

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF CHARLOTTESVILLE

FREDERICK W. PAYNE

JOHN BOSLEY YELLOTT, JR.
(aka Jock Yellott)

EDWARD D. TAYLOE, II

BETTY JANE FRANKLIN PHILLIPS

VIRGINIA C. AMISS

STEFANIE MARSHALL

CHARLES L. WEBER, JR.

LLOYD THOMAS SMITH, JR.

VIRGINIA DIVISION, SONS OF
CONFEDERATE VETERANS, INC.

ANTHONY M. GRIFFIN

BRITTON FRANKLIN EARNEST, SR.

THE MONUMENT FUND, INC.,

Plaintiffs,

v.

Case No. CL17-_____

CITY OF CHARLOTTESVILLE, VIRGINIA

Serve: S. Craig Brown, City Attorney
City Hall
606 East Market Street
Charlottesville, Virginia 22902
(City of Charlottesville)

CHARLOTTESVILLE CITY COUNCIL

Serve: S. Craig Brown, City Attorney
City Hall
606 East Market Street
Charlottesville, Virginia 22902
(City of Charlottesville)

ATRI MICHAEL SIGNER

206 5TH Street, SW, Apt. E
Charlottesville, Virginia 22903
(City of Charlottesville)

WESLEY JAMONT BELLAMY

620 7 ½ Street, SW
Charlottesville, Virginia 22903
(City of Charlottesville)

ROBERT FRANCIS FENWICK, JR.

901 East Jefferson Street
Charlottesville, Virginia 22902
(City of Charlottesville)

KRISTIN LAYNG SZAKOS

1132 Otter Street
Charlottesville, Virginia 22901
(City of Charlottesville)

KATHLEEN MARY GALVIN

712 Lyons Avenue
Charlottesville, Virginia 22902
(City of Charlottesville),

Defendants.

MOTION FOR TEMPORARY INJUNCTION

COME NOW the Plaintiffs by Counsel, Ralph E. Main, Jr., S. Braxton Puryear and Elliott Harding, and move this Honorable Court for a Temporary Injunction pursuant

to Section 8.01-620 of the Code of Virginia, 1950, as amended, and in accordance with the Verified Complaint filed contemporaneously herewith, to Prevent any Disturbance or Interference, to include Removal of, Damaging, or Defacing, or Destroying, Defacing, Damaging, or Removing, or Alteration of, or renaming or in any way transforming, the Lee Monument, Lee Park, the Jackson Monument, and Jackson Park, all located in the City of Charlottesville, Virginia, pending a hearing and decision on the merits of Plaintiffs' Verified Complaint against the above named Defendants, for a declaratory judgment and other relief, for the following reasons:

1. That Plaintiffs have no adequate remedy at law.
2. That Plaintiffs and the public will suffer irreparable harm if the Temporary Injunction is not granted.
3. That the harm to be suffered by the Defendants, in the event the Temporary Injunction is granted, does not outweigh the harm to be suffered by the Plaintiffs and the public if the Temporary Injunction is not granted.
4. That the balancing of the equities between Plaintiffs and the Defendants, weighs in Plaintiffs' favor.
5. That Plaintiffs have a substantial likelihood of succeeding on the merits of its Verified Complaint filed against the Defendants in this action.

Respectfully Submitted,

FREDERICK W. PAYNE

JOHN BOSLEY YELLOTT, JR.

EDWARD D. TAYLOE, II

BETTY JANE FRANKLIN PHILLIPS

VIRGINIA C. AMISS

STEFANIE MARSHALL

CHARLES L. WEBER, JR.

LLOYD THOMAS SMITH, JR.

VIRGINIA DIVISION, SONS OF
CONFEDERATE VETERANS, INC.

ANTHONY M. GRIFFIN

BRITTON FRANK EARNEST, SR.

THE MONUMENT FUND, INC.,

By: _____
Counsel

By: _____
Counsel

By: _____
Counsel

Ralph E. Main, Jr.
Dygert, Wright, Hobbs & Heilberg
415 4th Street, NE
Charlottesville, Virginia 22902
(434) 979-5515
VSB # 13320
Counsel for Plaintiffs

S. Braxton Puryear

Attorney at Law
121 South Main Street
Post Office Box 291
Madison, Virginia 22727
(540) 948-4444
VSB # 30734
Counsel for Plaintiffs

Elliott Harding
Attorney at Law
3373 Worth Crossing
Charlottesville, Virginia 22911
(434) 962-8465
VSB # 90442
Counsel for Plaintiffs

VERIFICATION

_____(SEAL)
FREDERICK W. PAYNE

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF _____, to-wit:

This day personally appeared before me, Frederick W. Payne, who is personally known to me, and who, under penalty of perjury, made oath that the allegations set forth in the foregoing motion for temporary injunction are, according to the best of his knowledge, information and belief, true and correct.

Subscribed and sworn to before me this _____ day of March, 2017.

My Commission Expires: _____

Notary Public

Registration Number: _____

VERIFICATION

_____(SEAL)
JOHN BOSLEY YELLOTT, JR.

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF _____, to-wit:

This day personally appeared before me, John Bosley Yellott, Jr., who is personally known to me, and who, under penalty of perjury, made oath that the allegations set forth in the foregoing motion for temporary injunction are, according to the best of his knowledge, information and belief, true and correct.

Subscribed and sworn to before me this _____ day of March, 2017.

My Commission Expires: _____

Notary Public

Registration Number: _____