IN THE CIRCUIT COURT FOR THE COUNTY OF ST. LOUIS
STATE OF MISSOURI

Stephanie Reynolds et al.,	)	
	)	Division 13
Plaintiffs,	)	
	)	Cause No. 06-CC-3802
and	)	
	)	
James Zhang,	)	
	)	
Intervener,	)	
	)	
v.	)	
	)	
City of Valley Park, Missouri, et al.,	)	
	)	
Defendants.	)	

PLAINTIFFS WINDHOVER, INC.'S AND JACQUELINE GRAY'S MEMORANDUM IN SUPPORT OF MOTION FOR ORDER TO SHOW CAUSE AND CONTEMPT

Plaintiffs Windhover, Inc. ("Windhover") and Jacqueline Gray ("Gray"), by their counsel, hereby submit this memorandum in support of their Motion for Order to Show Cause and Contempt ("Contempt Motion").

Plaintiffs Windhover and Gray join in the arguments set forth in Plaintiffs' Memorandum in Support of Motion for Contempt filed on September 18, 2007 on behalf of Co-Plaintiffs Stephanie Reynolds et al. We add the observation that Defendant City of Valley Park (the "City") is likely to argue vigorously that Ordinance No. 1722 does not fall within the scope of this Court's permanent injunction, even though it incorporates wholesale the penalty provision of Ordinance No. 1715 that this Court held to be invalid. The City can be expected to argue that the issue of the validity of Ordinance No. 1722 was not before the Court when it issued its permanent injunction and that, indeed, Plaintiffs chose not to amend their complaint to place the issue of the validity of Ordinance No. 1722 before the Court.

However, the issue is not whether the Court expressly adjudicated the validity of Ordinance No. 1722 in its March 12, 2007 Judgment, but whether the activation and enforcement

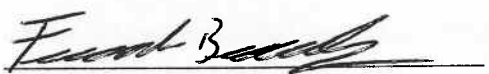
of Ordinance No. 1722 constitutes a continuation of the same conduct that the Court enjoined. This Court has already held that Ordinance No. 1722 constitutes a continuation of the conduct embodied in the enjoined ordinances. The Court closely examined Ordinance No. 1722 in concluding that that matter was not moot, despite the alleged repeal of Ordinance No. 1708 and Ordinance No. 1715, because "the new ordinances are 'sufficiently similar' to the old ordinances in that they are directed at the same class of people and conduct and include some of the same penalties." (March 12, 2007 Judgment at 5.) The Court further stated that "[g]iven that the substance of the new ordinances is the same, the Court concludes the challenged conduct will continue." (*Id.*)

If the activation of Ordinance No. 1722 constitutes the continuation of the enjoined conduct, then there can be no question that it violates the permanent injunction. As the Reynolds Plaintiffs point out, the City implicitly recognized that Ordinance No. 1722 fell within the scope of the injunctions in this case by providing that Ordinance No. 1722 would not become effective until any restraining orders or injunctions in this case were terminated. Now, inexplicably, the City has purported to activate Ordinance No. 1722 with the passage of Ordinance No. 1736, thereby violating the injunction.

Accordingly, Plaintiffs respectfully pray for an Order holding the City in contempt of this Court's permanent injunction and clarifying that the enforcement of Ordinance No. 1722, as amended by Ordinance No. 1736, is permanently enjoined.

Dated: September 19, 2007

Respectfully submitted,

By: 

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Plaintiffs Windhover, Inc.'s and Jacqueline Gray's Memorandum in Support of Motion for Order to Show Cause and Contempt was served via mail and electronic mail on September 19, 2007 to:

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