

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION

ROBERT THAYER, SHARON BROWNSON,
and TRACY NOVICK,

Plaintiffs,

v.

CITY OF WORCESTER,

Defendant.

Civil Action No. 13-40057

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs Robert Thayer, Sharon Brownson, and Tracy Novick (collectively, "Plaintiffs") hereby move, pursuant to Fed. R. Civ. P. 65, for a preliminary injunction enjoining Defendant City of Worcester (the "City") from enforcing Chapter 9, Section 16 and Chapter 13, Section 77(a) of the Worcester Revised Ordinances. A preliminary injunction is warranted because Plaintiffs are likely to prevail on their claims that the challenged ordinances violate the First and Fourteenth Amendments to the United States Constitution, as the ordinances restrict a significant amount of peaceful, non-threatening, and constitutionally protected speech, and fail to define the prohibited conduct with sufficient specificity, allowing the police to selectively enforce the ordinances and target the poor and the homeless. Moreover, Plaintiffs will suffer irreparable harm absent an injunction, the balance of harms favors an injunction, and the public interest will be served by an injunction, as an injunction will protect not only Plaintiffs' First Amendment rights, but also the First Amendment rights of the public.

Pursuant to Local Rule 7.1(b), Plaintiff's Memorandum of Law in Support of this Motion for Preliminary Injunction is being filed contemporaneously herewith. This Motion is accompanied and supported by declarations by Christopher Robarge, Robert Thayer, Sharon Brownson, Tracy Novick, and Todd Marabella.

Respectfully submitted,

ROBERT THAYER, SHARON BROWNSON, and
TRACY NOVICK,

By their attorneys,

/s/ Kevin P. Martin
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