

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

TEMPLE BAPTIST CHURCH;
ARTHUR SCOTT,

Plaintiffs,

v.

CITY OF GREENVILLE, *et al.*

Defendants.

Case No.: 4:20-cv-64 DMB-JMV

**NOTICE OF WITHDRAWAL OF PLAINTIFFS’
MOTION FOR TEMPORARY RESTRAINING ORDER**

PLEASE TAKE NOTICE that Plaintiffs hereby withdraw their Motion for Expedited Hearing and Motion for Temporary Restraining Order (ECF No. 5). The issues raised in that Motion relate to a previous Executive Order, dated April 7, 2020, which has been superseded by a new order titled “Council Order Regarding Drive-In Establishments During COVID-19 Pandemic,” dated April 21, 2020. *See* Exhibit 1. This notice concerns the Motion for Expedited Hearing and Motion for Temporary Restraining Order only.

Respectfully submitted this 22nd day of April 2020.

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*Motions for *Pro Hac Vice* admission forthcoming.

CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2020, the foregoing Notice of Withdrawal of Plaintiffs' Motion for Temporary Restraining Order was electronically filed with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record. I further certify that service of the foregoing document will be made via email on:

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Attorney for Defendants

Dated: April 22, 2020

s/Nathan W. Kellum
Nathan W. Kellum

EXHIBIT 1



COUNCIL ORDER REGARDING DRIVE-IN ESTABLISHMENTS DURING COVID-19 PANDEMIC

ORDER: Mandating, effective immediately, that in an effort to prevent the spread of the Coronavirus (COVID-19), all drive-in establishments, including but not limited to, restaurants, churches, pharmacies, food pantries, and any and all other establishments, businesses, and organizations that lend themselves to drive-in or drive-up experiences and/or services are permitted and patrons shall keep their windows up in order to protect the life, safety, and general welfare of the general public. Patrons of drive-in establishments may lower their windows only when receiving services rendered by said establishments. State and federal mandates including Center for Disease Control, Mississippi State Department of Health, and social distancing guidelines must be complied with.

The Greenville City Council enters this Order to prevent the spread of COVID-19 and to protect and save lives in this community.

This Order further supports the emergency declared by Proclamation of the Greenville City Council on March 17, 2020 stating that conditions of extreme peril have arisen within the city caused by COVID-19 (Coronavirus).

Violation of this Order shall be a misdemeanor, and shall result in a warning for the first violation. Subsequent violations shall result in a fine not to exceed \$500.00, at the discretion of the Municipal Court Judge.

This Order remains in effect until further order of Council.

Adopted by the Greenville City Council on April 21, 2020