

**UNITED STATES DISTRICT
FOR THE WESTERN DISTRICT OF MISSOURI**

**AMERICAN ATHEISTS, INC., ERIC ABNEY)
and JOSHUA STEWART,)**

Plaintiffs,)

v.)

Case No. _____

**CITY OF KANSAS CITY, MISSOURI,)
CITY COUNCIL OF THE CITY OF KANSAS)
CITY, MISSOURI, SYLVESTER “SLY”)
JAMES, JR., in his official capacity as)
he is MAYOR OF KANSAS CITY, MISSOURI)
and TROY SCHULTE in his official)
capacity as he is CITY MANAGER OF)
KANSAS CITY, MISSOURI)**

Defendants.)

PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure § 65(a), Plaintiffs move for a preliminary injunction enjoining Defendants City of Kansas City, Missouri, City Council of Kansas City, Missouri, Mayor Sylvester “Sly” James, Jr., City Manager Troy Schulte, and any officers, employees or agents of Defendants, from making any payment from the Neighborhood Tourist Development Fund (“NTDF”) to Modest Miles Ministries, Inc. for and in support of the National Baptist Convention, USA, Inc. and its religious event in Kansas City in September 2016. Defendants authorized the municipal expenditure of \$65,000 from the NTDF to Modest Miles Ministries in aid and support of a religious institution and religious creed in Ordinance No. 160291, which, if paid, would violate Plaintiffs’ civil rights as guaranteed by the Establishment Clause and Equal Protection Clause of the First and Fourteenth Amendments to the United States Constitution and

Article 1, Section 7 and Article IX, Section 8 of the Missouri Constitution. In addition, Plaintiffs request restitution of any unconstitutional payments or performance made under any contract entered into pursuant to Ordinance No. 160291 in violation of the above-stated provisions of the Constitutions of the United States and Missouri.

Dated July 22, 2016.

Respectfully Submitted,

/s/ Karen Donnelly
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

The Undersigned hereby certifies that a true and correct copy of the foregoing
Motion for Preliminary Injunction was sent via ____ on ____ to:

_____.