

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED

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JED DODD; and RONALD A. BOWDEN,

Plaintiffs

v.

FREDDIE N. SIMPSON; PERRY K. GELLER;
and BROTHERHOOD OF MAINTENANCE OF
WAY EMPLOYES,

Defendants

Civil Action

No. 04-71764

Hon. Gerald E. Rosen

U.S. DIST. COURT CLERK
EAST DIST. MICH
ANN ARBOR

MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION THEREAFTER

Plaintiffs Jed Dodd and Ronald A. Bowden, by their attorneys, hereby move pursuant to Fed.R.Civ.P. 65(b), for a Temporary Restraining Order and preliminary injunction thereafter against Defendants, jointly and severally, together with their agents, servants and representatives, enjoining them, until such time as a trial can be held on the merits of Plaintiffs' case. In support of said motion, Plaintiffs rely on the complaint and the enclosed declarations, exhibits, and memorandum of law, and further state to the Court as follows:

(1) Unless Defendants are enjoined and restrained from their illegal and improper conduct, their actions will cause immediate, substantial and irreparable harm to Plaintiffs, for which there is no adequate remedy at law.

(2) As alleged in the Complaint, the Defendants are moving ahead to conduct the vote for President of the Union on June 8, 2004, denying 7,000 Canadian members of the Union the right to vote. There is insufficient time in which to hold a trial - before Defendants elect a new president in violation of their Constitution and federal law, thus irreparably harming Plaintiffs' rights. In addition, Defendants are attempting to merge the BMW members in Canada into

another labor organization without a vote, pursuant to a purported agreement which they began to implement on May 11, 2004.

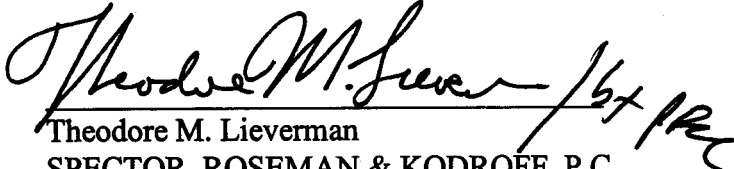
(3) If granted, a temporary restraining order and preliminary injunction thereafter will place less of a burden on Defendants than the burden would be upon Plaintiffs if the preliminary injunction is not issued.

(4) The issuance of a temporary restraining order and preliminary injunction thereafter are in the public interest.

WHEREFORE, Plaintiffs pray that this Court issue a temporary restraining order, schedule a hearing at its earliest opportunity and issue, after hearing, a preliminary injunction *pendente lite*.

Dated: May 14, 2004


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