

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

HENRY KOCH as President of Midlands
NORML, MIDLANDS NORMAL And NORML
FOUNDATION

Plaintiffs,

v.

3_04 1195 22

FRED MONK, Individually and in
his official capacity as Chair of the
3 RIVERS MUSIC FESTIVAL; JOEL CORLEY,
Individually and in his official capacity
as Site/Production Director of the 3 RIVERS
MUSIC FESTIVAL; VIRGINIA BEDFORD
Individually and in her official capacity
as President of the 3 RIVERS MUSIC FESTIVAL;
JERYL SALMOND, MORRIS LYLES, HAROLD WHITE,
MIKE DAWSON, PAM BYNCE-REED, BOBBY WILLIAMS,
BOB COBLE (COLUMBIA CITY MAYOR), BETH
BERNSTEIN, ANGELA CLYBURN AND GEORGE JOHNSON,
individually and in their official capacities
as members of the 3 RIVERS MUSIC AND
HERITAGE FOUNDATION BOARD; and 3 RIVERS
MUSIC FESTIVAL; and 3 RIVERS MUSIC AND
HERITAGE FOUNDATION BOARD, a body corporate,
CHARLES AUSTIN (COLUMBIA CITY MANAGER),
W. LEE CATOE, (DIRECTOR SOUTH CAROLINA
DEPARTMENT of ALCOHOL and OTHER DRUG ABUSE
SERVICES (DAODAS),

Defendants.

**Motion for Preliminary Injunction
and for Temporary Relief**

To: Defendants named above.

PLEASE TAKE NOTICE that counsel for the Plaintiffs will

bring the attached Motion for preliminary injunction before the Honorable _____ United States District Judge at the United States Courthouse located at 901 Richland Avenue, Columbia, South Carolina on the 16th day of April, 2004 at 11 o'clock am, or as soon thereafter as counsel may be heard for a preliminary injunction.

On April 15, Plaintiffs filed this action and motion requesting the Court set a hearing to enable Plaintiffs to participate in the 2004 3 Rivers Music Festival beginning at 6pm on Friday April 16 and ending at approximately 10 pm on Sunday April 18 without violation of its rights under the First Amendment of the United States Constitution.

This Court has jurisdiction pursuant to 28 USC 1331.

This motion seeks to enjoin Defendants the 3 Rivers Music Festival and its principals and agents from enforcing a policy it enacted specifically to limit Plaintiffs' rights under the First Amendment.

Plaintiffs will suffer irreparable harm if Defendants are permitted to enforce the April 9th Policy because the festival will go forward and they will have little if any exposure to the festival goes to distribute their message and political views.

There is no adequate remedy at law.

There is no harm to Defendant's interests if this motion for preliminary injunction is granted.

WHEREFORE, Plaintiffs respectfully move this Court to grant
MOTION FOR PRELIMINARY INJUNCTION

a preliminary injunction.

Respectfully submitted,

**SOUTH CAROLINA AMERICAN CIVIL
LIBERTIES UNION 1338 MAIN STREET,
800 BARRINGER BUILDING
COLUMBIA, SC 29209**

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*Attorney for Plaintiffs and
Cooperating Attorneys for the ACLU of
SOUTH CAROLINA*

**AMERICAN CIVIL LIBERTIES UNION
OF SOUTH CAROLINA**

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Memorandum of Points and Authorities was served on the following defendants and counsel of record on the 15th day of April 2004:

FRED MONK
JOEL CORLEY,
VIRGINIA BEDFORD
JERYL SALMOND,
MORRIS LYLES,
HAROLD WHITE,
MIKE DAWSON,
PAM BYNCE-REED,
BOBBY WILLIAMS,
BETH BERNSTEIN,
ANGELA CLYBURN
GEORGE JOHNSON,
3 RIVERS MUSIC FESTIVAL
3 RIVERS MUSIC AND HERITAGE FOUNDATION BOARD
BOB COBLE (COLUMBIA CITY MAYOR)
CHARLES AUSTIN (COLUMBIA CITY MANAGER),
W. LEE CATOE, (DIRECTOR SOUTH CAROLINA
DEPARTMENT of ALCOHOL