

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

REV. DR. THOMAS A. SUMMERS,
REV. DR. ROBERT M. KNIGHT,
RABBI SANFORD T. MARCUS, REV.
DR. NEAL JONES, HINDU
AMERICAN FOUNDATION, and
AMERICAN-ARAB
ANTI-DISCRIMINATION COMMITTEE

Plaintiffs,

v.

MARCIA S. ADAMS, in her
official capacity as the Director of the
South Carolina Department of Motor
Vehicles; JON OZMINT, in his official
capacity as the Director of the Department
of Corrections of South Carolina.

Defendants.

Case No. 3:08-2265-CMC

MOTION FOR A PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure 65(a), plaintiffs move for the entry of a preliminary injunction preserving the status quo by prohibiting the Defendants from manufacturing or issuing license plates imprinted with the words "I Believe" and a cross superimposed on a stained-glass window.

The grounds for this motion are that plaintiffs have a strong probability of success on the merits of their claims that DMV's issuance of this license plate will violate the Establishment Clause and/or the Free Speech Clause of the First Amendment to the United States Constitution; that absent an injunction plaintiffs will suffer irreparable harm; that the requested injunction will

not injure defendants; and that the public interest supports granting the requested relief, all as shown more fully in the Memorandum of Points and Authorities filed herewith.

The following documents are attached as Exhibits to this motion:

Exhibit 1 - Complete Plate List,

<http://www.scdmvonline.com/DMVNew/plategallery.aspx?q=All>

Exhibit 2 - Comprehensive Classification of Legislatively Created Plates

Exhibit 3 - DMV Policy RG-504, Specialized Plates for Organizations

Exhibit 4 - DMV Form MV-96, Application for Personalized License Plate

Exhibit 5 - Ltr from Gov. Mark Sanford to Pres. Pro Tempore Glenn McConnell

Exhibit 6 - I Believe License Plate Frequently Asked Questions,

http://www.scdmvonline.com/DMVNew/default.aspx?n=I_Believe_License_Plate

Exhibit 7 - DMV Website Homepage,

<http://www.scdmvonline.com/DMVNew/default.aspx>

Exhibit 8 - Jim Davenport, *SC lawmakers have religion on minds, in bills*,
The Associated Press, May 13, 2008.

Exhibit 9 - Kevin L. Bryant, *i believe we're going to court*,

in Blog From the Backbench (June 20, 2008), <http://kevinbryant.com/2008/06/>

Exhibit 10 - Andrew Moore, *Group fighting against Christian license plates*,
Upstate Today, June 24, 2008, [http://www.upstatetoday.com/news/2008/jun/24/
group-fighting-against-christian-license-plates/](http://www.upstatetoday.com/news/2008/jun/24/group-fighting-against-christian-license-plates/)

Exhibit 11 - Seanna Adcox, *SC first to get I Believe license plates*,
The Associated Press, June 12, 2008

Exhibit 12 - Declaration of Rev. Dr. Thomas A. Summers

Exhibit 13 - Declaration of Rev. Dr. Robert M. Knight

Exhibit 14 - Declaration of Sanford T. Marcus

Exhibit 15 - Declaration of Rev. Dr. Neal Jones

Exhibit 16 - Declaration of Abed A. Ayoub

Exhibit 17 - Declaration of Suhag A. Shukla

Exhibit 18 - *Choose Life Ill., Inc., v. White*, No. 07-1349, 2008 WL 4821759 (7th Cir. Nov. 7, 2008).

Exhibit 19 - *Childrens First Found., Inc., v. Martinez*, 169 Fed. Appx. 637 (2d Cir. Mar. 6, 2006).

Exhibit 20 - *Childrens First Found., Inc., v. Martinez*, No.04-CV-0927, 2007 WL 4618524 (N.D.N.Y. Dec. 27, 2007).

Exhibit 21 - *Eugene Sand & Gravel, Inc., v. City of Eugene*, 558 P.2d 338 (Or. 1976).

Exhibit 22 - *Am. Atheists, Inc. v. City of Starke*, No. 05-cv-977-J-16-MMH, 2007 WL 842673 (M.D. Fla. Mar. 20, 2007).

Exhibit 23 - *Children's Evangelism Fellowship of Va. v. Williamsburg-James City County Sch. Bd.*, No. 4:08cv4, 2008 WL 3348227 (E.D. Va. Aug. 8, 2008).

Exhibit 24 - Official Website of Lieutenant Governor R. Andre Bauer, <http://ltgov.sc.gov/>

Defendant Adams opposes this motion. The Plaintiffs have queried Defendant Ozmint's counsel by email about Ozmint's position on this motion but have received no response.

Respectfully submitted,

/s/ Aaron J. Kozloski

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Elizabeth J. Stevens (appearing *pro hac vice*)

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Dated: Nov. 12, 2008

CERTIFICATE OF SERVICE

I hereby certify that I caused this Motion for a Preliminary Injunction to be served via first-class mail and e-mail, on November 12, 2008, on the following counsel for the defendants:

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