

**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 District*; and ANNA SHURAK, *individually and as Board Member, Lower Merion School District*,

Defendants.

§ 87(2)(b)

Case No. 2:26-cv-6347-JMY

**REPLY IN SUPPORT OF
PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION**

INTRODUCTION

The Court should grant Plaintiffs’ motion for a preliminary injunction. Plaintiffs have standing and are likely to succeed on the merits, and Defendants will suffer no harm from reverting to a regime that persisted for fifteen years until just last month.

A. Defendants distort the right at issue: this case is about caregiving, not curriculum.

The substantive due process violation at issue in this case must be properly stated before the Court may assess whether Plaintiffs have standing and are likely to succeed on the merits. The right that Defendants are allegedly violating is not that “of a parent to choose which technology their child uses in a public school, if any,” Opp. at 1; nor is it that of a parent to “control each and every aspect of their children’s education,” Opp. at 2, 15. Every Plaintiff supports their children receiving at least some age-appropriate technology instruction, and no parent seeks to opt their child out of technology use entirely. *See* Complaint, Exs. F-01, ¶ 43; F-02, ¶¶ 16–24; F-03A, ¶ 29; F-03B, ¶ 27; F-04A, ¶ 29; F-04B, ¶ 29; F-06, ¶ 27; Ex. F-07, ¶ 35; F-08, ¶ 40; *cf.* Opp. at 1, 17. Nor do Plaintiffs assert the right to exercise control over the District’s curriculum, in that they do not object to the content of any subject that is being taught to their children.¹ *See* Complaint, ¶ 18.

Rather, this case is about the right of parents to raise and protect their children in the face of the District’s longstanding failure to ensure that the internet-connected computers students must use to access their education are used only for academic purposes and in ways that do not jeopardize their health, safety, and privacy. This right thus concerns “matters of the greatest importance,” and it prevails unless the District can show a compelling interest for its actions. *Tatel*

¹ Whether the District considers internet-connected computers to be “curriculum” changes depending on whether that designation opens the use of those devices to challenge under other applicable policies and laws or, alternatively, would bring this case in line with precedent more favorable to the District. *Compare* Complaint, ¶¶ 283–286, Ex. D-01, LMSD_RTK_0098 (form letter sent at behest of Superintendent Ranelli characterizes internet-connected computers as “curriculum delivery,” not curriculum); ¶¶ 288–289, Ex. D-02 (District Solicitor Kenneth A. Roos characterizing internet-connected computers as a means of “curriculum delivery” that are not part of the curriculum itself, and therefore cannot be challenged under other District policies) *with* Opp. at 15 (citing authority that “in certain circumstances the parental right to control the upbringing of a child must give way to a school’s ability to control curriculum and the school environment” and that parents cannot “dictate individually what schools teach their children [and force schools] to cater a curriculum for each student whose parents had genuine moral disagreements with the school’s choice of subject matter”), 20 (“dual curriculums would create a logistical and financial hardship”).

v. Mt. Lebanon Sch. Dist., 675 F. Supp. 3d 551, 556 (W.D. Pa. 2023) (citing *C.N. v. Ridgewood Bd. of Educ.*, 430 F.3d 159, 184 (3d Cir. 2005); *Gruenke v. Seip*, 225 F.3d 290, 305 (3d Cir. 2000)).

It is undisputed that the internet-connected computers that the Lower Merion School District has forced into the hands of its students and into the homes of their parents can access the open internet and are frequently used by children for non-academic, non-curricular, entertainment purposes in ways that are dangerous and harmful. *See* Complaint at § III.B. (describing conditions in the District); ¶¶ 201, 320, 321 (District officials admit their lack of control). Likewise, it is undisputed that the District purports to unilaterally strip its students of any expectation of privacy in those internet-connected computers and will not facilitate obtaining informed parent consent to online providers' terms of service, further violating students' privacy rights. *See id.* at ¶ 317.

While Defendants may deride the many harms and risks of harm to children of uncontrolled, unlimited, unsupervised access to the open internet, credible government agencies and mainstream civil society organizations—including the Office of the U.S. Surgeon General, the Federal Bureau of Investigation, the National Education Policy Center, Common Sense Media, and the Brookings Institution—agree that the harms and risks are real and substantial.² *See* Complaint, § III.A.ii., iii., v.; Exs. A-01 – A-06, A-08 – A-10, A-12; *cf.* Opp. at 2, 13, 15. Judges and juries have imposed significant financial penalties on technology companies for the harm their platforms have done to children; students in the District access these platforms every day. *See id.* at § III.A.iv. The men most responsible for creating the predatory internet of 2026 keep their own children far away from it. *Id.* at § III.A.i. This consensus has informed how Plaintiffs care for and raise their children. *See id.* at ¶ 329; Ex. F-01, ¶ 46; Ex. F-02, ¶ 46; Ex. F-03A, ¶ 32; Ex. F-03B, ¶ 30; Ex. F-04A, ¶ 34; Ex. F-04B, ¶ 32; Ex. F-06, ¶ 32; Ex. F-07, ¶ 38; Ex. F-08, ¶ 43.

Aside from being exposed to these risks, Plaintiffs' children have suffered actual harms to their health, including their behavior, attention, and emotional regulation, as well as to their ability

² A "hypothetical harm" is better known as a "risk." Undersigned counsel represent children who have been sexually exploited by strangers who found them online; groomed by the same violent groups the FBI warned about, *see* Ex. A-04, Ex. A-05; and developed eating disorders or delusions, or engaged in self-harm and suicidal behaviors, at the behest of AI chatbots. In each case, the child's only internet access was through their school computer.

to learn, and the District’s approach to technology has undermined Plaintiffs’ values and negatively affected the family relationship. *See* Complaint, Ex. F-01, ¶¶ 21–28, 38–41, 44–47; Ex. F-02, ¶¶ 7–13, 17–34, 40–42, 45–47; Ex. F-03A, ¶¶ 11–12, 17–20, 23–24, 27, 30, 32–33, 35; Ex. F-03B, ¶¶ 11–12, 17–23, 28–31, 33; Ex. F-04A, ¶¶ 9–27, 30–31, 33–35; Ex. F-04B, ¶¶ 9–27, 30–33, 35; Ex. F-06, ¶¶ 10–25, 28–33; Ex. F-07, ¶¶ 8–33, 36–39, 41; Ex. F-08, ¶¶ 8–39, 41–44, 46.

A parent’s right to make decisions regarding the custody, care, and control of their children, and to direct their education and upbringing, is one of the oldest fundamental rights recognized under the Fourteenth Amendment. Over a century ago, in *Meyer v. Nebraska*, 262 U.S. 390, 399, 401 (1923), the Supreme Court held that the “liberty” protected by the Due Process Clause includes the right of parents to “establish a home and bring up children” and “to control the education of their own.” Two years later, in *Pierce v. Society of Sisters*, 268 U.S. 510, 534–535 (1925), the Court again held that the “liberty of parents and guardians” includes the right “to direct the upbringing and education of children under their control,” emphasizing that “[t]he child is not the mere creature of the State[.]” In *Troxel v. Granville*, 530 U.S. 57, 65–67 (2000), the Court traced the development of this right over the next seventy-five years, holding that “it cannot now be doubted that the Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children.”

Though the facts are new, the right is ancient. Plaintiffs amply allege how the conditions that have persisted in the District for nearly two decades, and throughout the preceding 2025–26 school year, interfere with their constitutionally protected right to make decisions regarding their children’s care—specifically, caregiving decisions relating to their health, safety, and privacy—and have undermined their ability to oversee their children’s education and bring them up in accordance with their values. *See* Complaint, §§ III.A, B, F; Exs. F-01 – F-08.

B. All Plaintiffs have standing to sue.

“To establish Article III standing, a plaintiff must show (1) an ‘injury in fact,’ (2) a sufficient ‘causal connection between the injury and the conduct complained of,’ and

(3) a ‘likel[ihood]’ that the injury ‘will be redressed by a favorable decision.’” *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 157–58 (2014) (citation omitted, alteration in original). “An injury sufficient to satisfy Article III must be ‘concrete and particularized’ and ‘actual or imminent, not “conjectural” or “hypothetical.”’” *Id.* When a deprivation of a fundamental constitutional right is at stake, a plaintiff need not wait for the damage to occur before filing suit. *See Mahmoud v. Taylor*, 606 U.S. 522, 560 (2025) (citing *id.*) (considering burdens to First Amendment rights).

“[T]o pursue a pre-enforcement challenge, a plaintiff must show that ‘the threatened injury is certainly impending, or there is a substantial risk that the harm will occur.’” *Id.* (citing *Susan B. Anthony*, 573 U.S. at 158). Pre-enforcement challenges invoking the First Amendment and the Fourteenth Amendment are evaluated according to the same standard. *See Babbitt v. United Farm Workers Nat’l Union*, 442 U.S. 289, 297–99 (1979); *see, e.g. Road-Con, Inc. v. City of Philadelphia*, 120 F.4th 346, 355, 358 (3d Cir. 2024) (applying *Susan B. Anthony List* test to Fourteenth Amendment claims); *Const. Party of Pennsylvania v. Aichele*, 757 F.3d 347, 356, 360–68 (3d Cir. 2014) (same); *Isaacson v. Mayes*, 84 F.4th 1089, 1097–99 (9th Cir. 2023) (same).

All Plaintiffs reside in the District and have a legal right to send their children to school there. *See* Complaint at ¶¶ 22–28; Ex. F-01, ¶ 3–4; Ex. F-02, ¶¶ 3–5; Ex. F-03A, ¶¶ 3, 7–10; Ex. F-03B, ¶¶ 3, 7–10; Ex. F-04A, ¶¶ 3, 7–8; Ex. F-04B, ¶¶ 3, 7–8; Ex. F-06, ¶¶ 3, 6; Ex. F-07, ¶¶ 3, 5; Ex. F-08, ¶¶ 3, 6–7. The children of Plaintiffs Yair Lev, Erin Amini, Michael Amini, Merdith Brisco-Bacik, and Bradley Bacik remain enrolled in the District. Under the policies now in effect, they are unable to decline an internet-connected device for their children. Plaintiffs’ substantive due process rights are burdened each passing day that, in exchange for a public education, they are forced to surrender their caregiving rights and expose their children to a technological environment that risks their health, safety, and privacy, and undermines the parents’ rights to direct their children’s education and upbringing. Plaintiffs Eleanor Stanford, James Hausman, and Sara Moyn withdrew their children from the District and Plaintiff Bertha Escobedo Barrondo did not enroll her children in the District when it became clear that Defendants were unlikely to provide accommodations that respected their substantive due process rights during the

2026–27 school year. *See* Complaint, Ex. F-02, ¶¶ 52–54; Ex. F-06, ¶¶ 7–9; Ex. F-07, ¶¶ 6–7; Ex. F-08, ¶¶ 34–38. All would prefer that their children attend school in the District and intend to return once the burden on their caregiving rights is lifted. *See id.*

Burdening a fundamental right as a condition of accessing a public education, or forgoing that education to avoid burdening a fundamental right, are injuries in fact. *See Mahmoud*, 606 U.S. at 559. “The Third Circuit has recognized that ‘the principles of standing do not require a plaintiff to remain in a hostile environment to enforce [their] constitutional rights.’” *Hiester v. The School District of Philadelphia*, Civ. No. 2:25-CV-04502, 2026 WL 2455025, at *7 (E.D. Pa. Aug. 21, 2026) (Younge, J.) (*citing Freedom from Religion Found. Inc. v. New Kensington Arnold Sch. Dist.*, 832 F.3d 469, 481 (3d Cir. 2016)) (alteration in original).

Mahmoud provides an instructive parallel. There, a group of parents with diverse religious backgrounds sued to preliminarily enjoin policies of Montgomery County Public Schools (MCPS) that introduced a variety of books into the school curriculum “designed to ‘disrupt’ children’s thinking about sexuality and gender” in ways that allegedly burdened the parents’ free exercise of religion, refused to notify the parents when the books were to be used, and mandated the children’s attendance during periods in which the books were taught. 606 U.S. at 530.

Initially, MCPS sought to compromise with objecting parents consistent with its guidelines for respecting religious diversity by permitting them to excuse their children from instruction involving the books, but reversed course when individual principals and teachers proved unable to accommodate the growing number of opt-out requests without causing significant disruptions to the classroom environment. *Id.* at 531–40. More than 1,000 parents, in a district of more than 160,000 students, signed a petition asking the MCPS board to restore the opt-out rights, but were rebuffed. *Id.* The MCPS board’s decision drew “widespread and impassioned pleas for accommodation,” which it refused to heed. *Id.* at 532–33. One MCPS board member remarked that she felt sorry for a student who testified in favor of the opt-out right, and speculated that the student was parroting dogma learned from her parents. *Id.* at 539. The same MCPS board member

suggested that if parents “want their child to receive an education that strictly adheres to their religious dogma, they can send their children to a private religious school.” *Id.*

The Supreme Court held that the parents were entitled to a preliminary injunction because the government “burdens the religious exercise of parents when it requires them to submit their children to instruction that poses a ‘very real threat of undermining the religious beliefs and practices that the parents wish to instill.’” *Id.* at 538. “And government cannot condition the benefit of free public education on parents’ acceptance of such instruction.” *Id.* Based on those principles, the Court concluded that the parents were likely to succeed. *Id.* The Court observed both that public education is a public benefit and that parents are legally obligated to send their children to public school unless they can find an adequate substitute, and that substitutes like private school and homeschooling impose financial and logistical costs. *Id.* at 561. The Court concluded that the policies burdened the parents’ free exercise of religion and were unconstitutional because they were not narrowly tailored to serve a compelling state interest. *Id.* at 565–69.

So too here. Parents’ ability to make caregiving decisions about their children has long been recognized as a fundamental right on par with their ability to direct their religious formation. *See Troxel*, 530 U.S. at 65–68. As in *Mahmoud*, the harms in this case are concrete, not speculative. *See* Section A, *supra*. Each Plaintiff parent is aware of these harms and risks of harm and desires to protect their children from them, which has informed how they care for and raise their children. *See* Complaint, § F; Exs. F-01 – F-08. Each Plaintiff parent has detailed how Defendants’ failure to control the technology environment in the District has burdened their ability to care for their children, interfered with their child’s education, and strained their family relationships, or would do so if the parents were unable to decline a computer for their child. *See id.* There have been petitions and pleas for accommodation, which Defendants have treated with disdain and suggestions to pursue other school options. *See* Complaint, § D; Ex. D-01, LMSD_RTK_57–82. Here, as in *Mahmoud*, it is “both insulting and legally unsound to tell parents that they must abstain from public education in order to” ensure their children’s safety, health, privacy, and education, and preserve family harmony, “when alternatives can be prohibitively expensive and they already

contribute to financing the public schools.” *See Mahmoud*, 606 U.S. at 561; *cf.* Opp. at 12 (arguing that homeschooling and private school do not constitute irreparable harm).

Thus, each Plaintiff has suffered a concrete, particularized injury in fact. As to the other elements of standing, there is a causal connection between Defendants’ failure to provide a healthy, safe, and private technological environment that exclusively delivers approved curricular material, Defendants’ interference with parents’ ability to protect their children from that environment, and the burdens on Plaintiffs’ rights to make decisions regarding their children’s care and direct their education and upbringing.³ *Susan B. Anthony List*, 573 U.S. at 157–58. A favorable decision, permitting parents to decline a computer for their children and obligating the District to use its best efforts to accommodate them, will redress this injury. *See id.*

C. Plaintiffs are likely to succeed on the merits and will suffer irreparable harm.

The Court should issue a preliminary injunction: preferably, one ordering the District to resume its past practices of allowing families to make necessary accommodations with their building principal or, alternatively, requiring the District to cover the costs of alternative arrangements. For the same reasons that Plaintiffs have suffered an injury in fact, they are likely to succeed on the merits. When the right at issue is properly stated, *see* Section A, *supra*, it is clear that a long-recognized liberty interest is at stake and that a deprivation within the meaning of the Due Process Clause has occurred, *see* Section B, *supra*. *See Roberts v. Mentzer*, 382 F. App’x 158,

³ While not pertinent to the present motion, the individual Defendants were personally involved in the alleged deprivation of Plaintiffs’ constitutional rights and are properly named in the Complaint. *See* Opp. at 19–20. A defendant in a § 1983 action “must have personal involvement in the alleged wrongs to be liable and cannot be held responsible for a constitutional violation which he or she neither participated in nor approved.” *Saisi v. Murray*, 822 F. App’x. 47, 48 (3d Cir. 2020). It is the plaintiff’s burden to “show that each and every defendant was ‘personal[ly] involve[d]’ in depriving him of his rights.” *Kirk v. Roan*, Civ. No. 1:04-cv-1990, 2006 WL 2645154, at *3 (M.D. Pa. Sept. 14, 2006) (*quoting Evancho v. Fisher*, 423 F.3d 347, 353 (3d Cir. 2006)).

Here, Defendant Ranelli and the School Board Defendants are ultimately responsible for the oversight of the District and thus are personally involved in creating the unhealthy, unsafe, and invasive technological conditions that prevail there. *See* Complaint, ¶¶ 30–45. Each School Board Defendant voted to implement a new policy that interferes with parents’ ability to make decisions regarding the care of their children, and to direct their education and upbringing, denying parents the ability to protect their children from these conditions. *See id.* at ¶¶ 308–318 (though the allegation in ¶ 310 that Defendant Ranelli participated in the August 17 vote is a drafting error that Plaintiffs will agree to strike or correct in a future pleading). The new policies were adopted at Defendant Ranelli’s direction and he is responsible for enforcing them. *See id.* at ¶¶ 267–307.

166 (3d Cir. 2010); *Fagan v. City of Vineland*, 22 F.3d 1296, 1310 (3d Cir. 1994). Defendants have failed to articulate a compelling interest that would require exposing children to ongoing harms and risks of harm and undermine parental decision-making. The merits favor Plaintiffs.

The harm is also irreparable. Plaintiffs will either continue to have their fundamental rights burdened while they send their children to school or be made to bear the financial and logistical costs of alternate schooling arrangements in order to preserve those rights. While the Third Circuit recently reaffirmed that only alleged First Amendment violations are presumed irreparable, it emphasized that “equity is contextual”: when an activity is “time sensitive” and concerns beliefs that are “sincere,” burdening that activity is more likely to be an irreparable harm. *See Del. State Sportsmen’s Ass’n v. Del. Dept. of Safety & Homeland Sec.*, 108 F.4th 194, 204 (3d Cir. 2024).

Both conditions are met here. This issue is time sensitive: children grow up fast, Plaintiffs and their children are suffering ongoing injuries, and new online harms can manifest in an instant. Complaint, ¶ 323; Exs. F-01 – F-08. And there is no question that Plaintiffs’ beliefs about how to best care for their children are sincere. For many Plaintiffs, those beliefs are informed by their training and experience as physicians, pediatricians, and clinical psychologists. *See* Ex. F-01, ¶¶ 5–6; Ex. F-03A, ¶ 5; Ex. F-03B, ¶5; Ex. F-04A, ¶ 5; Ex. F-04B, ¶ 5; Ex. F-06, ¶ 5. For all of them, those beliefs are informed by an emerging consensus that excessive unstructured time on internet-connected devices is bad for children. *See* Complaint, § III.A.; Ex. F-01, ¶ 46; Ex. F-02, ¶ 46; Ex. F-03A, ¶ 32; Ex. F-03B, ¶ 30; Ex. F-04A, ¶ 34; Ex. F-04B, ¶ 32; Ex. F-06, ¶ 32; Ex. F-07, ¶ 38; Ex. F-08, ¶ 43. It is unconscionable for Defendants to suggest that Plaintiffs’ children must remain in harm’s way, developing new conditions and worsening existing ones, suffering invasions of their privacy, and being continually exposed to risks that Plaintiffs entirely foresee but are powerless to mitigate. *Cf.* Opp. at 13. “A sound educational program has power to change the trajectory of a child’s life, while even a few months in an unsound program can make a world of difference in harm to a child’s educational development.” *Issa v. Sch. Dist. of Lancaster*, 847 F.3d 121, 142 (3d Cir. 2017) (cleaned up) (affirming grant of preliminary injunction).

Defendants’ arguments that they will be unduly prejudiced are overblown. For fifteen years, District policies contemplated that parents could decline a computer for their child for any reason. *See* Complaint, § III.C.; Opp. at 3–4 (policy began in 2011). If they did, the policies required the District, and specifically the Superintendent and the child’s principal, to use their best efforts to make necessary accommodations to ensure that the child’s education was not adversely affected. *See* Complaint at ¶ 237, Ex. C-01, Ex. C-03; Opp. at 3–4. And indeed, in March 2026 at least one principal began working with more than 20 families to accommodate them before Defendant Ranelli ordered him to stop and transferred him to a different school. *See id.* at ¶¶ 298–307. There is no reason why this practice could not resume immediately while this case plays out.

Defendants’ authority that Plaintiffs’ harm is not irreparable and that they are unlikely to succeed on the merits is distinguishable. In *Perry v. Marteney*, a family sought a religious exemption to compulsory vaccination laws, which was denied because it is “a legitimate exercise of the state’s power to protect the health and well-being of school children.” 172 F.4th 315, 318, 322–23 (4th Cir. 2026). The opposite is true here, where the District’s policies harm and risk harming those children and interfere with their parents’ ability to care for and protect them.

Gruenke likewise favors Plaintiffs. That case emphasized a school’s custodial and tutelary role and the need to sacrifice some student privacy rights or impose certain standards of conduct on students to “maintain order and a proper educational atmosphere.” *Gruenke*, 225 F.3d at 304. But Defendants have consistently failed to maintain order. They have shown themselves unable to ensure a technology environment that is healthy, safe, and private and that delivers only approved curriculum, and yet insist upon forcing Plaintiffs’ children into that environment every day, at school and at home. In so doing, Defendants seek to “displace parents” and render their children “mere creature[s] of the State.” *Gruenke*, 225 F.3d at 307.

These burdens on Plaintiffs and their children are felt daily, undermine how Plaintiffs raise their children with technology, and are not incidental; the burdens here surpass those in *Mahmoud*, where the contested lessons were only a small part of the curriculum. *See* 606 U.S. at 560. This distinguishes Defendants’ other authority that concerns occasional activities like participating in

annual anonymous surveys, playing interscholastic sports, attending school assemblies, performing community service, and taking standardized tests. *Cf. Ridgewood*, 430 F.3d at 182–185 (surveys); *Angstadt v. Midd-W. Sch. Dist.*, 377 F.3d 338, 344 (3d Cir. 2004) (sports); *Brown v. Hot, Sexy & Safer Prods., Inc.*, 68 F.3d 525, 533 (1st Cir. 1995) (assemblies); *Immediato v. Rye Neck School Dist.*, 73 F.3d 454, 462 (2d Cir. 1996) (community service); *Herndon by Herndon v. Chapel Hill-Carrboro City Bd. of Educ.*, 89 F.3d 174, 177 (4th Cir. 1996) (same); *Murphy v. State of Arkansas*, 852 F.2d 1039, 1044 (8th Cir. 1988) (testing).

Finally, Plaintiffs do not seek to avoid the mandatory reporting requirements of a homeschooling program, nor seek to pick and choose which classes their children will attend. *Cf. Combs v. Homer-Ctr. Sch. Dist.*, 540 F.3d 231, 233 (3d Cir. 2008) (reporting); *cf. Swanson by and through Swanson v. Guthrie Indep. Sch. Dist. No. I-L*, 135 F.3d 694, 699 (10th Cir. 1998) (classes).

D. Plaintiffs filed suit once the case was ripe and immediately sought an injunction.

Plaintiffs did not unduly delay. On June 15, 2026, the School Board Defendants repealed the former policies that allowed parents to decline a computer for their child and required the Superintendent and the child’s principal to make necessary accommodations to ensure that the child’s education was not adversely affected. *See* Complaint, §§ III.C., D. It was not until the evening of August 17, 2026, that the School Board Defendants voted to implement new policies to replace the ones they repealed, which eliminated the mechanism for parents to decline a computer for their child and relieved the District of its obligations to accommodate them. *See* Complaint, § III. E. Until that day, it remained possible that any new policies would preserve the former regime. Nine days later, on August 26, 2026, Plaintiffs filed suit. Five days after that, on August 31, 2026, they moved for a preliminary injunction. Thus, only two weeks elapsed between the dispute becoming ripe and Plaintiffs’ motion, which is not an undue delay. *See Doe by and through Doe v. Boyertown Area Sch. Dist.*, 276 F. Supp. 3d 324, 409 (E.D. Pa. 2017).

* * *

For these reasons, Plaintiffs respectfully request that the Court grant their motion.

Dated: September 21, 2026

Respectfully submitted,

By: /s/ D. Patrick Huyett

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CERTIFICATE OF SERVICE

I, D. Patrick Huyett, certify that on September 21, 2026, I caused the foregoing document to be electronically filed using the Court's CM/ECF system, that all participants in this case are registered CM/ECF users, and that service will be accomplished by the CM/ECF system.

/s/ D. Patrick Huyett
D. Patrick Huyett

Counsel for Plaintiffs