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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

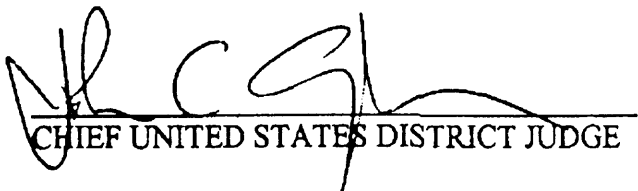
1 sliding scale in which the required degree of irreparable harm increases as the probability of success
2 decreases." Id. (citing United States v. Nutri-cology, Inc., 982 F.2d 394, 397 (9th Cir. 1992)).

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 3rd day of November, 2000.

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20 CHIEF UNITED STATES DISTRICT JUDGE
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