

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**HOLMES COUNTY CONSOLIDATED SCHOOL DISTRICT,
DEBRA POWELL, SUPERINTENDENT, AND
HOLMES COUNTY CONSOLIDATED SCHOOL DISTRICT
BOARD OF TRUSTEES, NAMELY LOUISE LEWIS WINTERS,
BOARD PRESIDENT, EARSIE L. SIMPSON, VICE-PRESIDENT,
AND ANTHONY ANDERSON**

PETITIONERS

VS.

CAUSE NO. 3:21-cv-508-DPJ-FKB

**MISSISSIPPI DEPARTMENT OF EDUCATION,
MISSISSIPPI STATE BOARD OF EDUCATION,
STATE COMMISSION ON SCHOOL ACCREDITATION,
ROSEMARY AULTMAN, CHAIR OF THE STATE
BOARD OF EDUCATION, PAMELA MANNERS, CHAIR OF THE
STATE COMMISSION ON SCHOOL ACCREDITATION,
DR. CAREY WRIGHT, STATE SUPERINTENDENT
OF EDUCATION, THE MISSISSIPPI STATE BOARD OF
EDUCATION AND GOVERNOR JONATHON TATE REEVES**

RESPONDENTS

**URGENT AND NECESSITOUS MOTION
FOR TEMPORARY RESTRAINING ORDER**

Pursuant to Federal Rule of Civil Procedure 65 and Local Uniform Civil Rule of the United States District Courts for the Northern District and the Southern District of Mississippi 7(b)(8), Petitioners respectfully move the Court to enter an emergency temporary restraining order for the reasons set forth in Petitioners' Verified Petition for Injunctive Relief, Declaratory Judgment and Complaint for Discovery. Notice of hearing of the Motion shall be given to known counsel for the Respondents pursuant to Local Rule 7(b)(8).

In further support of the relief requested, Petitioners state:

1. Petitioners have a substantial likelihood of success on the merits. Respondents' conduct, as set forth in the Verified Petition, makes clear that Petitioners did not receive a fair and impartial hearing, which violates the Petitioner's due-process rights.

2. Further, the statute upon which the Respondents acted is unconstitutional in that it fails to establish a standard of proof in advance of the hearings at issue in this lawsuit, which deprived Petitioners of due process.

3. There is a substantial threat Petitioners will suffer irreparable injury if the temporary restraining order is denied as Petitioners will have no other remedy at law to protect their due-process rights once the Governor accepts the recommendation to dissolve the Holmes County Consolidated School District.

4. The threatened injury to Petitioners outweighs any damage that the temporary restraining order will cause Respondents. If the relief is granted, Respondents will suffer no harm. Meanwhile, if the requested relief is denied, Petitioners will be irreparable injured as set forth above.

5. The temporary restraining order will not disserve the public interest. Ultimately, the public interest is best served when the law is followed, including constitutional protections afforded under the Due Process Clause.

6. Should the Court choose to exercise its discretion, Petitioners welcome the opportunity to file a memorandum brief in support of the relief requested herein pursuant to Local Rule 7(b)(8).

WHEREFORE, Petitioners respectfully request the Court to enter a Temporary Restraining Order, enjoining Respondents from taking further actions regarding the State Board of Education's recommendation to Governor Reeves to declare a state of emergency in the

Holmes County Consolidated School District. Petitioners also respectfully request all other relief the Court deems appropriate.

RESPECTFULLY SUBMITTED, this the 5th day of August, 2021.

/s/ Clarence Webster, III

Clarence Webster, III (MS Bar No. 102111)

Michael C. Williams (MS Bar No. 104537)

Stevie F. Rushing (MS Bar No. 105534)

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CERTIFICATE OF SERVICE

I hereby certify that I have this day caused the foregoing pleading to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record and registered participants.

THIS, the 5th day of August, 2021.

/s/ Clarence Webster, III

CLARENCE WEBSTER, III