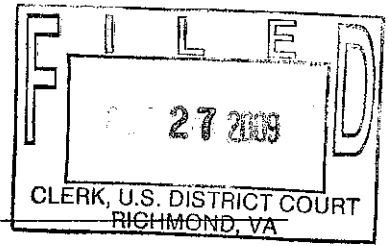


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



THE ARC OF VIRGINIA, INC.,

Plaintiff,

v.

TIMOTHY M. KAINE, in his official capacity :
as Governor of the Commonwealth of Virginia, :
et al., :

Defendants. :

MOTION

Case No.: 3:09cv686

PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiff, The Arc of Virginia, Inc. ("the Arc"), files this Motion for a Preliminary Injunction. The Arc requests that this Court enter a Preliminary Injunction, as authorized by the Americans with Disabilities Act, 42 U.S.C. § 12131 ("The ADA"), Section 504 of The Rehabilitation Act of 1973, 29 U.S.C. § 794 ("Section 504") and the Supremacy Clause of the Constitution of the United States, U.S. Const. art. VI, cl. 2 ("The Supremacy Clause"):

1. Prohibiting Defendants from implementing their plan and from building a new segregated institution;
2. Prohibiting the Defendants from otherwise implementing Budget Bill Item 103.05(A)(1);
3. Granting the Arc its attorneys' fees and costs, to the extent permitted by law; and

4. Granting the Arc such other and further relief that to this Court seems just and proper.

In support of this Motion, Plaintiff submits the attached Memorandum of Law and Exhibits which are incorporated as if fully set forth hereat.

WHEREFORE, the Plaintiff respectfully prays that this Court enjoin the Defendants, during the pendency of this action, by entering an Order::

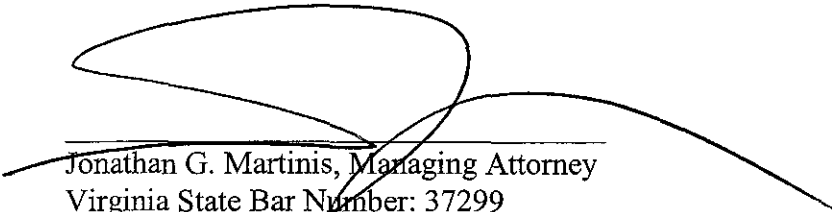
1. Prohibiting Defendants from implementing their plan and from building a new segregated institution;
2. Prohibiting the Defendants from otherwise implementing Budget Bill Item 103.05(A)(1);
3. Granting the Arc its attorneys' fees and costs, to the extent permitted by law; and
4. Granting the Arc such other and further relief that to this Court seems just and proper.

Dated: 27 October 2009

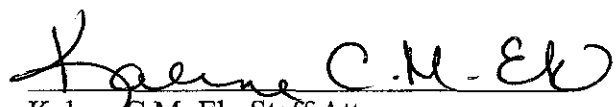
Respectfully submitted,
The Arc of Virginia, Inc.
by Counsel

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