

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

Gary Perez and Matilde Torres,

*Plaintiffs,*

v.

City of San Antonio,

*Defendant.*

Case No. 23-cv-00977-FB

**PLAINTIFFS' MOTION FOR  
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Pursuant to W.D. Tex. L.R. 65 and Federal Rule of Civil Procedure 65(a-b), Plaintiffs Gary Perez and Matilde Torres, members of the Lipan-Apache Native American Church, hereby move for a temporary restraining order and preliminary injunction enjoining the City of San Antonio (the “City”) from (1) preventing Plaintiffs from holding a religious ceremony at the Sacred Area on August 12, 2023 and from accessing the Sacred Area at other times for religious services; (2) engaging in activities to deter the double-crested cormorant bird from nesting within the Park; and (3) removing trees and other habitat from the Park.

A temporary restraining order and preliminary injunction is justified—as discussed in Plaintiffs’ accompanying Memorandum of Law in Support of Plaintiffs’ Motion for Temporary Restraining Order and Preliminary Injunction and the accompanying Declaration of Gary Perez—because the City has denied Plaintiffs access to an area in Brackenridge Park (the “Park”) that Plaintiffs consider sacred, the riverbend on the south side of Lambert Beach (the “Sacred Area”). In addition, the City is engaging in activities to drive the double-crested cormorant, a bird that is essential to Plaintiffs’ religious beliefs, from its ancestral rookery in the Park and threatened to

move “with all deliberative speed” in the removal of trees that support the spiritual ecology of the land within the Park.

Without an order restraining the City, Plaintiffs (1) will not have access to the Sacred Area on August 12, 2023 to perform their religious ceremony (or more generally to conduct other religious services) in the Sacred Area; (2) the double-crested cormorant, an important part of Plaintiffs’ religious practices, will continue to be deterred from nesting in the Park; and (3) the City will destroy the spiritual ecology within the Park by removing trees. Plaintiffs respectfully request that the Court adjudicate this motion on an expedited basis and grant the requested relief.

Dated: August 10, 2023

Respectfully submitted,

/s/ Jonathan Guynn

Mark W. Rasmussen  
Texas State Bar No. 24086291  
Jonathan D. Guynn  
Texas State Bar No. 24120232  
Chance McCraw  
Texas State Bar No. 24125807  
JONES DAY  
2727 North Harwood Street  
Dallas, TX 75201.1515  
Telephone: +1.214.220.3939  
E-mail: mrasmussen@jonesday.com  
E-mail: jguynn@jonesday.com  
E-mail: cmccraw@jonesday.com

John Greil  
Texas State Bar No. 24110856  
Steven T. Collis  
Texas State Bar No. 24122632  
Law & Religion Clinic  
University of Texas School of Law  
727 East Dean Keeton St.  
Austin, TX 78705  
Telephone: +1.512.471.5151  
E-mail: john.greil@law.utexas.edu  
E-mail: steve.collis@law.utexas.edu

ATTORNEYS FOR PLAINTIFFS