

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOEL DOE, a minor, by and through his  
guardians, JOHN DOE and JANE DOE;  
MARY SMITH; JACK JONES, a Minor,  
by and through his parents, JOHN JONES  
and JANE JONES; and MACY ROE,

Plaintiffs,

v.

BOYERTOWN AREA SCHOOL  
DISTRICT; DR. RICHARD FAIDLEY, in  
his official capacity as superintendent of the  
Boyertown Area School District; DR.  
BRETT COOPER, in his official capacity as  
principal; and DR. E. WAYNE FOLEY, in  
his official capacity as assistant principal,

Defendants,

and

PENNSYLVANIA YOUTH CONGRESS  
FOUNDATION,

Intervenor-Defendant.

CIVIL ACTION NO. 17-1249

**ORDER**

**AND NOW**, this 25th day of August, 2017, after considering the motion for a preliminary injunction filed by the plaintiffs, Joel Doe, a minor, by and through his guardians, John Doe and Jane Doe, Mary Smith, Jack Jones, a minor, by and through his parents, John Jones and Jane Jones, and Macy Roe (Doc. No. 16); and after all considering (1) the response in opposition to the motion for a preliminary injunction filed by the defendants, Boyertown Area School District, Dr. Richard Faidley, Dr. Brett Cooper, and Dr. E. Wayne Foley (Doc. No. 34); (2) the response in opposition to the motion for a preliminary injunction filed by the intervenor-

defendant, Pennsylvania Youth Congress Foundation (Doc. No. 33); (4) the reply brief in support of the motion for a preliminary injunction filed by the plaintiffs (Doc. No. 36); (5) the proposed findings of fact and conclusions of law submitted by all parties (Doc. Nos. 46-48, 57-59); (6) the Pennsylvania Youth Congress's supplement to its proposed findings of fact and the plaintiffs' response thereto (Doc. Nos. 65, 66); the amended complaint (Doc. No. 8); and after considering all of the evidence presented during the evidentiary hearings held on July 17, 2017 and July 31, 2017, along with the evidence separately submitted by counsel at the time of oral argument on August 11, 2017; and after hearing oral argument from the parties on August 11, 2017; and for the reasons set forth in the separately filed memorandum opinion, it is hereby **ORDERED** that the motion for a preliminary injunction (Doc. No. 16) is **DENIED**.

BY THE COURT:

/s/ Edward G. Smith  
EDWARD G. SMITH, J.