

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION

J.A.W., a minor child, by his next )  
friend, Wyatt Squires, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
EVANSVILLE VANDERBURGH )  
SCHOOL CORPORATION, )  
 )  
Defendant. )

No. 3:18-cv-00037-WTL-MPB

**Motion for Preliminary Injunction**

J.A.W., by counsel, states that:

1. He will prevail on his claim that defendant’s barring him from the male restrooms violates both equal protection and Title IX of the Education Amendments Act of 1972.
2. He is being caused irreparable harm for which there is no adequate remedy at law.
3. The balance of harms favors the issuance of a preliminary injunction.
4. The public interest will not be disserved by the grant of a preliminary injunction.
5. The injunction should issue without bond as defendant is not faced with any monetary liability.
6. In support of this motion the plaintiff relies upon his Notice of Filing of Evidentiary Material (Dkt. 17) and his memorandum of law, which will be filed shortly after this motion. He reserves the right to submit further evidence at, or before, the preliminary injunction hearing in this matter.

WHEREFORE, plaintiff requests that this Court issue its preliminary injunction, without bond, allowing plaintiff to access male restrooms within the schools and other buildings of the Evansville Vanderburgh School Corporation, and for all other proper relief.

s/ Kenneth J. Falk

Kenneth J. Falk

s/ Gavin M. Rose

Gavin M. Rose

s/ Jan P. Mensz

Jan P. Mensz

ACLU of Indiana

1031 E. Washington St

Indianapolis, IN 46202

317/635-4059

fax: 317/635-4105

kfalk@aclu-in.org

grose@aclu-in.org

jmensz@aclu-in.org

Attorneys for Plaintiff

### Certificate of Service

I hereby certify that on this 10th day of April, 2018, a copy of the foregoing was filed electronically with the Clerk of this Court. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system and the parties may access this filing through the Court's system:

Patrick A. Shoulders

Robert L. Burkart

Jean M. Blanton

ZIEMER STAYMAN WEITZEL & SHOULDERS, LLP

pshoulders@zsws.com

rburkart@zsws.com  
jblanton@zsws.com

s/ Kenneth J. Falk

Kenneth J. Falk  
Attorney at Law

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION

J.A.W., a minor child, by his next )  
friend, Wyatt Squires, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
EVANSVILLE VANDERBURGH )  
SCHOOL CORPORATION, )  
 )  
Defendant. )

No. 3:18-cv-00037-WTL-MPB

**Notice of Hearing**

Plaintiff, having filed his Motion for Preliminary Injunction, and the Court having reviewed the motion, and being duly advised, finds that good cause exists to set this matter for hearing, and,

IT IS THEREFORE ORDERED that this matter is set for hearing on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, at \_\_\_\_M. in the United States District Court at \_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge, United States District Court

To: All ECF-registered counsel of record