

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
DIVISION 8th
CIVIL ACTION NO. 09 CI-3838

SOUTH LIMESTONE BUSINESS OWNERS
ASSOCIATION, SOUNDBAR, JJ207, LLC,
BETH HANNA, FAILTE IRISH IMPORTS,
BOBBY ENTERPRISES, INC., JG4819, INC.,
MASHNI TAILOR SHOP, NORMAN MASHNI
BOMBAY BRAZIER,

PLAINTIFFS

v. **MOTION FOR RESTRAINING ORDER AND/OR
TEMPORARY INJUNCTION**

JIM NEWBERRY, MAYOR, LEXINGTON-FAYETTE
URBAN COUNTY GOVERNMENT;
LEXINGTON-FAYETTE URBAN COUNTY
GOVERNMENT COUNCIL; JIM NEWBERRY, MAYOR
MEMBERS: JIM GRAY, VICE MAYOR,
All in their capacity as members of the
Lexington-Fayette Urban County Government Council;
and
ATS CONSTRUCTION

DEFENDANTS

* * * * *

Come the Plaintiffs, SOUTH LIMESTONE BUSINESS OWNER ASSOCIATION,
SOUNDBAR, JJ2007, LLC, BETH HANNA, FAILTE IRISH IMPORTS, BOBBY
ENTERPRISES, INC., JG4819, INC., MASHNI TAILOR SHOP, NORMAN MASHNI, and
BOMBAY BRAZIER (“Business Owners”), by and through counsel, and MOVE the Court, as
follows:

MOTION FOR RESTRAINING ORDER

Plaintiff, Business Owners **MOVE** the Court to enter a Restraining Order pursuant to CR
65.03 and against the Defendants, Lexington-Fayette Urban County Government Mayor and
Council (hereinafter “LFUCG Mayor” and “LFUCG Council”) and AST Construction (“AST”)

and those acting in concert with them, to Restrain these Defendants from obstructing and closing South Limestone to vehicular traffic, including the delivery traffic essential to the conduct of the business of these Business Owners or to the customers and clients of these Business Owners, pending a hearing on Plaintiffs' Motion for Temporary Injunction.

Business Owners have suffered on July 22, 2009, and will suffer immediate and irreparable injury and damage without issuance of this restraining order as they were without reasonable and adequate notice nor any opportunity to be heard on the Defendants' actions to close a segment of South Limestone Street where their businesses and properties are located, beginning on July 22, 2009, and continuing for the next year, preventing access to and from their businesses by the business and property owners and their customers and suppliers. Furthermore, there is compelling evidence that the Defendants LFUCG Mayor, LFUCG Council and ATS are rushing into a very disruptive construction project without proper investigation of the magnitude of the project, without participation of impacted property owners, without segmenting the project so as to minimize the period of disruption for the impacted property owners, and without affording David Jones and the other Plaintiffs due process and reasonable notice and without affording David Jones and the other Plaintiffs with protection against arbitrary action by the government, all of which are irreparable injuries, warranting injunctive relief from the Court. See the attached affidavit of David Jones.

Notice should not be required for this restraining order.

Where an immediate and irreparable injury is likely to occur, a restraining order is warranted to prevent such irreparable injury. A memorandum in support of this motion will be filed contemporaneously with this motion

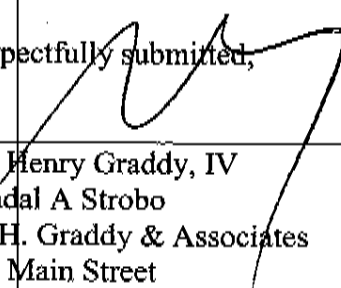
MOTION FOR TEMPORARY INJUNCTION

Plaintiff, Business Owners MOVE the Court to enter a Temporary Injunction pursuant to CR 65.04, for the reasons set forth above.

NOTICE

Plaintiffs will bring the foregoing Motion for Temporary Injunction on for hearing before the Fayette Circuit Court, Division _____, on the Fayette Circuit Courthouse, on _____ day of July, 2009 at _____, time, the hearing to be held _____

Respectfully submitted,



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