

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA

FILED AUG 25 '03 PM 12:33 USDCAL9

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KELLY McGINLEY and RICHARD C.  
DORLEY,  
Plaintiffs,

vs.

GORMAN HOUSTON, Senior  
Associate Justice of the Alabama  
Supreme Court, HAROLD SEE,  
Associate Justice of the Alabama  
Supreme Court, CHAMP LYONS,  
Associate Justice of the Alabama  
Supreme Court, JEAN BROWN,  
Associate Justice of the Alabama  
Supreme Court, BERNARD  
HARWOOD, Associate Justice of the  
Alabama Supreme Court, THOMAS WOODALL,  
Associate Justice of the Alabama Supreme  
Court, LYN STUART, Associate Justice of the  
Alabama Supreme Court, and DOUGLASS  
JOHNSTONE, Associate Justice of the  
Alabama Supreme Court,  
Defendants.

Case No.: 03-0563-WS-M

PETITION FOR  
PRELIMINARY  
INJUNCTION

**PETITION FOR PRELIMINARY INJUNCTION**

Plaintiffs make this Petition for a Preliminary Injunction pursuant to Fed.R.Civ.P. 65, and is based on the facts set forth in the Declaration of Kelly McGinley and Pastor Richard C. Dorley included herewith. In addition, plaintiffs file simultaneously herewith their memorandum of law in support of the injunction.

Plaintiffs hereby apply for entry of a preliminary injunction enjoining the defendants, their agents, servants, employees, and attorneys, and those acting in active

concert with them from removing the Ten Commandments Monument from the Alabama State Judicial Building and from removing the Ten Commandments Monument from the rotunda of that said building.

In support of this application, plaintiffs stress that (1) the issuance of a Preliminary Injunction is necessary to prevent irreparable harm to plaintiffs and others.

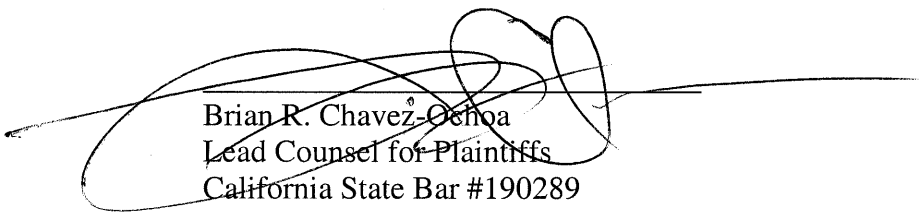
Unless this Court enjoins the defendants, plaintiffs' constitutional rights will be violated in that the Ten Commandments Monument will be removed from the Alabama State Judicial Building thereby establishing the religion of nontheistic beliefs, a violation of the Establishment Clause to the United States Constitution. Said action of removal will result in irreparable injury and deprivation to the plaintiffs of their First and Fourteenth Amendments rights guaranteed by the United States Constitution.

WHEREFORE, plaintiffs respectfully request that this Court enter a Preliminary Injunction enjoining defendants from the facts set forth above, most specifically:

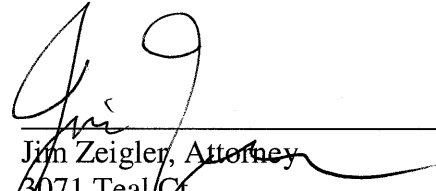
1. Enjoin the defendants, their agents, servants, employees, and attorneys, and those acting in active concert with them from removing the Ten Commandments Monument from the Alabama State Judicial Building;
2. Enjoin the defendants, their agents, servants, employees, and attorneys, and those acting in active concert with them from removing the Ten Commandments Monument from the rotunda of that said building.

Dated: August 23, 2003.

Respectfully submitted,



Brian R. Chavez-Ochoa  
Lead Counsel for Plaintiffs  
California State Bar #190289  
4 Jean Street, Suite 4  
Valley Springs, California 95252  
(209) 772-3013



Jim Zeigler, Attorney  
3071 Teal Ct.  
Mobile, Alabama 36695  
(251) 660-2060  
#ZEI004