

IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS  
STATE OF MISSOURI

STEPHANIE REYNOLDS, FLORENCE )  
STREETER, JACQUELINE GRAY, )  
THE METROPOLITAN ST. LOUIS )  
EQUAL HOUSING OPPORTUNITY )  
COUNSEL, INC., )

Plaintiffs, )

v. )

CITY OF VALLEY PARK, MO, )  
JEFFERY WHITTEAKER, in his official )  
capacity as Mayor of the City of )  
Valley Park, MO, and JOHN BRUST, )  
DANIEL ADAMS, RANDY HELTON, )  
DON CARROLL, MICHAEL PENNISE, )  
ED WALKER, STEVE DRAKE, and )  
MIKE WHITE, in their official capacity as )  
Aldermen of the City of Valley Park, MO )

Defendants. )

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Cause No.  
Division No.

0600-003802

**PLAINTIFFS' MOTION FOR A  
TEMPORARY RESTRAINING ORDER**

COME NOW Plaintiffs, and pursuant to Mo.RCIV.P. 92.02, move this Court to enter a temporary restraining order ("TRO") enjoining Defendants and their agents from enforcing the provisions of Valley Park Ordinance No. 1708, entitled "An Ordinance Relating to Illegal Immigration Within the City of Valley Park, MO," which was enacted on July 17, 2006. (A true and accurate copy of Ordinance No. 1708 is attached hereto as Exhibit A). Unless a TRO is entered, Plaintiffs will suffer irreparable harm as they: lose business and tenants due to enforcement of the ordinance; are forced to choose between breaching valid contracts and acting discriminatorily, on the one hand, or violating Ordinance No. 1708, on the other; face uncertainty

as to which of their actions could be deemed to be “aiding and abetting” an “illegal alien”;<sup>1/</sup> continue to be racially profiled and harassed; and divert resources from other programs to provide outreach activities to immigrants in the Valley Park community who, whether in this country legally or not, remain confused and fearful.

In support of their Motion, Plaintiffs submit the affidavits of Stephanie Reynolds and Florence Streeter, attached hereto as Exhibits B and C, respectively. Plaintiffs will file additional affidavits in support of their Motion prior to any scheduled hearing. Additionally, Plaintiffs state as follows:

1. On July 17, 2006, the City of Valley Park, Missouri passed Ordinance No. 1708, which punishes individuals if they fail to exercise an apparently delegated police power to rid their businesses and rental properties of “illegal aliens,” a classification nowhere defined within the Ordinance granting these powers. Under the plain wording of Ordinance No. 1708, any business within Valley Park that serves food to, sells products to, or otherwise interacts with someone who is found to be an “illegal alien” by the City of Valley Park could be punished under its provisions for “aiding and abetting” such “illegal alien.” Similarly, individuals, churches, medical clinics, and legal service providers could be subject to penalties under the Ordinance if the services they provide are somehow construed to “aid and abet” an “illegal alien.” Ordinance 1708 also declares that all of Valley Park’s official business -- whether written or oral -- must be conducted only in the English language.

2. Plaintiffs herein are owners of rental property and businesses in Valley Park, and a fair housing agency funded by the United States Department of Housing and Urban

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<sup>1/</sup>Notably, under the plain language of Ordinance No. 1708 any for-profit business who happens to serve food to, sell products to, or provide service to an “illegal alien” is subject to punishment for “aiding and abetting.”

Development, which is charged with investigating and eliminating housing discrimination, and educating the public about fair housing matters. Each Plaintiff has a protectable interest in seeking a declaration of the lawfulness of the Ordinance.

3. Plaintiffs have suffered, and will continue to suffer serious and irreparable harm if Defendants continue to enforce Ordinance No. 1708. There is no adequate remedy at law to protect Plaintiffs from the harm, damage, and injury that they are enduring. By way of example only, as property owners who have entered into contracts for the lease of rental property, Plaintiffs are faced with actually proving that their tenants are not “illegal aliens” under threat of penalty, or they must breach a lease with their tenant and demand their immediate evacuation from their leased property.

4. Entry of a TRO is the only way to prevent irreparable harm to Plaintiffs.

5. The likelihood of success on the merits favors Plaintiffs. Ordinance No. 1708: usurps the exclusive federal authority to regulate immigration; was enacted in excess of Valley Park’s delegated authority; is arbitrary and unreasonable; unconstitutionally impairs existing contracts; is so vague and overbroad that it provides no notice of its own scope, therefore violating the constitutional right to due process; impedes interstate commerce; promotes discrimination in housing and violates the Fair Housing Act; and violates the constitutional guarantee of free speech.

6. Finally, the balance of equities and the public interest favor injunctive relief. Plaintiffs and other residents, business owners, and landlords in Valley Park are being subjected to unlawful harassment and racial profiling, while the putative benefits of the Ordinance are illusory.

7. Plaintiffs seek a waiver of the requirement of a bond or that bond be set at \$1 because there is no risk of financial harm to the Defendants from prohibiting enforcement of a new law that is unconstitutional. Defendants have stated the purpose of the law was “preventative” and thus have not stated there is any harm to be corrected by the ordinance.

WHEREFORE, Plaintiffs respectively request that this Court enter a temporary restraining order enjoining Defendants and their agents from enforcing the provisions of Valley Park Ordinance No. 1708, entitled “An Ordinance Relating to Illegal Immigration Within the City of Valley Park, MO,” which was enacted on July 17, 2006.

Respectfully submitted,

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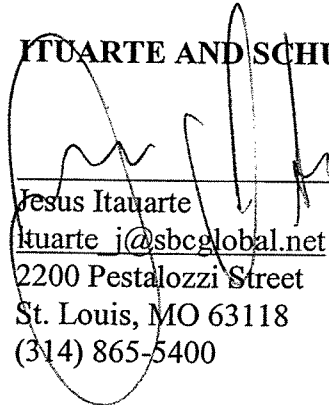
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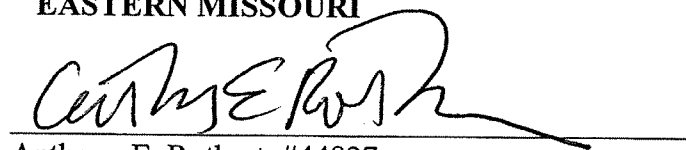
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**AN ORDINANCE RELATING TO  
ILLEGAL IMMIGRATION WITHIN  
THE CITY OF VALLEY PARK, MO**

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WHEREAS, the Board of Aldermen of the City of Valley Park finds that illegal immigration leads to higher crime rates, contributes to overcrowded classrooms and failing schools, and destroys our neighborhoods and diminishes our overall quality of life; and

WHEREAS, the City of Valley Park is empowered and mandated by the people of the City of Valley Park to abate the nuisance of illegal immigration by aggressively prohibiting and punishing the acts, policies, people and businesses that aid and abet illegal aliens;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF VALLEY PARK, MISSOURI, AS FOLLOWS:

**Section One**

**DEFINITIONS.**

Whenever used in this chapter, the following terms shall have the following meanings:

“City” means the City of Valley Park, Missouri;

“Contract employer” means any person who obtains the services of one or more individuals through a day labor agency; and

“Vehicle” means a vehicle as defined in State or Missouri Vehicle Code as the same now reads or may hereafter be amended.

**Section Two**

**BUSINESS PERMITS, CONTRACTS OR GRANTS.**

Any for-profit entity, including acts committed by its parent company or subsidiaries, that aids and abets illegal aliens or illegal immigration shall be denied approval of a business permit, the renewal of a business permit, city contracts or grants for a period not less than five (5) years from its last offense.

**EXHIBIT A**



- A. Aiding and abetting shall include, but not be limited to, the hiring or attempted hiring of illegal aliens, renting or leasing to illegal aliens, or funding or aiding in the establishment of a day laborer center that does not verify legal work status.
- B. Any act that aids and abets illegal aliens within the United States, not just within the City limits, will constitute a violation.

### Section Three

#### **RENTING TO ILLEGAL ALIENS.**

- A. Illegal aliens are prohibited from leasing or renting property. Any property owner or renter/tenant/lessee in control of property, who knowingly allows an illegal alien to use, rent or lease their property shall be in violation of this section.
- B. Any person or entity that violates this section shall be subject to a fine of not less than Five Hundred Dollars (\$500.00).

### Section Four

#### **ENGLISH ONLY.**

- A. The City of Valley Park declares that English is the official language of the City.
- B. Unless explicitly mandated by the federal government, the State of Missouri or the City of Valley Park, all official city business, forms documents, signage, telecommunication or electronic communication devices will be conducted or written in or utilize English only.

### Section Five

#### **SEVERABILITY.**

If any part of provision of this Chapter is in conflict or inconsistent with applicable provisions of federal or state statutes, or is otherwise held to be invalid or unenforceable by any court of competent jurisdiction, such part of provision shall be suspended and superseded by such applicable laws or regulations, and the remainder of this Chapter shall not be affected thereby.

### Section Six

This ordinance shall become effective from and after its passage and upon approval by the Mayor.

PASSED AND APPROVED THIS 17<sup>TH</sup> DAY OF JULY, 2006

## AFFIDAVIT

Before me, the undersigned authority, personally appeared Stephanie Reynolds, who, being by me duly sworn, deposed as follows:

1. My name is Stephanie Reynolds. I am 35 years old and am presently a resident of Valley Park, MO.

2. The information in this affidavit is a summary of some of the information and events I have knowledge about relating to the City of Valley Park Ordinance 1708 (“Ordinance”) and matters discussed in this affidavit. The information in this affidavit is not meant to encompass all of the events I have witnessed or have personal knowledge of at this time.

3. I have ownership interest in multiple rental units in Valley Park. The rental units include both single and multi-family units (“rental units”). I also have ownership interest in a convenience store that sells packaged foods, prepared food and is issued a liquor license (“store”).

4. I acquired my ownership interest in the rental units over a period of time. I acquired certain rental units during which time they were occupied with tenants who had unexpired leases. When I purchased the rental units, I honored unexpired leases and did not require the particular tenants to provide me additional documentation.

5. I am aware that all individuals who seek to rent property in Valley Park must obtain an occupancy permit from the City of Valley Park.

6. I am aware that Valley Park has city council meetings every first and third Monday of the month. I attempt to attend as many of the regularly scheduled city council meetings as my schedule allows.

7. On July 17, 2006, I attended a regularly scheduled city council meeting. Prior to

**EXHIBIT B**

my arrival at the meeting, I was unaware of what was to be discussed by the alderman and mayor. During this City Council meeting, I recall hearing a discussion relating to a land issue after which I recall a vote on the Ordinance which related to "Illegal aliens." The Ordinance, which I later found out was Ordinance 1708, was voted upon and passed on July 17, 2006.

8. I am not familiar with immigration laws. I am unaware of what it means to be an "Illegal alien" and have never been provided any information about how I could determine whether or not an individual is an "illegal alien" by any official from the City of Valley Park. I do not have any training regarding the rights or abilities of individuals to reside in the United States.

9. As I read the Ordinance, it is very vague. There is no definition of the terms such as "illegal alien" and the term "aiding and abetting" does not appear to have any limits as to what conduct can be included. The Ordinance is very broad and I can't tell what I have to do to follow the law.

10. In the evening of August 7, 2006, I was approached by a St. Louis County Police Officer ("Officer"). During this time, the Officer asked me questions about a particular family who was leasing one of my rental units. Specifically, the Officer asked me how much rent I charged the particular family and whether or not the family had a lease. In addition, the Officer asked me to provide him my name and social security number, which I did. Based upon these questions, I believed that I was being investigated for violating the Ordinance. Therefore, I asked the Officer what would happen (to me) next. In response, the Officer stated he would "give it to the prosecutor," and further stated, "the guys upstairs didn't think about [that]."

11. As a result of this incident, I made inquiries into whether or not I was under

investigation by the St. Louis County Police for violating the Ordinance. As a result of my inquiries, I was able to determine that there had been a report created regarding the incident of August 7, 2006 and that the report had been assigned number 06-67596 ("Report"). As of today, I have not been able to obtain a copy of the Report.

12. I am concerned that I will be prosecuted with violating the Ordinance, which I understand carries a fine of at least \$500 and may include jail time.

13. Since the Ordinance was passed, some tenants have moved out of my rental units. In addition, since the ordinance was passed, I have kept my store open longer. My livelihood has suffered and will continue to suffer under the Ordinance.

14. I have never hinged my decision to rent or not rented any of my rental units to particular individuals based upon their race, national origin or ability to speak English. I am not aware of what makes an individual an "alien" or an "illegal alien."

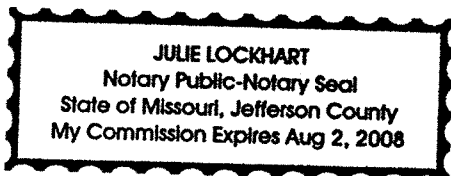
The undersigned swears that the matters set for in the foregoing affidavit are true and correct according to the undersigned's best knowledge and belief. Subject to the penalties of making a false affidavit or declaration.

Stephen Reynolds  
Affiant

Subscribed and sworn to before me the undersigned Notary Public this 21 day of September, 2006.

Julie Lockhart  
Notary Public

My Commission Expires:



## AFFIDAVIT

Before me, the undersigned authority, personally appeared Florence Streeter, who, being by me duly sworn, deposed as follows:

1. My name is Florence Streeter and I am 45 years old.
2. The information in this affidavit is a summary of some of the information and events I have knowledge about relating to the City of Valley Park Ordinance 1708 (“Ordinance”). The information in this affidavit is not meant to encompass all of the events I have witnessed or have knowledge of at this time.
3. I own several rental units in Valley Park, as well as a commercial rental space which includes a tenant that conduct business both in Valley Park and in surrounding communities. I also own several rental units in neighboring Fenton and Pacific, Missouri, as well as rental units in Jefferson and Franklin County, Missouri.
4. I am aware that Valley Park has regularly scheduled city council meetings. I try to attend as many meetings as I can. On July 17, 2006, I attended a regularly scheduled city council meeting. I was unaware of what was to be discussed by the aldermen and mayor. During the meeting, I remember a vote relating to an Ordinance which referenced “illegal aliens.” The Ordinance, which I later found out was Ordinance 1708, was voted upon and passed at that meeting.
5. In the weeks since the passage of this Ordinance, I have read the Ordinance, and I do not understand the terms in the Ordinance. The language is vague to me, including the meaning of the terms used in the ordinance such as “illegal alien.” The term is not defined. There is also no definition of “aiding and abetting” and there appears to be no limit as to what is included in that term. I do not see how the City of Valley Park could enforce such a discriminatory practice, especially since the city itself has supplied all tenants with occupancy permits.

**EXHIBIT C**

6. I have never based my decision to rent or not rent any of my rental units to any particular individual based either upon race, national origin or ability to speak English. I do not know the legal status of any of my tenants, and in general as a business practice I do not inquire as to any tenant's immigration status. I am in fact not even aware how to go about checking an individual's immigration status, and I am in no way familiar with U.S. Immigration Law. At no time since the passage of this Ordinance have I ever been given any instruction by the City of Valley Park or otherwise as to the specifics of Immigration Law.

7. Up until August of 2006, I had 2 separate Hispanic families living in my properties in Valley Park.

8. In August, 2006, I was told by one of these Hispanic tenants he and his family were moving out of Valley Park because a Hispanic friend of his in Valley Park had the police come to his door late at night demanding to see his "papers."

9. I found this especially surprising because in the past my units are rarely if ever vacated, and I attribute this tenant's exodus as a direct result of this ordinance. Fortunately, I was able to place this family in one of my other units in Fenton, MO.

10. After the unit was vacated it sat empty for approximately 1 month.

11. In the time it took to re-rent the unit, I was also surprised by the lack of interest among Hispanics in my property compared to the level of interest before the Ordinance was passed.

12. I noticed that I did not have a single Hispanic family look at the vacant unit, while in the past I have always had at least one Hispanic family tour a vacant unit when units do become available.

13. Since the passage of this ordinance, I have in fact been contacted by several Hispanic families that were looking for units specifically outside of Valley Park because of this Ordinance.

14. I also learned that another of my Hispanic tenants was approached by the police who also demanded to see his paperwork.

15. I regret that this community has taken such unlawful and discriminatory actions, and I feel that if this Ordinance is not revoked my business will suffer further loss. I feel the reputation of Valley Park has and will continue to suffer, which in turn will bring my property value down. I also am worried about the potential implications for landlords in Valley Park being forced to enforce Immigration Law as a form of discrimination against Hispanics.

16. Because of my ownership interest in commercial and residential real estate, I believe I could be fined or even go to jail for violating this Ordinance.

The undersigned swears that the matters set for in the foregoing affidavit are true and correct according to the undersigned's best knowledge and belief. Subject to the penalties of making a false affidavit or declaration.

*Florence Shat*  
\_\_\_\_\_  
Affiant

Subscribed and sworn to before me the undersigned Notary Public this 21 day of September, 2006.

*Julie Lockhart*  
Notary Public

My Commission Expires:

