

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ESTATE OF KYLE THOMAS BRENNAN,
by and through its Administrator,
Victoria L. Britton,

Plaintiff,

vs.

Case No. 8:09-cv-00264-T-23-EAS

CHURCH OF SCIENTOLOGY
FLAG SERVICE ORGANIZATION, INC.,
DENISE MISCAVIGE GENTILE,
GERALD GENTILE, and
THOMAS BRENNAN,

Defendants.

PLAINTIFF'S NOTICE OF SUPPLEMENTAL AUTHORITY [Dkt 104]

Plaintiff files the following Supplemental Authority in support of its Emergency Motion for Permanent Injunction [Dkt 104].

1. *Coffey v. Braddy*, 372 F.Supp. 116 (M.D. Fla.1971), which concerned a federal court order regarding hiring practices in local fire department, an attorney was enjoined from pursuing sanctions for failure to comply with subsequently entered state court injunction.
2. *Concerned Consumers League v. O'Neill*, 371 F.Supp. 644 (E.D.Wis.1974), a federal injunction in a consumer picketing controversy was issued directly against the state court judge although state court action was first in time.
3. *Montgomery County Board of Education v. Shelton*, 327 F.Supp. 811 (N.D.Miss.1971), the court enjoined a state court decree on the basis that "the effect

of the state injunction will be to undermine and interfere with the prior orders of this court.” *Id.*, at 815.

4. *U.S. v. State of Texas*, 356 F.Supp. 469, 471-72 (D.C. Tex. 1972), permanently enjoining the state court from further proceedings and declaring the state court injunction void- that federal anti-injunction act did not prevent federal district court from enjoining state court proceedings where state court proceedings resulted in issuance of an order restraining a school board from carrying out a school desegregation order entered by federal district court.
5. *Doe v. Ceci*, 517 F.2d 1203 (7th Cir. 1975), the court affirmed an injunction prohibiting enforcement of a state court injunction in order to effectuate compliance with a decree of the federal court in accordance with its terms.
6. *Mitchum v. Foster*, 407 U.S. 225, 92 S.Ct. 2151, 32 L.Ed.2d 705 (1972), federal injunctive relief against a state court proceeding can in some circumstances be essential to prevent great, immediate, and irreparable loss of a person's constitutional rights. *Ex parte Young*, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714; cf. *Truax v. Raich*, 239 U.S. 33, 36 S.Ct. 7, 60 L.Ed. 131; *Dombrowski v. Pfister*, 380 U.S. 479, 85 S.Ct. 1116, 14 L.Ed.2d 22.

I HEREBY CERTIFY that on August 29, 2010, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following: LEE FUGATE, ESQ. Attorney for the Defendants, Denise Miscavige Gentile and Gerald Gentile; F. WALLACE POPE, ESQ. and ROBERT POTTER, Attorneys for Church of Scientology Flag Service Organization, Inc.; and RICHARD ALVAREZ, ESQ., 1509 West Swann Avenue, Suite 240, Tampa, Florida 33606, Attorney

for Thomas Brennan.

/s/ KENNAN G. DANDAR
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