

# U. S. District Court

## Western District of Washington

Seattle: 206-553-1590 Tacoma: 253-593-6313

TO: Kevin J Hamilton

FAX: 583-8500

SENT ON: 11/03/00 02:04 PM

RE Case No: 2:00-cv-01811 Docket No: 00000019

PAGES: 3

I hereby certify that the attached document is a true and  
correct copy of the original on file in my office.

ATTEST: Bruce Rifkin, Clerk, U. S. District Court

If this fax is incomplete or cannot be delivered as addressed,  
please call Shirley Lindberg or Nealann Skari at 206-553-4170.

FILED ENTERED  
LODGED RECEIVED

NOV 03 2000

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PEACE ACTION OF WASHINGTON,  
UNITED STATES MISSION OF SEATTLE,

Plaintiffs,

v.

CITY OF MEDINA; HARWOOD T.  
EDVALSON, in his official capacity as City  
Clerk for the City of Medina,

Defendants.

CASE NO. C00-1811C

ORDER

This matter having come before the Court on plaintiffs' motion for a temporary restraining order and preliminary injunction, the Court having considered the papers submitted by the parties and the testimony presented today, the Court hereby finds and rules as follows. Plaintiffs' motion for a preliminary injunction is hereby GRANTED for the following reasons.

"To obtain a preliminary injunction, a party must establish either: (1) probable success on the merits and irreparable injury, or (2) sufficiently serious questions going to the merits to make the case a fair ground for litigation with the balance of hardships tipping decidedly in its favor." Baby Tam & Co. v. City of Las Vegas, 154 F.3d 1097, 1100 (9th Cir. 1998) (citing Topanga Press, Inc. v. City of Los Angeles, 989 F.2d 1524, 1528 (9th Cir.1993)). "These two formulations represent two points on a

ORDER - 1

1 sliding scale in which the required degree of irreparable harm increases as the probability of success  
2 decreases." Id. (citing United States v. Nutri-cology, Inc., 982 F.2d 394, 397 (9th Cir. 1992)).

3 The Court finds that the plaintiffs have demonstrated a likelihood of success on the merits that  
4 the relevant portions of the Medina Municipal Code constitute an improper prior restraint on speech  
5 protected by the First Amendment, and are impermissibly overbroad and vague, chilling constitutionally  
6 protected speech. The Court finds that plaintiffs will be irreparably harmed if enforcement or threatened  
7 enforcement of this ordinance is not enjoined.

8 The Court hereby enters a preliminary injunction enjoining, under penalty of law, the City of  
9 Medina and its officers, agents, servants, and employees, including individual defendant Harwood T.  
10 Edvalson in his official capacity, from enforcing or threatening to enforce the following provisions of  
11 the Medina Municipal Code until further order of this Court: MMC §§ 5.12.002(B), 5.12.003(B),  
12 5.12.003(C), 5.12.003(D), 5.12.060, 5.12.070, 5.12.080, 5.12.090, 5.12.100, 5.12.110, and 5.12.120.

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

17 SO ORDERED this 3<sup>rd</sup> day of November, 2000.

18  
19   
20 CHIEF UNITED STATES DISTRICT JUDGE  
21  
22  
23  
24  
25  
26