

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

BLACK EMERGENCY RESPONSE
TEAM, et al.,

Plaintiffs,

Case No. 5:21-CV-1022-G

v.

Hon. Charles B. Goodwin

GENTNER DRUMMOND, in his official
capacity as Oklahoma Attorney General, et
al.,

Defendants.

NOTICE OF APPEAL

Plaintiffs Black Emergency Response Team (BERT), et al., appeal to the United States Court of Appeals for the Tenth Circuit from the Western District of Oklahoma’s Order (Doc. 173), issued on June 14, 2024, granting in part and denying in part Plaintiffs’ Motion for a Preliminary Injunction (Doc. 27) against State Defendants¹ and OU Regents Defendants² to enjoin 70 O.S. § 24-157 (hereinafter “the Act”).³

The District Court granted an injunction against the last sentence of Section (1)(A)(1) of the Act because Plaintiffs’ vagueness and overbreadth claims against the provision are likely to succeed. Doc. 173 at 10-13. The District Court also granted an injunction against the following provisions because Plaintiffs’ vagueness claims are likely

¹ Defendants 1-18.

² Defendants 19-25.

³ Plaintiffs also moved for a preliminary injunction against Edmond Public Schools (“EPS”). Doc. 27. The District Court dismissed Plaintiffs’ claims and denied Plaintiffs’ request for a preliminary injunction against EPS. Docs. 172, 173. Neither the dismissal of nor the denial of a preliminary injunction against EPS is subject to this appeal.

to succeed in regard to: (1) the word “require” in Section (1)(B)(1) of the Act; and (2) Sections (1)(B)(1)(c)-(d) in their entirety. *Id.* at 15-16, 18-21. The District Court denied Plaintiffs’ Motion for Preliminary Injunction against the remainder of the Act because it found Plaintiffs are not likely to succeed on: (1) their vagueness claims against the remainder of the act, and (2) their right to receive information claim on behalf of K-12 and university students. *Id.* at 7-26, 27.

Per Fed. App. P. Rule 3(c)(6), this appeal is limited to the District Court’s partial denial of Plaintiffs’ Motion for Preliminary Injunction on the basis of unconstitutional vagueness and the right to receive information and ideas.

Dated this 15th day of July 2024.

Respectfully submitted,

/s/ Adam H. Hines

Adam H. Hines

Oklahoma Bar Number: 35640

Megan Lambert

Oklahoma Bar Number: 33216

AMERICAN CIVIL LIBERTIES UNION

FOUNDATION OF OKLAHOMA

P.O. Box 13327

Oklahoma City, OK 73113

Tel.: 405-524-8511

ahines@acluok.org

mlambert@acluok.org

Emerson Sykes

Leah Watson

Sarah Hinger

AMERICAN CIVIL LIBERTIES

UNION FOUNDATION

125 Broad Street, 18th Floor

New York, NY 10004

esykes@aclu.org
lwatson@aclu.org
shinger@aclu.org

David Hinojosa
Maya Brodziak
Zakiya Lewis
LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW
1500 K Street NW, Suite 900
Washington, DC 20005
dhinojosa@lawyerscommittee.org
mbrodziak@lawyerscommittee.org
ZLewis@lawyerscommittee.org

Douglas Koff
Julia Beskin
Sara Solfanelli
Kevin Scot Johns
SCHULTE ROTH & ZABEL LLP
919 Third Avenue New York, NY 10022
douglas.koff@srz.com
julia.beskin@srz.com
sara.solfanelli@srz.com
kevin.johns@srz.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2024, I electronically filed the foregoing Notice of Appeal with the Clerk of Court via the Court's CM/ECF system, which effects service upon all counsel of record.

Respectfully submitted,

/s/ Adam H. Hines

Adam H. Hines

Oklahoma Bar Number: 35640

AMERICAN CIVIL LIBERTIES UNION

FOUNDATION OF OKLAHOMA

P.O. Box 13327

Oklahoma City, OK 73113

Tel.: 405-524-8511

ahines@acluok.org

Counsel for Plaintiffs