

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

VIVIAN GERAGHTY,

Plaintiff,

v.

**JACKSON LOCAL SCHOOL
DISTRICT BOARD OF EDUCATION,
et al.,**

Defendants.

**PLAINTIFF’S MOTION FOR
PRELIMINARY INJUNCTION**

Case No. 5:22-cv-2237

Oral Argument Requested

PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION

Plaintiff Vivian Geraghty, pursuant to Fed. R. Civ. P. 65, requests a preliminary injunction to remedy the ongoing irreparable injury she is suffering. Ms. Geraghty’s injury stems from Defendants’ unconstitutional, retaliatory decision to force her to resign as a public school teacher. Defendants forced Ms. Geraghty to resign within two hours of learning that her inability to participate in students “social transition”—that is, use new names and different pronouns to validate a gender identity inconsistent with a student’s sex—was religiously-motivated. In so doing, Defendants took adverse action against Ms. Geraghty that was motivated at least in part by her exercise of constitutionally protected rights to speak, not to speak, and to exercise her religion.

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Specifically, Ms. Geraghty requests:

1. A preliminary injunction prohibiting Defendants from causing her further injury by maintaining records, whether within the “educator profile” database maintained under Ohio law or in any other form or repository, that portray her exercise of her constitutional rights in refraining from participating in students’ social transition as a violation of any valid Board or school policy.
2. A preliminary injunction ordering Defendants to immediately reinstate Ms. Geraghty to her position as a teacher in the District.
3. A preliminary injunction prohibiting Defendants from enforcing any policy requiring Ms. Geraghty to participate in any student’s social transition, from otherwise ordering Ms. Geraghty to use names and pronouns to communicate and validate an identity that is inconsistent with a person’s sex, and from taking any further adverse action against Ms. Geraghty because of her exercise of constitutional rights.
4. In the alternative to the relief requested in paragraphs 2 and 3, Ms. Geraghty requests a preliminary injunction prohibiting Defendants from asserting to any other prospective employer that Ms. Geraghty violated any valid Board or school policy by invoking her constitutional rights to speak, refrain from speaking, and exercise her religion as a basis for refraining from participating in students’ social transition.

Without a preliminary injunction, Ms. Geraghty suffers from the deprivation of her constitutional rights. Such a loss, even for a minimal period, amounts to an irreparable injury, and Ms. Geraghty’s injury increases with each passing day. The relief she requests will not injure any Defendant and granting the relief would serve the public interest.

In support of this motion, Ms. Geraghty relies on:

- a. The Verified Complaint and the attached exhibits; and
- b. The attached Memorandum in Support of Plaintiff's Motion for Preliminary Injunction.

Ms. Geraghty asks the Court to grant oral argument in support of her motion at a time and date set by the Court.

This 12th day of December, 2022.

s/ Matthew J. Burkhart

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*Motions for pro hac vice admission
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Counsel for Plaintiff Vivian Geraghty

CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2022, I electronically filed the foregoing Plaintiff's Motion for Preliminary Injunction with the Clerk of the Court for the United States District Court Northern District of Ohio by using the CM/ECF system. I further certify that together with the summons, complaint, and other case-initiating papers, a process server will serve this motion on each of the defendants.

s/ Matthew J. Burkhart
Counsel for Plaintiff Vivian Geraghty