com  
8 William B. Stafford, WSBA No. 39849  
9 WStafford@perkinscoie.com  
10 Lisa Marshall Manheim, WSBA No. 40198  
11 LManheim@perkinscoie.com  
12 1201 Third Avenue, Suite 4800  
13 Seattle, WA 98101-3099  
14 Telephone: 206.359.8000  
15 Facsimile: 206.359.9000  
16

17 Cooperating Attorneys for ACLU  
18 of Washington Foundation  
19

20  
21 Sarah A. Dunne, WSBA No. 34869  
22 dunne@aclu-wa.org  
23 Harry Williams IV, WSBA No. 41020  
24 hwilliams@aclu-wa.org  
25 **ACLU of Washington Foundation**  
26 705 2nd Avenue, 3rd Floor  
27 Seattle, WA 98104  
28 Telephone: 206.624.2184  
29 Facsimile: 206.624.2190  
30

31 Attorneys for Plaintiff  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51

[PROPOSED] ORDER (No. ) – 3

LEGAL16592322.1

**Perkins Coie LLP**  
1201 Third Avenue, Suite 4800  
Seattle, WA 98101-3099  
Phone: 206.359.8000  
Fax: 206.359.9000