

ORIGINAL

HAWAI'I DISABILITY RIGHTS CENTER

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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

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SUE BETIA, CLERK

Attorneys for Plaintiff  
HAWAI'I DISABILITY RIGHTS CENTER

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI'I

HAWAI'I DISABILITY RIGHTS  
CENTER;

Plaintiff,

vs.

SUSANNA F. CHEUNG, in her  
capacity as President and Chief  
Executive Officer of Opportunities for  
the Retarded, Inc., and  
OPPORTUNITIES FOR THE  
RETARDED, INC.;

Defendants.

) CIVIL NO. 06-00605 DAE BMK

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)

) PLAINTIFF'S MOTION FOR

) PRELIMINARY INJUNCTION;

) MEMORANDUM IN SUPPORT OF

) PLAINTIFF'S MOTION FOR

) PRELIMINARY INJUNCTION;

) AFFIDAVIT OF GARY L. SMITH;

) AFFIDAVIT OF VERA WAIKIKI;

) DECLARATION OF WINSTON

) D.M. LING; EXHIBITS "A"-"H";

) PROPOSED ORDER

)

) Hearing Date and Time: TBA

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## **PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

The above-named Plaintiff HAWAI'I DISABILITY RIGHTS CENTER ("HDRC"), by and through its attorneys, Winston D.M. Ling and Louis Erteschik, hereby moves this Court to grant its motion for preliminary injunction, to order Defendants SUSANNA F. CHEUNG and OPPORTUNITIES FOR THE RETARDED, INC. (collectively, "ORI") to immediately provide HDRC with the names and addresses of legal guardians, conservators, or other legal representatives of ORI clients pursuant to 45 C.F.R. § 1386.22(i).

The Motion for Preliminary Injunction is brought pursuant to Rules 53 and 65 of the Federal Rules of Civil Procedure.

This motion is based upon the attached memorandum, affidavits, declarations and exhibits, and upon such further evidence and argument as may be presented prior to or during a hearing on this motion.

DATED: Honolulu, Hawai'i, November 9, 2006.

  
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WINSTON D.M. LING  
LOUIS ERTESCHIK  
MATTHEW C. BASSETT

Attorneys for Plaintiff  
HAWAI'I DISABILITY RIGHTS CENTER