IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

YAIR LEV, *individually and as parent and natural guardian of his children*; ELEANOR STANFORD, *individually and as parent and natural guardian of her minor child* JOAQUIN IMAIZUMI; ERIN AMINI and MICHAEL AMINI, *individually and as parents and natural guardians of their children*; MEREDITH BRISCO-BACIK and BRADLEY BACIK, *individually and as parents and natural guardians of their children*; BERTHA ESCOBEDO BARRONDO, *individually and as parent and natural guardian of her children*; JAMES HAUSMAN, *individually and as parent and natural guardian of his child*; and SARA MOYN, *individually and as parent and natural guardian of her children*; *Plaintiffs* v. LOWER MERION SCHOOL DISTRICT; FRANK RANELLI, *individually and as Superintendent, Lower Merion School District*; KERRY SAUTNER, *individually and as Board President, Lower Merion School District*; TODD RIDKY, *individually and as Vice President, Lower Merion School District*; JASON HERMAN, *individually and as Board Member, Lower Merion School District*; SHAYNA KALISH, *individually and as Board Member, Lower Merion School District*; JUANITA KERBER, *individually and as Board Member, Lower Merion School Distric*t; and ANNA SHURAK, *individually and as Board Member, Lower Merion School District*, *Defendants*.	Case No. 2:26-cv-06347 **MOTION FOR A PRELIMINARY INJUNCTION** **Hearing Requested**

Pursuant to Federal Rule of Civil Procedure 65, Plaintiffs Yair Lev, Eleanor Stanford, Erin Amini, Michael Amini, Meredith Brisco-Bacik, Bradley Bacik, Bertha Escobedo Barrondo, James Hausman, and Sarah Moyn, in their individual capacities and as parents and natural guardians of their children ("Plaintiffs") move for a preliminary injunction against all Defendants and request a hearing on the same.

By way of a preliminary injunction, Plaintiffs seek to enjoin Defendants from interfering with their ability to make decisions regarding the care of their children, including those necessary to protect their health, safety, and privacy, and from undermining their ability to direct their children's education and upbringing, by requiring Plaintiffs' children to use internet-connected computers to access their education that are unhealthy, unsafe, and invade their privacy.

Specifically, Plaintiffs seek an order restoring the *status quo ante* as of August 17, 2026, whereby parents may decline an internet-connected computer for their child and the Superintendent and the District are required to use their best efforts to make necessary accommodations to ensure that the child's education is not adversely affected.

In the alternative, Plaintiffs seek an order requiring the District to pay the tuition, fees, and other costs of private education for any child for whom the District refuses to make the necessary accommodations. Further grounds for this Motion are set forth in the Plaintiffs' accompanying Memorandum in Support of Motion for Preliminary Injunction.

Dated: August 31, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

On August 31, 2026, I served Plaintiffs' Motion for Preliminary Injunction, Memorandum in Support of Motion for Preliminary Injunction, and Proposed Order via email on Kenneth Roos, Esq., counsel authorized to accept service on behalf of Defendants Lower Merion School District; Frank Ranelli, individually and as Superintendent, Lower Merion School District; Kerry Sautner, individually and as Board President, Lower Merion School District; Todd Ridky, individually and as Vice President, Lower Merion School District; Jason Herman, individually and as Board Member, Lower Merion School District; Shayna Kalish, individually and as Board Member, Lower Merion School District; Juanita Kerber, individually and as Board Member, Lower Merion School District; and Anna Shurak, individually and as Board Member, Lower Merion School District.

Date: August 31, 2026

/s/ D. Patrick Huyett
D. Patrick Huyett

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YAIR LEV, *individually and as parent and natural guardian of his children*; ELEANOR STANFORD, *individually and as parent and natural guardian of her minor child* JOAQUIN IMAIZUMI; ERIN AMINI and MICHAEL AMINI, *individually and as parents and natural guardians of their children*; MEREDITH BRISCO-BACIK and BRADLEY BACIK, *individually and as parents and natural guardians of their children*; BERTHA ESCOBEDO BARRONDO, *individually and as parent and natural guardian of her children*; JAMES HAUSMAN, *individually and as parent and natural guardian of his child*; and SARA MOYN, *individually and as parent and natural guardian of her children*; *Plaintiffs* v. LOWER MERION SCHOOL DISTRICT; FRANK RANELLI, *individually and as Superintendent, Lower Merion School District*; KERRY SAUTNER, *individually and as Board President, Lower Merion School District*; TODD RIDKY, *individually and as Vice President, Lower Merion School District*; JASON HERMAN, *individually and as Board Member, Lower Merion School District*; SHAYNA KALISH, *individually and as Board Member, Lower Merion School District*; JUANITA KERBER, *individually and as Board Member, Lower Merion School Distric*t; and ANNA SHURAK, *individually and as Board Member, Lower Merion School District*, *Defendants*.	Case No. 2:26-cv-06347 **MEMORANDUM IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION** **Hearing Requested**

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INTRODUCTION

As alleged in detail in the Complaint, Frank Ranelli ("Defendant Ranelli"), the Superintendent of Lower Merion School District ("LMSD" or "District"), Dr. Kerry Sautner, the Board President, and the other named members of the school board ("School Board Defendants") have presided over a digital free-for-all in which the children in their care are given unlimited, unstructured, unsupervised access to the open internet, both at school and at home, through computers that the District requires students to use to access the public education they are legally entitled to.

Experts across many domains recognize that screens and the internet pose profound risks to children's health, safety, and privacy. Consistent with the growing awareness of these harms and risks of harm, Plaintiffs have sought to limit their children's time on devices and online but cannot do so when they send their children to school where they must use an internet-connected computer to access their education, and their school sends the computer home. Plaintiffs are stripped of the ability to make decisions about their children's care and have had their family relationships disrupted by the unwelcome intrusion of these devices into their lives.

For many years, parents could decline an internet-connected computer for their child; if they did, a written policy required the Superintendent and the child's building principal to ensure that the District use its best efforts to ensure that their education was not adversely affected. When in the spring of 2026 a critical mass of parents, including certain Plaintiffs, sought to avail themselves of the policy and decline computers for their children, Ranelli refused to enforce it and began working with the other Defendants to repeal it. The policy was repealed on June 15, 2026. Two months later, on August 17, 2026, the School Board Defendants voted to enact a new policy in which parents were no longer able to decline a computer for their child.

School starts September 8, 2026. Plaintiffs seek a preliminary injunction that will preserve the *status quo ante* as of August 17, 2026, under which parents may decline internet-connected devices for their children, and if they do, the District must use its best efforts to accommodate their children to ensure their education is not adversely affected.

I. The Fourteenth Amendment protects parental rights.

The Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions regarding the care, custody, and control of their children, and to direct their education and upbringing. *See Troxel v. Granville*, 530 U.S. 57, 65–68 (2000); *M.L.B. v. S.L.J.*, 519 U.S. 102, 116 (1996); *Santosky v. Kramer*, 455 U.S. 745, 753 (1982); *Lassiter v. Department of Soc. Servs.*, 452 U.S. 18, 27 (1981); *Wisconsin v. Yoder*, 406 U.S. 205, 232 (1972); *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944); *Pierce v. Society of Sisters*, 268 U.S. 510, 534–35 (1925); *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923); *Miller v. Mitchell*, 598 F.3d 139, 150 (3d Cir. 2010); *C.N. v. Ridgewood Board of Education*, 430 F.3d 159 (3d Cir. 2005); *Gruenke v. Seip*, 225 F.3d 290, 305 (3d Cir. 2000). A parent's right to make decisions regarding their children's care includes the right to make decisions to safeguard their health, safety, and privacy. *See generally id*. A parent's right to direct their children's education and upbringing includes the right to transmit their morals, values, beliefs, and culture to their children. *See generally id*.

This right is one of the oldest fundamental liberty interests recognized under the United States Constitution. *Pierce*, 268 U.S. at 534–35; *Meyer*, 262 U.S. at 399. Defendants' conduct violates this right.

II. Factual background

A. Screens and the internet pose profound risks to children's health, safety, and privacy, and can undermine how children learn.

Plaintiffs incorporate the allegations in the Complaint. As set forth in detail there, screens and the internet pose profound risks to the health, safety, and privacy of children, and can undermine how children learn and how their parents wish to bring them up.

Tech leaders who have done more to shape the digital world than anyone else—including Mark Zuckerberg, the CEO of Meta; Peter Thiel, an early investor in Meta and longtime board member; Bill Gates, the founder and former longtime CEO of Microsoft; Sundar Pichai, the CEO of Google; Tim Cook, the CEO of Apple; Steve Chen, the cofounder of YouTube; and Sam Altman, the CEO of OpenAI—strictly limit the amount of time their own children spend on computers and

the internet. *See* Complaint at § III.A.i.; Ex. A-01. As Thiel knowingly put it, "There's some questions that that might lead you to ask," the obvious implication being that these men recognize the dangers of their creations and keep their own children far away from them. *See id*.

Screens and the internet pose risks to children's health. In 2023, U.S. Surgeon General Dr. Vivek Murthy issued an advisory detailing the many potential harms of social-media use among children and adolescents, including increased risks of poor mental health outcomes including depression and anxiety; cyberbullying and cyberbullying-related depression; body-image issues, low self-esteem, and disordered-eating behaviors; poor sleep quality; exposure to harmful content, including that which promotes self-harm, partial asphyxiation, or cutting; and interactions with malicious actors, including those who target children for financial extortion, sexual gratification, distribution of intimate images of children, or to sell them illicitly manufactured fentanyl. *See* Complaint at § III.A.ii.; Ex. A-02. Further, excessive and problematic use of social media can trigger mental pathways comparable to substance and gambling addiction, and has been linked to ADHD. *See id*.

In 2026, the office of the Surgeon General updated the 2023 Advisory and expanded its scope to screen use more broadly, warning that the entire digital ecosystem places children in harm's way. *See* Complaint at § III.A.ii; Ex. A-03. Screen use and overuse can be associated with poorer sleep, decreased academic functioning, diminished physical activity, impairments in daily responsibilities or in-person relationships, poorer language outcomes, poorer dietary habits, anxiety, depression, low self-esteem, body-image concerns, higher levels of family conflict, aggression, poor peer relationships, drug use, problem gambling, obesity, myopia, worse heart health, neck pain, back pain, and shoulder pain. *See id*.

Screens and the internet also pose risks to children's safety. The FBI has warned of coordinated, violent online groups that target children in digital spaces that their parents believe are safe, using threats, blackmail, and manipulation to force kids as young as 9 into filming acts of self-harm, sex, and suicide. *See* Complaint at § III.A.iii.

Major online platforms are beginning to be held liable for the harms they have caused their young users. Juries have found that social media companies like Meta and YouTube have harmed and addicted children and adolescents, awarding victims millions in damages. *See* Complaint at § III.A.iv. A New Mexico judge recently found that Meta had created a public nuisance and ordered the company to pay over half a billion dollars into a teen mental health fund. *See id*. Other platforms, like Snap and TikTok, settled out of court for millions of dollars. *See id*.

New threats have emerged. So-called "artificial intelligence" chatbots are the subject of frequent news reports and a growing number of lawsuits alleging that they have sent their users into delusional spirals, encouraged them to harm themselves or others, helped them plan their suicides, discouraged them from telling their loved ones about their emotional distress, and encouraged them to conceal their plans and materials they used to take their own lives. *See* Complaint at § III.A.v.

Researchers have warned of the ways that AI chatbots can undermine learning, eliminating the necessary effort that children must exert in order to acquire knowledge and offloading thinking and thereby eroding what they have already learned. *See* Complaint at § III.A.v., Exs. A-06, A-07.

Google makes AI chatbots available by default on its computers and platforms used by students in the District, some of which cannot be disabled. In an extensive report, Common Sense Media recently examined these chatbots and concluded that they pose an "unacceptable risk for kids and teens." *See* Complaint, § III.A.v., Ex. A-08. Likewise, the Center for Digital Democracy analyzed chatbots popular with young people and concluded that they erode choice and trap users in an inescapable commercial bubble, with the burdens falling heaviest on the poor and racial minorities. *See id*., Ex. A-09. And all AI chatbots ingest stolen and illegal material, are trained by a vulnerable global workforce, and strain the physical environment in ways that many consider unethical and immoral. *See* Complaint, § III.A.v.

Finally, the prevailing business model of the internet mandates that users surrender their attention and their private, personal information to technology companies in exchange for access to their services. *See* Complaint, § III.A.vi. These invasive practices are only made possible by

obtaining a user's informed consent; without consent, they amount to unlawful invasions of privacy. Companies purport to obtain consent by presenting users with their terms of service, and users are deemed to agree by thereafter continuing to use the service. *See id*.

To avoid federal laws that offer young users and their families additional privacy protections, many online services forbid users under 13 or require that they use the service alongside their parent. *See id*. Because minors lack contractual capacity, online services often require parents to consent to their child's use or purport to have minor users represent that they have their parents' consent. *See id*. Services popular among young people and available on District-issued computers include terms like these. *See id*.

B. In recognition of these risks, Plaintiffs sharply limit their children's use of internet-connected devices and screens.

In recognition of these many risks, and consistent with the Surgeon General's advice for parents to establish tech-free zones, foster in-person friendships, limit device usage before bedtime, and keep in-person gatherings device free, Plaintiffs have sharply limited their children's use of internet-connected devices and screen use more broadly. *See generally* Complaint at § III.F.; Exs. F-01 – F-08.

Among the Plaintiffs are professors of medicine, pediatricians and other medical doctors, and clinical psychologists, who from their training and experience are more familiar than most with the harms the digital world poses to children. *See id*. Their knowledge and experience have guided how they direct their children's upbringing. *See id*. Plaintiffs are making informed, evidence-based decisions to raise their children in a way that keeps them healthy and safe, protects their privacy, and helps them develop good habits for learning. *See id*.

Plaintiffs take seriously their obligations to make decisions about their children's care, which include those necessary to protect their health, their safety, and their privacy. *See id*. So, too, their obligation to direct their children's education by creating an environment conducive to learning, skill-building, and the cultivation of attention and focus. *See id*.

Plaintiffs do not consent to their minor children accessing any online services that purport to take, use, and share their private, personal information, that forbid users under 13 if their children are underage, or that require their consent if their children are under 18. *See id*.

C. Since 2021, LMSD students must use an internet-connected computer to access their education, but Defendants have failed to limit how long students use computers, to control where they go on the internet, and to protect their privacy.

The District first assigned students individual, internet-connected computers in 2007. *See* Complaint, Ex. C-04. Beginning in 2021, the program expanded to middle school, and as of the 2025–26 school year students in all grades are required to use an internet-connected device to access their education. *See* Complaint, § III.B.i.

Despite having had nearly two decades to ensure that students use their school computers only to advance their education and that they are not harmed in the process, Defendants have failed to create an environment that protects students' health, safety, and privacy, and that is conducive to learning. *See* Complaint, § III.B. Under policies that Defendants implement, oversee, and enforce, there are no limits to the total amount of time in a day a student may use their school computer, whether at home or at school; nor are there limits to the consecutive hours a student may spend on their computer, nor a curfew to prevent their school computer from interfering with their sleep. *See* Complaint, § III.B.ii. No provisions are made to prevent physical injury, eye strain, headaches, or behavioral dysregulation, or the exacerbation of conditions including autism spectrum disorders (ASD) and attention deficit/hyperactivity disorder (ADHD). *See id*.

Students frequently use their school computers for non-academic, non-curricular, entertainment purposes. *See* Complaint, § III.B.iii. Indeed, that may be the primary use case: through their school computers, students routinely access or are exposed to pornography, violent video games, gambling sites, and social media. *See id*. They access AI chatbots that are dangerous, impede learning, and encourage cheating. *See* Complaint, § III.B.iv. Overuse of devices has led students to exhibit behavioral issues and emotional dysregulation. *See* Complaint, § III.B.v.

Multiple Plaintiff children have been persistently unable to remain on task on their school computers. *See* Complaint, § III.F.ii, iii, vi, vii, viii; Exs. F-02, F-03, F-06, F-07, F-08. Plaintiff Joaquin Imaizumi, a rising senior and the plaintiff with the most direct experience using a school computer, has practically never been able to stay on task on his school computer in the six years he has had one, despite a sincere desire to do so and despite asking his mother to directly supervise him while he does homework. *See* Complaint, § III.F.ii; Ex. F-02.

Students are harmed even when they use school computers as intended. The purportedly educational applications that students in the District are made to use are "gamified," implementing many of the same persuasive design techniques that make social media platforms addictive. *See* Complaint, § III.B.v. Plaintiff children find these applications frustrating, demotivating, and inferior to analog methods of instruction, and tend to skip the learning parts in favor of the game parts. *See* Complaint, § III.F.i, ii, iii., iv; Ex. F-01, Ex. F-02, Ex. F-03, Ex. F-04. Digital instruction has displaced the development of fine motor skills such that students are not learning to print or write legibly. *See* Complaint, § III.B.v. Student attention is directed toward their computers and away from their peers and teachers, inhibiting the development of social skills and polluting the civic environment at school. *See id*.

There is no mechanism for parents to give informed consent to any online service provider's terms of service that their children access through their school computer, whether those service providers are social media, streaming platforms, or video games, or services the District requires students to use to access their education. *See* Complaint, § III.B.ii. And Plaintiff parents have not consented and do not consent to any service providers' terms. *See* Complaint, § III.F.; Exs. F-01 – F-08.

D. Defendants recently passed new policies stripping parents of their fundamental right to make decisions regarding the care of their children and to direct their education and upbringing.

For years, District Policy 137 provided that, if a parent declined a school computer for their child, the Superintendent and the child's building principal must use their best efforts to

accommodate the child to ensure that their education was not adversely affected. *See* Complaint, § C, Exs. C-01 – C-03. Thus, if parents concluded that their children's use of an internet-connected computer was dangerous, unhealthy, or invasive of their privacy, or that it ran contrary to their wishes for their children's education and upbringing, they could work with their children's principal to make alternative arrangements. *See id*. This former policy, if enforced as written, respected parents' fundamental right to make decisions regarding their children's care and to direct their education and upbringing.

By the 2025–26 school year, conditions in the District had grown intolerable to many parents in the community. Recognizing the numerous harms and risks of harm the digital world and the open internet pose to children, community members formed a group, Pencils Over Pixels, to advocate for evidence-based reforms to District technology practices. *See* Complaint, § III.D.i.

When parents in the District, including several Plaintiffs, sought to invoke Policy 137 to decline devices for their children, Defendant Ranelli and Defendant Sautner falsely insisted that they had no right to do so and immediately set about repealing it. *See* Complaint, § III.D.ii. From April to June 2026, while Policy 137 was still in effect, Defendant Ranelli instructed building principals to refuse to accommodate parents who declined an internet-connected device for their children. *See* Complaint, § III.D.iii.

Defendant Ranelli told Plaintiff Lev that if he and other parents didn't like the District's approach to technology, they could send their children to private school, *see* Complaint, § III.D.iv; in the spring and summer of 2026, three Plaintiff families withdrew their children from schools in the District for that reason, *see* Complaint, § III.F.ii, vii, viii; Exs. F-02, F-07, F-08. Another Plaintiff family wants to enroll, but the current environment prevents them from doing so. *See* Complaint, § III.F.vi.; Ex. F-06. Finally, Defendant Ranelli transferred the principal of Cynwyd Elementary School, where several Plaintiffs' children attend, to another school in apparent retaliation for his willingness to work with the parents in his community as Policy 137 then required. *See* Complaint, § D.v.

On June 15, 2026, School Board Defendants Sautner, Ridky, Herman, Kalish, Kerber, Shurak and School Board Member Jen Rivera (who recently resigned and is no longer a party to this action) voted to repeal Policy 137 and its supporting regulation.

On August 17, 2026, the same seven School Board Members voted to implement new policies, Policy 141 and Policy 142 and their supporting regulations and addendums, that no longer permit a parent to decline an internet-connected computer for their child, and that no longer require the Superintendent to use his best efforts to ensure the education of any student whose parent declined was not adversely affected. *See* Complaint, § E, Exs. E-03 – E-08.

While the new policies are intended to improve the conditions in the District in response to community concerns, they do not begin to approach the minimum standard for health, safety, and privacy that Defendants should have ensured for the two decades they have forced students to use internet-connected computers to access their education. *See* Complaint, § E. Two school board members acknowledged as much: Defendant Herman remarked that the new policies were "works in progress," and Rivera twice emphasized that the implementation and enforcement of the new policies was "a marathon, not a sprint" and "is not going to be perfect." *See id.*

The new policies burden students with using their school computers "responsibly," failing to acknowledge that much of the modern internet is intentionally designed to be addictive, irresistible, and capable of overriding the conscious intentions of even grown adults: online platforms directed to young people are not designed to be used responsibly, and it is unfair to fault children for tech companies' intentional design choices. *See* Complaint, § E, Exs. E-03 – E-08.

The new policies burden parents with reinforcing their children's responsible use of their school computers and filtering and restricting access to the internet at home, ignoring that Plaintiffs and other parents achieve these ends by strictly limiting access to internet-connected devices or forbidding it entirely, and that often, parents' work or family obligations prevent them from directly overseeing their children's computer use. *See id*.

While the policies provide access to assistive technologies for students with documented needs, there is no complimentary provision for students whose conditions, like ASD or ADHD, may require the elimination of internet-connected computers. *See id*.

The new policies make no provisions for students' physical health, and do not provide access to ergonomic equipment like adjustable chairs, monitors, keyboards, and computer mice to ensure that students do not injure their necks, spines, wrists, or eyes while using school devices for extended periods. *See id*.

Finally, the new policies explicitly state that "Users [that is, K-12 students] shall have no expectation of privacy when using District technology resources," and make no provision for obtaining informed parent consent to any online service providers' terms of service. *See id*.

E. Plaintiffs preferred relief is to restore the *status quo ante*, namely, the ability to decline an internet-connected device for their children and work with their building principal to make the necessary accommodations.

Defendants' actions have resulted in, are resulting in, and will continue to result in a deprivation of Plaintiffs' fundamental constitutional right to make decisions regarding the care of their children and direct their education and upbringing, in violation of 42 U.S.C. § 1983.

Plaintiffs' preferred relief is modest: they merely wish to restore the *status quo ante* that existed until August 17, 2026, through a preliminary and permanent injunction ordering that Defendants must permit parents to decline an internet-connected computer for their child and work with their child's building principal to ensure that their education is not adversely affected, and that all involved are protected from retaliation. *See* Complaint, Relief Requested, ¶ 1.

In the alternative, if Defendants refuse to accommodate Plaintiffs' children and Plaintiffs are forced to choose between their constitutional rights and their child's public education, Plaintiff parents seek a preliminary and permanent injunction ordering that the District pay the tuition, fees, and other costs of that private education. *Id*., ¶ 2.

Plaintiffs do not seek to prevent Defendants from working to improve the technology environment in the District. But each child is affected differently by a digital world that is not

designed to protect their health, keep them safe, or ensure their privacy, and their parents have the right and the obligation to make decisions to provide for their care, education, and upbringing.

Plaintiffs' children should not be made to continue to suffer harm or be put in harm's way, or else be deprived of the public education that they are entitled to by law, while Defendants enact and oversee policies that they themselves admit are inadequate.

III. Argument

Defendants have presented Plaintiffs with an unconstitutional ultimatum: either waive their constitutional rights or remove their children from the District. *See, e.g.*, *Tatel v. Mt. Lebanon Sch. Dist.*, 752 F. Supp. 3d 512, 550–563 (W.D. Pa. 2024) (discussing Fourteenth Amendment Substantive Due Process claim); *accord Mahmoud v. Taylor*, 606 U.S. 522, 569 (2025) (forcing parents to "either risk their child's exposure to burdensome instruction, or pay substantial sums for alternative educational services" unconstitutionally burdens First Amendment rights and constitutes irreparable injury). Plaintiffs seek to enjoin this conduct immediately before the school year begins on September 8, 2026, or as soon as possible thereafter.

To obtain a preliminary injunction, a plaintiff must establish

> (1) a reasonable probability of eventual success in the litigation, and (2) that it will be irreparably injured . . . if relief is not granted. . . . [In addition,] the district court, in considering whether to grant a preliminary injunction, should take into account, when they are relevant, (3) the possibility of harm to other interested persons from the grant or denial of the injunction, and (4) the public interest.

Reilly v. City of Harrisburg, 858 F.3d 173, 176 (3d Cir. 2017), as amended (June 26, 2017) (*quoting Del. River Port Auth. v. Transamerican Trailer Transport, Inc.*, 501 F.2d 917, 919–20 (3d Cir. 1974)). "[A] movant for preliminary equitable relief must meet the threshold for the first two 'most critical' factors: it must demonstrate that it can win on the merits (which requires a showing significantly better than negligible but not necessarily more likely than not) and that it is more likely than not to suffer irreparable harm in the absence of preliminary relief." *Id.* at 179. "If these gateway factors are met, a court then considers the remaining two factors and determines in its sound discretion if all four factors, taken together, balance in favor of granting the requested preliminary relief." *Id.*

" 'How strong a claim on the merits is enough depends on the balance of the harms: the more net harm an injunction can prevent, the weaker the plaintiff's claim on the merits can be while still supporting some preliminary relief.' " *Id*. (quoting *Hoosier Energy Rural Elec. Coop., Inc. v. John Hancock Life Ins. Co.*, 582 F.3d 721, 725 (7th Cir. 2009) (Easterbrook, C.J.))

A. Plaintiffs are likely to succeed on the merits.

Plaintiffs are likely to succeed on the merits of their § 1983 Fourteenth Amendment Substantive Due Process claims, the elements of which are: (i) defendants acted under color of law; (ii) a protected liberty interest was at stake; (iii) the defendants owed a duty of care; and (iv) a deprivation within the meaning of the Due Process Clause occurred. *See Roberts v. Mentzer*, 382 F. App'x 158, 166 (3d Cir. 2010); *Fagan v. City of Vineland*, 22 F.3d 1296, 1310 (3d Cir. 1994).

As to the first element, Defendants are alleged to be, and unquestionably are, state actors proceeding under the color of law. *See* Complaint, § I; *Gruenke*, 225 F.3d at 307.

As to the second element, at stake is one of the oldest fundamental liberty interests recognized under the Constitution, namely, parents' right to make decisions regarding their children's care—which has discrete dimensions of health, safety, and privacy—and to direct their education and upbringing. *Pierce*, 268 U.S. at 534-35; *Meyer*, 262 U.S. at 399.

As to the third element, Defendants are alleged to owe, and undoubtedly do owe, a duty of care to Plaintiffs to not violate their constitutional rights. *See* Complaint, § I; *see, e.g.*, *Tatel*, 752 F. Supp. 3d at 550–563.

As to the fourth element, a deprivation has occurred: Plaintiff parents allege that Defendants, through enacting, implementing, and overseeing District policies, have prevented them from making decisions to protect their children's health, keep them safe, and ensure their privacy; interfered with how Plaintiff parents wish to direct their children's education; and undermined Plaintiff parents wish to raise their children. *See* Complaint, § III.F, Causes of Action.

To defeat Plaintiffs' claims, Defendants must survive strict scrutiny, under which the policies they enacted must be narrowly tailored to serve a compelling state interest. *City of Cleburne, Tex. v. Cleburne Living Ctr.*, 473 U.S. 432, 440 (1985). Defendants' alleged conduct

strikes at the heart of parental decision making in matters of paramount importance: their children's health, their safety, and their privacy; how their children learn; and how they raise their children to develop good habits, sound character, and internal motivation.

"[A] school's policies might come into conflict with the fundamental right of parents to raise and nurture their child. But when such collisions occur, the primacy of the parents' authority must be recognized and should yield only where the school's action is tied to a compelling interest." *Gruenke*, 225 F.3d at 305. Thus, Defendants must show more than a compelling interest in "delivering curriculum" or "avoiding administrative inconvenience"; they must show a compelling interest in doing so in a way that harms and risks harming Plaintiffs' children's health, and safety and violates their privacy, prevents Plaintiffs from making decisions to care for their children, interferes with how Plaintiffs wish to direct their education, and undermines how Plaintiffs seek to bring them up. *See, e.g.*, *Fulton v. City of Philadelphia*, 141 S. Ct. 1868, 1881 (2021); *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418, 431, (2006). Accordingly, Defendants will most likely fail and Plaintiffs are likely to succeed on the merits.

B. Plaintiffs will suffer irreparable harm.

If the injunction is not granted, the harm will be irreparable. Joaquin Imaizumi will be denied the chance to finish his senior year at the high school he has attended since he was a freshman, and his mother Plaintiff Stanford will bear the burden of homeschooling him. *See* Complaint, § III.F.ii. Children of other Plaintiffs, including MC1 Smyth Escobedo, MC2 Smyth Escobedo, MC1 Hausman, MC1 Moyn, and MC2 Moyn, will be forced to attend low-technology private schools when they and their parents would prefer that they are enrolled in public schools in the District, with their parents forced to pay for the expense. *See* Complaint, § III.F.vi, vii, viii.

Plaintiff children, including MC1 Lev, MC2 Lev, MC1 Amini, MC1 Bacik, MC2 Bacik, and MC3 Bacik, will continue to suffer headaches, stress, anxiety, frustration, harms to their attention, their eyes, neck, spine, and wrists, and be exposed to conditions that exacerbate symptoms of their ASD or ADHD. *See* Complaint, § III.F.i, iii., iv.

Plaintiffs' children will have access to "unacceptably dangerous" AI chatbots that are present on their computers by default, that cannot be disabled, and that degrade their learning, can help them cheat, and can harm their health. *See* Complaint, § III.A.v.

Plaintiffs' privacy rights and those of their children will continue to be violated, as online platforms that their children may access through their school computers collect and share their personal, private information without their informed consent. *See* Complaint, § III.F.; Exs. F-01 – F-08.

A digital world that is not designed to be healthy, safe, or respectful of privacy will be forced into Plaintiffs' homes and into their children's lives in ways they do not want, did not ask for, and cannot adequately control. *See* Complaint, § III.F.

C. The balance of harms favors Plaintiffs, and an injunction is in the public interest.

Third and fourth, the balance of harms favors the entry of a preliminary injunction, as does the public interest. "If a plaintiff proves 'both' a likelihood of success on the merits and irreparable injury, it 'almost always will be the case' that the public interest favors preliminary relief." *Issa v. School District of Lancaster*, 847 F.3d 121, 143 (3d Cir. 2017) (citing *AT&T Co. v. Winback & Conserve Program, Inc.*, 42 F.3d 1421, 1427 (3d Cir. 1994)).

Plaintiffs are but a small number of parents in the community who oppose the District's new policies and Defendants' ongoing violation of their constitutional rights. *See* Complaint, § D.i.; Ex. D-01 at LMSD_RTK_0057–82. Granting the requested injunction will protect the constitutional rights of those parents who have not—or who have not yet—joined this action. Furthermore, the Third Circuit has acknowledged that unconstitutional state action is always contrary to the public interest. *K.A. ex rel. Ayers v. Pocono Mountain Sch. Dist.*, 710 F.3d 99, 114 (3d Cir. 2013) ("enforcement of an unconstitutional law vindicates no public interest.").

Defendants and the District will suffer no prejudice from returning to a regime that had been longstanding District policy until less than two weeks ago: parents may decline a computer

for their child, and if they do, their child's principal is to work with them to ensure that the child's education is not adversely affected.

To the extent Defendants allowed Policy 137 to remain on the books only so long as parents rarely availed themselves of it, that's not how policies are supposed to work.

IV. Conclusion

Lower Merion School District and the named Defendants have violated Plaintiffs' parental right to make decisions about their children's care, including those pertaining to their health, safety, and privacy, and to direct their education and upbringing. Accordingly, the Court should grant the motion and either (i) enter an order requiring that the District use its best efforts to accommodate students whose parents decline a device, or in the alternative, (ii) enter an order requiring that the District pay the tuition, fees, and other expenses associated with private school for those students it refuses to accommodate.

Dated: August 31, 2026

Respectfully submitted,

By: /s/ D. Patrick Huyett

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Counsel for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

YAIR LEV, *individually and as parent and natural guardian of his children*; ELEANOR STANFORD, *individually and as parent and natural guardian of her minor child* JOAQUIN IMAIZUMI; ERIN AMINI and MICHAEL AMINI, *individually and as parents and natural guardians of their children*; MEREDITH BRISCO-BACIK and BRADLEY BACIK, *individually and as parents and natural guardians of their children*; BERTHA ESCOBEDO BARRONDO, *individually and as parent and natural guardian of her children*; JAMES HAUSMAN, *individually and as parent and natural guardian of his child*; and SARA MOYN, *individually and as parent and natural guardian of her children*; *Plaintiffs* v. LOWER MERION SCHOOL DISTRICT; FRANK RANELLI, *individually and as Superintendent, Lower Merion School District*; KERRY SAUTNER, *individually and as Board President, Lower Merion School District*; TODD RIDKY, *individually and as Vice President, Lower Merion School District*; JASON HERMAN, *individually and as Board Member, Lower Merion School District*; SHAYNA KALISH, *individually and as Board Member, Lower Merion School District*; JUANITA KERBER, *individually and as Board Member, Lower Merion School Distric*t; and ANNA SHURAK, *individually and as Board Member, Lower Merion School District*, *Defendants*.	Case No. 2:26-cv-06347 **ORDER GRANTING PRELIMINARY INJUNCTION**

Pursuant to Fed. R. Civ. P. 65, for the reasons stated in Plaintiffs' Memorandum of Law in Support of Motion for Preliminary Injunction and to preserve in pertinent part the *status quo ante* that existed in Lower Merion School District as of August 17, 2026, the Court hereby GRANTS Plaintiffs' Motion for a Preliminary Injunction and ORDERS that:

1. Parents or guardians may decline or limit their child's use of a District-provided internet-connected device if such use interferes with the parents' or guardians' ability to make decisions regarding their child's care, upbringing, and education.
2. The building principal of a child whose parent or guardian has so declined shall work with the parent or guardian and the child to make the necessary accommodations to ensure that the child's education is not adversely affected, where such accommodations shall include a teacher-led education.
3. Defendants shall not interfere with the necessary accommodations provided by the building principal.
4. Defendants shall take no retaliatory action against any Plaintiff or any child of any Plaintiff.
5. Defendants shall take no retaliatory action against any parent or guardian who declines or limits their child's use of a District-provided internet-connected device, or any child of any such parent or guardian.
6. Defendants shall take no retaliatory action against any building principal, teacher, counselor, or other District staff who makes or assists with making necessary accommodations for a child whose parent has declined or otherwise limited the child's use of an internet-connected device.
7. Pursuant to Fed. R. Civ. P. 65(c), Plaintiffs shall post a security of $100, as Defendants will suffer little or no quantifiable financial harm if they are found to be wrongfully enjoined.
8. Nothing in this Order shall prevent, inhibit, or discourage Defendants from implementing, overseeing, and enforcing Policy 141, Administrative Regulation

R141, Addendum to Administrative Regulation R141, Policy 142, Administrative Regulation R142, or Addendum to Administrative Regulation R142, or from promulgating, implementing, overseeing, or enforcing other policies, administrative regulations, or practices intended to safeguard students' health, safety, and privacy and improve the educational environment in Lower Merion School District, except to the extent such policies, administrative regulations, and practices conflict with Paragraphs 1 and 2 of this Order.

IT IS SO ORDERED.

Signed this day the __ of September, 2026.

_____

Hon. John Milton Younge
United States District Court for the
Eastern District of Pennsylvania