

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-02965-TWP-TAB
)	
METROPOLITAN SCHOOL DISTRICT)	
OF MARTINSVILLE, <i>et al.</i> ,)	
)	
Defendants.)	

Emergency Joint Motion to Clarify Preliminary Injunction

Plaintiff A.C., and Defendant, Metropolitan School District of Martinsville (“District”), by their respective counsel state as follows:

1. This Court granted plaintiff A.C. a preliminary injunction allowing A.C. to use male restrooms within John R. Wooden Middle School, which is a school within the District. ([ECF No. 50](#), [ECF No. 65](#)). Specifically, the Court’s Preliminary Injunction ([ECF No. 65](#)) states:

Defendants the Metropolitan School District of Martinsville and Principal of John R. Wooden Middle School are hereby preliminarily enjoined from stopping, preventing, or in any way interfering with A.C. freely using any boys’ restroom located on or within the campus of John R. Wooden Middle School located in Martinsville, Indiana.

2. Defendants appealed the preliminary injunction to the Seventh Circuit Court of Appeals. (No. 22-1786).

3. The Seventh Circuit Court of Appeals issued its decision on August 1, 2023, (*See* No. 22.1786) but has not yet issued its mandate pursuant to Fed.R.App.P. 41(b).

4. The Seventh Circuit’s opinion recited the injunction but contained no building-specific limitation: “In December 2021, A.C. filed this lawsuit against Martinsville and Fred

Kutruff, Wooden’s principal, seeking declaratory and injunctive relief that would assure his access to gender-affirming bathrooms. On April 29, 2022, the district court granted A.C.’s motion for a preliminary injunction and issued the mandatory stand-alone order on May 19, 2022. See Fed. R.Civ. P. 65(d). The injunction prohibited Martinsville from ‘stopping, preventing, or in any way interfering with A.C. freely using any boys’ restroom.’” Slip Op. at 5.

5. The Seventh Circuit’s analysis and statutory interpretation also made no distinction between the particular school buildings. *See generally*, Slip Op.

6. On August 10, 2023, students return to school at the District, and A.C. intends to attend Martinsville High School.

7. On August 8, 2023, A.C. requested to use the boys’ restrooms at Martinsville High School.

8. It is the District’s intent to comply with the orders from this Court and the Seventh Circuit. The District also desires not to waive its rights by extending to A.C. rights not intended by the Court.

9. The Parties respectfully requests a clarification of the preliminary injunction order regarding its application to A.C.’s use of District restrooms beyond John R. Wooden Middle School.

10. The parties have submitted a proposed entry for the Court’s consideration. Defendants do not concede the propriety of the preliminary injunction or any clarification and reserve the right to pursue all remedies to challenge the Court’s preliminary injunction.

11. The Parties further state that should the Court grant this Motion as proposed, the need for Court intervention as set forth in the Court’s August 9, 2023, entry ([ECF No. 85](#)) is moot.

WHEREFORE, the Parties request clarification of the preliminary injunction order regarding its application to A.C.'s use of District restrooms.

/s/ Kenneth J. Falk (with permission)

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Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2023, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following counsel by operation of the Court's electronic filing system.

/s/ Jonathan L. Mayes

Jonathan L. Mayes

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No. 1:21-cv-02965-TWP-TAB

Entry Clarifying Preliminary Injunction

The parties having filed their Emergency Joint Motion to Clarify Preliminary Injunction, and the Court being duly advised, hereby clarifies the previously issued preliminary injunction ([ECF No. 65](#)) as follows.

Defendants the Metropolitan School District of Martinsville and Principal of John R. Wooden Middle School are hereby preliminarily enjoined from stopping, preventing, or in any way interfering with A.C. freely using any boys’ restroom located on or within the campus of John R. Wooden Middle School or any other school within the Metropolitan School District of Martinsville.

Furthermore, [ECF No. 85](#) is now moot.

Date

Chief Judge, United States District Court

To: All ECF-registered counsel of record