

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

PENDLETON HEIGHTS GAY-STRAIGHT)
ALLIANCE,)

Plaintiff,)

v.)

No. 1:21-cv-02480-JRS-TAB

SOUTH MADISON COMMUNITY)
SCHOOL CORPORATION,)
PRINCIPAL, PENDLETON HEIGHTS)
HIGH SCHOOL,)

Defendants.)

Preliminary Injunction

The Court finds that the Pendleton Heights Gay-Straight Alliance (the "PHGSA"), a noncurriculum related club at Pendleton Heights High School, is likely to succeed on the merits of its claim under the Equal Access Act, 20 U.S.C. § 4071, *et seq.* Specifically, the Court finds that while Pendleton Heights High School has classified the Outdoor Adventure Club as a curriculum related club, the PHGSA is likely to prove that the Outdoor Adventure Club is a noncurriculum related club. Therefore, by permitting the Outdoor Adventure Club—but not the PHGSA—to use the School's bulletin boards, advertise through announcements on the School's radio station, fundraise, and be listed in the student handbook, the School has denied the PHGSA "equal access" under the Equal Access Act. The Court also finds that the PHGSA is likely to suffer irreparable harm in the absence of preliminary relief, that there is no adequate remedy at law, that the balance of harms weighs in the PHGSA's favor, and

that an injunction is in the public interest.

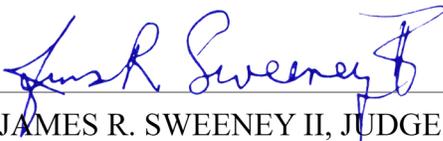
Accordingly, the Court **orders** South Madison Community School Corporation and the principal of Pendleton Heights High School to provide the PHGSA with rights equal to those of other noncurriculum related clubs, including:

- a) The right to be listed in the student handbook, reprinting of which may be delayed until the next school year, provided that the online handbook is updated promptly;
- b) The right to the same access to bulletin boards, radio announcements, and other means of publicity; and
- c) The right to fundraise.

The Court waives the security requirement of Rule 65(c) of the Federal Rules of Civil Procedure. *See Habitat Educ. Ctr. v. U.S. Forest Serv.*, 607 F.3d 453, 458 (7th Cir. 2010) (district court can waive bond requirement when there is no danger the opposing party will incur any damages from the injunction).

SO ORDERED.

Date: 12/22/2021



JAMES R. SWEENEY II, JUDGE
United States District Court
Southern District of Indiana

Distribution to registered parties of record via CM/ECF.