

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**HEIDI ZAMECNIK, minor, by and through
her parents, CARL and LINDA ZAMECNIK;
and ALEXANDER NUXOLL, minor, by and
through his parents, MICHAEL and PENNY
NUXOLL;**

Plaintiffs,

v.

**INDIAN PRAIRIE SCHOOL DISTRICT 204
BOARD OF EDUCATION; HOWARD
CROUSE, in his official capacity as
Superintendent of Indian Prairie School District
#204; MICHAEL POPP, in his official capacity
as Principal of Neuqua Valley High School;
BRYAN WELLS, individually and in his official
capacity as Dean of Students for Neuqua Valley
High School;**

Defendants.

Civil Action No. 1:07-cv-01586

MOTION FOR PRELIMINARY INJUNCTION

Comes now plaintiff Alexander Nuxoll (“Alex”), minor, by and through his parents Michael and Penny Nuxoll, pursuant to Fed. R. Civ. 65(a), and respectfully moves this Court for a preliminary injunction enjoining defendants Indian Prairie School District #204, Howard Crouse, in his official capacity as Superintendent of Indian Prairie School District #204, Michael Popp, in his official capacity as Principal of Neuqua Valley High School, and Bryan Wells, in his individual capacity and official capacity as Dean of Students for Neuqua Valley High School, their agents, servants, employees, attorneys, and all persons and entities in active concert or participation with them, directly or indirectly, from prohibiting Alex from expressing his religious beliefs about homosexual behavior at Neuqua Valley High School (“NVHS”). In

particular, Alex, currently a sophomore at NVHS, seeks to convey religious beliefs that are critical of homosexual conduct at school. Via T-shirts and buttons, Alex wants to share the message “Be Happy, Not Gay.” He also wants to bring and discuss his bible at school, and distribute cards with bible verses during non-instructional time, dealing with the same subject matter. As way of counter to “Day of Silence,” a pro-homosexual event that is next scheduled for April 25, 2008, Alex wants to share his views on the day immediately following this event. He likewise wants to share these same views on days following “Day of Silence” during his junior and senior years at NVHS. And Alex further wishes to express his religious beliefs about homosexual conduct at various other times throughout the entirety of his tenure at the school. If not for policies precluding his message, Alex would convey his message about homosexual behavior at his earliest opportunity.

In absence of a preliminary injunction order, Alex will continue to suffer irreparable injury, namely, the loss of rights and freedoms guaranteed by the United States Constitution. In support of this Motion, Alex relies on the Verified Complaint, the Memorandum of Law in support filed simultaneously with this Motion, and all other pleadings filed in this cause. Alex relies further on the following as exhibits to his Motion:

- (A) Affidavit of Heidi Zamecnik, attached as Exhibit “A;”
- (B) First Affidavit of Alexander Nuxoll, attached as Exhibit “B;”
- (C) Affidavit of Mike Zamecnik, attached as Exhibit “C;”
- (D) Affidavit of Linda Zamecnik, attached as Exhibit “D;”
- (E) Indian Prairie School District Policy Manual §§ 710.01, 710.06, 710.07 and 715.01, a true and correct copy of which is attached as Exhibit “E;”
- (F) Neuqua Valley High School Student Handbook & Planner 2006-2007, section on

Dress Guidelines, a true and correct copy of which is attached as Exhibit “F;”

(G) Neuqua Valley High School Student Handbook & Planner 2006-2007, section on Racial Incidents (Use of Slurs/Derogatory Comments), a true and correct copy of which is attached as Exhibit “G;”

(H) Neuqua Valley High School Student Handbook & Planner 2006-2007, section on Acts of Disobedience and Misconduct, a true and correct copy of which is attached as Exhibit AH;@ and

(I) Second Affidavit of Alexander Nuxoll, attached as Exhibit “I.”

For this Motion for Preliminary Injunction, plaintiff Alex Nuxoll seeks oral argument.

WHEREFORE, PREMISES CONSIDERED, plaintiff Alex Nuxoll respectfully requests this Honorable Court grant his Motion for Preliminary Injunction.

Respectfully submitted,

BY: s/NATHAN W. KELLUM
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service of the foregoing was accomplished pursuant to ECF as to Filing Users and shall comply with LR 5.5 as to any party who is not a Filing User or represented by a Filing User, this 27th day of August, 2007.

s/Nathan W. Kellum