

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION



ROBERT EUGENE CRAIN, GLENDA
DESTEFANIS, Individually and
as Next Friend of CHRIS
DESTEFANIS, A Minor,

Plaintiffs,

VS.

No. 90-2292-Tu/B

CITY OF MEMPHIS, COUNCIL OF
CITY OF MEMPHIS; JIMMY MOORE,
Individually and as Chairman
of the Council of the City of
Memphis,

Defendants.

MOTION TO INTERVENE

COMES NOW the American Civil Liberties Union of Tennessee and Larry McDaniel, by and through their counsel, pursuant to Rule 24, Federal Rules of Civil Procedure, and moves for leave to intervene as a Plaintiff in this action in order to assert the claims set forth in the proposed Complaint, a copy of which is attached hereto, on the grounds that the intervening Plaintiffs contest the constitutionality of Ordinance No. 3957 under both the federal and state Constitutions which Ordinance has been challenged by the Plaintiffs herein only on federal Constitutional basis, the intervening Plaintiffs are so situated that the disposition of the


action may, as a practical matter, impair or impede the intervening Plaintiffs' ability to protect that interest; the intervening Plaintiffs' claims and the main action have questions of law or fact in common and the action of the intervenors will not unduly delay or prejudice the adjudication of the rights of the original parties.

The intervenors have expended considerable time and effort to date in preparing a challenge to the City Ordinance and as the pre-eminent national organization in the defense of First Amendment rights and as a member of the National Coalition Against Censorship, can adequately present the issues for a proper determination by the Court.

Respectfully submitted,

AMERICAN CIVIL LIBERTIES
FOUNDATION OF TENNESSEE

BY: 

Bruce S. Kramer (7472)


BY: 

Richard B. Fields (4744)


Attorneys for Intervening Plaintiffs