

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

Carrie Schmidt *et al*

Plaintiff

Case No. 2:25-cv-02081

v.

**PLAINTIFF'S MOTION FOR
INJUNCTIVE RELIEF**

Brian Huff, *et al*

Defendants

Pursuant to Fed. R. Civ. P. 65(a) and for the reasons set forth in the accompanying suggestions in support, the plaintiff Carrie Schmidt, and as next friend for her two children P.S. and K.S. who are students in the Gardner Edgerton Unified School District No. 231, seek a preliminary injunction to enjoin defendants Gardner Edgerton Unified School District No. 231, Johnson County, Kansas (USD 231), the board of education of USD 231, superintendent Brian Huff, Principal Frank Bell, and their agents, servants, employees, and attorneys from enforcing the current ban of Carrie Schmidt from USD 231 property, USD 231 school board meetings, church services on USD 231 property conducted by third parties during off-school time, property not owned by USD 231 but of which agents or students of USD 231 are present, and a no contact order on behalf of a USD 231 teacher, and restoring her access to all USD 231 property and other property not owned or controlled by USD 231 that is held open to the general public.

Carrie Schmidt has been completely banned from not only all USD 231 school district property but also events that USD 231 participates in literally occurring across the state of Kansas based on Constitutionally protected activity which is entirely peaceful conduct. She is now prohibited from entering school property that

is required by law or contract with third parties to be open to the public, including meetings of the board of education and even school sporting wrestling matches in the Olathe School District or even to the wrestling state finals at Advent Health Sports Park in Overland Park, Kansas. Carrie is banned from attending her son's upcoming May 17, 2025, Senior graduation ceremony.

The ban of Carrie Schmidt from USD 231 property or other property in which USD 231 is participating in an event at another school district violates her and her children's constitutional rights to due process. The no contact order and the ban of Carrie Schmidt from USD 231 property and other district's property violates her freedom of speech, freedom to associate, and freedom of religion. A preliminary injunction is necessary to restore her Constitutional rights while this case proceeds. As many similar cases demonstrate, Carrie Schmidt has a fair chance of prevailing on all of her claims of her complaint. First, open meetings of the Board of Education and School District events that are open to the general public, like sporting events, are at least limited public forums. The categorical ban of Carrie Schmidt from school property for any amount of time is not reasonable in light of the purposes of these forums. Second, the ban is an unlawful prior restraint on Carrie Schmidt's speech that gives Superintendent Huff and Principal Frank Bell complete, unfettered discretion whether to allow Carrie Schmidt to participate in her two children's school events, attend church or other events at the school during off student hours, attend events at other school districts in Kansas, attend to listen or speak again at Board meetings. Third, the ban was imposed in retaliation for Carrie Schmidt's or third

party criticisms of each of these defendants. For each of these reasons, the ban violates the First Amendment.

Finally, the ban violates the Due Process Clause of the Fourteenth Amendment because Carrie Schmidt and her two children were deprived of Constitutional rights without notice and without any opportunity to contest the ban. Plaintiff Carrie Schmidt respectfully requests that the Court enter a preliminary injunction enjoining Defendants from enforcing their ban and restoring Carrie Schmidt's access to all USD 231 property that is held open to the general public. Plaintiff requests oral argument.

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