

Property of CMT

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIRCUIT CIVIL NO. 99-7430-CI-8

CHURCH OF SCIENTOLOGY FLAG
SERVICE ORGANIZATION, INC.,
Plaintiff,

Vs.

LISA MCPHERSON TRUST, INC.,
JESSE PRINCE, GRADY WARD,
ROBERT S. MINTON, JR., STACY
BROOKS, JEFF JACOBSON, PATRICIA
GREENWAY, PETER ALEXANDER
AND TONY BEZAZIAN,
Defendants.

TEMPORARY INJUNCTION #2

TRUE COPY

Original Signed

NOV 30 2000


Thomas E. Penick, Jr.
Circuit Judge

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TEMPORARY INJUNCTION #2

This cause having come on before the Court upon the Petitioner's Verified Amended and Supplemental Complaint for Injunctive Relief and after three days of hearings, the viewing of sixteen videotapes, three hours of closing arguments, the review of numerous pleadings and cases, the Court hereby enters its order. All parties were present or were represented by their attorneys of record.

FINDINGS OF FACT

On the 2nd of December, 1999, this Court entered its Amended Temporary Injunction (hereinafter referred to as "ATI #1") enjoining Richard W. Howd, Jr., Petitioner, and Robert S. Minton, Jr., Respondent. Subsequent to the entry of ATI #1, the time expired for the enforcement of the injunction and Petitioner moved for an order granting its motion to drop and add parties. On the 5th day of October, 2000, this Court entered its order granting the removal of Richard W. Howd, Jr. as Petitioner and in his place, adding Church of Scientology Flag Service

Organization, Inc., a Florida corporation (hereinafter referred to as "Church"), as the Plaintiff. Plaintiff also moved to add as Defendants, in addition to Robert S. Minton, Jr., Lisa McPherson Trust and Jesse Prince, Stacy Brooks, Jeff Jacobson, Patricia Greenway, Peter Alexander and Tony Bezazian. The Defendants are picketers or persons who possess different ideological beliefs than the Church.

The aforesaid ATI #1 was entered because the Court found that the original parties thereto were engaging in the dangerous and threatening practice of "in-your-face" picketing, shouting, yelling and other acts of violence which threatened the health and safety of the individuals and other persons utilizing the public ways.

After viewing the videotapes entered into evidence and hearing the testimony of witnesses all subsequent to the entry of ATI #1, it is blatantly evident that the parties hereto cannot peacefully coexist in close proximity to each other. The videos evidence violent and dangerous practices threatening to the safety and well-being of parties hereto and to members of the public at large. The videos also show an instance, between the parties, of wrestling, grappling, groping and rolling on the public sidewalks. It is obvious that the parties will suffer irreparable harm unless a mutual injunction is entered.

LAW

Injunctive relief should be no more burdensome to the Respondent than necessary to provide complete relief to the Petitioner. *Madsen v. Women's Health Center, Inc.*, 512 U.S. 753 (1994); *Califano v. Yamasaki*, 442 U.S. 682 (1979).

In drafting orders of injunctions, "precision of regulation" is demanded. *NAACP v. Button*, 371 U.S. 415 (1963).

** Robert S. Minton and
A
Member
of
the
Church
REP
**

Parties seeking injunctions assert a violation of their rights; the Court hearing the action is charged with fashioning a remedy for a specific deprivation, not with the drafting of a statute addressed to the general public. *Madsen*.

An injunction, by its very nature, does not address the general public, but applies only to particular parties, regulating their activities, and perhaps their speech, because of their past actions in the context of a specific dispute. *Madsen*.

The Court entering an injunction involving First Amendment rights must strive to enter a content-neutral injunction. In evaluating a content-neutral injunction, the governing standard which courts must apply is "whether the injunction's challenged provisions burden no more speech than necessary to serve a significant government interest".

In public debate, citizens must tolerate insulting, and even outrageous, speech in order to provide adequate breathing space to the freedoms protected by the First Amendment. *Boos v. Barry*, 485 U.S. 312 (1988).

In drafting an injunction, the Court must take into consideration the state's strong interest in ensuring the public safety and order. The Court must consider such things as promoting the free flow of traffic on public streets and sidewalks, and the protection of property rights of all citizens. *Madsen*.

Injunctions in the State of Florida shall be binding on the parties to the action, their officers, agents, servants, employees, and attorneys and on those persons in active concert or participation with them who receive actual notice of the injunction. Fla.R.Civ.P. 1.610; *Channell v. Applied Research, Inc.*, 472 So. 2d 1260 (Fla. 4th DCA 1985); *Dad's Properties, Inc. v. Lucas*, 545 So. 2d 926 (Fla. 2d DCA 1989); *Xavier J Fernandez, P.A. v. Sun Bank of Tampa Bay*, 670 So. 2d 1106 (Fla. 2d DCA 1996).

CONCLUSION

Inasmuch as both the Petitioner and the Respondent have engaged in and continue to engage in the dangerous and threatening practice of seeing how close one another can get to each other while picketing each other, have blocked or inhibited the free flow of foot traffic on the public sidewalks, have blocked the flow of traffic on the public roadways, have inhibited the egress and ingress of the parties from their respective buildings, and have physically touched or attacked each other, it is imperative that all parties must be mutually restrained. After hearing all of the testimony, viewing the evidence, reading the petitions, the complaints, and court cases,

IT IS HEREBY ORDERED AND ADJUDGED that:

1. An immediate Temporary Injunction is entered against the Defendants Robert S. Minton, Jr., Lisa McPherson Trust, Jesse Prince, Grady Ward, Stacy Brooks, Jeff Jacobson, Patricia Greenway, Peter Alexander and Tony Bezazian enjoining them, their members, officers, agents, servants, employees and those persons and entities in actual concert or participation with them who receive actual notice of this injunction (1) from coming within ten (10) feet of any member of the Church; (2) from blocking the path of any member or any motor vehicle of the Church; and (3) from physically or by any other means inhibiting any Church member, any member of the general public, or any motor vehicle, from entering or leaving any properties owned and/or operated by the Church. Further, the Defendants are enjoined from committing any acts of harassment or violence against any member of the Church.

2. The Defendants Robert S. Minton, Jr., Lisa McPherson Trust, Jesse Prince, Grady Ward, Stacy Brooks, Jeff Jacobson, Patricia Greenway, Peter Alexander and Tony Bezazian, their members, officers, agents, servants, employees and those persons and entities in actual concert or participation with them who receive actual notice of this injunction, must **ONLY**

picket, protest and/or exercise their First Amendment Rights in the areas designated in **ORANGE** on the diagrams of the Church's properties. (SEE: Composite Exhibit A attached hereto and incorporated here into this Order.)

3. The provisions of paragraphs #1 and #2 shall be binding on each and every Defendant, his, her, or its officers, agents, servants, employees, and on those persons or entities in actual concert or participation with him, her or it who receive actual notice of this injunction.

4. An immediate Temporary Injunction is entered against the Plaintiff Church, enjoining it and its members, officers, agents, servants, employees and those persons and entities in actual concert or participation with it who receive actual notice of this injunction (1) from coming within ten (10) feet of any Defendant; (2) from blocking the path of any Defendant or any motor vehicle of any Defendant; and (3) from physically or by any other means inhibiting any Defendant, any member of the general public, or any motor vehicle, from entering or leaving any properties owned and/or operated by Defendants. Further, the Church is enjoined from committing any acts of harassment or violence against any Defendant.

5. The Church and its members, officers, agents, servants, employees and those persons and entities in actual concert or participation with it who receive actual notice of this injunction must **ONLY** picket, protest and/or exercise their First Amendment Rights in the areas designated in **GREEN** on the diagram of the Trust property. (SEE: Exhibit B attached hereto and incorporated here into this Order.)

6. The provisions of paragraphs #4 and #5 shall be binding on the Church, each and every member of the Church and/or its officers, agents, servants, employees, and on those persons or entities in actual concert or participation with the Church who receive actual notice of this injunction.

7. This TEMPORARY INJUNCTION #2 shall be in full force and effect for 180 days from this the 30th day of November 2000, or as modified by further order of this Court.

8. Any violation hereof shall constitute contempt of court, punishable by fine or imprisonment.

9. No bond shall be required for the issuance of this Amended Temporary Injunction since the injunction is issued solely to prevent the physical injury, harassment, or abuse of natural persons.

10. This injunction is valid and enforceable in all counties of the State of Florida.

11. Any sworn law enforcement officer may assist in the execution or service of this injunction.

DONE AND ORDERED in Chambers, at St. Petersburg, Pinellas County, Florida, this 30th day of November 2000, at 1345 hours.


CIRCUIT JUDGE

TRUE COPY
Original Signed
NOV 30 2000

Thomas E. Panick, Jr.
Circuit Judge

Copies furnished to:

F. Wallace Pope, Jr., Esquire
John Merrett, Esquire
Bruce G. Howie, Esquire

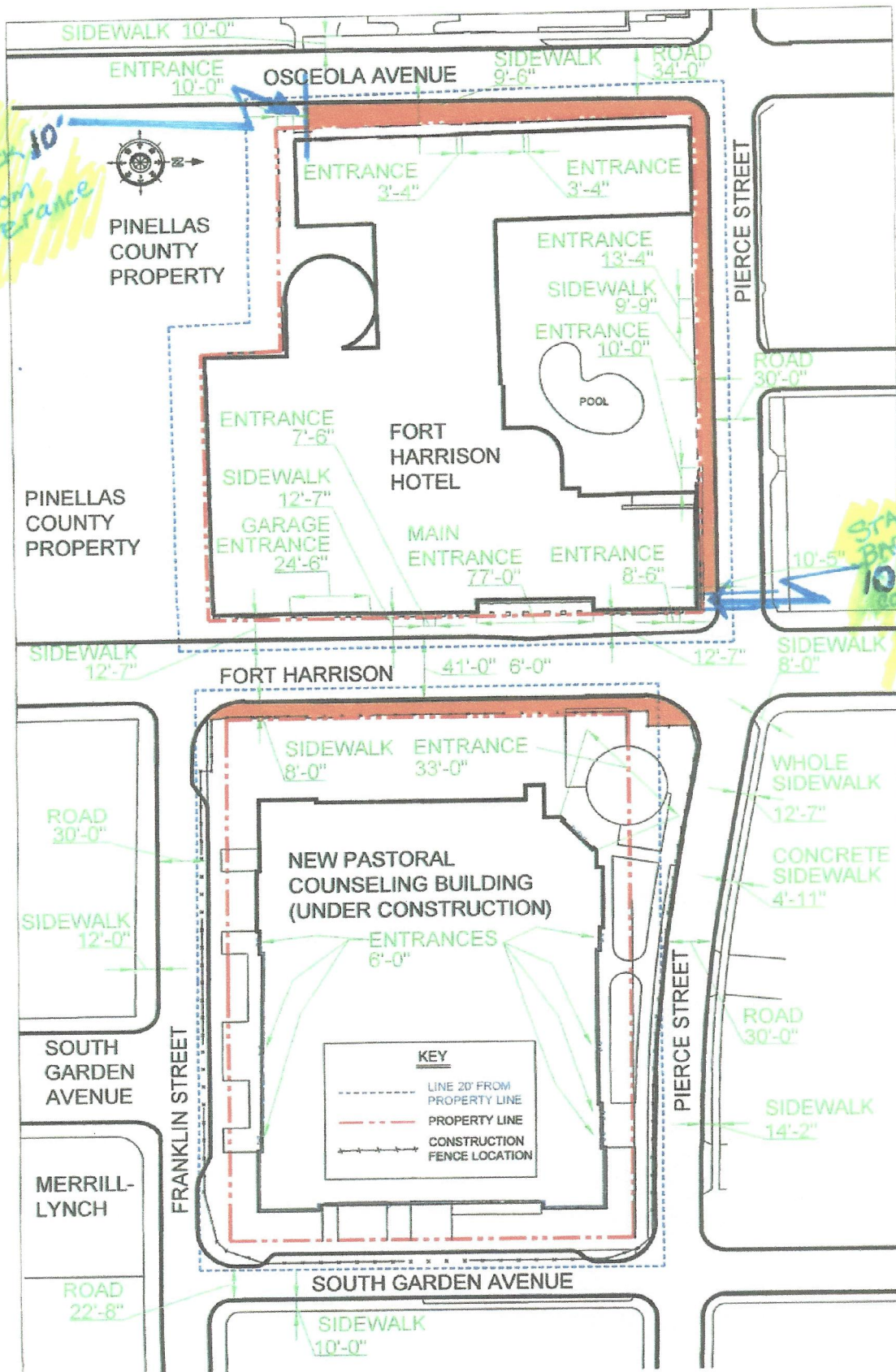
COMPOSITE EXHIBIT A

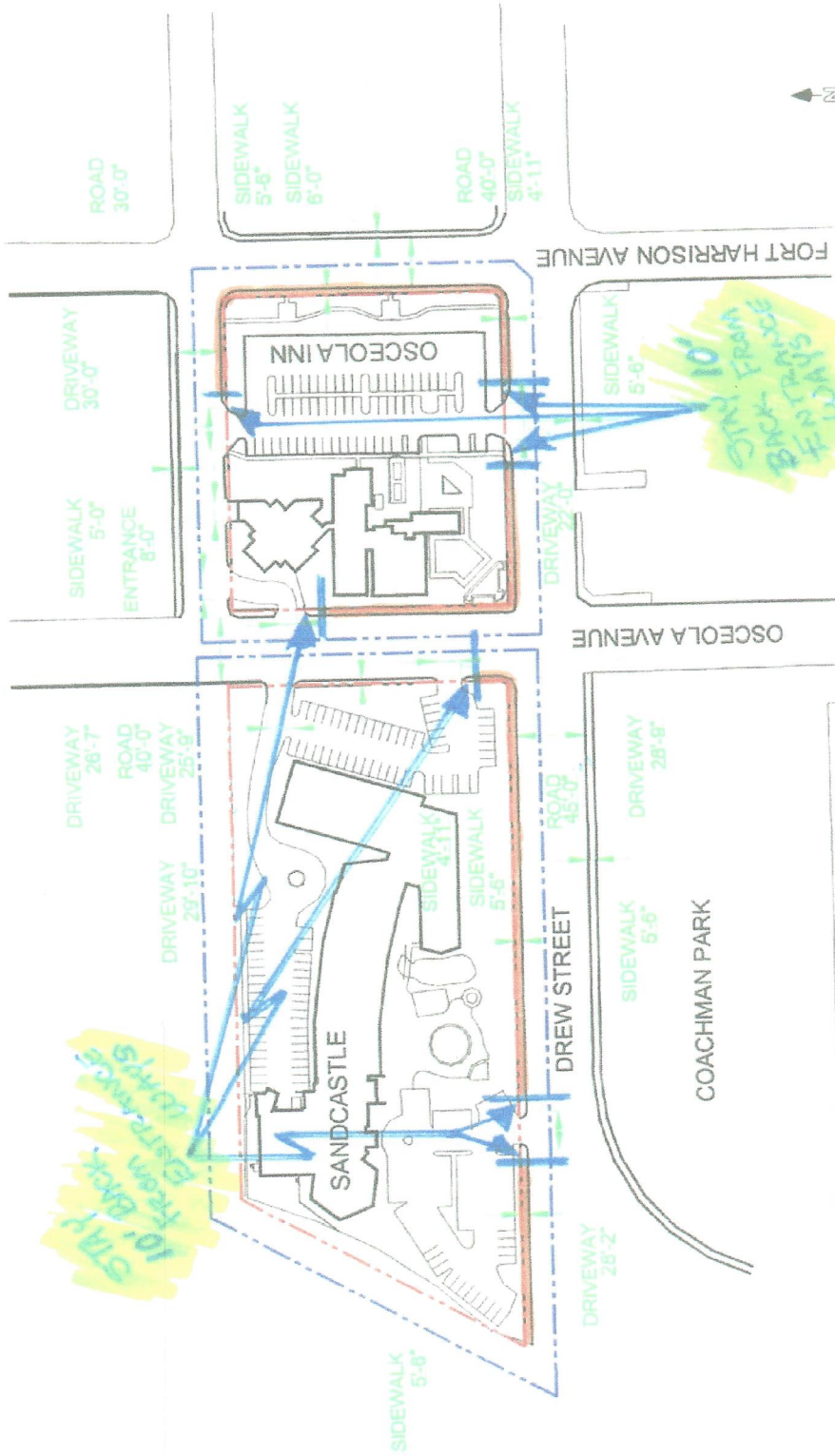
DIAGRAMS OF CHURCH PROPERTIES

1. FORT HARRISON/FLAG BUILDING SITE
2. SANDCASTLE/OSCEOLA
3. WEST COAST BUILDING/ANNEX BUILDING
4. CLEARWATER BUILDING/COACHMAN
5. HACIENDA
6. YACHTSMAN
7. QUALITY INN
8. MARINER
9. STAFF ACCOMMODATIONS
10. BURNSIDE/MERRILL LYNCH

NOTE

DEFENDANTS SHALL PICKET IN ONLY THE AREAS DESIGNATED ORANGE ON THE DIAGRAMS IN THIS COMPOSITE EXHIBIT A. DEFENDANTS SHALL STAY OUT OF DESIGNATED ENTRANCES TO THE CHURCH PROPERTIES AND 10 FEET BACK ON THE SIDEWALKS FROM THESE ENTRANCES.





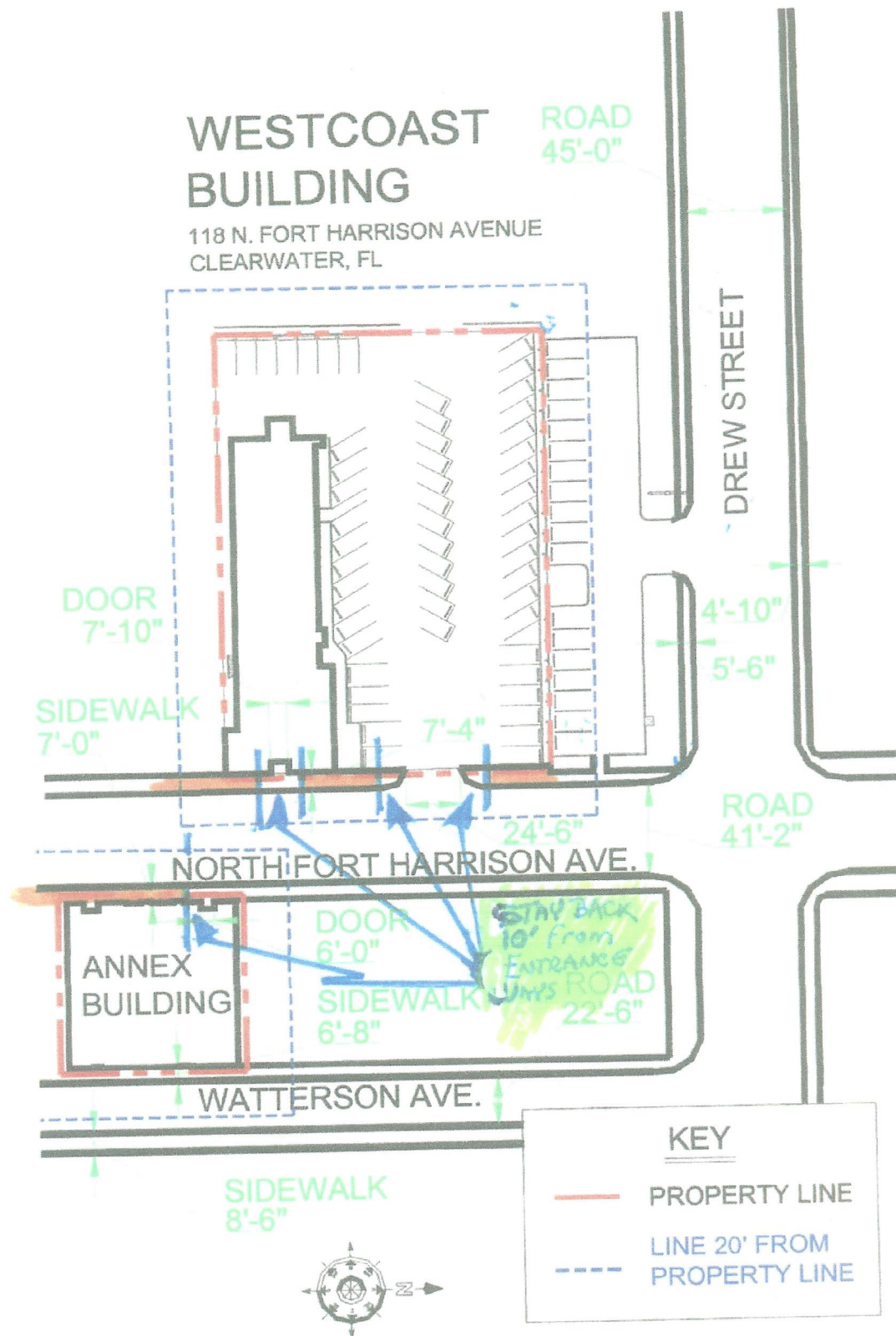
SANDCASTLE
 200 N. OSCEOLA AVE
 CLEARWATER, FL 33755

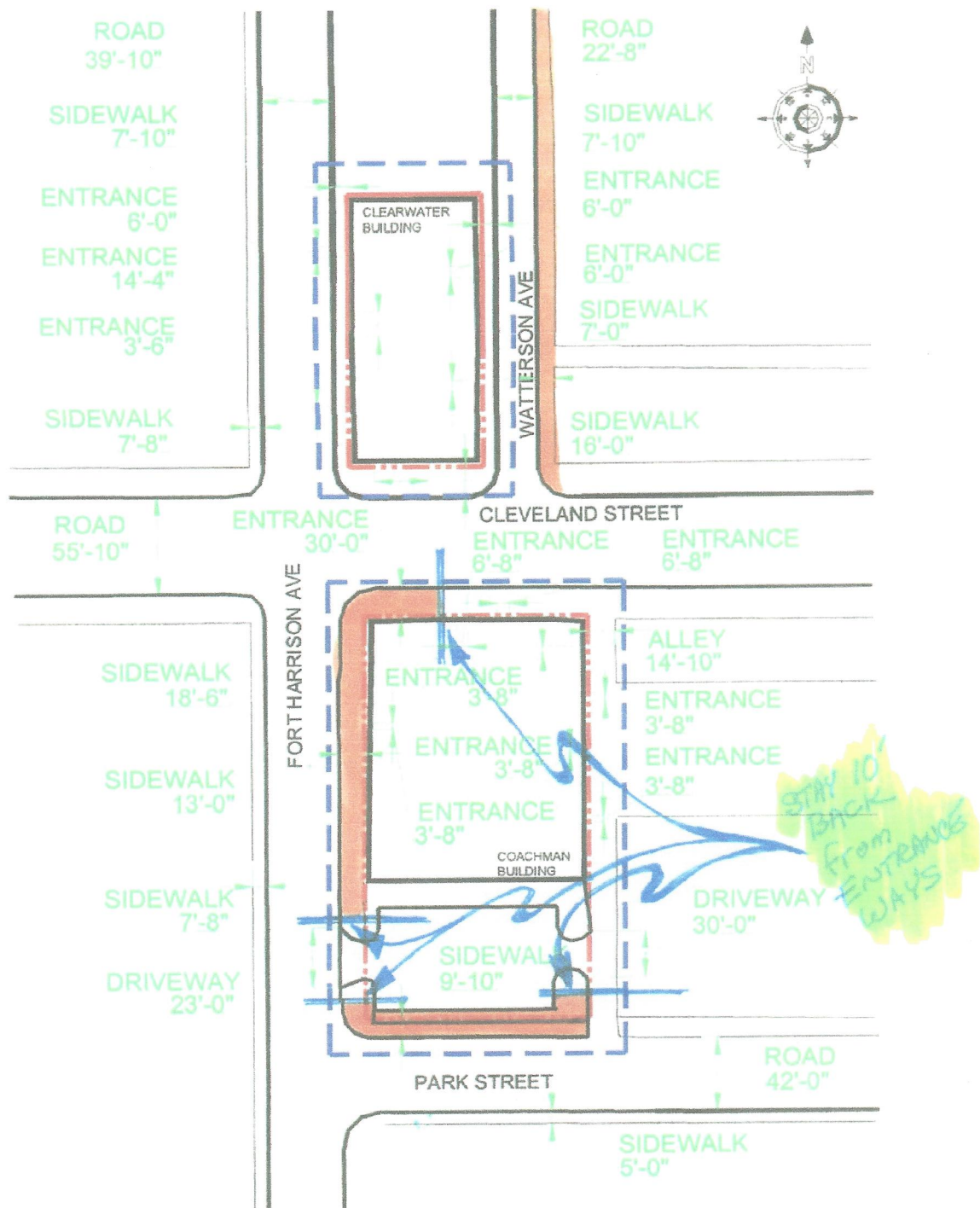
KEY

- PROPERTY LINE
- - - 20' AWAY FROM PROPERTY LINE

WESTCOAST BUILDING

118 N. FORT HARRISON AVENUE
CLEARWATER, FL





COACHMAN

503 CLEVELAND STREET
CLEARWATER, FL 33755

KEY

- PROPERTY LINE
- 20 FEET FROM PROPERTY LINE



HACIENDA GARDENS

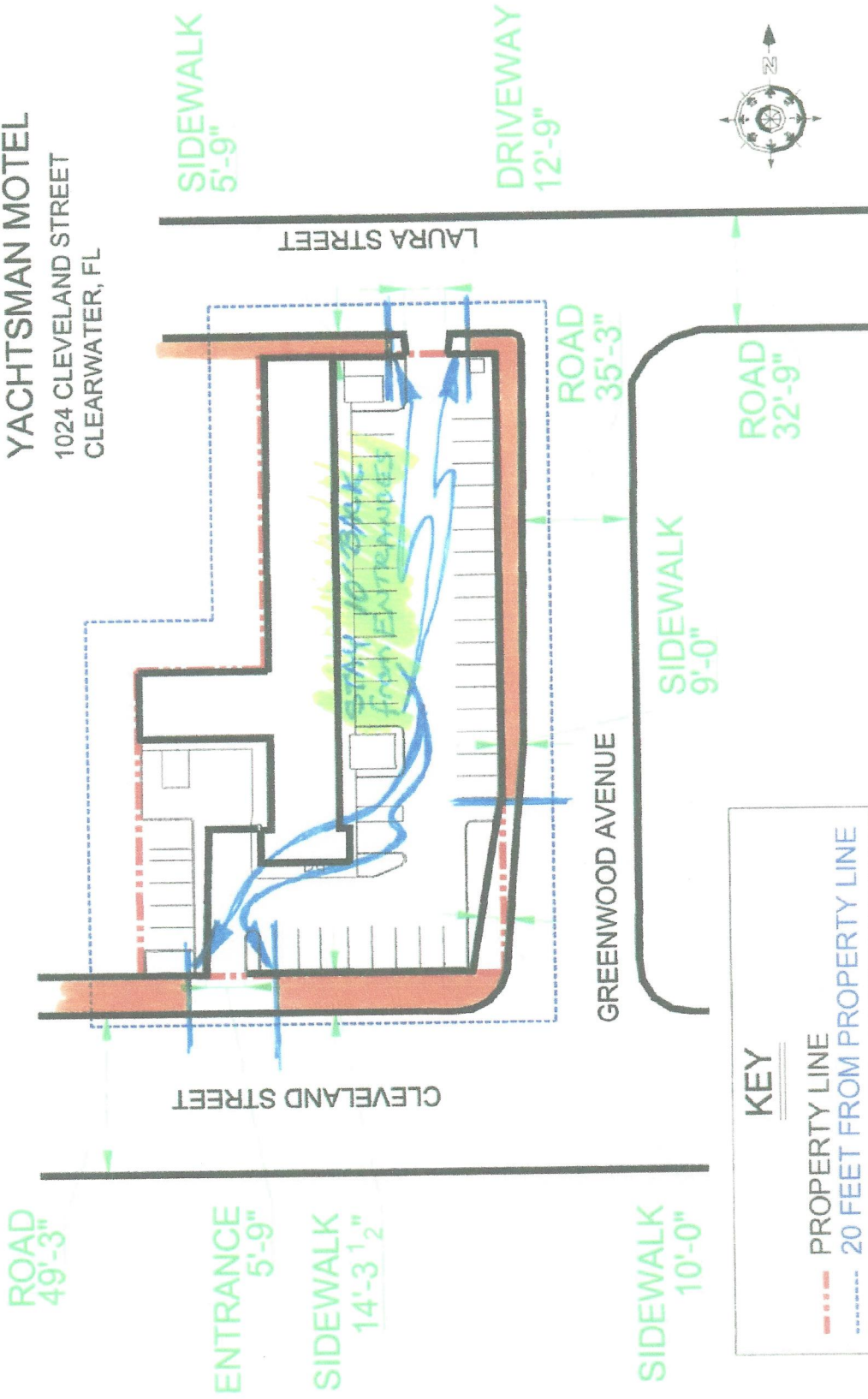
551 SATURN AVE
N. CLEARWATER, FL 33755

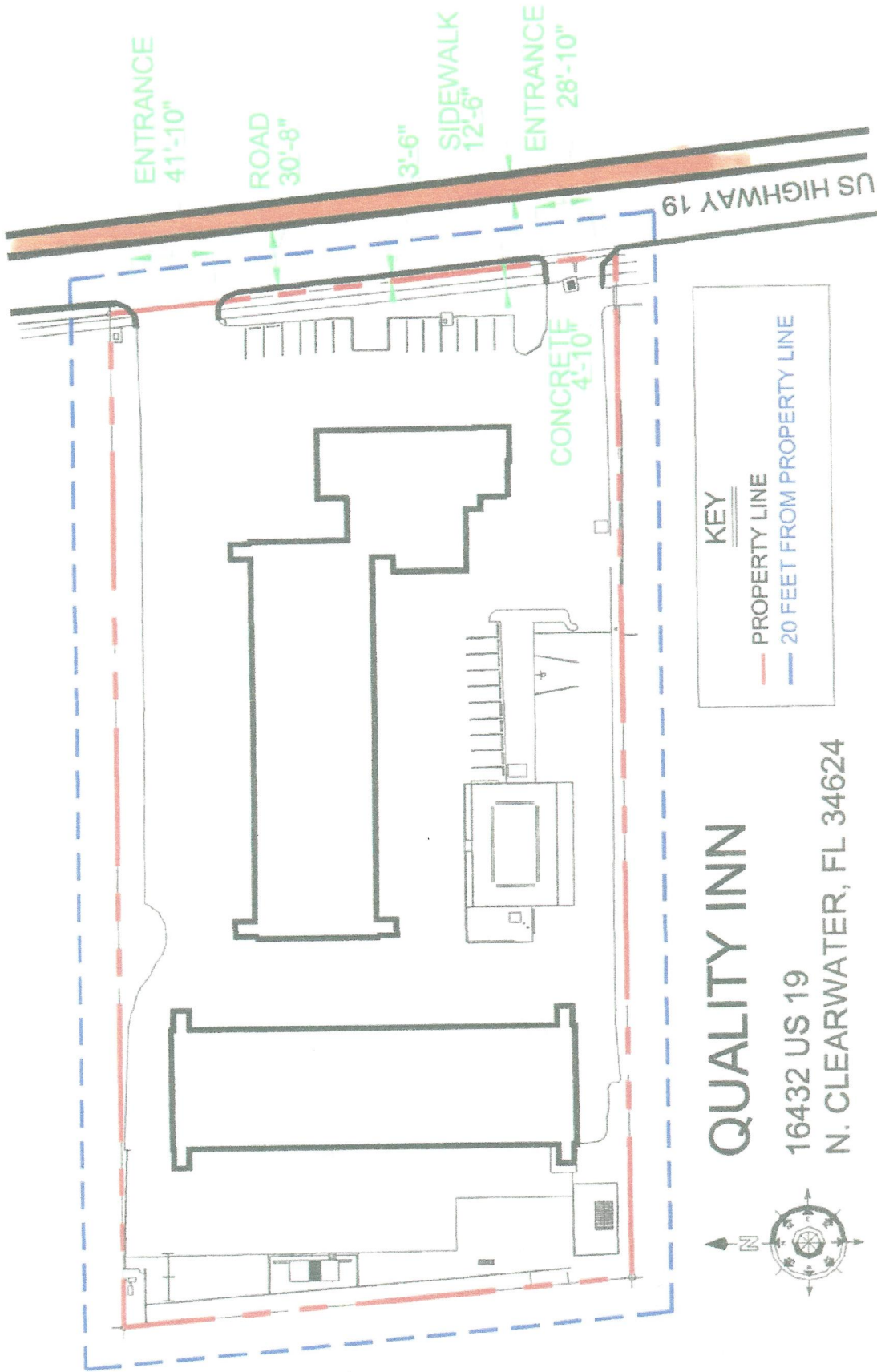
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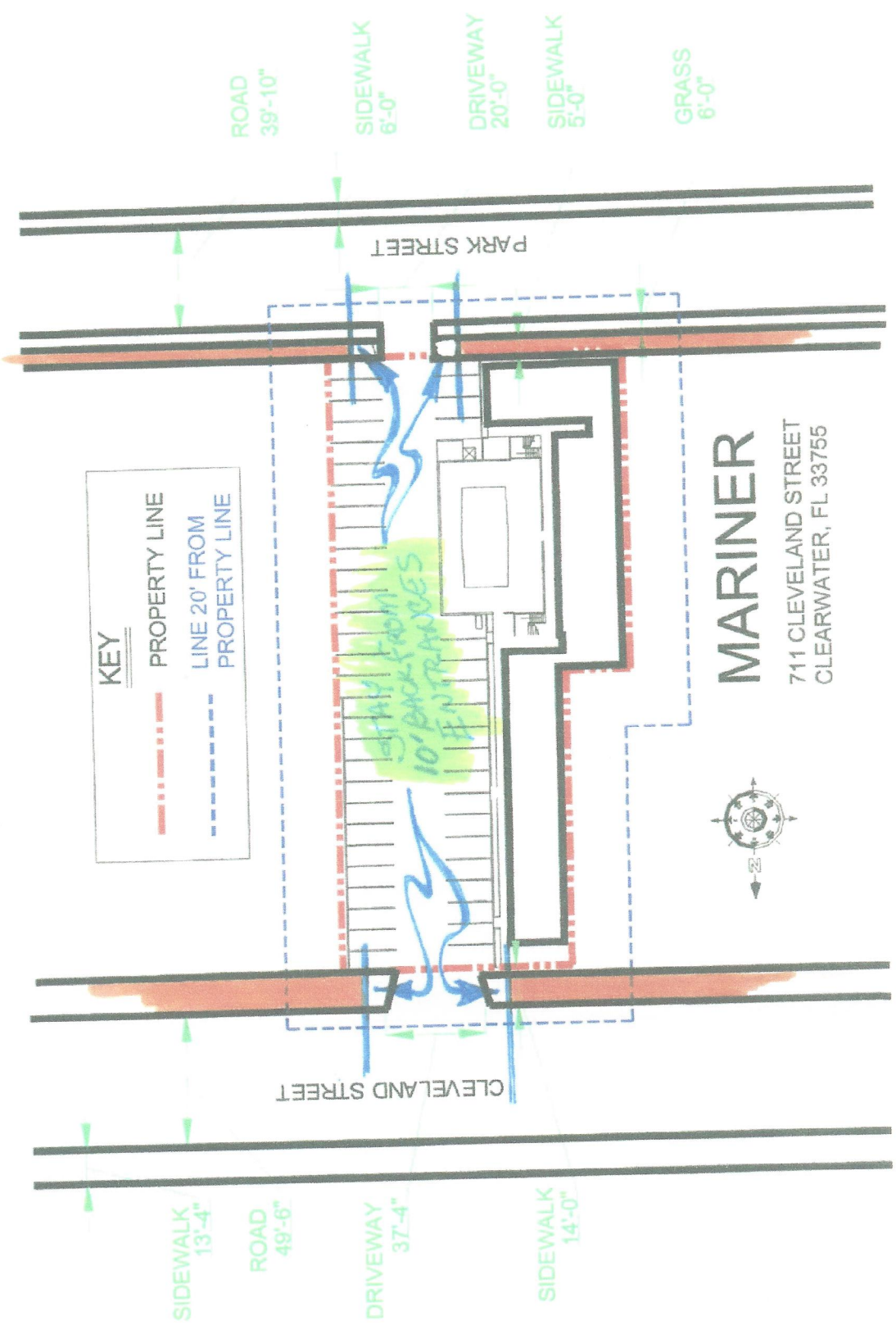
- PROPERTY LINE
- 20 FEET FROM PROPERTY LINE



YACHTSMAN MOTEL
 1024 CLEVELAND STREET
 CLEARWATER, FL



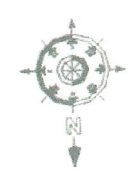




KEY

- PROPERTY LINE
- LINE 20' FROM PROPERTY LINE

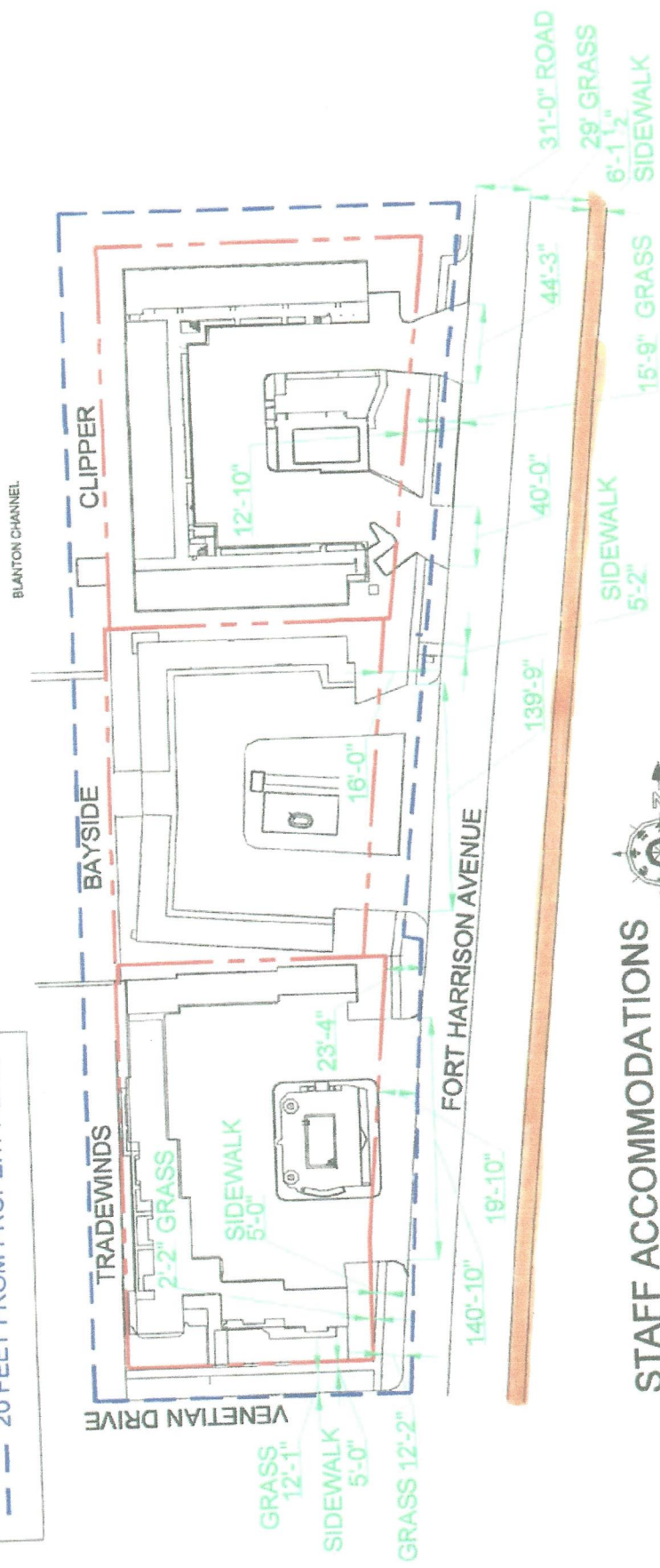
MARINER
711 CLEVELAND STREET
CLEARWATER, FL 33755



KEY

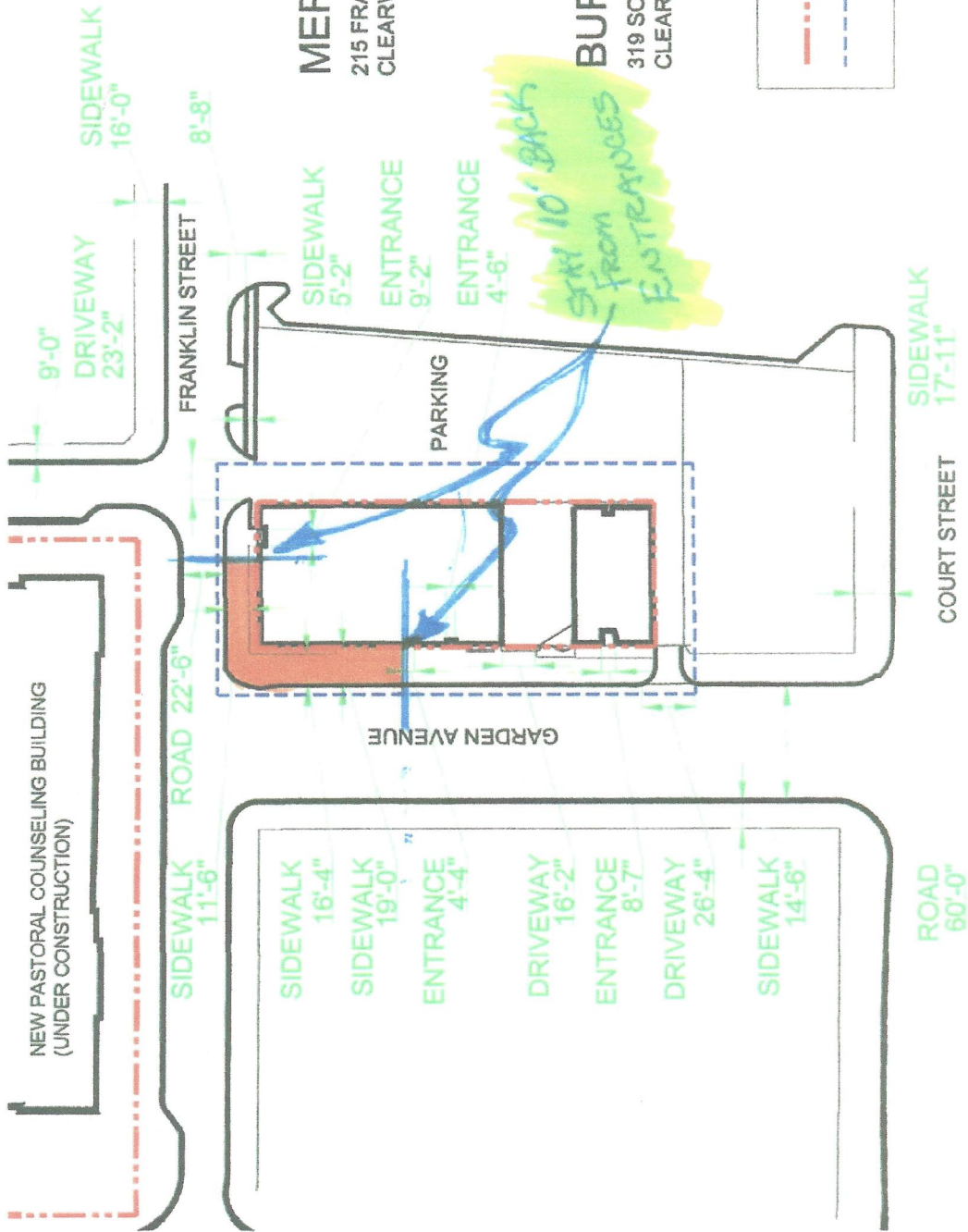
— — — — — **PROPERTY LINE**

— — — — — **20 FEET FROM PROPERTY LINE**



STAFF ACCOMMODATIONS
 1850 N. FORT HARRISON
 AVENUE CLEARWATER, FL

NEW PASTORAL COUNSELING BUILDING
(UNDER CONSTRUCTION)



MERRILL-LYNCH
215 FRANKLIN STREET
CLEARWATER, FL 33755

BURNSIDE
319 SOUTH GARDEN AVENUE
CLEARWATER, FL 33756

KEY	
—	PROPERTY LINE
- - -	LINE 20' FROM PROPERTY LINE

EXHIBIT B

DIAGRAM OF THE LISA MCPHERSON TRUST PROPERTY

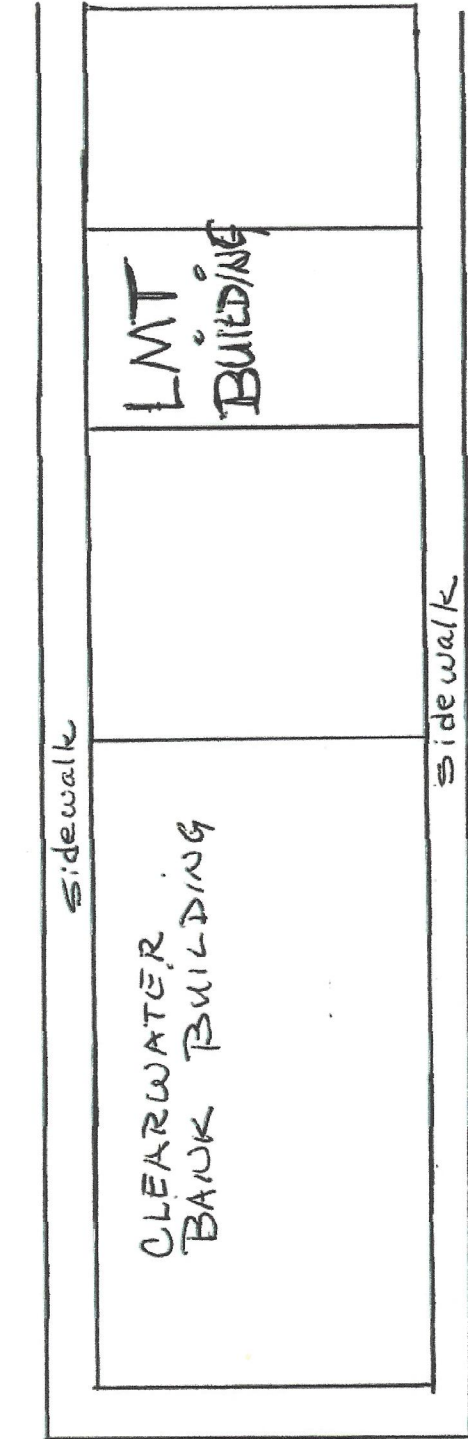
NOTE

THE MEMBERS OF THE CHURCH MAY PICKET THE LISA MCPHERSON PROPERTY SITE ONLY IN THE AREA MARKED IN GREEN ON THE DIAGRAM IN THIS EXHIBIT B.



Sidewalk

FT HARRISON AVE



CLEVELAND STREET

WATTERSON AVE



Sidewalk

2707