

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Jacksonville Division

THOMAS JAMES COVENANT, an individual, and JEFFREY MARCUS GRAY, an individual,

Plaintiffs,

v.

MARK H. MAHON, in his official capacity as Chief Judge of the Fourth Judicial Circuit of Florida, and MIKE WILLIAMS, in his official capacity as the Sheriff of Jacksonville, Duval County, Florida,

Defendants.

Case No. 3:15-cv-_____

MOTION FOR TEMPORARY RESTRAINING ORDER

COME NOW the Plaintiffs, THOMAS JAMES COVENANT (“Mr. Covenant”) and JEFFREY MARCUS GRAY (“Mr. Gray”) (collectively, the “Plaintiffs”), by and through their undersigned Counsel, pursuant to FED. R. CIV. P. 65(b) and M.D. Loc. R. 4.05, and respectfully move this Honorable Court *ex parte* for the entry of (a) a Temporary Restraining Order, enjoining MARK H. MAHON (“Chief Judge Mahon”), in his official capacity as the Chief Judge¹ of the Fourth Judicial Circuit of Florida, and MIKE WILLIAMS (“Sheriff Williams”), in his

¹ See FLA. STAT. § 43.26.

official capacity as the Sheriff of Jacksonville, Duval County, Florida, from enforcing Chief Judge Mahon's *Administrative Order No. 2015-3* ("AO 2015-3"), and (b) for an order to show cause why a preliminary injunction should not issue to maintain the status quo during the pendency of this case, and in support thereof, Plaintiffs state the following:

1. As alleged in the Complaint, Plaintiffs are citizen journalists who have been threatened with arrest for engaging in core political speech, and other First Amendment activity, on and in the vicinity of the Duval County Courthouse grounds.

2. Absent a temporary restraining order, Plaintiffs risk immediate and irreparable injury, resulting from the deprivation of their First Amendment rights.

3. Plaintiffs have a substantially likelihood of success on the merits of their claims, and they have no adequate remedy at law.

4. Herewith, Plaintiffs have filed sworn verifications of Mr. Covenant and Mr. Gray, as well as a memorandum of law in support of a temporary restraining order, and a proposed temporary restraining order.

5. Pursuant to FED. R. CIV. P. 65(b)(b)(1)(B), Plaintiffs, through the undersigned Counsel, have provided notice to Defendants that Plaintiffs intend to

seek a temporary restraining order. Plaintiffs, through the undersigned Counsel, have provided copies of all filed documents to Defendants² via electronic mail.

6. Plaintiffs respectfully state that this Court should issue a temporary restraining order without requiring Plaintiffs to post security. Whereas Plaintiffs have suffered and will continue to suffer irreparable harm by virtue of AO 2015-3, Defendants will not sustain any costs or damages from the entry of the requested temporary restraining order.

7. Plaintiffs seek a temporary restraining order in the form attached as Exhibit A as the Proposed Order.

8. Plaintiffs timely sought relief for a temporary restraining order. Plaintiffs were notified of AO 2015-3 on July 2, 2015 and promptly attempted to find appropriate Counsel who was willing and able to bring the instant action.

9. Plaintiffs have not previously applied for similar relief in any proceeding against Defendants regarding the conduct alleged herein or in the Complaint.

10. Plaintiffs respectfully request the entry of an order to show cause why a preliminary injunction should not be granted to maintain the status quo during the pendency of this Court's consideration of the Complaint.

² Plaintiffs, through the undersigned Counsel, provided these documents to Jason Gabriel, Esq., General Counsel of the Consolidated City of Jacksonville, in lieu of sending them to Sheriff Williams. However, Plaintiffs, through the undersigned Counsel, provided these documents directly to Chief Judge Mahon via electronic mail.

WHEREFORE, Plaintiffs respectfully request the following:

- (a) the entry of a temporary restraining order, enjoining the enforcement of AO 2015-3,
- (b) the issuance of an order to show cause why a preliminary injunction should not be granted to maintain the status quo during the pendency of this action, and
- (c) such other and further relief as this Honorable Court deems just and proper.

Respectfully submitted July 7, 2015, by: **The Bonderud Law Firm, P.A.**

/s/ Andrew Bonderud
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