

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.)

No. 1:21-cv-2965-TWP-MPB

METROPOLITAN SCHOOL DISTRICT OF)
MARTINSVILLE;)
PRINCIPAL, JOHN R. WOODEN MIDDLE)
SCHOOL, in his official capacity,)

Defendants.)

Motion for Preliminary Injunction

Plaintiff, by his counsel, moves this Court pursuant to Federal Rule of Civil Procedure 65 for a preliminary injunction in this case. In support of this motion, he says that:

1. He will prevail on his claim that the actions of defendants, as outlined in his Complaint for Declaratory and Injunctive Relief and Damages, violate both Title IX, 20 U.S.C. § 1681(a) and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.
2. He is being caused irreparable harm for which there is no adequate remedy at law.
3. The balance of harms favors the plaintiff.

4. The public interest would not be disserved by the grant of a preliminary injunction.

5. Inasmuch as the defendants will not be exposed to any risk of monetary injury if the preliminary injunction is granted, it should be granted without any bond.

6. This Court should establish a briefing schedule for the parties in this matter.

7. In further support of this motion the plaintiff will timely file submit his supporting evidence and memorandum of law.

WHEREFORE, plaintiff requests that this Court grant him a preliminary injunction in this matter, without bond, allowing him to utilize male restrooms and in all other respects requiring defendants to treat him as male, and for all other proper relief.

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Attorneys for Plaintiff

Certificate of Service

I certify that on this 3rd day of December 2021, a copy of the foregoing was filed electronically with the Clerk of this Court and was served on the below-named parties by first class U.S. Postage, pre-paid.

Metropolitan School District of Martinsville
Central Education Center
389 E. Jackson St.
Martinsville, IN 46151

Principal
John R. Wooden Middle School
109 E. Garfield St.
Martinsville, IN 46151

Kenneth J. Falk
Attorney at Law

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Defendants.)

ORDER

Plaintiff, having filed his Motion for Preliminary Injunction, and the Court having reviewed the motion, and being duly advised, finds that a briefing schedule should be established, and the matter set for hearing, and

IT IS THEREFORE ORDERED that:

Plaintiff shall file his memorandum in support of his motion no later than November _____.

Defendants shall file their response memorandum no later than December _____.

Plaintiff shall file his reply memorandum no later than December _____.

IT IS FURTHER ORDERED that this matter is set for hearing on _____, 2022 at _____M. in Room 330, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana.

Date

Chief Judge, United States District Court

To: All ECF-registered counsel of record

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