

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

PARKERSBURG DIVISION

JANE DOE, et al.,

Plaintiffs,

v.

CIVIL

ACTION NO. 6:12-cv-04355

WOOD COUNTY BOARD OF
EDUCATION, et al.,

Defendants.

ORDER

A hearing was held on the plaintiffs' motion for a temporary restraining order. The plaintiffs, Jane Doe, Anne Doe, Beth Doe, and Carol Doe filed a Motion for a Temporary Restraining Order and Preliminary Injunction [Docket 4] against the defendants Wood County Board of Education, J. Patrick Law, Stephen Taylor, and Penny Tonelli Coleman, to restrain and enjoin the defendants from implementing single-sex instruction at Van Devender Middle School.

Based on the record before the Court on the motion for a temporary restraining order, the Court **FINDS** that the plaintiff has not made a "clear showing" that they are likely to succeed on the merits. *See The Real Truth About Obama, Inc. v. FEC*, 575 F.3d 342, 346-47 (4th Cir. 2009), *vacated on other grounds*, 130 S.Ct. 2371 (2010). Two significant issues require further development before the legal questions presented can be resolved. The first is the voluntariness of the single-sex classes offered at the school. The second is whether substantially equal coeducational classes are offered at the school.

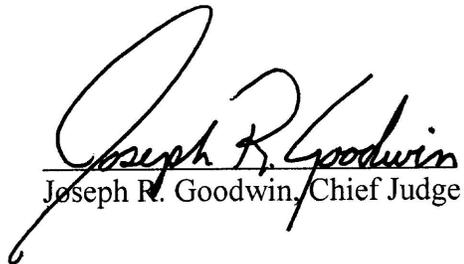
Furthermore, the Court **FINDS** that the public interest would not be furthered by granting a temporary restraining order. Van Devender Middle School has had its single-sex program for two years, and to alter the school's scheduling when classes begin later this week would disrupt the lives of the young children attending the school.

If the record developed next week shows that the plaintiffs are in fact likely to succeed on the merits, the Constitution and civil rights law will require this disruption to Van Devender Middle School. Teachers and schools should be innovative, and should be encouraged to experiment in their attempts to improve the education of children; however, they must do so within the lines drawn by the Constitution and by the law.

The Court **DENIES** Plaintiffs' motion for a temporary restraining order [Docket 4]. A preliminary injunction hearing will be held in this matter on **August 27, 2012, at 1:30 p.m. in Charleston, West Virginia**. Also before the Court is Plaintiffs' Motion for Leave to Proceed Under Pseudonym [Docket 16], which is unopposed, and for reasons appearing to the Court, is **GRANTED**.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: August 20, 2012


Joseph R. Goodwin, Chief Judge