

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

IOWA SAFE SCHOOLS f/k/a GLBT YOUTH IN
IOWA SCHOOLS TASK FORCE, et al.,

Plaintiffs,

v.

KIM REYNOLDS, in her official capacity as
Governor of the State of Iowa et al.,

Defendants.

Case No. 4:23-cv-474

**RENEWED MOTION FOR
PRELIMINARY INJUNCTION**

Plaintiffs hereby move for a preliminary injunction pursuant to Federal Rule of Civil Procedure 65 to prevent further irreparable injury pending final adjudication of Plaintiffs' action.

This Motion is submitted upon Plaintiffs' First Amended Complaint and is supported by the accompanying Brief in Support of Plaintiffs' Renewed Motion for Preliminary Injunction of SF 496, the sworn Declarations of Becky Tayler, Executive Director of Plaintiff Iowa Safe Schools ("ISS"); Hannah Mitchell, Director of Youth Engagement of Plaintiff ISS; Jordan Mix, Director of Educational Programming for Plaintiff ISS; Plaintiff P.B.-P.; Plaintiff A.C., Parent and Next Friend Richard Carlson; Parent and Next Friend Ulrike Carlson; Plaintiff T.S.; Plaintiff B.F.S.; Parent and Next Friend Brigit Stevens; Plaintiff B.F.; Plaintiff James Doe; Plaintiff Daniel Gutmann; Plaintiff Alyson Telford; non-party Declarant F.J.; non-party Declarant Cindy Harper; non-party Declarant Elesha Gayman Shahinllari and any other material the Court may consider at any hearing on this Motion. These Declarations include additional evidence of irreparable harm that has occurred to student members of ISS and chapter GSA members since the law took effect, including in the months after the Court's grant of a partial preliminary injunction as to the other

provisions of SF 496 on December 29, 2023, and the Eighth Circuit Court’s opinion reversing this Court’s order, vacating the partial injunction, and remanding the case back to this Court for reconsideration of Plaintiffs’ as-applied challenges, and facial challenges in light of *Moody v. NetChoice, LLC*, 144 S. Ct. 2383 (2024).

As Plaintiffs set forth in their accompanying Brief in Support of Plaintiffs’ Renewed Motion for Preliminary Injunction, Plaintiffs are likely to succeed on the merits of their claims. Senate File 496, 2023 Iowa Acts ch. 91 (“SF 496” or “the law”), violates the First and Fourteenth Amendments through its three principle provisions: the “Library Restriction,” “Gender Identity/Sexual Orientation Prohibition” (or, “GISO Prohibition”), and the “Gender Identity Notification Provision.” Plaintiffs move for preliminary injunction on their claims the Library Restriction is overbroad, vague, and infringes upon their First Amendment right to receive information; the GISO Prohibition is overbroad, vague, and infringes upon their First Amendment rights to engage in speech, expressive conduct, and expressive association; and the Gender Identity Notification Provision is vague and infringes upon their First Amendment right to engage in expressive association. To obtain a preliminary injunction, Plaintiffs “need only establish a likelihood of succeeding on the merits of any one of [their] claims.” *Richland/Wilkin Joint Powers Auth. v. U.S. Army Corps of Eng’rs*, 826 F.3d 1030, 1040 (8th Cir. 2016) (quoting *Am. Rivers v. U.S. Army Corps of Eng’rs*, 271 F. Supp. 2d 230, 250 (D.D.C. 2003)).

As Plaintiffs establish in the accompanying Brief in Support of Plaintiffs’ Renewed Motion for Preliminary Injunction, Plaintiffs are suffering and will continue to suffer irreparable injury absent an injunction. The balance of equities also is in Plaintiffs’ favor, and it is “always in the public interest to prevent the violation of a party’s constitutional rights.” *D.M. by Bao Xiong v. Minn. State High Sch. League*, 917 F.3d 994, 1004 (8th Cir. 2019) (quoting *Awad v. Ziriach*, 670

F.3d 1111, 1132 (10th Cir. 2012)). Plaintiffs request that the Court waive the requirement of bond in Federal Rule of Civil Procedure 65(c). *Richland/Wilkin*, 826 F.3d at 1043 (whether to require bond is within court's discretion). Public interest litigation is a recognized exception to the bond requirement, especially where, as here, requiring a bond would injure the constitutional rights of Plaintiffs and the relief sought would not pose a hardship to government Defendants. *See id.*

Dated: October 18, 2024

Respectfully submitted,


/s/

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing paper with the Clerk of Court by using the CM/ECF system.

Dated: October 18, 2024

/s/ Thomas D. Story

Thomas D. Story