

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

COMMUNITY LEGAL AID SOCIETY, INC.,

Plaintiff,

v.

ADULT AND PRISON EDUCATION
RESOURCES WORKGROUP, et al.,

Defendants.

Civil Action No. 24-cv-615-UNA

PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION

Defendants are systemically failing to educate incarcerated students with disabilities at Howard R. Young Correctional Institution and in the Security Housing Unit (SHU) at James. T. Vaughn Correctional Center, in violation of federal and state law. The extensive violations and the resulting irreparable harms to students are described in the accompanying documents and are set forth in the Complaint (D.I. 1).

Congress has mandated, through several statutes, that every state have an official protection and advocacy (P&A) system to protect and advocate for the rights of people with disabilities. Plaintiff Community Legal Aid Society, Inc. (CLASI) has served as Delaware's federally authorized P&A system for individuals with disabilities ever since receiving its designation by the Governor in 1977. As such, CLASI is authorized to bring legal action on behalf of individuals with disabilities, including those with mental illness.

In light of the extensive violations and the resulting harm, CLASI hereby seeks, pursuant to Rule 65(a) of the Federal Rules of Civil Procedure, a preliminary injunction requiring Defendants to comply with the law and report thereon as the case proceeds. The motion is

accompanied by an opening brief, supporting evidence, including ten declarations and an expert report, and a proposed preliminary injunction.

Statement Pursuant to Local Rule 7.1.1

The undersigned counsel attempted to confer with counsel for Defendants in advance of filing this motion. However, on May 22, 2024, counsel for Defendants informed Plaintiffs' counsel that Defendants are in the process of obtaining outside counsel and that they do not have the authority to engage in discussions consistent with the requirements under Local Rule 7.1.1 for this matter.

Respectfully submitted,

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*Application for admission
pro hac vice filed on May 23, 2024

May 23, 2024

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