

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION

**Chelsey Nelson Photography LLC,  
and Chelsey Nelson,**

Plaintiffs,

v.

**Louisville/Jefferson County Metro  
Government; Louisville Metro  
Human Relations Commission-  
Enforcement; Louisville Metro  
Human Relations Commission-  
Advocacy; Kendall Boyd**, in his  
official capacity as Executive Director of  
the Louisville Metro Human Relations  
Commission-Enforcement; and **Marie  
Dever, Kevin Delahanty, Charles  
Lanier, Sr., Laila Ramey, William  
Sutter, Ibrahim Syed, and Leonard  
Thomas**, in their official capacities as  
members of the Louisville Metro  
Human Relations Commission-  
Enforcement,

Defendants.

Case No. 3:19-CV-851-JRW

**[Proposed] Order Granting  
Plaintiffs' Preliminary Injunction  
Motion**

This matter is before the Court on Plaintiffs' Preliminary Injunction Motion. In determining whether to grant the motion, the Court has considered the following factors: (1) whether the movant will likely succeed on the merits; (2) whether the movant would suffer an irreparable injury absent a preliminary injunction; (3) whether granting the preliminary injunction would cause substantial harm to

others; and (4) whether an injunction will serve the public interest. *Miller v. City of Cincinnati*, 622 F.3d 524, 533 (6th Cir. 2010). The Court, having reviewed the motion and being otherwise sufficiently advised, finds as follows:

1. Plaintiffs have established a strong likelihood of success on the merits of their First Amendment free speech and free exercise claims and their Fourteenth Amendment due process claim.

2. Plaintiffs have established that their First and Fourteenth Amendment rights would be irreparably harmed absent a preliminary injunction. *See Newsom v. Norris*, 888 F.2d 371, 378 (6th Cir. 1989) (“minimal infringement” on First Amendment rights constitutes irreparable harm); *Planned Parenthood Ass’n of Cincinnati, Inc. v. City of Cincinnati*, 822 F.2d 1390, 1400 (6th Cir. 1987) (existence of unconstitutionally vague law constitutes irreparable harm).

3. Plaintiffs have established the balance of hardships favors them because there is a “substantial likelihood that the challenged law is unconstitutional” and therefore “no substantial harm to others can be said to inhere its enjoinder.” *Deja Vu of Nashville, Inc. v. Metro Gov’t of Nashville and Davidson Cty.*, 274 F.3d 377, 400 (6th Cir. 2001).

4. Plaintiffs have established entry of a preliminary injunction is in the public interest because “it is always in the public interest to prevent the violation of a party’s constitutional rights.” *G & V Lounge, Inc. v. Mich. Liquor Control Comm’n*, 23 F.3d 1071, 1079 (6th Cir. 1994).

5. Because of the apparent strength of Plaintiffs’ case and the strong public interest involved in the issues raised, the Court concludes that requiring security pursuant to Fed. R. Civ. P. 65(c) is not appropriate in this case. *See Moltan Co. v. Eagle-Picher Indus., Inc.*, 55 F.3d 1171, 1176 (6th Cir. 1995) (“[T]he rule in our circuit has long been that the district court possesses discretion over whether to require the posting of security.” (citations omitted)).

Accordingly, IT IS HEREBY ORDERED as follows:

1. Plaintiffs' Preliminary Injunction Motion is GRANTED against Defendants.
2. Defendants and all those acting in concert with them are ENJOINED from enforcing the following:
  - Louisville's Accommodations Provision (Metro Ordinance § 92.05(A)) to compel Chelsey to provide her wedding celebration services or boutique editing services to express messages inconsistent with Chelsey's beliefs in marriage between one man and one woman, such as providing these services for same-sex wedding ceremonies.
  - Louisville's Publication Provision (Metro Ordinance § 92.05(B)) to prohibit Chelsey from posting her desired statements (Verified Complaint Exhibits 1 and 2) on her website and from making materially similar statements on her studio's website, on her studio's social media sites, or directly to prospective clients.
  - Louisville's Accommodations Provision (Metro Ordinance § 92.05(A)) to compel Chelsey to provide her wedding celebration services by participating in events inconsistent with Chelsey's beliefs in marriage between one man and one woman, such as participating in same-sex wedding ceremonies.
  - Louisville's Publication Provision's Unwelcome Clause (Metro Ordinance § 92.05(B)) against anyone because it is facially vague and overbroad, and grants enforcement officials unbridled discretion.
3. The requirement of security under Fed. R. Civ. P. 65(c) is waived due to the strong public interest involved.