

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

HARVEST FAMILY CHURCH,
HI-WAY TABERNACLE, and
ROCKPORT FIRST ASSEMBLY OF
GOD,

Plaintiffs,

v.

FEDERAL EMERGENCY
MANAGEMENT AGENCY, WILLIAM
B. LONG, Administrator of the Federal
Emergency Management Agency,

Defendants.

Civil No. 4:17-cv-2662

**Plaintiffs' Emergency Motion for
Preliminary Injunction**

Pursuant to Federal Rule of Civil Procedure 65 and for the reasons set forth in the accompanying memorandum of law and on the basis of the testimony in the accompanying declarations, Plaintiffs hereby move on an emergency basis for a preliminary injunction enjoining Defendants, their agents, officers, and employees, and others working in concert with them from any application or enforcement of:

- The policy on page 12 of FEMA's Public Assistance Program and Policy Guide that "Facilities established or primarily used for . . . religious . . . activities are not eligible" for Public Assistance Program funds;
- The policies on Page 15 of FEMA's Public Assistance Program and Policy Guide that "Religious activities, such as worship, proselytizing, religious instruction, or fundraising activities that benefit a religious institution and

not the community at large,” “Religious education,” and “Religious services” are ineligible services under the Public Assistance Program; and

- Any other policy or regulation that prohibits houses of worship from being considered for grants under 42 U.S.C. § 5172 because of their religious status or the religious nature of the activities that occur in their facilities.

Due to the impending deadline for applying for FEMA disaster relief grants, Plaintiffs respectfully request that the Court grant this motion by September 24, 2017.

Pursuant to Local Civil Rule 7.1D, Plaintiffs’ counsel conferred with counsel for Defendants. Defendants state that “While we cannot say for certain until we see your motion, it is likely we will oppose.”

Pursuant to Local Civil Rule 7.5A, Plaintiff hereby requests oral argument on this motion.

Respectfully submitted this 6th day of September, 2017.

s/ Eric Rassbach

Eric C. Rassbach

(Texas Bar. No. 24013375;

S.D. Tex. Bar No. 872454)

Attorney-in-charge

Diana M. Verm (S.D. Tex. Bar. No. VA71968)

Of Counsel

Daniel Blomberg (S.D. Tex. Bar No. 2375161)

Of Counsel

The Becket Fund for Religious Liberty

1200 New Hampshire Ave. NW,
Ste. 700

Washington, DC 20036

Tel.: (202) 955-0095

Fax: (202) 955-0090

erassbach@becketlaw.org
dblomberg@becketlaw.org
dverm@becketlaw.org

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2017, the foregoing memorandum was served on the following attorney via email:

Lesley Farby
Assistant Director
United States Department of Justice
Civil Division, Federal Programs Branch
Lesley.Farby@usdoj.gov

/s/ Eric C. Rassbach

Eric C. Rassbach