

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
SIXTH DIVISION

VERONICA McCLANE, et. al

PLAINTIFFS

vs.

Case No. 60CV-21-4692

THE STATE OF ARKANSAS, et. al

DEFENDANTS

PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER

For the reasons set forth in their verified Complaint, and in the accompanying Brief in Support, which is incorporated herein as if set forth word for word, Plaintiffs respectfully request the Court to enter a Temporary Restraining Order (“TRO”) pursuant to Ark. R. Civ. P. 65 enjoining Defendants from enforcing the legislative ban on face mask mandates by state and local officials set forth in Act 1002 of 2021 (“Act 1002”) and granting them all other equitable relief to which they may be entitled. Plaintiffs further state the following:

1. Plaintiffs have satisfied the requirements set forth in Ark. R Civ. P. 65.
2. Plaintiffs are likely to prevail on the merits by demonstrating that, for the reasons stated in the accompanying Brief, Act 1002 of 2021 is unconstitutional.
3. Plaintiffs have established that a TRO immediately enjoining the enforcement of Act 1002 is necessary to protect their children, who are under age 12 and ineligible to be vaccinated for Covid-19, from beginning the school year in a “mask optional” school environment compelled by that Act, when school administrators would otherwise

require masks to limit the spread of the Covid-19 Delta variant, and permit traditional in-person education to proceed with minimal disruption.

4. Act 1002 was enacted before the Covid-19 Delta variant caused a dramatic and continuing increase in infections, including a more than 600% increase in infections in children under 12. Every leading state and federal health official has declared a “mask optional” public school environment to be unreasonably dangerous for K-12 school children.
5. The public interest favors granting Plaintiffs’ request for a TRO enjoining the enforcement of Act 1002.

WHEREFORE, Plaintiffs respectfully request that the Court grant this Motion and enter a Temporary Restraining Order enjoining the Defendants from enforcing the legislative ban on face mask mandates by state and local officials set forth in Act 1002 of 2021 (“Act 1002”) and granting them all other equitable relief to which they may be entitled.

Respectfully submitted,

By: /s/ Thomas A. Mars
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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I, Thomas A. Mars, hereby certify that a copy of this Motion for a Temporary Restraining Order was served on the Defendants this 4th day of August 2021 through KaTina Guest, Assistant Attorney General, who has confirmed she will accept service and appear on behalf of all the Defendants.

By: /s/ Thomas A. Mars