

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT MARTINSBURG

West Virginia Citizens Defense League, Inc.,

Plaintiff,

Civil Action No. 3:11-cv-5-JPB

v.

(Bailey, C.J.)

City of Martinsburg, *et al.*, Defendants

Plaintiff's Motion for Preliminary Injunction

The Plaintiff, West Virginia Citizens Defense League, Inc. (hereinafter "WVCDL"), by and through its undersigned counsel, respectfully moves pursuant to Fed. R. Civ. P. 65 for an order from this Honorable Court:

1. Preliminarily enjoining the Defendants and their officers, agents, servants, employees, and all persons in active concert or participation with them who receive actual notice of the injunction, from:
 - a. Enforcing Martinsburg City Code § 545.14;
 - b. Applying W.Va. Code § 61-7-14 to restrict or prohibit the possession or carrying of firearms in any public building owned, leased, occupied, or otherwise controlled by the City of Martinsburg or its officers, agents, servants, employees, and all persons in active concert or participation with the city who receives actual notice of the injunction, except where the person possesses or carries the firearm in violation of, or otherwise commits any criminal offense under, any Federal statute provision of the West Virginia Code other than W.Va. Code § 61-7-14; or

- c. Otherwise prohibiting or restricting the possession or carrying of firearms in any public building owned, leased, occupied, or otherwise controlled by the City of Martinsburg or its officers, agents, servants, employees, and all persons in active concert or participation with the city who receives actual notice of the injunction, except that the injunction does not apply to any action to enforce any Federal law or any provision of the West Virginia Code other than W.Va. Code § 61-7-14;
2. Directing the Defendants to remove or conceal all signage posted in or on any public buildings covered under the injunction that indicates any enjoined restriction or prohibition on possessing or carrying firearms; and
3. Directing the Defendants and their officers, agents, servants, employees, and all persons in active concert or participation with them who receive actual notice of the injunction, to refrain from harassing or intimidating any person who lawfully possesses or carries a firearm in any public building covered by the injunction.

Based upon the significance of the issues present, Plaintiff requests a hearing on this motion.

Dated this 28th day of September, 2011,

s/ James M. Mullins, Jr.
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Certificate of Service

I hereby certify that on September 28, 2011, I electronically filed the foregoing document with the Clerk of the Court, which will send electronic notification of such filing to the following

CM/ECF participant:

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