

STATE OF WISCONSIN                      CIRCUIT COURT                      MILWAUKEE COUNTY

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**MILWAUKEE DEPUTY SHERIFF'S ASSOCIATION**  
itself and on behalf of its members,  
**MARK ZIDEK, and ILIR SINO**

**Plaintiffs,**

v.

**DAVID A. CLARKE, JR.,**  
**EDWARD BAILEY, and**  
**MILWAUKEE COUNTY**

**Defendants.**

Case No. \_\_\_\_\_  
Case Code: 30703  
Case Type: Unclassified

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**PLAINTIFFS' NOTICE OF MOTION AND MOTION  
FOR TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION**

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**PLEASE TAKE NOTICE THAT** the above-named plaintiffs, by their attorneys, Jonathan Cermele and Eggert & Cermele, S.C., hereby move the Court pursuant to §813.02, Wis. Stats., for:

- A. A Temporary Restraining Order enjoining defendants from permitting the Fellowship of Christian Centurions, or any other non-secular organization, from attending "roll call," as specifically scheduled to occur on May 16, 2006, and any time in the future;
- B. An Order directing defendants to appear before the Court at a time to be fixed by the Court and to show cause, if there be any, why a Preliminary Injunction should not be issued, and;
- C. An Order making the Temporary Restraining Order the Court's Preliminary Injunction pending final adjudication of this case on the merits.

The grounds for this motion, as more fully set forth in the accompanying Brief and

Affidavits, are that:

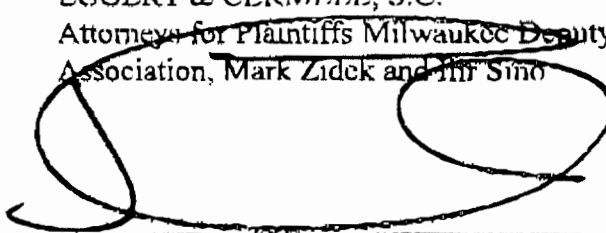
- The action sought to be restrained confronts plaintiffs with a risk of immediate and irreparable harm for which they have no adequate remedy at law;
- Plaintiffs are likely to prevail on the merits of their claim;
- The issuance of a Temporary Restraining Order is necessary to preserve the status quo;
- No apparent harm or injury will be suffered by the defendants or the public if this motion for Temporary Restraining Order is granted, and;
- The risks confronted by plaintiffs require that the Court grant the requested relief immediately, before a full hearing on the Preliminary Injunction.

Defendants David A. Clarke, Jr., and Edward Bailey, both maintain offices at 821 West State Street, Milwaukee, WI, and Defendant Milwaukee County maintains offices at the Milwaukee County Courthouse, 901 North 9<sup>th</sup> Street, Milwaukee, Wisconsin, 53233.

Dated this 15<sup>th</sup> day of May, 2006 in Milwaukee, Wisconsin.

EGGERT & CERMELE, S.C.

Attorneys for Plaintiffs Milwaukee Deputy Sheriff's Association, Mark Zidek and Mr. Simo



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