

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

JOAQUÍN CARCAÑO; PAYTON GREY
MCGARRY; H.S., by her next friend and
mother, KATHRYN SCHAFER; ANGELA
GILMORE; KELLY TRENT; BEVERLY
NEWELL; and AMERICAN CIVIL
LIBERTIES UNION OF NORTH
CAROLINA,

Plaintiffs,

v.

PATRICK MCCRORY, in his official capacity
as Governor of North Carolina; UNIVERSITY
OF NORTH CAROLINA; BOARD OF
GOVERNORS OF THE UNIVERSITY OF
NORTH CAROLINA; and W. LOUIS
BISSETTE, JR., in his official capacity as
Chairman of the Board of Governors of the
University of North Carolina,

Defendants.

No. 1:16-cv-00236-TDS-JEP

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

NOW COME Plaintiffs Joaquín Carcaño; Payton Grey McGarry; H.S., by her next friend and mother, Kathryn Schafer; and American Civil Liberties Union of North Carolina (collectively, "Plaintiffs"), by and through their attorneys, and move the Court pursuant to Rule 65(a) of the Federal Rules of Civil Procedure and Local Rule 65.1(b) for a preliminary injunction against Patrick McCrory, in his official capacity as Governor of

North Carolina; the University of North Carolina; the Board of Governors of the University of North Carolina; and W. Louis Bissette, Jr., in his official capacity as Chairman of the Board of Governors of the University of North Carolina (collectively “Defendants”). In support thereof, Plaintiffs state as follows:

1. On April 21, 2016, Plaintiffs filed their First Amended Complaint for Declaratory and Injunctive Relief (D.E. 9), alleging that Plaintiffs are entitled to relief from this Court for violations of their rights under Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, *et seq.*; and for violations of their rights under the Fourteenth Amendment to the U.S. Constitution, pursuant to 42 U.S.C. § 1983.

2. Plaintiffs seek a preliminary injunction enjoining Defendants, their officers, employees, and agents; all persons acting in active concert or participation with any Defendant, or under any Defendant’s supervision, direction, or control; and all other persons within the scope of Federal Rule of Civil Procedure 65, from enforcing Part I of House Bill 2.

3. Federal Rule of Civil Procedure 65 provides for the issuance of a preliminary injunction under circumstances such as those that exist in the present case.

4. In support of this motion, Plaintiffs submit a Memorandum of Law, addressing all necessary elements for the entry of a preliminary injunction; declarations from Plaintiffs Joaquín Carcaño, Payton Grey McGarry, and H.S.; a declaration of Sarah Preston on behalf of Plaintiff American Civil Liberties Union of North Carolina; expert declarations of Deanna Adkins, M.D., Randi Ettner, Ph.D, Jonathan Routh, M.D., and

Assistant Chief of University Police Aran C. Mull; and declarations of Monica Walker and Luke C. Platzer; and exhibits to these declarations.

5. Plaintiffs seek leave to present oral argument in support of this Motion pursuant to Local Civil Rule 65.1(b).

WHEREFORE, for the foregoing reasons, and for those set forth in Plaintiffs' supporting memorandum of law, Plaintiffs respectfully move that the Court enter a preliminary injunction enjoining Defendants, their officers, employees, and agents; all persons acting in active concert or participation with any Defendant, or under any Defendant's supervision, direction, or control; and all other persons within the scope of Federal Rule of Civil Procedure 65, from enforcing Part I of House Bill 2.

* * *

Dated: May 16, 2016

Respectfully submitted,

/s/ Christopher A. Brook

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Counsel for Plaintiffs

*Appearing by special appearance pursuant to L.R. 83.1(d).

CERTIFICATE OF SERVICE

I, Christopher A. Brook, hereby certify that on May 16, 2016, I electronically filed Plaintiffs' Motion for Preliminary Injunction, as well as the Memorandum of Law, declarations, and exhibits thereto in support, with the Clerk of the Court using the CM/ECF system, and have verified that such filing was sent electronically using the CM/ECF system to all parties who have appeared with an email address of record.

I also hereby certify that I caused the foregoing to be delivered via first-class and electronic mail to the following non CM/ECF participants:

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/s/ Christopher A. Brook _____
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