**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF COLUMBIA**

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| NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP), *et al.*,<br><br>*Plaintiffs*,<br><br>vs.<br><br>ELISABETH "BETSY" D. DEVOS, in her official capacity as the United States Secretary of Education, and the UNITED STATES DEPARTMENT OF EDUCATION,<br><br>*Defendants*. | Case No. 1:20-cv-01996 (DLF) |

**PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR PRELIMINARY INJUNCTIVE RELIEF**

TO DEFENDANTS AND ALL OTHER INTERESTED PARTIES:

Please take notice that pursuant to Federal Rule of Civil Procedure 65, on August 31, 2020, at 1:00 p.m. or as soon thereafter as counsel may be heard by the Court, Plaintiffs the National Association for the Advancement of Colored People (NAACP); Denver School District No. 1; Stamford Public Schools; Pasadena Unified School District; DeKalb County Public Schools; Broward County Public Schools; each individual Plaintiff individually, and as next friend of their minor children, will and hereby do move the Court for a preliminary injunction prohibiting Defendants Elisabeth "Betsy" D. DeVos, in her official capacity as the United States Secretary of Education (the "Secretary"), and the United States Department of Education (the "Department"), anyone in active concert or participation with any of the foregoing persons:

(1) From continuing to enforce, or publish in the Code of Federal Regulations, any part of Defendants' Regulation 34 C.F.R. § 76.665 (July 1, 2020); and

(2) From continuing to enforce, or publish in the Federal Register, any part of Defendants' July 1, 2020 Interim Final Rule, *CARES Act Programs; Equitable Services to Students and Teachers in Non-Public Schools*, 85 Fed. Reg. 39,479–88 (July 1, 2020).

As set forth more fully in Plaintiffs' Memorandum of Points and Authorities in Support of this Motion, Defendants' Regulation and Interim Final Rule impose unlawful spending conditions on federal emergency aid for primary and secondary schools appropriated by Congress—and contrary to the clearly expressed instruction of Congress—in the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"), Pub. L. No. 116-136, 134 Stat. 281 (2020).

Plaintiffs' Motion is based on this Notice of Motion and Motion; the Memorandum of Points and Authorities, the Declarations, all papers, pleadings, records and files in this case; all matters of which judicial notice may be taken; and such other argument or evidence as may be presented to this Court at a hearing on this Motion.

Dated: August 11, 2020

Respectfully submitted,

MUNGER, TOLLES & OLSON LLP
TAMERLIN J. GODLEY
(Admitted *Pro Hac Vice*)
JONATHAN KRAVIS
(D.C. Bar No. 973780)
ADELE M. EL-KHOURI
(D.C. Bar No. 1025090)
JESSICA REICH BARIL
(Admitted *Pro Hac Vice*)
DAVID P. THORESON
(Admitted *Pro Hac Vice*)

By: /s/ *Adele M. El-Khouri*
ADELE M. EL-KHOURI

TAMERLIN J. GODLEY
Tamerlin.Godley@mto.com
JESSICA REICH BARIL
Jessica.Baril@mto.com
DAVID P. THORESON
David.Thoreson@mto.com
MUNGER, TOLLES & OLSON LLP
350 South Grand Avenue, Fiftieth Floor
Los Angeles, California, 90017
Telephone: (213) 683-9100
Facsimile: (213) 687-3702

JONATHAN KRAVIS
Jonathan.Kravis@mto.com
ADELE M. EL-KHOURI
Adele.El-Khouri@mto.com
MUNGER, TOLLES & OLSON LLP
1117 F. Street, N.W., Seventh Floor
Washington, D.C. 20004
Telephone: (202) 220-1100
Facsimile: (202) 220-2300

*Counsel for All Plaintiffs*
*Additional Co-Counsel for All Plaintiffs Listed on Next Page*

***Additional Co-Counsel for All Plaintiffs***

BACARDI JACKSON
bacardi.jackson@splcenter.org
(Admitted *Pro Hac Vice*)
CHRISTINE BISCHOFF
christine.bischoff@splcenter.org
(Admitted *Pro Hac Vice*)
KATHERINE DUNN
katherine.dunn@splcenter.org
(Admitted *Pro Hac Vice*)
LINDSEY RUBINSTEIN
lindsey.rubinstein@splcenter.org
(Admitted *Pro Hac Vice*)
SAM BOYD
sam.boyd@splcenter.org
(Admitted *Pro Hac Vice*)
MICHAEL TAFELSKI
michael.tafelski@splcenter.org
(Admitted *Pro Hac Vice*)

SOUTHERN POVERTY LAW CENTER
400 Washington Avenue
Montgomery, Alabama 36104
Telephone: (334) 315-0179
Facsimile: (334) 956-8481

WENDY LECKER
WLecker@edlawcenter.org
(Admitted *Pro Hac Vice*)
JESSICA LEVIN
JLevin@edlawcenter.org
(Admitted *Pro Hac Vice*)

EDUCATION LAW CENTER
60 Park Place, Suite 300
Newark, New Jersey 07102
Telephone: (973) 624-1815
Facsimile: (973) 624-7339