

ORIGINAL IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

ELIZABETH BARRIETOS, §
RAYMUNDO FOERTES, MONICA V. §
BARRIENTOS, DUNG TRAN, §
MARIA C. PERALES, EUSEBIO §
EDUARDO EGUSQUIZA, ASLAN §
RAFIZADEH, ADELA REYES, §
FELIPA ZAMORA, ANA R. §
MONTOYA, OTTO BARRERA, §
RAMON PACHECO, RAFAEL §
GARCIA, MAGDALENE RANGEL, §
SANDRA TREJO, JUAN SANCHEZ, §
OSCAR GARCIA, TANVEER §
YOUSUF, SU YOU, BELEN ORTIZ, §
ALICIA ALVARADO, §
REYNA FIGUEROA, ANA CECILIA §
CASTRO, VICTORINO CALEXES, §
ELVA RODRIGUEZ, MARTHA A. §
GONZALEZ, GIOVARY GARCIA, §
MARTA CASTILLO, GUILLERMO §
GIL, DOUGLAS MALDONADO, §
PATRICIA GONZALEZ §
JANE DOES 1-25 AND JOHN §
DOES 1-25, §
Plaintiffs, §

CASE NO. 3-07 CV 0061-G

v. APPLICATION FOR TEMPORARY RESTRAINING ORDER
CITY OF FARMERS BRANCH, Defendant.

PLAINTIFFS' APPLICATION FOR TEMPORARY RESTRAINING ORDER

Plaintiffs, Elizabeth Barrietos, Raymundo Foertes, Monica V. Barrientos, Dung

LAW OFFICES OF BURT BARR & ASSOCIATES, L.L.P. P.O. BOX 223667 DALLAS, TEXAS 75222-3667

Tran, Maria C. Perales, Eusebio Eduardo Egusquiza, Aslan Rafizadeh, Adela Reyes, Felipa Zamora, Ana R. Montoya, Otto Barrera, Ramon Pacheco, Rafael Garcia, Magdalene Rangel, Sandra Trejo, Juan Sanchez, Oscar Garcia, Tanveer Yousuf, Su You, Belen Ortiz, Alicia Alvarado, Reyna Figueroa, Ana Cecilia Castro, Victorino Calaxes, Elva Rodriguez, Martha A. Gonzalez, Giovary Garcia, Marta Castillo, Guillermo Gil, John Does 1-25, and Jane Does 1-25 apply for a temporary restraining order under Fed. R. Civ. Proc. 65(b) immediately restraining the City of Farmers Branch from implementing and enforcing Ordinance No. 2892 (Ordinance), amending Chapter 26 of the Farmers Branch Municipal Code, in order to preserve the status quo, and would show:

The Ordinance was adopted on November 13, 2006, with an effective date of January 12, 2007.


This Application is made on the grounds that the Ordinance on its face violates numerous provisions of the United States Constitution and other federal laws. Plaintiffs will suffer imminent harm and irreparable injury from implementation and enforcement of the Ordinance. Plaintiffs have no adequate remedy at law, if the Court does not restrain the City of Farmers Branch from implementing and enforcing the Ordinance.

This Application is based on the verified complaint and the accompanying

declaration submitted herewith as labeled Exhibit A. This application is made upon notice to the City of Farmers Branch, as set forth in the accompanying certificate of service.

Respectfully submitted,

BURT BARR & ASSOCIATES, L.L.P.

By: 

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this application for temporary restraining order was served under FRCP 5 by facsimile to:

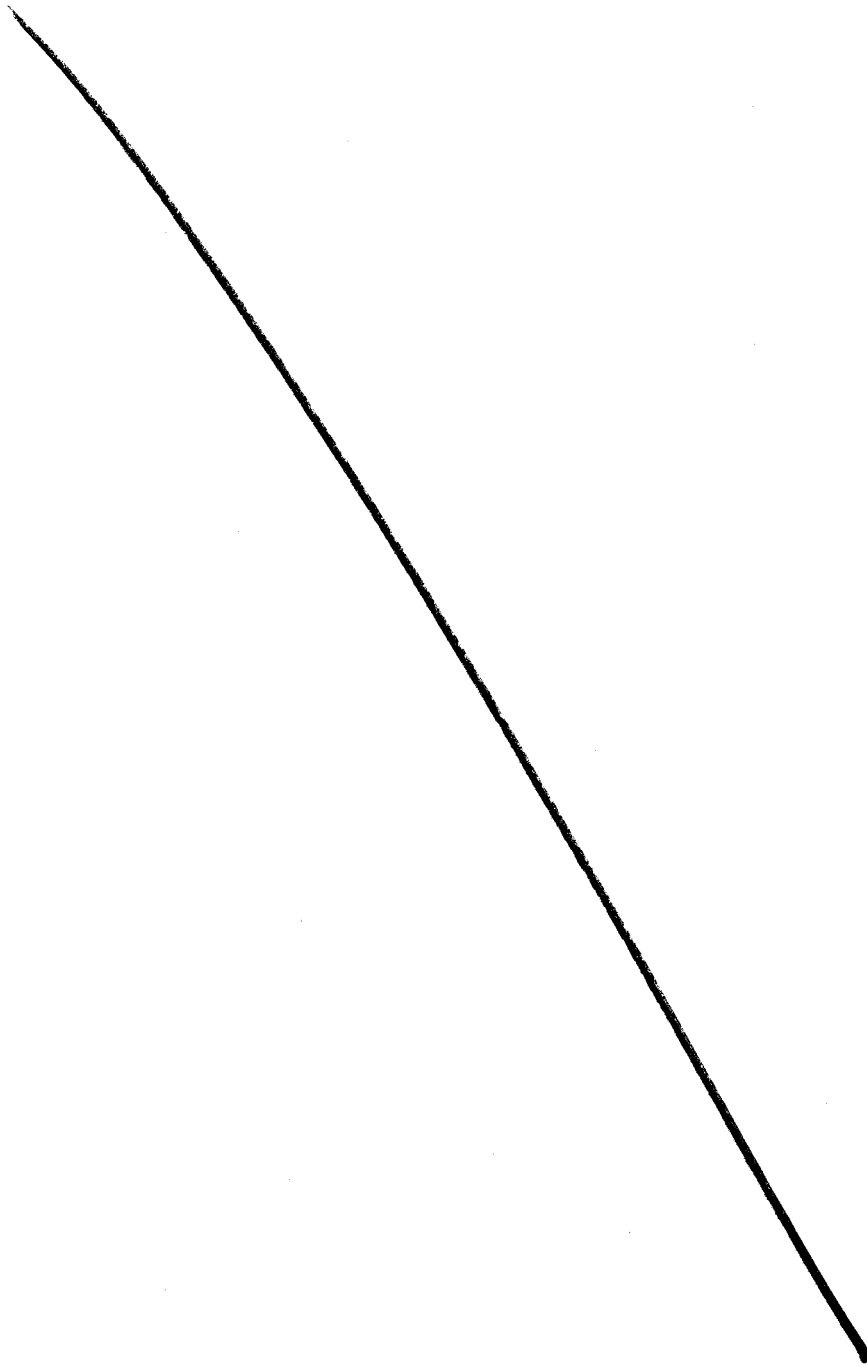
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M. Forest Nelson

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|------------------------------|---|-----------|
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| JANE DOES 1-25 AND JOHN | § | |
| DOES 1-25, | § | |
| Plaintiffs, | § | |
| | § | |
| v. | § | |
| | § | COMPLAINT |
| CITY OF FARMERS BRANCH, | § | |
| Defendants | § | |

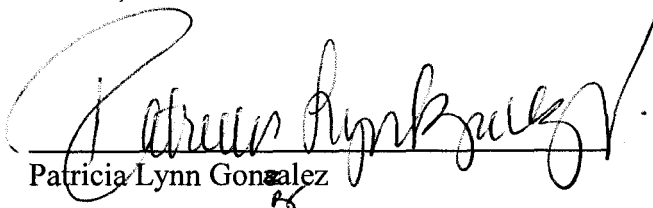
**DECLARATION OF PATRICIA LYNN GONSALEZ IN SUPPORT
OF PLAINTIFFS' COMPLAINT**

I, Patricia Lynn Gonzalez, hereby declare as follows:

1. My name is Patricia Lynn Gonzalez and I am competent to make this declaration. I am an United States citizen of Latino descent. I operate a business in Farmers Branch, Texas. The name of the business is Las Regias, a restaurant. Las Regias has been in Farmers Branch for over two years. I have operated this business for six months. I am a single parent with two children. This restaurant is my sole source of income.
2. I purchased Las Regias for \$30,000.00. I entered a three year lease for Las Regias. I have invested an additional \$10,000.00 in the restaurant for restaurant equipment and supplies. I obtained a loan from the bank for \$7,500.00 for the restaurant. I have also made improvements to the leasehold space. I have three family members that work at the restaurant as well as two waitresses.
3. Las Regias primarily sells Mexican-American food. About 90 percent of my business is Latino. I have Latino clientele throughout the Metroplex, but the majority of my clients came from apartments in Farmers Branch. My business has dropped approximately 40 percent since the publication of Ordinance 2892.
4. After the publication of Ordinance 2892, I began hearing from several of my customers that they were afraid to enter Farmers Branch. The customers indicated that they wanted to support my business but they couldn't. They said they would still come to my restaurant if I moved to another city or if Ordinance 2892 did not go into effect. ^{now - 100} I had too much money and effort invested at Las Regias in Farmers Branch to move. I also had a three year lease obligation.
5. Las Regias is the only source of income I have. I need the restaurant to support my two children and myself. I work very hard and pay rent, utilities, suppliers, and taxes. My creditors still expect me to pay my bills on time. I always pay my bills on time. I am a productive member of the community and wish to stay here in Farmers Branch, Texas.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 10 day of January, 2007 at Dallas, Texas.


Patricia Lynn Gonzalez