

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 22nd day of January, two thousand twenty-one.

Before: Steven J. Menashi,
Circuit Judge.

ORDER

A.H., et al.,

Docket No. 21-87

Plaintiffs - Appellants,

v.

Daniel M. French, et al.,

Defendants - Appellees.

Appellants move for an emergency injunction pending appeal of the district court's January 7, 2021 opinion and order granting in part and denying in part their motion for a preliminary injunction. Appellants specifically request that this Court grant relief before January 25, 2021, when the new school semester starts.

IT IS HEREBY ORDERED that to the extent Appellants request immediate injunctive relief before January 25, 2021, that request is GRANTED. As the district court concluded, Appellants have "established a substantial likelihood that they will prevail on the merits of their Free Exercise claims against the School Defendants" because the "School Defendants denied tuition reimbursement payments to RMHS solely because of its religious affiliation." App'x AA374-75. Appellants are therefore entitled to injunctive relief ending their exclusion from the Town Tuition Program. *New York Progress & Prot. PAC v. Walsh*, 733 F.3d 483, 488 (2d Cir. 2013).

The request for an injunction pending resolution of this appeal is referred to a three-judge motions panel.

For the Court:
Catherine O'Hagan Wolfe,
Clerk of Court


