

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

Parents, Families, and Friends of Lesbians and Gays, Inc., et al.)	
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)	
Plaintiffs,)	Case No. 2:11-cv-04212
)	
v.)	MOTION FOR PRELIMINARY
)	INJUNCTION
Camdenton R-III School District, et al.)	
)	
)	
Defendants.)	
)	

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs, by and through undersigned counsel, hereby move the Court for a preliminary injunction, pursuant to Rule 65 of the Federal Rules of Civil Procedure, enjoining Defendants from using Internet filtering software in the computer system of Defendant Camdenton R-III School District (“Camdenton R-III” or “the District”) that systematically blocks student access to websites that are supportive of lesbian, gay, bisexual, and transgender (“LGBT”) individuals and their rights while allowing access to comparable websites that take anti-LGBT positions. In support of this Motion, Plaintiffs state as follows:

1. Camdenton R-III uses Internet filtering software that is configured to block students from accessing non-sexually explicit websites supportive of LGBT individuals and their rights. At the same time, the District’s filtering software allows students to access comparable websites on the same topics that espouse an anti-LGBT viewpoint. Thus, the District uses

filtering software to censor only websites with an LGBT-supportive viewpoint while allowing access to comparable websites with an anti-LGBT viewpoint.

2. Plaintiffs maintain educational, non-pornographic, non-sexually explicit websites that are supportive of LGBT individuals and advocate for LGBT rights. The District's filtering software uses a "sexuality" filter from a website called URL Blacklist that blocks access to Plaintiffs' websites while permitting students to access comparable websites that take positions opposing LGBT rights.

3. The "sexuality" filter does not purport to be limited to pornographic websites and is not viewpoint-neutral.

4. The District has refused requests to discontinue use of its "sexuality" filter or employ different software that filters websites in a viewpoint-neutral manner.

5. Plaintiffs are likely to succeed on the merits of their claim for relief under 42 U.S.C. § 1983 because the Supreme Court has held that viewpoint-based censorship of school library resources violates the free speech clause of the U.S. Constitution.

6. The loss of their First Amendment freedom constitutes irreparably injury to Plaintiffs, while Defendants will not be harmed if the Court issues an injunction barring the District from violating Plaintiffs' First Amendment rights.

7. The public interest supports an injunction to prevent the District from violating Plaintiffs' constitutional rights.

8. In further support of this Motion, Plaintiffs rely upon their Suggestions in Support of Motion for Preliminary Injunctions and the exhibits thereto.

9. Plaintiffs attach hereto a proposed Preliminary Injunction Order.

WHEREFORE, Plaintiffs respectfully request that the Court issue an injunction prohibiting Defendants from continuing to use the “sexuality” filter from URL Blacklist or any other Internet filtering software that systematically blocks access to otherwise appropriate non-sexual websites with LGBT-supportive viewpoints while permitting access to comparable websites on the same topics with anti-LGBT viewpoints.

Respectfully Submitted,

THOMPSON COBURN LLP

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** Pro Hac Vice Motion to Follow*

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and I hereby certify that this document has been served, along with the Summons and Complaint, on the following non CM/ECF participants:

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