

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT
OF TEXAS, DALLAS DIVISION

David Wallace Croft	§
and	§
Shannon Kristine Croft,	§
As Parents and Next	§
Friend of their minor	§
Children;	§ Civil Action No. 3:07-CV-1362-K
John Doe	§ ECF
and	§
Jane Doe	§
As Parents and Next	§
Friend of their minor	§
Children,	§
Plaintiffs	§
	§
v.	§
	§
Rick Perry, Governor of	§
the State of Texas	§
	§

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AGAINST DEFENDANT RICK PERRY

Plaintiffs ask the court to render summary judgment against Defendant Governor Perry as authorized by Federal Rule of Civil Procedure 56.

A. Summary

1. Plaintiffs are David and Shannon Croft, and John and Jane Doe, Defendant is Rick Perry, Governor of the State of Texas.
2. On, 8-7-07, Plaintiffs sued Defendant for violating the Establishment Clause of the First Amendment to the US Constitution. Defendant timely filed an answer in this cause.
3. Specifically, Plaintiffs contend that Texas Government Code § 3100.101 and/or Texas Education Code, §25.082 violate the Establishment Clause of the First Amendment.

4. Plaintiffs file this motion for summary judgment against Defendant Perry on their cause of action for violation of the Establishment clause.

B. Plaintiff's Brief Setting Forth Their Contentions of Fact and/or Law and Argument and Authorities

Attached to this motion is Plaintiff's Brief Setting Forth Their Contentions of Fact and/or Law and Argument and Authorities. (Pursuant to N.D. Texas Local Rule 7.1(d).)

C. Summary Judgment Evidence

See Appendix Filed With This Motion and Brief. (Pursuant to N.D. Texas Local Rule 7.1(i)(2).)

D. Attorney Fees

Plaintiffs pray that this court order the State of Texas to reimburse Plaintiff's for their attorney fees and costs of litigation, pursuant to 42 USC Sec. 1983 and 1988.

E. Conclusion

For these reasons, plaintiff asks that the court do the following:

- a. Permanently enjoin the Governor of Texas and all other relevant individuals from the enforcement of Texas Government Code § 3100.101 through Texas Education Code §25.082.
- b. Declare Texas Government Code § 3100.101 in violation of Amendment I and Amendment XIV of the United States Constitution.
- c. Permanently enjoin Defendant from enforcement of Texas Government Code § 3100.101.
- d. Enter judgment for Plaintiffs.
- e. Award costs for court.

- f. Order the State of Texas to reimburse Plaintiff's for their attorney fees, pursuant to 42 USC Sec. 1983 and 1988.
- g. Grant any other relief this court deems appropriate.

Respectfully Submitted,

By: _____ s/W. Dean Cook _____

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	§
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	§

CERTIFICATE OF SERVICE FOR PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT AND ASSOCIATED DOCUMENTS

I hereby certify that pursuant to the Court’s Electronic Filing Procedures, a true and correct copy of the Plaintiff’s Motion for Summary Judgment, and its associated documents, including:

- 1) PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT AGAINST DEFENDANT RICK PERRY
- 2) Plaintiff’s Brief Setting Forth Their Contentions of Fact and Law, Argument, and Authorities on their Motion for Summary Judgment Against Defendant Rick Perry including TABLE OF AUTHORITIES For Plaintiff’s Plaintiff’s Brief Setting Forth Their Contentions of Fact and Law,Argument, and Authorities on Plaintiff’s Motion for Summary Judgment Against Defendant Rick Perry including TABLE OF CONTENTS For Plaintiff’s Plaintiff’s Brief Setting Forth Their Contentions of Fact and Law, Argument, and Authorities on Plaintiff’s Motion for Summary Judgment Against Defendant Rick Perry
- 3) APPENDIX for Plaintiff’s Motion for Summary Judgment Against Defendant Rick Perry (including table of contents for the appendix)

will be sent via Notice of Electronic Filing ("NEF") generated by the court's electronic filing system on

April 29, 2008 to:

Marianna Vishnevetsky Grayson marina.grayson@oag.state.tx.us,

s/ W. Dean Cook

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