

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

REVEREND DARCY ROAKE and ADRIAN  
VAN YOUNG, on behalf of themselves and on  
behalf of their minor children, A.V. and S.V., et  
al.,

Plaintiffs,

v.

CADE BRUMLEY, in his official capacity as  
the Louisiana State Superintendent of  
Education, et al.,

Defendants.

CIVIL ACTION NO.  
3:24-cv-00517-JWD-SDJ

**PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Plaintiffs move this Court, pursuant to Federal Rule of Civil Procedure 65 and Local Civil Rule 65, for a preliminary injunction restraining, enjoining, and/or prohibiting (1) all Defendants and their officers, agents, affiliates, subsidiaries, servants, employees, successors, and all other persons or entities in active concert or privity or participation with them, from adopting rules or regulations in accordance with, or otherwise enforcing, House Bill No. 71, Act No. 676, and from requiring that the Ten Commandments be displayed in every public-school classroom in Louisiana; and (2) the School Board Defendants and their officers, agents, affiliates, subsidiaries, servants, employees, successors, and all other persons or entities in active concert or privity or participation with them from displaying the Ten Commandments in any public-school classroom. Plaintiffs further move this Court for an order directing Defendants Brumley and the members of the Louisiana State Board of Elementary and Secondary Education to provide a copy of any

preliminary injunction granted to all Louisiana public elementary, secondary, and charter schools, and all public post-secondary education institutions.

For the reasons detailed in Plaintiffs' Complaint, ECF No. 1, and the Memorandum in Support of Plaintiffs' Motion for Preliminary Injunction ("Memorandum"), which is filed contemporaneously herewith, Plaintiffs respectfully request that this Motion for Preliminary Injunction be granted pending disposition of their claims that H.B. 71 violates the Establishment Clause and the Free Exercise Clause of the First Amendment to the United States Constitution, made applicable to the states through the Fourteenth Amendment. In support of this Motion, Plaintiffs present the following:

1. In their Complaint, Plaintiffs requested preliminary and, thereafter, permanent injunctive relief in the above-captioned matter. Plaintiffs incorporate all averments of their Complaint here by reference. This Motion pertaining to Plaintiffs' request for preliminary injunctive relief is filed pursuant to the requirements of Local Civil Rule 65.

2. This Motion is based upon all the pleadings filed by Plaintiffs and referenced herein, including the Complaint and its exhibits, the Memorandum, and any other document that may be submitted into evidence in support of this Motion, including the signed declarations of the Plaintiffs. For the reasons set forth in these documents, Plaintiffs are likely to succeed on the merits of their claims.

3. H.B. 71 "[r]equires the display of the Ten Commandments in schools," and took effect immediately when signed by Governor Jeff Landry on June 19, 2024. This Act is unconstitutional and will inflict irreparable harm on Plaintiffs if a preliminary injunction is not granted.

4. The requested injunctive relief will maintain the status quo. The threatened injury if the injunction is denied outweighs any harm that will result if the injunction is granted.

5. Granting Plaintiffs' motion for a preliminary injunction will not disserve the public interest.

6. Plaintiffs attach herewith their Memorandum in Support of this Motion, which is incorporated herein.

**WHEREFORE**, for the foregoing reasons, Plaintiffs pray that this Court: preliminarily enjoin (1) all Defendants and their officers, agents, affiliates, subsidiaries, servants, employees, successors, and all other persons or entities in active concert or privity or participation with them, from adopting rules or regulations in accordance with, or otherwise enforcing, House Bill No. 71, Act No. 676, and from requiring that the Ten Commandments be displayed in every public-school classroom in Louisiana; and (2) the School Board Defendants and their officers, agents, affiliates, subsidiaries, servants, employees, successors, and all other persons or entities in active concert or privity or participation with them from displaying the Ten Commandments in any public-school classroom. Plaintiffs further pray that this Court issue an order directing Defendants Brumley and the members of the Louisiana State Board of Elementary and Secondary Education to provide a copy of any preliminary injunction granted to all Louisiana public elementary, secondary, and charter schools, and all public post-secondary education institutions.<sup>1</sup>

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<sup>1</sup> Because this is a non-commercial case that, at this preliminary stage, involves only non-monetary injunctive relief, and because “the gravity of interest is great” and there can be no proper showing of any likelihood of harm or probable loss should the injunction be granted, the Federal Rule of Civil Procedure 65(c) security bond requirement should be waived. *See, e.g., Planned Parenthood Gulf Coast, Inc. v. Kliebert*, 141 F. Supp. 3d 604, 652 (M.D. La. 2015) (waiving Rule 65 bond); *Kaepa, Inc. v. Achilles Corp.*, 76 F.3d 624, 628 (5th Cir. 1996) (explaining that the Rule 65(c) security requirement “is a matter for the discretion of the trial court”).

Date: July 8, 2024

Respectfully submitted,

By: s/ Charles Andrew Perry

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*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on **July 8, 2024**, pursuant to Federal Rule of Civil Procedure 5(b)(2)(C) and Local Civil Rule 5(e)(2), I caused to be served a true and correct copy of the foregoing Motion, and all attachments thereto, upon the following parties at the addresses listed below, contemporaneously with its filing with the Court, by depositing a true copy of the same in a properly addressed wrapper into the custody of Federal Express for overnight delivery, prior to the latest time designated by Federal Express for overnight delivery. I also certify that I am working to have all parties served by hand to ensure timely receipt of the foregoing documents by all Defendants:

Cade Brumley  
Louisiana State Superintendent of Education  
Louisiana Department of Education  
1201 North Third Street  
Baton Rouge, LA 70802-5243

Conrad Appel, in his official capacity as a member of the Louisiana State Board of Elementary and Secondary Education  
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Judy Armstrong, in her official capacity as a member of the Louisiana State Board of Elementary and Secondary Education  
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Kevin Berken, in his official capacity as a member of the Louisiana State Board of Elementary and Secondary Education  
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Stacey Melerine, in her official capacity as a member of the Louisiana State Board of Elementary and Secondary Education  
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Ronnie Morris, in his official capacity as a member of the Louisiana State Board of Elementary and Secondary Education  
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East Baton Rouge Parish School Board  
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1050 S. Foster Drive  
Baton Rouge, LA 70806

Orleans Parish School Board  
c/o Katherine Baudouin, President  
2401 Westbend Pkwy.  
Room #1050  
New Orleans, LA 70114

Livingston Parish School Board  
c/o Stephen Link, President  
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Livingston, LA 70754

Vernon Parish School Board  
c/o Shad Stewart, President  
201 Belview Road  
Leesville, LA 71446

St. Tammany Parish School Board  
c/o James Braud, President  
321 N. Theard Street  
Covington, LA 70433

By: /s/ Charles Andrew Perry  
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