

FILED
FIFTH JUDICIAL DISTRICT COURT
2010 JUL 14 PM 5:05
WASHINGTON COUNTY

BY 

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IN THE FIFTH JUDICIAL DISTRICT COURT
WASHINGTON COUNTY, STATE OF UTAH

LYLE JEFFS, in his capacity as Bishop of
the Fundamental Church of Jesus Christ of
Latter-Day Saints,

Plaintiff,

v.

SHANE STUBBS, an individual; and
DAVID STUBBS, an individual,

Defendants.

) TEMPORARY RESTRAINING ORDER

) No. 100502442

) Walton

Plaintiff's motion for temporary restraining order was heard by the Court on July 14, 2010. Based upon the facts alleged in the Verified Complaint there is a reasonable basis for issuing this Order without notice which basis fulfills the requirements of Rule 65A(b)(1).

The Court finds:

1. Should defendants not be restrained from coming onto the vicinity of the Bishop's Storehouse and the Bishop's residence in Hildale, Utah, continued verbal and physical altercations have a likely of ensuing which may escalate causing a disturbance of the peace and irreparable injury and harm to the plaintiff and others.
2. Should defendants not be restrained from placing any items into the granaries historically used by the Bishop for communal storage of food for the community, the food supply of the community will be contaminated, and the Bishop's ability to meet the just wants and needs of his congregation in the fulfillment of his ecclesiastical role will likely be impaired, causing immediate and irreparable harm to plaintiff and the community he is called to serve.
3. Defendants, by virtue of the possession and attempted exercise of this lease which purports to eliminate the ability of the Bishop to discharge his religious duties, infringe the free exercise of religion guaranteed by the Constitution of the United States of America in a manner inconsistent with the public interest.
4. On balance, the threatened harm to plaintiff and the public interest if this injunction is not granted outweighs any potential harm to defendants.

5. Because the only apparent harm to defendants before this matter may be heard on the merits is that for several days feed grade grain cannot be stored in the Bishop's Storehouse granary until this matter is heard, no bond should be required.

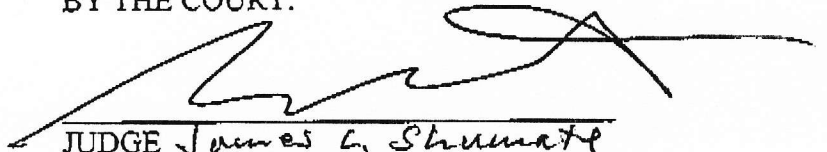
The Court having reviewed the pleadings, heard the arguments, and being fully advised,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that, pending an evidentiary hearing to be held July 27, 2010 before this Court, defendants and all those acting in concert with defendants, their agents, servants, employees, attorneys, and those persons acting in participation with them, who receive notice of this Order, in person or through counsel, or otherwise are enjoined as follows:

1. From, directly or indirectly, personally or through agents or otherwise, coming onto the property located at 1085 North Louis Street, Hildale, Utah (Bishop's Residence) and 1100 North Carling Street, Hildale, Utah (Bishop's Storehouse), and from placing anything whatsoever in or about the granaries located on the property, or on the property itself.
2. From, directly or indirectly, assaulting or attempting to assault, harassing or attempting to harass, communicating with or attempting to communicate with the plaintiff, his family, his agents, and any persons who might be located or found on the property of the Bishop's Storehouse or the Bishop's Residence in Hildale, Utah.
3. This order shall serve as a Writ of Assistance ordering law enforcement, if necessary, to immediately enforce the terms of this Temporary Restraining Order.
4. This Order will expire 10 days from the date hereof unless extended by this Court.

SO ORDERED this 14 day of July, 2010 at 16:59 a.m./p.m.

BY THE COURT:



JUDGE *James G. Strumate*
FIFTH JUDICIAL DISTRICT COURT

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