

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

GLBT YOUTH IN IOWA SCHOOLS TASK FORCE
d/b/a/ IOWA SAFE SCHOOLS; P.B.-P., by his parent and
next friend, BELINDA SCARROTT; P.C. and A.C., by
their parents and next friends, RICHARD and ULRIKE
CARLSON; T.S., by her parent and next friend, ERIC
SAYLOR; B.F.S., by their parents and next friends,
BRIGIT and JOSEPH STEVENS; ROBERT SMITH, by
his parents and next friends, JANE and JOHN SMITH;
B.F., by their parent and next friend, LARA NEWSOM;
JAMES DOE, by his parent and next friend, JOHN DOE,

Plaintiffs,

v.

KIM REYNOLDS, in her official capacity as Governor of
the State of Iowa; MCKENZIE SNOW, in her official
capacity as Director of the Department of Education;
IOWA DEPARTMENT OF EDUCATION; IOWA STATE
BOARD OF EDUCATION; IOWA CITY COMMUNITY
SCHOOL DISTRICT; MATT DEGNER, in his official
capacity as Iowa City Community School District
Superintendent; MOLLY ABRAHAM, J.P. CLAUSSEN,
CHARLIE EASTHAM, JAYNE FINCH, RUTHINA
MALONE, MITCH LINGO, and LISA WILLIAMS, in
their official capacities as board members of the Iowa City
Community School District; SIOUX CITY COMMUNITY
SCHOOL DISTRICT; ROD EARLEYWINE, in his
official capacity as Sioux City Community School District
Superintendent; DAN GREENWELL, LANCE EHMCKE,
JAN GEORGE, TREYLA LEE, JOHN MEYERS, BOB
MICHAELSON, and EARL MILLER, in their official
capacities as board members of the Sioux City Community
School District; URBANDALE COMMUNITY SCHOOL
DISTRICT; ROSALIE DACA, in her official capacity as
Urbandale Community School District Superintendent;
KATHERINE HOSWARE, RACHEL KENT, JENNY
MEADE, JASON MENKE, JULIE MITCHELL, STEVE
RICHMAN, JOSH VAN RSWYK, CARISSA
WILLIAMS, and MARGARET YOUNG, in their official
capacities as board members of the Urbandale Community

Case No. 4:23-cv-474

**PLAINTIFFS' MOTION
FOR A PRELIMINARY
INJUNCTION**

School District; WATERLOO COMMUNITY SCHOOL DISTRICT; JARED SMITH, in his official capacity as Waterloo Community School District Superintendent; SUE FLYNN, JESSE KNIGHT, ASTOR WILLIAMS, LYLE SCHMITT, STACIE MILLS, JANELLE EWING, PAM ARNDORFER, and JEFF SOMMERFELDT, in their official capacities as board members of the Waterloo Community School District; WEST DES MOINES COMMUNITY SCHOOLS; MATT ADAMS, in his official capacity as West Des Moines Community Schools Superintendent; JEFF HICKS, MICHAEL ANDRESKI, ELIZABETH LARSON, LILA P. MONTOYA STARR, FANNETTE ELLIOTT, JILL CATON JOHNSON, and ANADELIA MORGAN, in their official capacities as board members of the West Des Moines Community Schools District,

Defendants.

Plaintiffs hereby move for a preliminary injunction pursuant to Federal Rule of Civil Procedure 65 to prevent further irreparable injury pending final adjudication of Plaintiffs' action.

This Motion is supported by the accompanying Brief in Support of Plaintiffs' Motion for a Preliminary Injunction, the sworn Declarations of Becky Tayler, Executive Director of Plaintiff GLBT Youth in Iowa Taskforce dba Iowa Safe Schools; Plaintiff P.B.-P.; Plaintiffs P.C., Richard Clarson, and Ulrike Carlson; Plaintiff T.S.; Plaintiffs B.F.S. and Brigit Stevens; Plaintiff Robert Smith; Plaintiffs B.F. and Lara Newsom; and Plaintiff James Doe, and any other material the Court may consider at any hearing on this Motion.

As Plaintiffs set forth in their accompanying Brief in Support of Plaintiffs' Motion for a Preliminary Injunction, Plaintiffs are likely to succeed on the merits of their claims. Senate File 496, 2023 Iowa Acts ch. 91 ("SF 496" or "the law"), violates the First and Fourteenth Amendments by impermissibly chilling student speech based on its content and viewpoint, violating students' rights to receive information and ideas, violating students' rights of expressive association, being

unconstitutionally overbroad and vague, making classifications based on sexual orientation and transgender status without adequate tailoring and justification, and violating students' rights under the Equal Access Act, 20 U.S.C. § 4071. To obtain a preliminary injunction, Plaintiffs "need only establish a likelihood of succeeding on the merits of any one of [their] claims." *Richland/Wilkin Joint Powers Auth. v. U.S. Army Corps of Eng'rs*, 826 F.3d 1030, 1040 (8th Cir. 2016) (quoting *Am. Rivers v. U.S. Army Corps of Eng'rs*, 271 F. Supp. 2d 230, 250 (D.D.C. 2003)).

As Plaintiffs establish in the accompanying Brief in Support of Plaintiffs' Motion for a Preliminary Injunction, Plaintiffs are suffering and will continue to suffer irreparable injury absent an injunction. The balance of equities also is in Plaintiffs' favor, and it is "always in the public interest to prevent the violation of a party's constitutional rights." *D.M. by Bao Xiong v. Minn. State High Sch. League*, 917 F.3d 994, 1004 (8th Cir. 2019) (quoting *Awad v. Ziriox*, 670 F.3d 1111, 1132 (10th Cir. 2012)).

Plaintiffs request that the Court waive the requirement of bond in Federal Rule of Civil Procedure 65(c). *Richland/Wilkin*, 826 F.3d at 1043 (whether to require bond is within court's discretion). Public interest litigation is a recognized exception to the bond requirement, especially where, as here, requiring a bond would injure the constitutional rights of Plaintiffs and the relief sought would not pose a hardship to government Defendants. *See id.*

Date: November 28, 2023

Respectfully submitted



/s/

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing paper with the Clerk of Court by using the CM/ECF system.

The foregoing paper also will be served along with the Complaint and Summons on all Defendants.

Dated: November 28, 2023

/s/Thomas D. Story
Thomas D. Story