

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

B.E. and S.E., minor children by their)
mother, legal guardian, and next friend, L.E.,)

Plaintiffs,)

v.)

No. 2:21-cv-415-JRS-MG

VIGO COUNTY SCHOOL CORPORATION;)
PRINCIPAL, TERRE HAUTE NORTH HIGH)
SCHOOL, in his official capacity,)

Defendants.)

Motion for Preliminary Injunction

Plaintiffs, by their counsel, move this Court pursuant to Federal Rule of Civil Procedure 65 for a preliminary injunction in this case. In support of this motion, they say that:

1. They will prevail on their claim that the actions of defendants, as outlined in their 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. They are being caused irreparable harm for which there is no adequate remedy at law.
3. The balance of harms favors the plaintiffs.

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 plaintiffs will timely file submit their supporting evidence and memorandum of law.

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

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Attorneys for Plaintiffs

Certificate of Service

I certify that on this 10th day of November 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.

Vigo County School Corporation
PO Box 3703
Terre Haute, IN 47803

Principal
Terre Haute North Vigo High School
3434 Maple Avenue
Terre Haute, IN 47804

Kenneth J. Falk
Attorney at Law

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PRINCIPAL, TERRE HAUTE NORTH HIGH)
SCHOOL, in his official capacity,)

Defendants.)

ORDER

Plaintiffs, having filed their 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:

Plaintiffs shall file their memorandum in support of their motion no later than November _____.

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

Plaintiffs shall file their reply memorandum no later than December _____.

IT IS FURTHER ORDERED that this matter is set for hearing on _____, 202____ at _____M. in Room _____, United States Courthouse, _____, Indiana.

Date

Judge, United States District Court

To: All ECF-registered counsel of record

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