

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

Michael J. Elli,	)	
	)	
individually and on behalf of those	)	
similarly situated,	)	
	)	
Plaintiff,	)	No. 4:13-cv-711-HEA
v.	)	
	)	
City of Ellisville, Missouri; et al.,	)	
	)	
Defendants.	)	

**JOINT MOTION FOR ENTRY OF PERMANENT INJUNCTION**

Come now the parties, through their respective counsel, and jointly move this Court for entry of their proposed order and permanent injunction. In support, they state:

1. In this case, Plaintiff challenges the alleged policy and custom of the City of Ellisville, Missouri, of having police officers pull over, detain, and cite individuals who are perceived by police officers as having communicated to oncoming traffic that a speed trap is ahead by flashing their automobile headlamps, and then prosecuting and imposing fines upon those individuals.
2. On February 3, 2014, on the motion of the plaintiff, this Court entered a preliminary injunction enjoining the City and its officers and agents from seizing, citing, or prosecuting any individual within the City of Ellisville for communicating by flashing his or her automobile headlamps. (Doc. # 32).
3. The parties' jointly request that this Court enter their proposed order and permanent injunction. Subject to this Court's approval, the preliminary injunction will be made permanent and the City of Ellisville and its police officers will be enjoined from

detaining, seizing, citing, or prosecuting any individual within the City of Ellisville for communicating by flashing his or her automobile headlamps.

4. Entry of the proposed order and permanent injunction would resolve all claims raised in Count I of the Amended Complaint.
5. The proposed order is attached hereto and emailed in Word format to [MOED\\_Proposed\\_Orders@moed.uscourts.gov](mailto:MOED_Proposed_Orders@moed.uscourts.gov).

WHEREFORE the parties jointly move this Court to enter the agreed-upon order and permanent injunction.

Respectfully submitted,

/s/Peter J. Dunne

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Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that on April 2, 2014, the foregoing was filed and delivered by operation of the Court's CM/ECF system delivered to counsel of record for Defendant.

/s/ Anthony E. Rothert

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EASTERN DISTRICT OF MISSOURI  
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Plaintiff,	)	No. 4:13-cv-711-HEA
v.	)	
	)	
City of Ellisville, Missouri; et al.,	)	
	)	
Defendants.	)	

**ORDER AND PERMANENT INJUNCTION**

On the joint agreement and motion by the parties to convert the preliminary injunction, entered February 3, 2014, to a permanent injunction, and the Court being fully advised in the premises, it is hereby ordered:

1. In this case, Plaintiff challenges the alleged policy and custom of the City of Ellisville, Missouri, of having police officers pull over, detain, and cite individuals who are perceived by police officers as having communicated to oncoming traffic that a speed trap is ahead by flashing their automobile headlamps, and then prosecuting and imposing fines upon those individuals.
  
2. On February 3, 2014, on the motion of the plaintiff, this Court entered a preliminary injunction enjoining the City and its officers and agents from seizing, citing, or prosecuting any individual within the City of Ellisville

for communicating by flashing his or her automobile headlamps (Doc. # 32).

3. It is now the order and judgment of this Court that the preliminary injunction entered on February 23, 2014, be made permanent. Defendant City of Ellisville and its police officers are permanently enjoined from detaining, seizing, citing, or prosecuting any individual within the City of Ellisville for communicating by flashing his or her automobile headlamps.
4. The granting of this injunction resolves all claims raised in Count I of the Amended Complaint.
5. Federal Rule of Civil Procedure 65(c) requires the posting of a bond, but only for preliminary injunctions and temporary restraining orders. Fed. R. Civ. P. 65(c). Because the preliminary injunction has been converted to a permanent injunction and because Defendants suffered no monetary damages as a result of the preliminary injunction, a bond is no longer necessary and the bond posted on February 6, 2014, shall be ordered returned.

DATED: April \_\_, 2014.

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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE