

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

DEFEND ARLINGTON, )  
C/O SAVE SOUTHERN HERITAGE )  
FLORIDA, *et al.* )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
UNITED STATES DEPARTMENT OF )  
DEFENSE, *et al.*, )  
 )  
Defendants. )

Civil Action No. 1:23-cv-1730 (RDA/JFA)

**ORDER**

This matter comes before the Court on Plaintiffs’ Emergency Motion for a Temporary Restraining Order. Dkt. 2. Plaintiffs have brought this action against the Department of Defense and other Defendants alleging that Defendants have violated the National Environmental Policy Act, 42 U.S.C. § 4321 (“NEPA”) in their attempted removal of a Confederate Memorial from Arlington Cemetery (the “Memorial”). Plaintiffs have alleged that, in addition to the removal of the Memorial, Defendants have failed to take care of the gravesites surrounding the Memorial as the process of removal is underway. Plaintiffs have further alleged that the removal of the Memorial is currently underway and that, if the Court fails to take action, this case will be rendered moot. Based upon the representations in the Complaint (Dkt. 1) and the Declaration of Lunelle Siegel (Dkt. 3),<sup>1</sup> Plaintiffs have made the necessary showing that they are entitled to a temporary

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<sup>1</sup> As an officer of the Court, plaintiffs’ counsel John Rowley, has represented to the Court that the current actions at the Memorial involve the disturbance of gravesites. This Court takes very seriously the representations of officers of the Court and should the representations in this case be untrue or exaggerated the Court may take appropriate sanctions.

restraining order pursuant to Federal Rule of Civil Procedure 65(b) to preserve the status quo pending a decision by the Court on the merits of this action.

Accordingly, it is hereby ORDERED that Plaintiffs' Motion for a Temporary Injunction (Dkt. 2) is GRANTED; and it is

FURTHER ORDERED that Defendants are TEMPORARILY ENJOINED from taking any acts to deconstruct, tear down, remove, or alter the object of this case – the Confederate Reconciliation Memorial at Arlington National Cemetery and the surrounding gravesites – pending further action of this Court; and it is

FURTHER ORDERED that this injunction is binding on any agency or employee of the United States of America or any contractors, agents, or persons acting on behalf of the United States with respect to the Confederal Reconciliation Memorial at Arlington National Cemetery;


FURTHER ORDERED that a hearing is SCHEDULED for Wednesday, December 20, 2023 at 10:00 a.m.; and it is

FURTHER ORDERED that the temporary injunction SHALL EXPIRE at 5:00 p.m. on Wednesday, December 20, 2023; and it is

FURTHER ORDERED that the parties in this case should come to the hearing prepared to discuss other related cases filed in this District and the District of Columbia, including *Hudson, et al., v. Austin, et al.*, No. 23-cv-296 (E.D.Va.) and *Defend Arlington, et al., v. United States Department of Defense, et al.*, Nos. 23-cv-441, 23-cv-2094 (D.D.C.).

IT IS SO ORDERED.

Alexandria, Virginia  
December 18, 2023

  
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/s/ Rossie D. Alston, Jr.  
United States District Judge