

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

A.C., a minor child by his next friend,)	
mother and legal guardian, M.C.,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 1:21-cv-02965-TWP-MPB
)	
METROPOLITAN SCHOOL DISTRICT)	
OF MARTINSVILLE; PRINCIPAL,)	
JOHN R. WOODEN MIDDLE SCHOOL,)	
in his official capacity,)	
)	
Defendants.)	

**DEFENDANTS’ EXPEDITED MOTION FOR STAY
OF PRELIMINARY INJUNCTION PENDING APPEAL**

Defendants, Metropolitan School District of Martinsville and Principal of John R. Wooden Middle School,¹ by counsel, move pursuant to Fed. R. Civ. Pro. 62, for a stay of the preliminary injunction issued by the Court on April 29, 2022, pending disposition of Defendants’ appeal to the United States Court of Appeals for the Seventh Circuit. The reasons offered in support of this expedited motion are set forth in the accompanying brief.

Respectfully submitted,

/s/ Philip R. Zimmerly
Jonathan L. Mayes (#25690-49)
Philip R. Zimmerly (#30217-06)
Mark A. Wohlford (#31568-03)

¹ Because Plaintiff redundantly sued the School District and an employee in his official capacity for the same claims, the School District is the proper and only party. *See Ball v. City of Muncie*, 28 F. Supp. 3d 797, 802 (S.D. Ind. 2014).

BOSE McKINNEY & EVANS LLP
111 Monument Circle, Suite 2700
Indianapolis, IN 46204
(317) 684-5000; (317) 684-5173 (Fax)
JMayes@boselaw.com
PZimmerly@boselaw.com
MWohlford@boselaw.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2022, a copy of the foregoing “Defendants’ Expedited Motion for Stay of Preliminary Injunction Pending Appeal” was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court’s electronic filing system. Parties may access this filing through the Court’s system.

<p>Kenneth J. Falk, Esq. Stevie J. Pactor, Esq. ACLU of Indiana 1031 East Washington Street Indianapolis, IN 46202 kfalk@aclu-in.org spactor@aclu-in.org</p>	<p>Kathleen Bensberg, Esq. Indiana Legal Services, Inc. 1200 Madison Avenue Indianapolis, IN 46225 Kathleen.bensberg@ilsi.net</p> <p>Megan Stuart, Esq. Indiana Legal Services 214 South College Avenue, 2nd Floor Bloomington, IN 47404 Megan.stuart@ilsi.net</p>
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/s/ Philip R. Zimmerly
Philip R. Zimmerly

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