

1 FRED M. BLUM, ESQ. (SBN 101586)
JEREMY D. HUIE, ESQ. (SBN 191145)
2 BASSI, MARTINI & BLUM LLP
351 California Street, Suite 200
3 San Francisco, CA 94104
(415) 397-9006
4

5 Attorneys for Plaintiffs
6
7

8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10 SACRAMENTO DIVISION
11

12 VACAVILLE SEVENTH DAY ADVENTIST)
CHURCH and MARANATHA)
13 BROADCASTING, INC.,)
14 Plaintiffs,)
15 vs.)
16 SOLANO COUNTY, SOLANO COUNTY)
PLANNING COMMISSION, and Does 1-10,)
17 Defendants.)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

Case No. CIV.S-02-0336 MCE KJM

**PLAINTIFFS' NOTICE OF
MOTION AND MOTION FOR
PRELIMINARY INJUNCTION**

Date: March 1, 2004
Time: 9:00 a.m.
Dept.: 3

Trial Date: May 18, 2004

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that at 9:00 a.m. on March 1, 2004 or as soon thereafter as the
3 matter may be heard in Department 3 of the above-entitled court, located at 501 I Street in
4 Sacramento, California, Plaintiffs VACAVILLE SEVENTH DAY ADVENTIST CHURCH and
5 MARANATHA BROADCASTING, INC. will, and hereby do, move the Court for a preliminary
6 injunction against Defendants SOLANO COUNTY and SOLANO COUNTY PLANNING
7 COMISSION. Plaintiffs move the Court to enjoin Defendants from preventing Plaintiffs'
8 conversion of the modular building into a radio broadcasting facility and subsequent operation of
9 a religious radio ministry as a church ministry in such building. The hearing date and briefing
10 schedule are pursuant to the Court's Order of December 22, 2003.

11 The grounds for the Motion will be that (1) there is a strong likelihood that Plaintiffs will
12 succeed on the merits of their claim under the Religious Land Use and Institutionalized Persons
13 Act of 2000, 42 U.S.C. §§ 2000cc, et seq., or at a minimum Plaintiffs' allegations raise serious
14 questions about the merits; (2) Plaintiffs are being irreparably injured as a result of Defendants'
15 refusal to allow Plaintiffs to operate a religious radio station on church property as a ministry of
16 the Church; (3) the balance of hardships favors Plaintiffs; and (4) the public interest favors
17 granting the injunction.

18 The Motion will be based upon this Notice, the supporting Memorandum of Points and
19 Authorities, Declaration of Glenn D. Toppenberg, and Declaration of Jeremy D. Huie, the papers
20 on file with the Court, and upon such oral and written evidence as may be presented at the
21 hearing of this matter.

22
23 Dated: January __, 2004

BASSI, MARTINI & BLUM LLP

24
25 By: _____
26 FRED M. BLUM
27 Attorneys for Plaintiffs
28