

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

CORNERSTONE CHURCH BY THE	§	
BAY, <i>et al.</i> ,	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	CIVIL ACTION NO. 1:14-cv-126
	§	
TOWN OF BAYVIEW, <i>et al.</i> ,	§	
<i>Defendants.</i>	§	
_____	§	

**AGREED INJUNCTIVE ORDER**

Plaintiffs—Cornerstone Church by the Bay (hereinafter the “Church”), Pastor Hamilton Musser, and Laguna Madre Christian Academy (hereinafter the “School”) (collectively referred to as “Plaintiffs”)—commenced this action against the Defendants—Town of Bayview (hereinafter “Bayview”), the Board of Aldermen of Bayview, Mayor Tom Rodino, Alderman Garry Lowder, Alderman Bill Hooton, Alderman Scott Stachowiak, Alderman Leon Deason, and Alderman Mark Mullendore (collectively referred to as “Defendants”)— requesting, among other things, a preliminary and permanent injunction against Defendants from interference with Plaintiffs’ operation of the Church and School on property located at 106 Madelyn Rose Boulevard, Bayview, Texas 78566 (the “Property”). [See Doc. Nos. 1 & 11].

According to Plaintiffs, the Town of Bayview Zoning Ordinances (hereinafter the “Zoning Ordinance”) unlawfully and unconstitutionally prevent Plaintiffs from freely exercising their religious beliefs and operating the Church and School on property they own in Bayview’s residential zone. The Defendants have denied and continue to deny all allegations. [Doc. Nos. 12 & 13]. Nevertheless, the Defendants have stipulated to certain relief requested in Plaintiffs’

Motion for Preliminary Injunction, and the Parties have agreed on the terms of this preliminary injunction.

Having reviewed the Parties' briefings and the arguments contained therein, having heard argument from counsel for both Parties, and the Parties—by and through their respective counsel—having agreed to the entry of this Order, the Court hereby orders the following:

Defendants in the above-cited cause, as well as any and all agents, attorneys, and employees of Defendants, and anyone acting under their control, are hereby enjoined from enforcing the Zoning Ordinance against the Church and its operations, and from any other kind of interference with its continued religious services or ministry on the Property located at 106 Madelyn Rose Boulevard, Bayview, Texas 78566. Defendants are further enjoined from preventing Plaintiffs from seeking a special-use variance, or other permits necessary for Plaintiffs to begin improving the above-referenced Property, and from interfering with Plaintiffs' permitting efforts to establish a religious school at the Property.

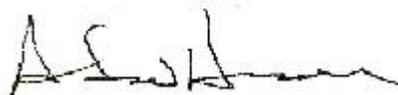
During the application process for permitting Plaintiffs' operation, Defendants shall proceed in a manner as expeditiously as possible, commensurate with its obligations to its citizens and the laws of the State of Texas. If Plaintiffs' permit application is denied for whatever reason, counsel for Defendants shall immediately notify counsel for Plaintiffs and this Court's Case Manager. If the Plaintiffs' plans to establish a religious school on the Property in question change, or if the Church decides to relocate and not use the above-described Property for religious purposes, counsel for Plaintiffs shall

immediately notify counsel for Defendants and the Court's Case Manager. This Preliminary Injunction will remain in effect until resolution of this case by agreement or by trial.

A status conference is hereby set for February 17, 2014, at 1:30 PM. Assuming the Parties are progressing toward an amicable resolution, counsel for both Parties may appear telephonically at the status conference. Counsel should coordinate with the Court's case manager, Cristina Sustaeta, concerning any telephonic appearance.

If this case has not been resolved by April of 2015, the case is set for this Court's docket during that month. The Court orders a Final Pretrial Conference set for March 31, 2014, at 1:30 PM. If no resolution appears forthcoming by mid-February, counsel shall apprise the Court's Case Manager of that fact and shall appear in person at the aforementioned February 17 status conference. At that time, the Court will determine what needs to be done in order to meet the April trial date.

Signed this 24th day of November, 2014.



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Andrew S. Hanen  
United States District Judge