

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:09-CV-00504**

WILLIAM DAVID BOWDEN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>PLAINTIFF’S MOTION FOR</b>
	)	<b>TEMPORARY</b>
TOWN OF CARY,	)	<b>RESTRAINING ORDER</b>
	)	
Defendant.	)	FED. R. CIV. P. 65(b)
_____	)	

NOW COMES the Plaintiff, William David Bowden (“Mr. Bowden”), pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, and moves the Court for a temporary restraining order against the Defendant Town of Cary (“Defendant” or “Town”). In support thereof, Mr. Bowden states as follows:

1. Federal Rule of Civil Procedure 65 provides for the issuance of a temporary restraining order under circumstances such as exist in the present case, to be effective for up to ten (10) days.
2. In support of this motion, Mr. Bowden submits the Verified Complaint, filed contemporaneously herewith, which sets forth the facts in detail, subject to the pain of perjury. Mr. Bowden further submits a Memorandum in

Support that addresses all necessary elements for the entry of a temporary restraining order.

3. The irreparable harm being suffered by Mr. Bowden is such that notice and a hearing on Mr. Bowden's application for a preliminary injunction cannot be held without that injury continuing.

4. If this Court does not immediately restrain the Town from imposing unconstitutional restrictions and fines against Mr. Bowden, he will continue to suffer irreparable harm.

5. Mr. Bowden has endeavored to give notice to the Town as to the filing of this Motion, the accompanying brief, and the Verified Complaint. He has provided notice to the Town's regular attorney and outside counsel, as described in the Certification of Notice filed contemporaneously, and sent to those attorneys copies of this Motion, the accompanying brief, the proposed order, and the Verified Complaint.

WHEREFORE, for the foregoing reasons, and for those set forth in Mr. Bowden's supporting Memorandum of Law and Verified Complaint, Mr. Bowden respectfully moves that the Court enter a temporary restraining order:

- (a) prohibiting the Town from denying Mr. Bowden the right to display his sign on his own home and compelling him to remove that sign;

- (b) prohibiting the Town from proceeding with code violation matters relating to the July 31, 2009 and November 12, 2009 Notices of Zoning Violation;
- (c) prohibiting the Town from imposing any fines based on the sign or enforcing any previously-imposed fines based on the sign.

Mr. Bowden also respectfully asks this Court to set this matter for a hearing on Plaintiff's Motion for Preliminary Injunction.

Respectfully submitted this 19th day of November, 2009.

s/ Mark R. Sigmon

Mark R. Sigmon

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