

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA; OKLAHOMA STATE CHAMBER OF COMMERCE AND ASSOCIATED INDUSTRIES; GREATER OKLAHOMA CITY CHAMBER OF COMMERCE; METROPOLITAN TULSA CHAMBER OF COMMERCE, INC.; OKLAHOMA RESTAURANT ASSOCIATION; and OKLAHOMA HOTEL AND LODGING ASSOCIATION,

Plaintiffs,

v.

Case No. CIV-08-109-C

BRAD HENRY, in his official capacity as Governor of the State of Oklahoma; W.A. DREW EDMONDSON, in his official capacity as Attorney General of the State of Oklahoma; KEITH MCARTOR, STAN EVANS, MARK ASHTON, ANN CONG-TANG, ELVIA HERNANDEZ, RITA MAXWELL, TERESA RENDON, SAMMIE VASQUEZ, SR., and JUANITA WILLIAMS, in their official capacities as Members of the Oklahoma Human Rights Commission; and THOMAS E. KEMP, JR., JERRY JOHNSON, and CONSTANCE IRBY, in their official capacities as Members of the Oklahoma Tax Commission,

Defendants.

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs the Chamber of Commerce of the United States of America, the Oklahoma State Chamber of Commerce and Associated Industries, the Greater Oklahoma City Chamber of Commerce, the Metropolitan Tulsa Chamber of Commerce, the Oklahoma Restaurant Association, and the Oklahoma Hotel and Lodging Association, by

and through the undersigned attorneys, hereby move for a preliminary injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure. Plaintiffs' requested injunction would enjoin the defendants, acting in their official capacities, from executing and enforcing Sections 7 and 9 of the Oklahoma Taxpayer and Citizen Protection Act of 2007, H.B. 1804, pending this Court's final determination of plaintiffs' claims on the merits.

As explained in the attached Brief, Sections 7 and 9 of Oklahoma's Act are preempted by federal law and thus void under the Supremacy Clause of the United States Constitution. If these provisions are allowed to enter into force while this litigation is pending, plaintiffs and their members will suffer irreparable harm. The defendants have no countervailing interest in the enforcement of their preempted and unconstitutional law, and the public interest clearly favors a preliminary injunction in this case.

Thus, for the reasons stated in the supporting Brief, plaintiffs respectfully request that this Court grant their Motion for a Preliminary Injunction.

DATED this 1st day of February, 2008.

Respectfully Submitted,

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