

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THE CHAMBER OF COMMERCE
FOR GREATER PHILADELPHIA,
on behalf of its members,

Plaintiff,

v.

CITY OF PHILADELPHIA and
PHILADELPHIA COMMISSION ON
HUMAN RELATIONS,

Defendants.

Civil Action No. 17-01548

PLAINTIFF’S MOTION FOR A PRELIMINARY INJUNCTION

Plaintiff Chamber of Commerce for Greater Philadelphia (the “Chamber”), pursuant to Rule 65 of the Federal Rules of Civil Procedure, moves the Court for a preliminary injunction prohibiting Defendants City of Philadelphia and the Philadelphia Commission on Human Relations, and their officers, employees, agents, and attorneys, as well as any other persons acting in concert or participation with Defendants, from enforcing or giving effect to an ordinance that amends the City’s “Fair Practices Ordinance: Protections Against Unlawful Discrimination,” Chapter 9-1100 of the Philadelphia Code, by adding a new Chapter on wage equity. *See* Phila. Code §§ 9-1103, 9-1131 (the “Ordinance”) (attached as Exhibit A).

As set forth in the accompanying memorandum of law in support of the Chamber’s motion, the Chamber satisfies each of the elements for securing a preliminary injunction. The Ordinance violates the First and Fourteenth Amendments and the Due Process and Commerce Clauses of the United States Constitution, as well as Pennsylvania law, and thus the Chamber is likely to succeed on the merits of its claim; the Chamber’s members will be irreparably harmed by enforcement of the Ordinance; Defendants cannot establish that an injunction will harm their

interests; and the public interest strongly favors enjoining Defendants from enforcing this unconstitutional law.

The Chamber respectfully requests oral argument on this motion.

Dated: April 6, 2017

Respectfully submitted,

/s/ Marc J. Sonnenfeld

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Attorneys for Plaintiff The Chamber of Commerce for Greater Philadelphia

*Applications for admission *pro hac vice* forthcoming

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of April, 2017, true and correct copies of the foregoing **MOTION FOR A PRELIMINARY INJUNCTION** and **PROPOSED ORDER** were filed pursuant to the Court's electronic filing procedures using the Court's CM/ECF system and was served via hand delivery on the following:

City of Philadelphia
Law Department
One Parkway Building
17th Floor
1515 Arch Street
Philadelphia, PA 19102

Philadelphia Commission on Human Relations
601 Walnut Street
Suite 300 South
Philadelphia, PA 19106

/s/ Marc J. Sonnenfeld
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