

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION**

**JONATHAN ANDERSON**, on his own behalf, )  
and as parent and next friend of his )  
minor child, **J.A.**, a student in Chesterfield )  
County School District, )

Plaintiffs, )

v. )

**CHESTERFIELD COUNTY SCHOOL )  
DISTRICT; CHESTERFIELD COUNTY )  
SCHOOL BOARD; JOHN WILLIAMS, )  
in his official capacity as Superintendent )  
of the Chesterfield County School District; )  
and **LARRY STINSON**, in his official capacity )  
as Principal of New Heights Middle School, )**

Defendants. )

**NO. 4: 11-cv-03300-RBH**

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**PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

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Pursuant to 42 U.S.C. § 1983, the Establishment Clause of the First Amendment to the U.S. Constitution, the Fourteenth Amendment to the U.S. Constitution, and Federal Rule of Civil Procedure 65(a), Plaintiffs respectfully request that this Court issue a preliminary injunction prohibiting Defendants from sponsoring or promoting prayer, proselytizing, religious inculcation, or other religious activities and messages. This Motion is accompanied by a Memorandum in Support of Plaintiffs' Motion for Preliminary Injunction, the Declaration of Jonathan Anderson, the Declaration of J.A., and the Declaration of Heather L. Weaver, all filed herewith.

As explained in the accompanying Memorandum, the Chesterfield County School District and associated Defendants have a custom, policy, and practice of incorporating school-sponsored prayer and proselytizing into school events, encouraging students to participate in other religious activities, and promoting religious messages. Defendants' religious activities are plainly unconstitutional under legal precedent established by the U.S. Supreme Court, the U.S. Court of Appeals for the Fourth Circuit, and other federal courts.

The Complaint filed on December 5, 2011, alleges that Defendants have repeatedly violated the Establishment Clause, causing irreparable harm to Plaintiffs. The Complaint further alleges that Defendants will continue to violate the Establishment Clause and cause ongoing irreparable harm to Plaintiffs unless enjoined, on a preliminary and permanent basis, by this Court. The named Defendants include the Chesterfield County School District and the Chesterfield County School Board, as well as Superintendent John Williams and New Heights Middle School Principal Larry Stinson – each sued in his official capacity as an employee and agent of the School District and School Board.

In the Complaint, Plaintiffs seek a declaratory judgment that the Defendants' policies and practices are unconstitutional because they are religiously coercive; endorse and promote religion; and have the purpose and effect of advancing religion. Plaintiffs additionally request preliminary and permanent relief enjoining the School District and school officials from (1) participating in, organizing, promoting, advancing, aiding, endorsing, or causing prayer, religious devotionals, or proselytizing during class and school-sponsored events; (2) encouraging students to participate in religious events and activities, or otherwise promoting religious events and activities; (3) displaying religious iconography or messages in a manner that (a) does not have a non-religious, educational, curriculum-related purpose or (b) conveys official approval of its religious message or content; (4) permitting the distribution of Bibles or other religious literature on campus during the school day; (5) conveying messages endorsing religion; and (6) otherwise unconstitutionally endorsing religion or religiously coercing students or parents. Finally, Plaintiffs ask for nominal damages, attorneys' fees, and expenses.

In order to obtain the preliminary injunctive relief sought in the Complaint and requested via this Motion, Plaintiffs "must establish that [they are] likely to succeed on the merits, that [they are] likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in [their] favor, and that an injunction is in the public interest." *Dewhurst v. Century Aluminum Co.*, 649 F.3d 287, 290 (4th Cir. 2011) (internal quotation marks omitted); *see also Ingebretsen v. Jackson Pub. Sch. Dist.*, 88 F.3d 274, 278-79 (5th Cir. 1996) (upholding preliminary injunction barring enforcement of school prayer statute). As the Memorandum supporting this Motion illustrates, Plaintiffs clearly meet all four requirements of the preliminary injunction standard.

Accordingly, Plaintiffs respectfully request that this Court grant their Motion and issue a preliminary injunction enjoining Defendants from continuing the religious activities detailed above, in the Complaint, the Memorandum, and the Declarations supporting this Motion.

Pursuant to Local Rule 702, Plaintiffs' counsel affirms that counsel for the Defendants was contacted prior to the filing of the motion in an attempt to resolve this matter in good faith.

Respectfully submitted,

/s/ Susan Dunn

Susan Dunn (Federal Bar No. 647)

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*Motion for Pro Hac Vice Admission to be Filed*

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*Motion for Pro Hac Vice Admission to be Filed*

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Dated: December 7, 2011