

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
10 **AT SEATTLE**

11 [REDACTED] on his own behalf and on)
12 behalf of his minor child, [REDACTED])

13 Plaintiffs,)

14 v.)

15 HIGHLINE PUBLIC SCHOOLS;)
16 LORI McEWEN, in her individual and)
17 official capacity as a Vice Principal)
18 at Sylvester Middle School,)

19 Defendants.)

Civil Action No.: 2:26-cv-02388

MOTION FOR A PRELIMINARY
INJUNCTION

NOTE ON MOTION CALENDAR:
August 21, 2026

ORAL ARGUMENT REQUESTED

20 **PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

21 Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiffs move this Court for
22 a preliminary injunction that protects [REDACTED] against religious discrimination and restores the notice-
23 and-opt-out accommodation the District once provided voluntarily and that the Free Exercise
24 Clause guarantees as a matter of right. More specifically, Plaintiffs seek an injunction requiring
25 advance notice and a meaningful opt-out from religiously objectionable activities, prohibiting staff
26 from compelling [REDACTED] to remain after she raises a religious objection, and prohibiting Defendants

1 from treating [REDACTED]'s religious expression during non-instructional time less favorably than
 2 comparable secular expression or discriminating against her on the basis of her religion. The
 3 motion is based on Count IV of the Complaint, the assembly-related Free Exercise claim of
 4 [REDACTED] and Counts I, II, III, and VI of the Complaint, the First Amendment claims of [REDACTED]
 5 related to religious discrimination. A proposed order is submitted herewith.

6 INTRODUCTION

7 This case arises from a history of religious discrimination by Highline Public Schools
 8 (hereinafter “District”) officials against a young Christian student whose faith has repeatedly been
 9 treated as less worthy of protection than comparable secular expression. In *Mahmoud v. Taylor*, 606
 10 U.S. 522 (2025), the Supreme Court held that public schools substantially burden parents’ free
 11 exercise of religion when they compel children to participate in instruction that “poses ‘a very real
 12 threat of undermining’ the religious beliefs and practices that parents wish to instill in their children.”
 13 *Id.* at 530 (quoting *Wisconsin v. Yoder*, 406 U.S. 205, 218 (1972)). Against the backdrop of
 14 Defendants’ repeated affronts to [REDACTED]'s religious expression, only an injunction will ensure that her
 15 faith is treated on equal terms and that her parents’ religious authority is respected.

16 For years, the District provided the H. family with advance notice of pride-themed
 17 assemblies so that [REDACTED]'s parents could decide whether she would attend. [REDACTED] Decl. ¶¶ 12–
 18 15. Yet on May 29, 2026, the District abandoned that practice without warning. It forced the entire
 19 student body — including [REDACTED] a devout Christian — to gather in the gymnasium for a school-wide
 20 “Inclusion Assembly” whose second half was devoted to dogmatic instruction on sexual orientation
 21 and gender identity, including a slide expressly instructing students that opposing the presented
 22 viewpoint was intolerable. The assembly urged students to create “a moral standard in your
 23 community” and “put[] people on notice.” [REDACTED] Decl. ¶¶ 33–34; [REDACTED] Decl. Ex. A;
 24 [REDACTED] Decl. ¶ 26. The H. family received no notice, and ostensibly no other family did, either. [REDACTED]
 25 [REDACTED] Decl. ¶ 30; [REDACTED] Decl. ¶ 20. No opt-out was offered. *See* [REDACTED] Decl. ¶¶ 31–32.

26 Most importantly, when [REDACTED] — moved to tears by content she found irreconcilable with her
 27

1 faith — asked to leave, school staff did not merely fail to accommodate her objection. Instead, they
2 overrode it and concealed her true reason for leaving from the very administrators supervising the
3 assembly. When [REDACTED] personally invoked her religious beliefs and asked not to return to the assembly,
4 school personnel told her point-blank that she had “no choice.” [REDACTED] Decl. ¶¶ 37–38; [REDACTED]
5 Decl. ¶¶ 37–39. [REDACTED] was walked back into the gymnasium and made to sit through the remainder of
6 the program in tears, averting her eyes from the images being shown. [REDACTED] Decl. ¶¶ 38–39;
7 [REDACTED] Decl. ¶¶ 40–41.

8 Like the parents in *Mahmoud*, Plaintiffs hold sincere religious beliefs about marriage, gender,
9 sexuality, and how these topics should be addressed at school. Like the school board in *Mahmoud*,
10 Defendants here mandated LGBTQ-inclusive materials into school programming, this time through
11 a mandatory assembly that directly conflicted with Plaintiffs’ religious convictions and did so
12 without providing advance notice to [REDACTED]’s parents. [REDACTED] invoked her religious objection to a teacher
13 and to another staff member in the moment, and the response was concealment followed by
14 compulsion. Under *Mahmoud*, this conduct is unconstitutional. The Supreme Court could not have
15 been clearer: schools cannot force parents to choose between their religious faith and the benefits of
16 public education. They cannot “strip away the critical right of parents to guide the religious
17 development of their children.” 606 U.S. at 559. Yet, that is precisely what happened here.

18 Nor is the assembly incident an isolated constitutional violation. Across four years and two
19 schools, District officials have repeatedly singled out [REDACTED]’s religious exercise for disfavored
20 treatment: first by suppressing her elementary-school religious materials and faith-based
21 conversations; then by removing her from class at Sylvester Middle School (“Sylvester”) and
22 drawing an express religious line between permissible secular “opinions” and impermissible
23 “religious beliefs”; and finally by compelling her to return to the Inclusion Assembly after she
24 expressly invoked her Christian objection. The District’s previous concessions have so far been
25 inadequate, as they never assured [REDACTED] that her religious expression would be treated on equal terms
26 with comparable secular expression, and never corrected the chill that distinction created. The

1 repeated injuries stress why judicial intervention is required. The May 29 assembly was part of a
2 broader pattern of official action that failed to provide the neutral and respectful treatment required
3 by *Masterpiece Cakeshop, Ltd. v. Colo. Civil Rights Comm’n*, 584 U.S. 617 (2018), and targeted
4 religious exercise for distinctive treatment under *Church of Lukumi Babalu Aye, Inc. v. Hialeah*, 508
5 U.S. 520, 546 (1993). The requested injunction is necessary not only to protect [REDACTED]’s
6 parental rights under *Mahmoud*, but also to ensure that [REDACTED]’s own First Amendment rights to speak,
7 exercise her faith, and engage in religious expression are protected on equal terms going forward.

8 Plaintiffs demonstrate every element necessary for a preliminary injunction under controlling
9 Supreme Court precedent decided only a year ago. The need for immediate relief is acute. On the
10 record set out below, and under the framework the Supreme Court announced in *Masterpiece*
11 *Cakeshop* and *Mahmoud*: Plaintiffs are likely to succeed on the merits; they are suffering irreparable
12 harm every day that no notice-and-opt-out protocol binds the District; the equities favor an
13 accommodation that costs Defendants nothing more than sending a note home; and an injunction
14 serves the public interest in the enforcement of the First and Fourteenth Amendments. The motion
15 should be granted.

16 FACTUAL BACKGROUND

17 Plaintiff [REDACTED] is a practicing Christian and a resident of King County, Washington,
18 within the Highline Public Schools District. [REDACTED] Decl. ¶¶ 4–5. He brings this action on his
19 own behalf and on behalf of his minor daughter, [REDACTED] who is enrolled as a student at Sylvester
20 within the District. [REDACTED] Decl. ¶¶ 1–2; [REDACTED] Decl. ¶¶ 1–2, 49.

21 [REDACTED]’s faith teaches that parents — not the State — are entrusted with the primary
22 responsibility for the moral and spiritual formation of their children, and that human sexuality is
23 properly ordered within marriage between one man and one woman. [REDACTED] Decl. ¶¶ 5–10.
24 He believes he has a religious duty to instill these principles in [REDACTED] and that compulsory school
25 instruction urging her to adopt a contrary moral framework substantially interferes with that
26 religious responsibility. *Id.* ¶¶ 8–10. [REDACTED] shares her father’s convictions. For several years, as an

1 expression of her sincerely held faith, she has engaged in student-initiated religious expression at
2 school, including quietly distributing Christian gospel tracts to consenting classmates and
3 discussing her faith with willing peers during non-instructional time. [REDACTED] Decl. ¶ 11; [REDACTED]
4 Decl. ¶¶ 3–6.

5 Defendant Highline Public Schools operates Sylvester Middle School. Compl. ¶ 21.
6 Defendant Lori McEwen is Sylvester’s Vice Principal, sued in her individual and official
7 capacities; she possesses policymaking authority over student discipline, the enforcement of
8 expression rules, and the supervision of school assemblies and other student programming. Compl.
9 ¶¶ 22–26.

10 This is not the District’s first encounter with the H. family’s religious convictions, and it is
11 not the first time the District has been placed on notice of the constitutional limits on its treatment
12 of [REDACTED]’s faith. In January 2022, when [REDACTED] was a second-grade student at North Hill Elementary
13 School, also within the District, the school principal searched her backpack on multiple occasions
14 to confiscate religious materials, and school officials sent her to the principal’s office more than
15 ten times for sharing her faith with classmates during recess. [REDACTED] Decl. ¶¶ 17–21; [REDACTED]
16 Decl. ¶¶ 3–7. After Plaintiffs’ counsel sent a demand letter, the District’s Chief Policy and Strategy
17 Officer responded in writing on March 8, 2022, agreeing to let [REDACTED] “distribute materials at school
18 going forward, including religious materials,” and expressly agreeing with “government neutrality
19 to religion” and “avoidance of discrimination against religious viewpoints.” [REDACTED] Decl. ¶
20 21; Ex. B to Compl.

21 The District’s practice at the elementary level was not limited to tract distribution. When
22 North Hill Elementary held pride-themed assemblies containing content the H. family found
23 religiously objectionable, the District gave the family advance notice of that content, allowing the
24 family to decide whether [REDACTED] would attend. [REDACTED] Decl. ¶¶ 12–15.

25 On February 18, 2026, Vice Principal McEwen again singled out [REDACTED]’s religious
26 expression for different treatment. McEwen removed [REDACTED] from her math class and told her she

1 could not distribute religious tracts at school. [REDACTED] Decl. ¶¶ 21–24; [REDACTED] Decl. ¶¶ 12–14.
2 [REDACTED] did not understand that rule because other students were permitted to share their own views
3 and causes at school, including views on political and social issues. When [REDACTED] asked why other
4 students could share their views while she could not share hers, McEwen drew an express religious
5 line: students may share opinions, she said, but may not share religious beliefs. [REDACTED] Decl.
6 ¶¶ 23–24; [REDACTED] Decl. ¶¶ 12–16. [REDACTED] then pointed to a recent teacher-escorted student walkout to
7 protest ICE as an example of comparable student expression that school officials had allowed.
8 McEwen responded that the walkout was permissible “opinion,” while [REDACTED]’s distribution of
9 Christian tracts was not. *Id.*

10 The point communicated to [REDACTED] was unmistakable: secular advocacy could be treated as
11 protected student opinion, but religious advocacy could be excluded because it was religious.
12 Plaintiffs’ counsel sent a second demand letter on March 20, 2026, objecting to that distinction
13 and requesting corrective action. Ex. C to Compl.; [REDACTED] Decl. ¶¶ 26–28. The District’s
14 March 27, 2026, written response conceded that tract distribution during non-instructional time “is
15 permitted,” Ex. D to Compl., but it did not repudiate McEwen’s statement distinguishing permitted
16 secular opinion from prohibited religious belief, did not assure [REDACTED] that her religious expression
17 would be treated on equal terms with comparable secular expression, and did not provide the
18 written correction Plaintiffs requested. [REDACTED] Decl. ¶¶ 26–28.

19 This incident establishes that as of March 2026 — two months before the Inclusion
20 Assembly — Vice Principal McEwen had direct, personal knowledge that [REDACTED] holds sincere
21 Christian beliefs that she is willing to act on at real cost to herself. [REDACTED] Decl. ¶¶ 22–25;
22 [REDACTED] Decl. ¶¶ 11–16. McEwen was the same administrator present in the gymnasium throughout
23 the May 29 assembly, observing the proceedings from the rear of the room. [REDACTED] Decl. ¶ 43.

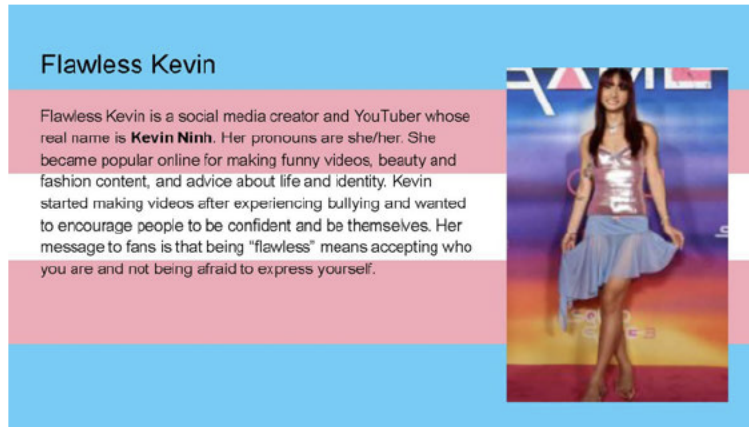
24 On May 29, 2026, the entire student body of Sylvester Middle School — including [REDACTED] —
25 was forced to attend a school-wide assembly titled the “Inclusion Assembly.” [REDACTED] Decl.
26 ¶¶ 30–35; [REDACTED] Decl. ¶¶ 22–47. [REDACTED] and [REDACTED] received no advance notice, and have no

1 indication other parents or students received advance notice either. [REDACTED] Decl. ¶ 30; [REDACTED]
2 Decl. ¶ 23. [REDACTED] herself was told only on the morning of the event, without any specific information
3 as to its content. [REDACTED] Decl. ¶¶ 19–20. Before the assembly, [REDACTED] and a friend who shared her beliefs
4 asked approximately three different teachers what the assembly would entail with the intention of
5 opting out if the topic violated their religious beliefs; none would or could provide any answer.
6 [REDACTED] Decl. ¶¶ 21, 25.

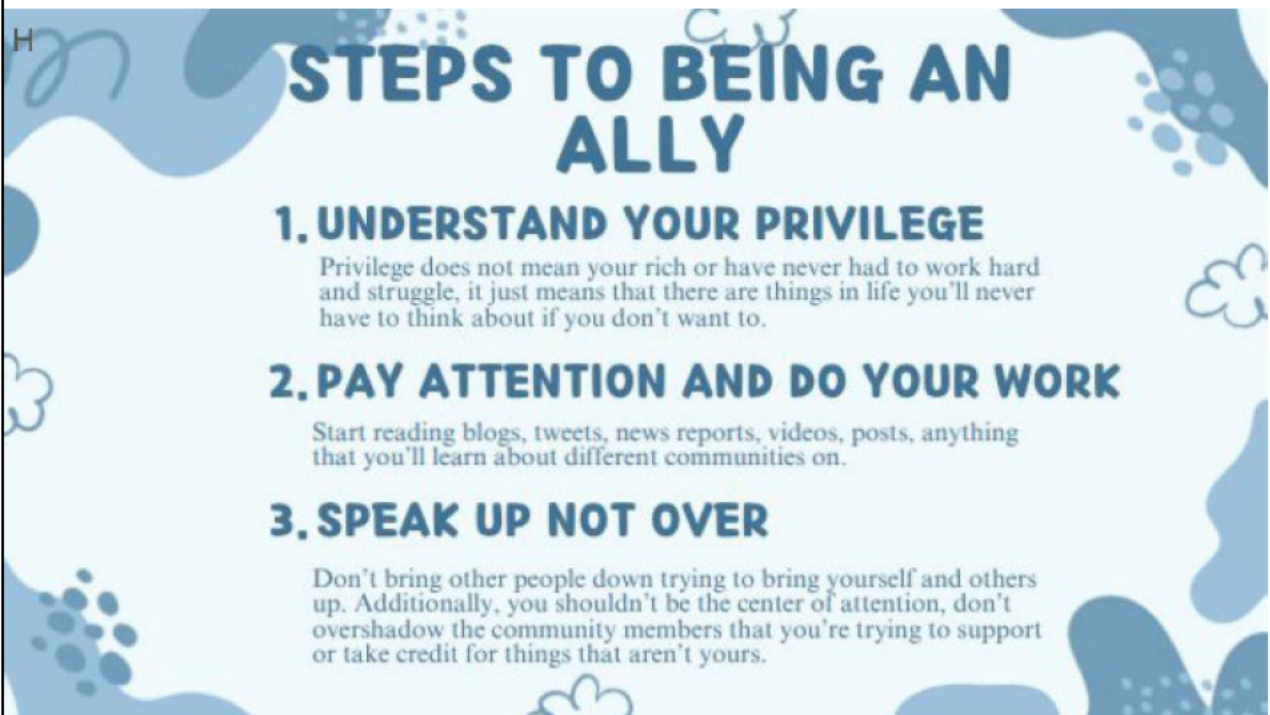
7 Without notice, the H. family had no opportunity to exercise the choice the District had
8 historically extended for similar programming. [REDACTED] Decl. ¶¶ 31–32. On information and
9 belief, the District ignored a different student’s existing written accommodation exempting her
10 from LGBTQIA+ content, requiring her to sit through the same assembly despite that standing
11 agreement. [REDACTED] Decl. ¶ 48.

12 The first portion of the “Inclusion Assembly” covered racial diversity, disability, and
13 women’s rights. [REDACTED] Decl. ¶ 33; [REDACTED] Decl. ¶ 26. Its second portion was devoted to
14 LGBTQIA+ content: a presentation covering seventy-two gender identities, explicit affirmations
15 such as “happy pride month,” student “coming out” testimonies delivered from a school-sponsored
16 platform, and the display of pride flags. *See id.* Crucially, the prepared slides were not merely
17 descriptive, but normative and celebratory. [REDACTED] Decl. ¶¶ 33–35; [REDACTED] Decl. Ex. A.
18 Plaintiffs have attached the entirety of the slides at [REDACTED] Decl. Ex. A, and reproduce several
19 of the most relevant here.
20
21
22
23
24
25
26
27

Slide 29 featured a transgender social-media personality with an accompanying image of that individual and stated that the person's "message to fans is that being 'flawless' means accepting who you are and not being afraid to express yourself." *Id.* at 29.



Slides 32 and 36 displayed individuals in drag attire. *Id.* at 32, 36. The assembly's final segment, titled "How to Be an Ally," directly instructed students on the attitudes and moral commitments they were expected to adopt: Slide 39 told students to seek out further content on the subject; it urged students to "Understand Your Privilege" and to "Pay Attention and Do Your Work," calling students to follow "steps" to become an ally. *Id.* at 39.



Slide 40 declared “Anyone Can Be An Ally” and defined allyship as an obligation to “listen and uplift” and “stick up” for the LGBTQIA+ community. *Id.* at 40.

Slide 42’s “Setting the Standard” heading is the clearest evidence in this record that the District’s own program crossed the line *Mahmoud* drew between neutral exposure and impermissible moral instruction. It told the assembled student body: “When you are standing up against oppression, you are creating a moral standard in your community. You are putting people on notice that targeting any group will not be allowed.” *Id.* at 42.

That is not a description of the fact that people hold different views on human sexuality; it is an official, school-sponsored directive telling an entire captive student body what *moral* position to hold, delivered under the “Setting the Standard” heading that explicitly announces its normative purpose. It is, if anything, a more direct example of the pressure to conform than the storybooks at issue in *Mahmoud*, which conveyed their normative message through narrative rather than through an explicit warning that dissent “will not be allowed.” *Id.*



During the assembly, [REDACTED] became visibly distressed and began crying because her classmates were applauding content she, out of religious conviction, was unwilling to celebrate.

[REDACTED] Decl. ¶ 36; [REDACTED] Decl. ¶¶ 29–32. Her advisory teacher, Ms. Holmes, asked what was

MOTION FOR PRELIMINARY INJUNCTION - AMERICAN CENTER FOR LAW & JUSTICE

Page 9

1 wrong; [REDACTED] explained that she was uncomfortable with the LGBTQIA+ content. [REDACTED] Decl.
2 ¶ 36; [REDACTED] Decl. ¶ 30. To help [REDACTED] leave the assembly, Ms. Holmes told assembly organizers that
3 [REDACTED] needed to use the restroom so that [REDACTED] could exit immediately. [REDACTED] Decl. ¶ 37; [REDACTED]
4 Decl. ¶ 31.

5 Another teacher, Ms. Edwards, led [REDACTED] into the hallway and asked her if she was all right.
6 [REDACTED] Decl. ¶ 32. [REDACTED] told her directly that she was a Christian and that the assembly's teaching
7 conflicted with her sincerely held religious beliefs and dogmatically declared her religious beliefs
8 wrong, that she could not accept such a rejection of her sincerely held religious beliefs – though
9 she respected the people involved – and repeated that she simply did not feel comfortable going
10 back inside. *Id.* ¶¶ 33–36. [REDACTED]'s distress was apparent. *Id.* ¶ 37.

11 Ms. Edwards then told [REDACTED] “You have no choice because me and Ms. Holmes told the
12 people in charge that you had to use the bathroom.” *Id.* ¶ 38. Ms. Edwards walked into the
13 gymnasium, signaling that [REDACTED] had to follow. *Id.* ¶ 39. [REDACTED] re-entered the assembly under this
14 compulsion and spent the remainder of the program in tears, deliberately averting her eyes from
15 the images being displayed. *Id.* ¶¶ 40–41. Vice Principal McEwen observed this and took no action
16 to accommodate her. *Id.* ¶ 43. When the assembly ended, [REDACTED] walked to class still in tears, and her
17 distress was readily apparent to both classmates and teachers. *Id.* ¶ 44. No school employee
18 informed her parents: not of the assembly, not of the conflict with the family's faith, and not of
19 [REDACTED]'s distress. [REDACTED] Decl. ¶ 40.

20 On June 18, 2026, Plaintiffs, through counsel, sent a third demand letter (Ex. E to Compl.)
21 asking the District to provide written assurances that it would (1) give advance written parental
22 notice and a meaningful, non-stigmatizing opt-out before any future mandatory programming
23 containing religiously objectionable content; (2) instruct staff that a religious objection is a legally
24 cognizable basis for excusal and that staff may not tell a student she has “no choice” but to remain;
25 and (3) undertake remedial training. [REDACTED] Decl. ¶ 44.

26 The District's June 25, 2026, response, through counsel (Ex. F to Compl.), did not dispute
27

1 that the assembly addressed LGBTQ+ identities, sexual orientation, gender identity, and related
2 topics, and acknowledged that school personnel interacted with [REDACTED] after observing her distress.
3 [REDACTED] Decl. ¶ 45. But the District denied any constitutional violation, asserting instead that
4 Sylvester’s assemblies are not mandatory at all; that students may excuse themselves for any
5 reason without explanation; and that an alternative location is available to any student who elects
6 not to attend. *Id.* The District further claimed that [REDACTED] simply “chose” to re-enter and remain in
7 the assembly. *Id.*

8 Plaintiffs dispute each of these characterizations, Compl. ¶ 147, and the District’s own
9 student-facing materials confirm why. The Sylvester Middle School Student Handbook contains
10 “Behavior Expectations” for assemblies, stating that “the staff and students of Sylvester plan and
11 present a variety of assemblies. Students are to walk quietly behind their teachers to the gymnasium
12 or other assembly location. Students are expected to follow the directions of staff members
13 directing the seating for the assembly. When filling the bleachers or chairs each student is asked
14 to move in and fill all spots to allow for seating for everyone. Students are expected to follow the
15 PBIS assembly expectations. Students are expected to dismiss as directed and in an orderly
16 fashion.” [REDACTED] Decl. ¶ 46 & Ex. B.

17 This instruction explicitly directs students to proceed to assemblies with their teachers,
18 follow staff direction on seating and behavior, comply with assembly expectations, and dismiss
19 only as directed by staff; it says nothing about a right to self-excuse, leave once an assembly has
20 begun, or report to any alternative location. Tellingly, this policy contains none of the purported
21 “opt-out” options the District now claims were available to [REDACTED] after her rights had already been
22 violated. In reality, no policy, handbook provision, announcement, or other notice ever informed
23 [REDACTED] before May 29 that she could excuse herself from the assembly, leave after it began, or go to
24 an alternative location instead of attending. [REDACTED] Decl. ¶¶ 47–48; [REDACTED] Decl. ¶¶ 19–20, 23.

25 [REDACTED] remains enrolled in the District. [REDACTED] Decl. ¶ 50; [REDACTED] Decl. ¶ 49. The District
26 has adopted no notice-and-opt-out policy going forward, has not repudiated the compelled return

1 to the May 29 assembly, and has affirmatively defended its conduct as lawful in its final written
2 response. [REDACTED] Decl. ¶ 49. Across four years and two schools, District personnel have three
3 times burdened [REDACTED]'s religious exercise — confiscating religious materials and disciplining her at
4 North Hill Elementary, confronting and prohibiting her tract distribution at Sylvester, and
5 compelling her attendance at religiously objectionable programming at Sylvester — despite three
6 separate written demands for correction. *See generally* [REDACTED] Decl. ¶¶ 16–28, 30–50; [REDACTED]
7 Decl. ¶¶ 7–16, 22–49. Because assemblies remain a recurring feature of school life and no binding
8 policy now requires notice, a meaningful opt-out, or staff compliance with a student's religious
9 objection, nothing prevents the District from repeating the same conduct at the next assembly. And
10 because Vice Principal McEwen's conduct has not been repudiated, [REDACTED]'s right to speak and share
11 her faith remains chilled.

12 ARGUMENT

13 This Court should issue an injunction protecting Plaintiffs' rights under *Mahmoud* and
14 *Masterpiece Cakeshop*. “A plaintiff seeking a preliminary injunction must establish that he is
15 likely to succeed on the merits; that he is likely to suffer irreparable harm in the absence of
16 preliminary relief; that the balance of equities tips in his favor; and that an injunction is in the
17 public interest.” *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008).

18 But when it comes to the First Amendment, the overall burden remains on the Government
19 to justify its infringement of constitutional rights. *United States v. Playboy Entm't Group, Inc.*,
20 529 U.S. 803, 816 (2000) (“When the Government restricts speech, the Government bears the
21 burden of proving the constitutionality of its actions.”) (citations omitted). Defendants bear the
22 burden of demonstrating that their restriction on speech is constitutional and continue to bear that
23 burden at this preliminary stage. *See Ashcroft v. Am. Civil Liberties Union*, 542 U.S. 656, 665–66
24 (2004) (holding that plaintiff must be deemed likely to prevail at preliminary injunction stage
25 unless government meets its burden of showing that restriction satisfies strict scrutiny); *Gonzales*
26 *v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418, 429 (2006) (affirming, “[t]he

1 burdens at the preliminary injunction stage track the burdens at trial.”). Defendants here cannot
 2 satisfy the heavy burden they face to justify their conduct.

3 **I. Plaintiff [REDACTED] is Likely to Succeed on the Merits of His Free Exercise Claim.**

4 Likelihood of success on the merits has long been recognized as the most important
 5 preliminary injunction factor, especially when a plaintiff alleges a constitutional injury. *Baird v.*
 6 *Bonta*, 85 F.4th 1036, 1041 (9th Cir. 2023) (“The first factor—likelihood of success on the
 7 merits—is the most important (and usually decisive) one in cases where a plaintiff brings a
 8 constitutional claim.”); *see also California Chamber of Com. v. Council for Educ. & Rsch. on*
 9 *Toxics*, 29 F.4th 468, 482 (9th Cir. 2022) (“‘Irreparable harm is relatively easy to establish in a
 10 First Amendment case.’ The plaintiff ‘need only demonstrate the existence of a colorable First
 11 Amendment claim.’”) (citation omitted), *cert. denied*, 143 S. Ct. 1749 (2023).

12 In *Mahmoud*, the Supreme Court definitively resolved the question presented here. Public
 13 schools substantially burden parents’ free exercise of religion when they compel children to
 14 participate in instruction that “poses ‘a very real threat of undermining’ the religious beliefs and
 15 practices that parents wish to instill in their children.” 606 U.S. at 530 (quoting *Yoder*, 406 U.S. at
 16 218). The Court emphasized that the parental Free Exercise right “would be an empty promise if
 17 it did not follow those children into the public school classroom.” *Id.* at 547. When such a burden
 18 exists, strict scrutiny applies, and schools must provide advance notice and honor religious opt-out
 19 requests.

20 In other words, the Free Exercise Clause analysis is straightforward and in two parts. Under
 21 *Mahmoud*, Plaintiffs must demonstrate that Defendants substantially burdened their religious
 22 exercise, which triggers strict scrutiny review. Second, Defendants cannot satisfy strict scrutiny’s
 23 demanding requirements. Both showings are readily established by the facts of this case.

24 **A. Defendants Substantially Burdened Plaintiff’s Religious Exercise Under**
 25 ***Mahmoud*.**

26 This case involves a straightforward application of *Mahmoud*. Here, just as there,
 27 Defendants’ assembly, combined with their refusal to provide opt-outs, “burdens the parents’ right

1 to the free exercise of religion.” *Id.* at 563. Strict scrutiny applies to laws that restrict the “right of
2 parents . . . to direct the [religious] education of their children.” *Employment Division v. Smith*,
3 494 U.S. 872, 881 (1990) (citing *Yoder*, 406 U.S. 205). The Supreme Court has long recognized
4 this right. *See, e.g., Pierce v. Soc’y of Sisters*, 268 U.S. 510, 534–35 (1925). It is rooted in “[t]he
5 history and culture of Western civilization,” which “reflect a strong tradition of parental concern
6 for the nurture and upbringing of their children.” *Yoder*, 406 U.S. at 232. Under the Free Exercise
7 Clause, this parental right is “now established beyond debate as an enduring American tradition.”
8 *Yoder*, 406 U.S. at 214, 232.

9 *Mahmoud* held that strict scrutiny applies whenever government action “substantially
10 interferes with the religious development” of a child. *Mahmoud*, 606 U.S. at 550. The law
11 mandates this review: “it is sufficient to note that the burden imposed here is of the exact same
12 character as that in *Yoder*. That is enough to conclude that here, as in *Yoder*, strict scrutiny is
13 appropriate regardless of whether the policy is neutral and generally applicable.” *Id.* at 565.
14 Defendants’ actions substantially interfere with [REDACTED]’s religious development, triggering strict
15 scrutiny under *Mahmoud*. The state’s interest in compulsory education does not permit it to
16 override parental religious authority over moral formation. The Court in *Mahmoud* emphasized
17 that such requirements imposed a substantial burden because they were “unmistakably normative”
18 and presented “certain values and beliefs as things to be celebrated, and certain contrary values
19 and beliefs as things to be rejected.” *Id.* at 550. The books did not merely expose children to the
20 existence of diverse families—they conveyed a moral message about which family structures are
21 valid and worthy of celebration. *Id.*

22 The Supreme Court has regularly emphasized the particular susceptibility of
23 schoolchildren to coercive pressure in the compulsory-school setting. *Edwards v. Aguillard*, 482
24 U.S. 578, 583–84 (1987). “[T]here are heightened concerns with protecting freedom of conscience
25 from subtle coercive pressure in the elementary and secondary public schools.” *Lee v. Weisman*,
26 505 U.S. 577, 592 (1992). This heightened concern reflects the Supreme Court’s common-sense

1 recognition that “[s]tudents in such institutions are impressionable and their attendance is
 2 involuntary.” *Edwards*, 482 U.S. at 584. The Supreme Court emphasized the government’s
 3 “coercive power” and “the students’ emulation of teachers as role models and the children’s
 4 susceptibility to peer pressure.” *Id.*

5 Like the parents in *Mahmoud*, Plaintiff sincerely believes that marriage is ordained by God
 6 as the union of one man and one woman and that children should be raised in accordance with
 7 biblical teachings about family. These beliefs directly conflict with instruction that normalizes
 8 same-sex relationships and gender identity concepts. The Supreme Court noted that parents from
 9 “diverse religious backgrounds”—including Muslim, Catholic, and Ukrainian Orthodox
 10 families—all asserted similar objections to LGBTQ-inclusive materials based on their faith
 11 traditions. *Mahmoud*, 606 U.S. at 530.

12 Just as in *Mahmoud*, the Inclusion Assembly delivered the same content to a captive
 13 audience, but it did so in an even more explicit and unmistakable manner. The assembly did not
 14 merely tell a story in which a normative message could be inferred; the District’s “Setting the
 15 Standard” heading instructed the entire student body that failing to “stand[] up against oppression”



1 meant failing to hold the correct “moral standard,” and that any contrary treatment would not “be
2 allowed.” [REDACTED] Decl. Ex. A at 42. The “How to Be an Ally” segment did not simply describe
3 the existence of differing viewpoints on sexuality and gender; it directed students on the specific
4 morals and attitudes — to “listen and uplift,” to “stick up for” the community, to seek out further
5 affirming content — that they were expected to adopt. [REDACTED] Decl. Ex. A at 39-45. That is
6 not neutral information; it is, in *Mahmoud*’s terms, instruction that is “hostile” to a contrary
7 religious viewpoint and calculated to exert “pressure to conform” to the school’s preferred one.
8 *Mahmoud*, 606 U.S. at 550 (quoting *Yoder*, 406 U.S. at 211).

9 Nor can Defendants credibly characterize this as passive exposure to the fact that
10 LGBTQIA+ people exist. As in *Mahmoud*, where the Board “specifically encouraged teachers to
11 reinforce this viewpoint and to reprimand any children who disagree,” *id.* at 556, Sylvester’s
12 assembly went beyond exposure by instructing an entire student body on the moral consequences
13 of dissent — that dissent, in the assembly’s own words, “will not be allowed.” [REDACTED] Decl.
14 Ex. A at 42. [REDACTED]’s own experience proves the point: when she voiced a view at odds with the
15 assembly’s message, she was not met with respectful disagreement but with concealment of her
16 objection and, ultimately, a directive that she had “no choice” but to return. [REDACTED] Decl. ¶¶
17 37, 41; [REDACTED] Decl. ¶¶ 31, 38. Whatever pedagogical value the District ascribes to the assembly, it
18 cannot dispute that its content was designed to move students toward a particular moral conclusion
19 — which is exactly the category of content that triggers heightened constitutional scrutiny under
20 *Yoder* and *Mahmoud*, regardless of the sincerity or good faith of the District’s underlying
21 educational goals.

22 If anything, this case presents a stronger claim of substantial burden than *Mahmoud*
23 because Defendants not only showed objectionable content but also actively prevented [REDACTED] from
24 exercising her right to opt out. In *Mahmoud*, the school board adopted a clear no-opt-out policy.
25 Parents knew where they stood. Unlike that Board, the District here offers no stated rationale for
26 refusing to provide notice and opt out at all — the record simply shows that the accommodation

1 the [REDACTED] family had previously received at the elementary level was, without explanation, not
2 extended to the Sylvester assembly. A school district cannot claim a compelling interest in denying
3 an accommodation that has been proven through its own past practice to be administratively
4 workable.

5 More fundamentally, the *Mahmoud* petitioners' injury arose entirely from the absence of
6 any opt-out mechanism on paper; none of them alleged that a child voiced a religious objection in
7 the moment and was physically compelled to remain regardless. Here, that additional and more
8 direct form of coercion is precisely what happened. The District did not merely fail to provide
9 advance notice of the Inclusion Assembly; [REDACTED] affirmatively told members of the Sylvester staff,
10 in real time, that she was a Christian and that the assembly's content conflicted with her sincerely
11 held beliefs. [REDACTED] Decl. ¶¶ 33–36. Rather than accommodate that objection, school employees
12 concealed it from the officials supervising the assembly. Then, when [REDACTED] said she did not want to
13 return, staff told her she had “no choice.” *Id.* ¶ 38. She was compelled back into the room by Ms.
14 Edwards's physical direction, despite her religious objection. [REDACTED] Decl. ¶ 38; [REDACTED] Decl. ¶
15 39. As discussed below, this is coercion in the most direct sense, far more direct than the subtler
16 burden at issue in *Yoder* and *Mahmoud*.

17 While *West Virginia Bd. of Ed. v. Barnette*, 319 U.S. 624 (1943), involved a compelled
18 affirmation contrary to religious belief, Sylvester's staff compelled continued *attendance* at
19 instruction the student had already identified, out loud, as contrary to her faith — after concealing
20 the true reason for her attempted departure from the officials responsible for making any
21 accommodation. That combination of concealment and compulsion establishes a substantial
22 burden on [REDACTED]'s free exercise independent of, and in addition to, the antecedent failure to provide
23 notice and an opt-out in the first place.

24 By compelling [REDACTED]'s attendance at, and continued presence within, instruction on sexual
25 orientation and gender identity without providing [REDACTED] advance notice or any opportunity
26 to exempt his daughter — particularly after having previously honored that same choice for similar
27

1 content at the elementary level — Defendants usurped the [REDACTED] family’s authority to determine when,
2 how, and by whom [REDACTED] would be instructed on subjects the family considers inextricably bound
3 up with their religious values.

4 **B. Defendants Cannot Satisfy Strict Scrutiny.**

5 Under *Mahmoud*, strict scrutiny applies regardless of whether Sylvester’s assembly policy
6 is neutral or generally applicable. *Mahmoud*, 606 U.S. at 565. To survive strict scrutiny, the
7 government must demonstrate that its policy “advances ‘interests of the highest order’ and is
8 narrowly tailored to achieve those interests.” *Fulton v. Philadelphia*, 593 U.S. 522, 541 (2021)
9 (quoting *Church of Lukumi Babalu Aye, Inc. v. Hialeah*, 508 U.S. 520, 546 (1993)). Defendants
10 here cannot justify the burden they have imposed on Plaintiff’s free exercise rights.

11 Start with the compelling interest requirement. Defendants may claim an interest in
12 teaching tolerance or preventing discrimination. But whatever interest the state has in promoting
13 such values, it does not extend to overriding parental religious convictions about marriage and
14 sexuality — especially for a young child. Defendants’ June 25, 2026, response offers no stated
15 interest at all for withholding notice or an opt-out — it simply denies that any accommodation was
16 necessary because, in the District’s telling, none was ever withheld. [REDACTED] Decl. ¶ 45. To the
17 extent Defendants later invoke interests in classroom cohesion, inclusion, or avoiding
18 administrative burden, those interests are foreclosed here for the same reason they were rejected
19 in *Mahmoud*: the District’s own policies (Procedure 2340, Policy 2331) and its prior practice at
20 North Hill Elementary directly refute any claim that accommodation is infeasible. [REDACTED]
21 Decl. ¶¶ 12–15, 43. Nor can Defendants invoke an interest in protecting other students from “social
22 stigma,” as the Montgomery County Board attempted — the Supreme Court squarely rejected that
23 rationale, holding that a school “cannot purport to rescue one group of students from stigma and
24 isolation by stigmatizing and isolating another.” *Mahmoud*, 606 U.S. at 568.

25 Even if Defendants could identify a compelling interest, their actions are not narrowly
26 tailored. Narrow tailoring requires the government to prove “that it lacks other means of achieving

its desired goal without imposing a substantial burden on the exercise of religion by the objecting parties.” *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 728 (2014). In *Mahmoud*, the Supreme Court emphasized that “the Board’s conduct undermines its assertion that its no-opt-out policy is necessary to serve that interest.” *Mahmoud*, 606 U.S. at 566. The Respondent Board continued “to permit opt outs in a variety of other circumstances.” *Id.* Likewise here, the District purports to allow a number of extensive exceptions that undermine the denial that occurred here. Because of these available exceptions, the Supreme Court emphasized that the “robust ‘system of exceptions’ undermines the Board’s contention that the provision of opt outs to religious parents would be infeasible or unworkable.” *Id.* at 567.

A less restrictive alternative was not merely available in the abstract; it was the District’s own established practice at North Hill Elementary, [REDACTED] Decl. ¶¶ 12–15, and it is the very accommodation the District’s June 25, 2026, letter claims already exists at Sylvester in the form of an alternative supervised location for any student who elects not to attend. *Id.* ¶ 45. If that claim is true, implementing the requested injunction costs Defendants nothing beyond memorializing, in writing and in advance, a practice they claim they already follow. If it is not true — as the Student Handbook’s mandatory language indicates, [REDACTED] Decl. Ex. B — then Defendants have no narrowly tailored alternative in place at all, and the need for injunctive relief is only more pressing.

Because Defendants’ actions substantially burden Plaintiff’s religious exercise and cannot survive strict scrutiny, Plaintiff is likely to succeed on his Free Exercise claim. The imposition of such a curriculum “places an unconstitutional burden on the parents’ religious exercise if it is imposed with no opportunity for opt outs.” *Mahmoud*, 606 U.S. at 568.

II. Plaintiff [REDACTED] is Likely to Succeed on the Merits of Her First Amendment Claims (Counts I, II, III, and VI).

Defendants have adopted a practice, policy, or custom of discriminating against Plaintiff [REDACTED] because of her religious beliefs. In three instances, despite repeated warnings, Defendants have engaged in ongoing discrimination against her because of her religious practice. Defendants’ unconstitutional discrimination against her, including compelling her attendance at the Inclusion

1 Assembly over her religious objections and suppressing her student-initiated religious tract
2 distribution and faith-based conversations with willing classmates during non-instructional time,
3 is ongoing and will not cease absent an injunction. The May 29 assembly was not an isolated
4 incident. It was part of the same District practice, policy, and custom: secular viewpoints may be
5 expressed, promoted, and even facilitated by school officials, while [REDACTED]'s religious viewpoint is
6 singled out for restriction.

7 “Government fails to act neutrally when it proceeds in a manner intolerant of religious
8 beliefs or restricts practices because of their religious nature.” *Fulton*, 593 U.S. at 533 (citations
9 omitted). The Constitution “forbids subtle departures from neutrality,” *Gillette v. United States*,
10 401 U.S. 437, 452 (1971). “Official action that targets religious conduct for distinctive treatment
11 cannot be shielded by mere compliance with the requirement of facial neutrality.” *Church of*
12 *Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520, 534 (1993). The Constitution “protects
13 against governmental hostility which is masked as well as overt.” *Id.* As the Supreme Court
14 explained, “the government, in pursuit of legitimate interests, cannot in a selective manner impose
15 burdens only on conduct motivated by religious belief[.]” *Id.* at 543.

16 In *Masterpiece Cakeshop, Ltd. v. Colo. Civil Rights Comm’n*, 584 U.S. 617 (2018), the
17 Supreme Court emphasized that a single statement of official hostility toward a religious actor’s
18 beliefs, made by a decisionmaker with authority over that actor, can establish religious animus. *Id.*
19 at 638–639 (“The Constitution ‘commits government itself to religious tolerance, and upon even
20 slight suspicion that proposals for state intervention stem from animosity to religion or distrust of
21 its practices, all officials must pause to remember their own high duty to the Constitution and to
22 the rights it secures’”) (quoting *Lukumi*, 508 U.S. at 547). Likewise, in *Waln v. Dysart Sch. Dist.*,
23 54 F.4th 1155 (9th Cir. 2022), the Ninth Circuit held that the selective enforcement of a school’s
24 dress policy based on religion violated the Constitution, holding that “the complaint meets its
25 burden to show that the District’s policy was selectively enforced and, accordingly, not generally
26 applicable.” *Id.* at 1160.

1 Three times, Defendants have targeted [REDACTED]'s religion despite repeated warnings to stop,
2 and each occurrence matters under *Masterpiece*. *Masterpiece* invalidated official action where the
3 decisionmaker's treatment of a religious claimant revealed religious animus such that his beliefs
4 were not given the "neutral and respectful consideration" the Constitution requires. 584 U.S. at
5 634. The same pattern appears here.

6 First, at North Hill Elementary, school officials repeatedly prevented [REDACTED] from protected
7 childhood religious expression as a second-grade student sharing Christian materials and
8 discussing her faith with classmates during recess. Rather than treat that expression as ordinary
9 student speech, the principal searched her backpack on multiple occasions to confiscate religious
10 materials and school officials sent her to the principal's office more than ten times for sharing her
11 faith. [REDACTED] Decl. ¶¶ 17–21; [REDACTED] Decl. ¶¶ 3–7. That episode put the District on unmistakable
12 notice that [REDACTED]'s religious exercise was being singled out for disfavored treatment. The District
13 engaged in express religious animus, publicly complaining about her religious expression as
14 offensive for distributing "unacceptable religious materials," stating, "This came after several
15 students reported being scared by her talk of Satan and Hell, and multiple parents complained
16 about their children coming home with religious pamphlets." Compl. ¶ 53.

17 Second, the same pattern was repeated at Sylvester Middle School in February 2026, this
18 time through an express religious classification. Defendant McEwen removed [REDACTED] from math class
19 and told her she could not distribute Christian tracts at school. [REDACTED] Decl. ¶¶ 23–26; [REDACTED]
20 Decl. ¶¶ 12–17. When [REDACTED] asked why other students could share their views while she could not
21 share hers, McEwen drew the constitutionally forbidden line; she treated a teacher-escorted student
22 walkout to protest ICE as permissible secular "opinion," while treating [REDACTED]'s Christian tract
23 distribution as impermissible because it was religious. *Id.* That is not neutral enforcement of a
24 time, place, or manner rule; it is the very kind of official judgment about the legitimacy of religious
25 expression that *Masterpiece* forbids. It is the same distinction found unconstitutional in *Waln* —
26 made explicit here. 54 F.4th at 1159 ("[T]he District permitted secular conduct that contravened

1 the legitimate government interests underlying the policy to the same degree that Plaintiff's attire
2 would have done.”).

3 The District's later response did not cure the problem. The District eventually conceded
4 that [REDACTED]'s non-instructional tract distribution is permitted. Ex. D to Compl.; [REDACTED] Decl. ¶¶
5 28–29. But it never repudiated McEwen's religious line, never told [REDACTED] that religious beliefs may
6 be expressed on the same terms as secular opinions, and never provided the written correction
7 Plaintiffs requested. [REDACTED] Decl. ¶¶ 28–29. The chill remains. Under *Masterpiece*, neutrality
8 requires more than a *post hoc* statement that the government did not mean to discriminate. It
9 requires actual, respectful consideration of the religious claimant's position, free from official
10 hostility. A district that leaves unretracted an administrator's statement that “opinions” may be
11 shared but “religious beliefs” may not has not provided that neutral treatment.

12 Third, the May 29 Inclusion Assembly converted that same lack of neutrality into direct
13 compulsion. By then, the District knew three critical things: [REDACTED] held sincere Christian beliefs, she
14 had repeatedly exercised those beliefs at school, and the District had already been warned twice
15 that religious expression must be treated neutrally. Yet the District provided no advance notice of
16 the assembly containing LGBTQIA+ content, no meaningful opt-out, and no instruction to staff
17 that religious objections were legally cognizable. [REDACTED] Decl. ¶¶ 30–32; [REDACTED] Decl. ¶¶ 20–
18 23. Staff first concealed the religious nature of her objection by telling organizers she needed to
19 use the restroom, [REDACTED] Decl. ¶ 37; [REDACTED] Decl. ¶ 31, then Ms. Edwards told her she had “no
20 choice” but to return to the assembly after [REDACTED] put them on notice of her religious beliefs. [REDACTED]
21 Decl. ¶¶ 33–39.

22 That sequence is powerful evidence of religious animus because it shows that the District's
23 response to a known religious objection was not accommodation, neutrality, or respectful
24 consideration, but concealment and coercion. The pattern is especially probative because the same
25 administrator who had drawn the February religious line was present in the gymnasium during the
26 May assembly. [REDACTED] Decl. ¶ 43. McEwen had direct, personal knowledge of [REDACTED]'s sincere religious
27

1 convictions and of the dispute over whether those convictions could be expressed at school. Yet
2 when [REDACTED] was returned to the assembly in tears, no accommodation was provided, no parent was
3 contacted, and no staff member intervened to protect the religious objection the District had
4 already been warned to respect. [REDACTED] Decl. ¶¶ 37–40; [REDACTED] Decl. ¶¶ 38–44.

5 In *Masterpiece*, the Supreme Court found a Free Exercise violation where official
6 decisionmakers failed to treat a religious objection with the neutrality and respect the Constitution
7 requires. The record here shows more than a stray hostile remark: it shows repeated official action
8 against the same child’s religious exercise after repeated written warnings. Taken together, these
9 instances demonstrate more than negligence, misunderstanding, or isolated miscommunication.
10 They show a recurring pattern of treating [REDACTED]’s religious exercise as less worthy of protection than
11 comparable secular expression. That pattern demonstrates religious animus under *Masterpiece* and
12 triggers strict scrutiny under *Lukumi*, constituting the same selective treatment evidenced in *Waln*.
13 Defendants cannot satisfy that scrutiny because the requested accommodation — equal treatment
14 of religious expression, advance notice, and a meaningful opt-out — is precisely what the
15 Constitution requires and what the District has already acknowledged or practiced in other
16 contexts.

17 Accordingly, [REDACTED] is likely to succeed on her First Amendment claims. The record shows
18 not a one-time mistake, but a continuing District practice of treating her religious speech and
19 religious exercise with religious animus, leaving preliminary relief necessary to ensure that her
20 faith is protected on equal terms going forward.

21 **III. Plaintiffs Will Suffer Irreparable Harm Absent Relief.**

22 Plaintiffs will experience “immediate and irreparable harm in the absence of preliminary
23 relief.” *Winter*, 555 U.S. at 20. Irreparable harm is easily satisfied in cases where a plaintiff has
24 had his or her First Amendment rights violated. “The loss of First Amendment freedoms, for even
25 minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S.
26 347, 373 (1976). In the Ninth Circuit, a “colorable First Amendment claim” is an “irreparable

injury sufficient to merit the grant of relief.” *Warsoldier v. Woodford*, 418 F.3d 989, 1001 (9th Cir. 2005). *See also* 11A Charles Alan Wright, Arthur R. Miller, Mary Kay Kane, *Federal Practice and Procedure* § 2948.1 (2d ed. 1995) (“When an alleged deprivation of a constitutional right is involved, most courts hold that no further showing of irreparable injury is necessary.”). Defendants’ unconstitutional burden on the H. family’s religious exercise is ongoing, not merely historical.

█ remains enrolled in the District. █ Decl. ¶ 50; █ Decl. ¶ 49. The District has adopted no notice-and-opt-out policy for future programming, has not repudiated the May 29 compulsion, and has affirmatively defended its conduct as lawful in its final written response. █ Decl. ¶¶ 45, 49. That means the District’s current, official position is that it may hold another assembly on the same or similar subject matter at any time, with no notice to █ and no opportunity for █ to be excused — and may again tell a religious objector she has “no choice.” That is a certainly impending and substantial risk of recurring constitutional injury sufficient to support pre-enforcement relief.

Defendants cannot defeat irreparable harm by recasting the May 29 assembly as supposedly non-mandatory after the fact. On the day of the assembly, █ was directed to attend with the rest of the student body, was not told that she could decline attendance, was not told that an alternative location existed, and, after expressly invoking her Christian objection, was told by a school employee that she had “no choice” but to return. █ Decl. ¶¶ 30–48; █ Decl. ¶¶ 22–41. A hidden accommodation that appears nowhere in the student-facing rules and is not communicated before or during the event is no accommodation at all.

Indeed, the District’s position confirms the need for immediate relief. If Defendants are correct that assemblies are already optional, that students may excuse themselves for any reason, and that an alternative supervised location is already available, then the requested injunction merely requires Defendants to communicate, write down, and honor what they say already exists. But if, as the Student Handbook and █’s experience show, students are expected to attend

1 assemblies, follow staff direction, and leave only when permitted by staff, then the District's
2 current practice leaves Plaintiffs exposed to the same constitutional violation at the next assembly.
3 Either way, absent an injunction requiring advance notice, a meaningful opt-out, and staff
4 instructions not to compel [REDACTED] to stay after a religious objection, Plaintiffs remain subject to an
5 ongoing and imminent threat of irreparable constitutional harm.

6 The risk is not speculative merely because the May 29 assembly has ended. [REDACTED] is subject
7 to the District's authority every school day and assemblies are recurring features of school life. So
8 long as Defendants maintain that their conduct was lawful and that no formal notice-or-opt-out
9 process is required, Plaintiffs remain forced to choose between continued attendance at public
10 school and the risk that [REDACTED] will again be compelled into religiously objectionable instruction
11 without warning.

12 The same is true of [REDACTED]'s claims. The District's religious animus against [REDACTED] inflicts
13 irreparable harm independent of the assembly-related injury. [REDACTED] remains enrolled in the District
14 and continues to desire to share her faith with willing classmates during non-instructional time.
15 But the District has never repudiated Vice Principal McEwen's statement that students may share
16 opinions but may not share religious beliefs and has defended its conduct after receiving notice.
17 That ongoing chill on [REDACTED]'s student speech and religious exercise is itself irreparable injury.

18 **IV. The Balance of the Equities Favors Preliminary Injunctive Relief.**

19 The balance of equities favors granting Plaintiffs preliminary injunctive relief. The burden the
20 requested injunction places on Defendants is minimal, and Defendants' own words establish as
21 much. Their June 25, 2026, letter asserts that Sylvester assemblies are already non-mandatory, that
22 students may already excuse themselves for any reason without explanation, and that an alternative
23 supervised location is already available. [REDACTED] Decl. ¶ 45. If that is so, and as explained
24 directly above, an injunction simply asks Defendants to do what they claim they already do.
25 Compare that negligible cost to what Plaintiffs face without an injunction: the recurring,
26 unpredictable risk that [REDACTED] will again be compelled, without warning and without recourse, into

1 instruction her family believes conflicts with its faith, and will again be told she has “no choice”
2 if she objects.

3 Defendants cannot claim an interest in continued enforcement of an unconstitutional and
4 illegal practice. *See ACLU v. Ashcroft*, 322 F.3d 240, 251 n.11 (3d Cir. 2003). “[I]t is clear that it
5 would not be equitable or in the public’s interest to allow the state . . . to violate the requirements
6 of federal law, especially when there are no adequate remedies available.” *Valle del Sol Inc. v.*
7 *Whiting*, 732 F.3d 1006, 1029 (9th Cir. 2013). In the absence of a compelling state interest in
8 regulating ██████’s speech, the balance of the equities strongly favors the preservation of ██████’s
9 constitutional free speech and free exercise rights.

10 **V. The Injunction Is in the Public Interest.**

11 Finally, the public interest also supports granting preliminary injunctive relief. Courts
12 considering requests for preliminary injunctions have consistently recognized the significant
13 public interest in upholding First Amendment principles. *Sammartano v. First Judicial Dist. Court*,
14 303 F.3d 959, 974 (9th Cir. 2002) (listing cases). Courts have consistently held that “the public
15 interest is served when constitutional rights are protected,” *Democratic Exec. Comm. of Fla. v.*
16 *Lee*, 915 F.3d 1312, 1327 (11th Cir. 2019), and that “injunctions protecting First Amendment
17 freedoms are always in the public interest.” *Texans for Free Enter. v. Tex. Ethics Comm’n*, 732
18 F.3d 535, 539 (5th Cir. 2013). In contrast, there is no public interest in permitting a public school
19 district to stifle or burden parents’ religious exercise or violate their constitutional rights. On the
20 contrary, the First Amendment requires that schools be environments where children of all
21 religious beliefs are freely welcome, not places where a child may be punished and told she has
22 “no choice” but to sit crying through content that conflicts with her sincerely held religious beliefs.

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that this Court enter a preliminary injunction.

Dated: July 24, 2026.

Respectfully submitted,

**THE AMERICAN CENTER FOR
LAW AND JUSTICE**

ABIGAIL SOUTHERLAND**

AMERICAN CENTER FOR LAW & JUSTICE

/s/ Nathan J. Moelker

NATHAN J. MOELKER**

CHRISTINA A. COMPAGNONE**

LINDSEY BACHMAN**

THE AMERICAN CENTER FOR LAW &
JUSTICE

/s/ Justin D. Park

JUSTIN D. PARK

Romero Park P.S.

COUNSEL FOR PLAINTIFFS

**Admitted Pro Hac Vice