

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SEEDS OF PEACE COLLECTIVE,	)	
MICHAEL BOWERSOX, and THREE	)	
RIVERS CLIMATE CONVERGENCE	)	
("3RCC"),	)	Civil Action No.: 2:09-cv-1275
	)	
Plaintiffs,	)	Hon. Gary L. Lancaster
	)	
v.	)	
	)	
CITY OF PITTSBURGH BUREAU OF	)	
POLICE; OFFICER SELLERS (Badge No.	)	
3602); OFFICER KURVACH (Badge No.	)	
3480); and OFFICER JOHN DOE 2 (Badge	)	
No. 3564,	)	
	)	
Defendants.	)	
	)	
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**PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER  
AND/OR PRELIMINARY INJUNCTION**

Plaintiffs hereby move, pursuant to Fed. R. Civ. P. 65, for entry of a Temporary Restraining Order and/or Preliminary Injunction to enjoin, preliminarily and permanently thereafter, the Defendant City of Pittsburgh Bureau of Police and its officials, employees, agents, assigns and others who may be acting in concert with them, from violating Plaintiffs' rights to be free from unreasonable searches and seizures under the Fourth Amendment and Fourteenth Amendment, and to be free from retaliation for the exercise of their rights to peacefully and lawfully assemble and protest within the City of Pittsburgh under the First Amendment. As grounds for this motion, Plaintiffs state:

1. Plaintiffs incorporate herein by reference the facts alleged in the *Verified Complaint*.

2. Plaintiffs also incorporate herein by reference the legal arguments contained in the *Memorandum in Support of Motion for Temporary Restraining Order and/or Preliminary Injunction*. Plaintiffs have satisfied the four-part test for granting a temporary restraining order/preliminary injunction.

3. Plaintiffs hereby respectfully request an immediate hearing on this motion.

WHEREFORE, Plaintiffs respectfully request that this Court issue a TRO/preliminary injunction enjoining the Defendant City of Pittsburgh Bureau of Police and its officials, employees, agents, assigns and others who may be acting in concert with them, and from interfering with Plaintiffs' First Amendment and Fourteenth Amendment rights to peacefully and lawfully assemble and protest within the City of Pittsburgh, and more specifically order

Defendant to:

- A) Enjoin the Defendant City of Pittsburgh Bureau of Police and its officials, employees, agents, assigns and others who may be acting in concert with them, from searching or seizing the Seeds of Peace bus or other buses or property owned by Plaintiffs without probable cause and a search warrant.
- B) Enjoin the Defendant City of Pittsburgh Bureau of Police and its officials, employees, agents, assigns and others who may be acting in concert with them, from harassing, interfering with or retaliating against Seeds of Peace members or members of 3RCC, including asking members of plaintiff organizations to provide identification and social security members without effecting an arrest or issuing a citation.

Respectfully submitted,

/s/ Michael J. Healey

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/s/ Glen S. Downey

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/s/ Jules Lobel

Jules Lobel

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 11th day of September, 2009, a copy of the foregoing Motion for Temporary Restraining Order and/or Preliminary Injunction, supporting Memorandum and proposed Order was served by email on the following:

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/s/ Witold J. Walczak  
Witold J. Walczak