

(1) obliterate and spoil the viewscape from the site traditionally used by Comanche religious practitioners for the first ceremonies on the ascension of Medicine Bluffs; and

(2) substantially burden the exercise of religion for traditional Comanche religious practitioners including Plaintiff Arterberry. Defendants have no compelling governmental interest for constructing the warehouse at this sacred site, and it is not the least restrictive means for having a new warehouse within the expansive Fort Sill Military Reservation.

The undersigned counsel hereby certifies that he has provided notice of this Motion for Temporary Restraining Order and Preliminary Injunction to counsel for Defendants by talking with **Steven Mullins**, Assistant U.S. Attorney for Western District of Oklahoma by telephone at the following telephone number (405) 553-8700 at the following time(s) 1:15 p.m. on August 15, 2008. A copy of this motion and the accompanying documents was sent to:

- John C. Richter, United States Attorney for the Western District of Oklahoma, by telefax on August 15, 2008, to the following fax number (405) 553-8885.
- Michael B. Mukasey, Attorney General, U.S. Department of Justice by telefax on August 15, 2008; to the following fax number (202) 307-6777,
- Russ Bennett, JAG Attorney for Fort Sill Military Reservation, to the following fax (580) 442-3817

Plaintiff further moves for a waiver of security required under Fed. R. Civ. P. 65(c), or for a nominal security, on the grounds that Defendants will suffer no significant harm by being restrained from initiating construction of the proposed

warehouse.

* * *

WHEREFORE, Plaintiff requests that this Court:

1. Issue a temporary restraining order enjoining the United States, the Secretary of the Army, and the Garrison Commander of the Fort Sill Military Reservation, from proceeding with any construction activities at the Training Support Center warehouse site on the north side of Randolph Road in the Fort Sill Military Reservation pending the outcome of Plaintiff's Motion for Preliminary Injunction.
2. Issue the temporary restraining order without hearing on Friday, August 15, 2008, or as soon thereafter as possible, and schedule a hearing to be set as soon as practicable thereafter.
3. Set specific date and time, by agreement of the parties or upon the conclusion of the hearing on the temporary restraining order, for a full and complete hearing on Plaintiff's Motion for Preliminary Injunction after allowing a sufficient period of time to conduct discovery; and
4. Issue a Preliminary Injunction enjoining the United States, the Secretary of Interior, and the Assistant Secretary for Indian Affairs, and their successors in office, from proceeding with any construction activities at the Training Support Center warehouse site on the north side of Randolph Road in the Fort Sill Military Reservation pending resolution of this action.
5. Grant Plaintiff such further relief as deemed just and proper.

Dated this 15th Day of August, 2008.

Respectfully submitted,

HOBBS, STRAUS, DEAN & WALKER, LLP

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Attorneys for the Plaintiffs

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing was served this 15th day of August, 2008, via process server, U.S. First Class Mail postage prepaid, or facsimile:

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Colonel Bridgeford HQ, U.S. Army Garrison, Fort Sill 909 N.W. Hamilton Rd., Ste 120 Fort Sill, OK 73503-9004 Fax: (580) 442-7971	General Vangjel HQ, U.S. Army Garrison, Fort Sill 7305 McNair Ave., Suite 100 Fort Sill OK, 73503 Fax: (580) 442-4700
Preston Murdoch "Pete" Geren III Secretary of the Army Office of the Secretary of the Army 101 Army Pentagon Washington, DC 20310-0101 Fax: (703) 697-8036	

By: /s/ James M. Burson
 James M. Burson