

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED

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CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
TOLEDO

KINDHEARTS FOR CHARITABLE
HUMANITARIAN DEVELOPMENT, INC.,

Plaintiff,

v.

HENRY M. PAULSON, in his official capacity as the
Secretary of the Treasury,
ADAM J. SZUBIN, in his official capacity as the
Director of the Office of Foreign Assets Control, and
MICHAEL B. MUKASEY, in his official capacity as the
Attorney General of the United States,

Defendants.

3: 08 CV 2400

**TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

The plaintiff in the above-captioned civil action has moved under F.R.Civ.P. 65 for a temporary restraining order and preliminary injunction order preserving the status quo and enjoining defendants, and each of them, from designating plaintiffs as a "Specially Designated Global Terrorist" until plaintiff is provided constitutionally adequate due process. The Court has considered the Motion and the evidence and legal grounds advanced in support of it, finds it well-taken. The Court finds:

- (1) Plaintiff is likely to succeed on the merits of its claims against the defendants.
- (2) That in the absence of immediate injunctive relief, enjoining the defendants from taking action to effect the designation of plaintiff as a Specially Designated Global Terrorist without first affording plaintiff constitutionally

adequate due process, plaintiff will suffer serious and irreparable injury in the form of loss of reputation and good will;

- (3) That the injury defined above is irreparable because no after-the-fact remedy, whether legal or equitable, would be capable of restoring or compensating for the above losses, once they have been incurred;
- (4) That the defendants' interests will not be impaired in any way by issuance of the immediate injunctive relief that plaintiff seeks;
- (5) That the public's interest will be served by issuance of the immediate injunctive relief that plaintiff seeks; and
- (6) That plaintiff has established that under the applicable legal principles it is entitled to immediate injunctive relief.

It is therefore

ORDERED:

(1) That defendants, and their officials, agents, employees, and attorneys, and all those in active concert or participation with them, shall refrain, and they are hereby enjoined and prohibited, from taking any action to effect the designation of KindHearts as a Specially Designated Terrorist without first affording KindHearts with constitutionally adequate process, including, among other things, notice sufficiently specific to inform KindHearts of the factual and legal basis for the threatened designation, and a meaningful opportunity to contest that basis, including access to all documents and other information upon which it is putatively based.

(2) That defendants, and their officials, agents, employees, and attorneys, and all those in active concert or participation with them, shall refrain, and they are hereby

enjoined and prohibited, from taking any other adverse action against KindHearts during the pendency of this proceeding without affording KindHearts constitutionally adequate process.



United States District Judge

Dated: October 9, 2008
2:06 pm.