

DRAFT

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

The Chow Train in its capacity as a 501(c)(3) organization and **Joan Cheever** in her individual capacity,

Plaintiffs,

vs.

The City of San Antonio,

Defendant.

Civil Action No. TK

**PLAINTIFFS' ORIGINAL
COMPLAINT FOR INJUNCTION AND
DECLARATORY RELIEF**

JURY DEMANDED

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Come now Plaintiffs, by and through the undersigned attorneys, and file this Original Complaint for injunctive and declaratory relief stating that San Antonio City Code Chapter 13 (the "Ordinance"), on its face and as applied, burdens the fundamental right to free exercise of religion as guaranteed by the United States Constitution and the Texas Religious Freedom Restoration Act, and violates the fundamental rights to freedom of speech, due process of law, and equal treatment under the law as guaranteed by the United States Constitution.

NATURE OF THE CASE

1. This is a challenge to City of San Antonio regulations that cause religiously-motivated charities and individuals like Plaintiffs to refrain from performing charitable acts under the threat of prosecution and significant monetary fines.

2. Plaintiffs' religious beliefs substantially motivate them to minister to the poor and hungry by providing them with food and recognizing them as members of the community. The Ordinance at issue in this case substantially burdens Plaintiffs' religious beliefs by preventing