

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

**UNIVERSITY AT BUFFALO YOUNG
AMERICANS FOR FREEDOM, et al.,**

Plaintiffs,

v.

**UNIVERSITY AT BUFFALO
STUDENT ASSOCIATION INC., et al.,**

Defendants.

CASE NO.: 1:23-cv-00480

Honorable John L. Sinatra, Jr.

ORAL ARGUMENT REQUESTED

PLAINTIFFS' PRELIMINARY INJUNCTION MOTION

Consistent with Federal Rule of Civil Procedure 65, Plaintiffs, University at Buffalo Young Americans for Freedom, Justin Hill, Jacob Cassidy, and Amelia Slusarz, (collectively "Plaintiffs"), request a preliminary injunction to stop Defendants University at Buffalo Student Association Inc., Brian Hamluk, Elizabeth Lidano, and Phyllis Floro (collectively "Defendants"), from violating the First Amendment of the United States Constitution.

Plaintiffs asks that the preliminary injunction enjoin the UB Student Association, its officers, agents, servants, employees, attorneys, and those persons in active concert or participation with the UB Student Association, including the University Defendants, who receive actual notice of this order from enforcing student organization recognition policies to the extent they require derecognition, or prohibit recognition of UB Young Americans for Freedom because of its affiliation with a national organization—Young America's Foundation.

Absent a preliminary injunction, Plaintiffs will suffer irreparable harm: the continued violation of their rights guaranteed by the United States Constitution. Plaintiffs are also likely to succeed on the merits, the preliminary injunction serves the public interest, and the balance of the equities favors Plaintiffs. In support of

their motion, Plaintiffs rely on any oral argument permitted and on the following documents:

- Plaintiffs' Verified Complaint;
- Plaintiffs' Memorandum of Law in Support of Plaintiffs' Preliminary Injunction Motion;
- any supplemental declaration in support of Plaintiffs' preliminary injunction motion and related documents; and
- Plaintiffs' reply in support of their preliminary injunction motion (if filed) and supporting documents (if any).

Plaintiffs also asks this Court to waive any bond because this requested injunction serves the public interest by vindicating First Amendment rights and causes no harm to New York. *See Int'l Controls Corp. v. Vesco*, 490 F.2d 1334, 1356 (2d Cir. 1974) (“district court may dispense with security where there has been no proof of likelihood of harm to the party enjoined”).

Plaintiffs also request oral argument to be heard at a time and date set by the Court.

Respectfully submitted this 26th day of June 2023.

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CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2023, I electronically filed the foregoing using the CM/ECF system, which automatically sends an electronic notification with this filing to the following attorneys of record:

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I will serve the same on the following defendants via first class mail, postage prepaid:

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Dated: June 26, 2023

s/ Jonathan Caleb Dalton

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