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**IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI**

MICHAEL OCELLO, et. al.)	
)	
Plaintiffs,)	
)	
vs.)	No. 10AC-CC00531
)	
CHRIS KOSTER, Attorney General,)	
)	
Defendant.)	

ORDER

On the 26th of August, 2010, this matter came before this Court, with the Plaintiffs seeking a temporary restraining order. Based upon the pleadings, the exhibits, and the arguments of counsel, the Court denies the Plaintiffs' Motion for a Temporary Restraining Order.

The Court has considered the factors set forth in *State ex rel. Director of Revenue, State of Mo. v. Gabbert*, 925 S.W.2d 838 (Mo. 1996). They are (1) the movant's probability of success on the merits, (2) the threat of irreparable harm to the movant absent the injunction, (3) the balance between this harm and the injury that the injunction's issuance would inflict on other interested parties, and (4) the public interest. *Gabbert at 839.*

The Court finds that the movants have failed to satisfy their burden of proof on these elements.

The law will undoubtedly change the business practices of Plaintiffs, and they will likely suffer some economic loss. But economic loss alone does not alter the analysis of the legal issues surrounding Plaintiffs' constitutional challenges. Furthermore, the Court recognizes that any meaningful review of any final decision of this Court cannot occur prior to the effective date of this statute. However, this law was passed by the General Assembly in May of 2010 and was signed into law by the Governor on June 25, 2010. Plaintiffs did not file suit until August 10, 2010.

Plaintiffs' Motion for a temporary restraining order is denied.

Cause is placed on the September 3, 2010 law day at 9:00 a.m. for status and trial setting.

IT IS SO ORDERED this 27 day of August, 2010.



JON E. BEETEM
CIRCUIT JUDGE