

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

L.M., a minor by and through his
father and stepmother, Christopher
and Susan Morrison,

Plaintiff,

v.

**TOWN OF MIDDLEBOROUGH;
MIDDLEBOROUGH SCHOOL
COMMITTEE; CAROLYN J.
LYONS**, Superintendent of the
Middleborough Public Schools, in her
official capacity; and **HEATHER
TUCKER**, acting Principal of Nichols
Middle School, in her official capacity,

Defendants.

CASE NO.: 23-cv-11111-IT

ORAL ARGUMENT REQUESTED

L.R., D. Mass. 7.1(d)

**PLAINTIFF'S EMERGENCY MOTION FOR A TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Plaintiff L.M., pursuant to Fed. R. Civ. P. 65 and L.R., D. Mass. 7.1, hereby respectfully moves for a temporary restraining order and preliminary injunction on an emergency basis and expedited briefing schedule to enjoin Defendants' ongoing deprivation of Plaintiff's constitutional right to speak.

Plaintiff hereby incorporates by reference the Complaint, Doc. No. 11 and accompanying exhibits (filed May 19, 2023) and the memorandum of law in support of this motion, filed contemporaneously herewith.

As detailed in the accompanying memorandum of law, Plaintiff is likely to succeed in showing that Defendants are violating his constitutional right to speak; that without a temporary restraining order and preliminary injunction, he will suffer irreparable harm (both in the sense that losing constitutional freedoms even for a minimal period of time is an irreparable injury, and in the sense that

Plaintiff can only correct the specific harm caused by Defendants' censorship of his message by being able to speak his message before the end of this school year on June 21, 2023); that the balance of harms weighs in favor of Plaintiff; and that the requested temporary restraining order and preliminary injunction will serve the public interest.

WHEREFORE, Plaintiff respectfully requests that the Court enter a temporary restraining order and preliminary injunction ordering Defendants to stop enforcing their Speech Policy both facially and as-applied to prohibit L.M. from wearing a shirt with the message "There are only two genders" or similar messages at NMS.

REQUEST FOR ORAL ARGUMENT

Pursuant to L.R., D. Mass. 7.1(d), Plaintiff believes that oral argument will assist the Court and wishes to be heard. Plaintiff therefore requests oral argument on his Motion.

Respectfully submitted this 19th day of May, 2023.

s/ Andrew Beckwith

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Attorneys for Plaintiff

**Pro Hac Vice application forthcoming.*

CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2023, I electronically filed the foregoing using the CM/ECF system, and will serve the same via email with Plaintiff's Verified Complaint on Counsel for the following parties:

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Carolyn J. Lyons
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Dated: May 19, 2023

s/Andrew Beckwith

Andrew Beckwith

Attorney for Plaintiff