

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

ACLU-TN, et al.)	
)	
Plaintiffs,)	
)	
vs.)	Civil Action No.
)	
)	
THE SUMNER COUNTY BOARD OF EDUCATION, et al.)	
)	
Defendants.)	

PLAINTIFFS' EMERGENCY MOTION FOR A TEMPORARY RESTRAINING
ORDER AND/OR PRELIMINARY INJUNCTION AND REQUEST FOR AN
EMERGENCY HEARING

Plaintiffs, American Civil Liberties Union of Tennessee, Jane Doe, in her own right and on behalf of her children, Harley Doe, Taylor Doe, and Hunter Doe; Jane Roe, in her own right and on behalf of her child, Jennie Roe; Jane Smith, in her own right and on behalf of her children, Pat Smith, Jamie Smith and Jessie Smith; and John and Jane Jones, in their own right and on behalf of their children Rory and Riley Jones, move this Honorable Court for a temporary restraining order and/or a preliminary injunction restraining and enjoining the Defendants, their agents, employees, successors, attorneys, and all persons in active concert and participation with them, from continuing in the promotion and/or endorsement of religion in the Sumner County Public Schools.

Plaintiffs contend that Defendants, whose responsibility it is to facilitate the education of the students of Sumner County, continue to violate the Establishment Clause of the First Amendment to the U.S. Constitution and Article 1, Section 3 of the Tennessee

Constitution by advancing and /or endorsing the promotion of religion within the district's public schools.

On May 3, 2011 at 11:00 a.m., Defendants plan to bus 6th grade students from Hawkins and Ellis Middle Schools to Long Hollow Baptist Church to attend a daylong event for Teens Against Alcohol and Tobacco Use (TAATU") event, when other non-religious venues are available. Plaintiffs will suffer immediate and irreparable injury, loss and damage if this motion is not granted and Defendants are allowed to continue to infringe upon their religious freedom and promote and endorse religion in the public schools in violation of state and federal law. This motion is based on the accompanying memorandum, declarations, exhibits, complaint and other records, papers, evidence or arguments that may be presented to the Court.

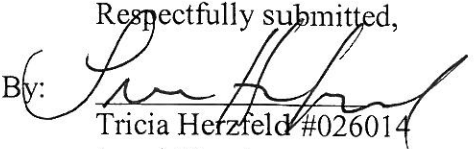
Pursuant to Federal Rule of Civil Procedure 65, Plaintiffs have provided notice and a copy of Plaintiffs' Emergency Motion for a Temporary Restraining Order and/or Preliminary Injunction and Request for an Emergency Hearing to Defendants' counsel, Wesley Southerland, Esq., on Monday, May 2, 2011 and will also notify opposing counsel of the time of a hearing on this motion, if one were to be granted.

WHEREFORE, Plaintiffs respectfully request that this Court issue a temporary restraining order and/or preliminary injunction restraining and/or enjoining Defendants from promoting or endorsing religion in the public schools by encouraging prayer at a variety of school events, distributing Bibles or other religious texts on school grounds during instructional time, proselytizing by community members/church leaders to students during the school day, displaying religious symbols in the classroom, locating

school events at places of worship when other non-religious locations are available and/or any relief which this Court deems appropriate.

Respectfully submitted,

By:


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing "Plaintiffs' Emergency Motion for a Temporary Restraining Order and/or Preliminary Injunction and Request for an Emergency Hearing" was sent via U.S. Mail and electronic mail to the following this 2nd Day of May, 2011:

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