

CV-2022-1163
Stinson



IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA FILED IN DISTRICT COURT
OKLAHOMA COUNTY

EBENEZER BAPTIST CHURCH, INC.,)
Plaintiff)
Vs.)
ISRAEL UNITED IN CHRIST, INC.,)
Defendant.)

JUN 17 2022
Case No. : RICK WARREN
COURT CLERK
112 _____

CV-2022-1163

**PETITION AND APPLICATION FOR TEMPORARY RESTRAINING ORDER AND/OR
TEMPORARY INJUNCTION**

COMES NOW, the Plaintiff, Ebenezer Baptist Church, Inc., by and through Plaintiff's attorney Lori Combs pursuant to 12 O.S. § 1381 for the Plaintiff's cause of action against the Defendant, Israel United in Christ, Inc., alleges and states as follows:

VENUE AND JURISDICTION

1. Plaintiff is a corporation incorporated in the State of Oklahoma. Plaintiff owns property located at 3600 N. Kelley, Oklahoma City, Oklahoma 73111.
2. Defendant is a corporation incorporated in the State of Oklahoma, City of Oklahoma City.
3. Venue is proper as both Plaintiff and Defendant are incorporated by the State of Oklahoma.

FACTS

4. On June 12, 2022 members of the Defendant's organization came to the church. They were yelling and shouting rude, vile, and obscene statements through a megaphone about the church and the pastor of the church.
5. The members of the Defendant's organization were yelling through the megaphone for the pastor to come outside.
6. Members and guests of the church were harassed, by the aforesaid, as they left the church.

7. An argument ensued between church members and members of the Defendant's organization. A church member, trying to diffuse the situation, jumped out of her car and forgot to put it in park. As a result, she was dragged by her car causing injuries to her body.

ARGUMENT AND AUTHORITY

Temporary Restraining Order:

The purpose of a temporary restraining order is to maintain the status quo between the parties. *Morse v. Earnest, Inc.*, 547 P.2d 955, 1976 OK 31. A temporary restraining order may issue without oral or written notice to the adverse party when immediate and irreparable injury, loss, or damage will be suffered by the party seeking the temporary restraining order. 12 O.S. Sec 1384. I(B)(I). The temporary restraining order will only remain in effect until the court decides, after a hearing with notice to the adverse party, whether or not a temporary injunction will be issued. *Id.*

Temporary Injunction:

Generally, in order to be entitled to injunctive relief, the applicant must show irreparable harm or detriment if relief is denied, a likelihood of success on the merits, effect on the other interested parties, and address public policy concerns. 12 OS. Sections 1381, 1383; *Roy Realty & Developing, Inc., v. Watson*, 791 P.2d 821 (Okla. 1990); *Tedrick v. City of Tulsa*, 2001 OK CIV APP 153, 39

P.3d 152, Although all four criteria, namely likelihood of success, irreparable harm, effect on other parties, and public policy concerns must be met before a temporary injunction is issued, courts tend to focus most heavily upon the

'irreparable harm" requirement. Injury is irreparable when it is incapable of being fully compensated for in damages or where the measure of damages is so speculative that it would be difficult if not impossible to correctly arrive at the amount of damages. *Hines v. Independent School Dist. No. 50, Grant County*,

1963 OK 85, 380 P.2d 943. The granting or refusing of injunctive relief rests within the sound discretion of the trial court. *Johnson v. Ward*, 541 P.2d 182, 188 (Okla. 1975). The discretion of the Court must be exercised within sound equitable principles, taking in all the facts and circumstances in the case. *Amoco Production co. V. Lindley*, 609 P.2d 733, 745 (Okla. 1980).

PRAYER FOR RELIEF

WHEREFORE, premises considered, Plaintiff prays that this Court enter an order determining:

- A. That members of the Defendant's organization be enjoined from interfering with ingress and egress to the Plaintiff's property as well as harassing members and guests and interfering with use and enjoyment of property.
- B. Award Plaintiff the costs of this action and a reasonable attorney fee, and any and other such relief to which Plaintiff may be entitled under law and by equity.

Respectfully submitted,



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P.O. Box 18782
Oklahoma City, OK 73154
(405) 534-9824

STATE OF OKLAHOMA)
) SS:
COUNTY OF OKLAHOMA)

Freddie Wright, of legal age, being first duly sworn upon oath, deposes and states as follows,
to wit:

1. That I am the Chairman of the Trustees and a Deacon for the Plaintiff in the above and foregoing Petition and Application for Temporary Restraining Order and/or Temporary Injunction;
2. That I have read the facts and matters contained therein and know the contents thereof;
3. That the statements, allegations and facts set forth therein are true and correct to the best of my information knowledge and belief.


Freddie Wright

Subscribed and sworn to before me this 16th day of June 2022
by Freddie Wright above named.


NOTARY PUBLIC

My Commission Expires:

05/12/2025

My Commission No.:

21006432

