

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

**TWO RIVERS PUBLIC CHARTER
SCHOOL,**

Plaintiff,

v.

ROBERT WEILER, JR., et. al.

Defendants.

**Civil Action No. 2015 CA 009512 B
Calendar 7**

Judge Jeanette Clark

Next Event:

Mediation

November 9 – December 9, 2016

**PLAINTIFF TWO RIVERS PUBLIC CHARTER SCHOOL'S MOTION FOR A
PRELIMINARY INJUNCTION
AGAINST DEFENDANT LARRY CIRIGNANO**

Plaintiff Two Rivers Public Charter School (“Two Rivers”) respectfully moves this Court under Rule 65 of the D.C. Superior Court Rules of Civil Procedure for a preliminary injunction preventing Defendant Larry Cirginano, directly or indirectly in concert with others, from continuing to target the students with gruesome photos and interfering with the operations of Two Rivers. Defendant Cirignano, as described in Plaintiff’s accompanying memorandum, has continued to target the students of Two Rivers by showing up during the morning start of the school day throughout the pendency of this matter. In fact, the first school day after this Court denied his motions to dismiss and set the matter for trial, Defendant Cirignano worked in concert with another protester who walked up and down in front of both the elementary and middle schools for approximately 30 minutes while students arrived at school on the morning of May 2, 2016.

As more fully explained in the accompanying memorandum of law, a preliminary injunction is warranted because: 1) Plaintiff is likely to succeed on its claim that the Defendant’s

intentional conduct of targeting Two Rivers students has resulted in emotional distress on the part of the students and an unsafe environment when students are attending school; 2) Plaintiff and the students at Two Rivers will suffer irreparable harm if Defendant's conduct is not limited as set forth in the proposed preliminary injunction; 3) the balance of equities tips strongly in favor of Plaintiff and the students; and 4) the public interest will be served by an injunction. *Zirkle v. District of Columbia*, 830 A.2d 1250, 1255-56 (D.C. 2003) (citing *Wieck v. Sterenbuch*, 350 A.2d 384, 387 (D.C. 1976)).

Plaintiff seeks only to enjoin Defendant Cirignano from protesting or directing others to protest during times that Two Rivers students, some as young as three years old, enter and leave school, on school days, and only while school is in session. The provisions of the injunction, under Plaintiff's request, would be suspended when the 2015-16 school year ends on June 17, 2016 and would not recommence until students return for the 2016-17 school year on August 25, 2016.

This motion is based upon the Verified Complaint filed in this case, Plaintiff's consolidated opposition briefs to Defendant Cirignano's motion to dismiss, Plaintiff's consolidated opposition briefs to Defendant Cirignano's special motion to dismiss, memorandum of law filed herewith, and the attached declarations:

1. Maggie Bello, Chief Academic Officer, Two Rivers Public Charter School, attached hereto as **Exhibit 1**;
2. Marcus Mittelman, Operations Manager, Two Rivers Public Charter School, attached hereto as **Exhibit 2**;
3. Taiwan Lovelace, Ph.D, Psychology Associate, D.C. Department of Behavioral Health, School Mental Health Program, attached hereto as **Exhibit 3**;

4. Christopher Lalik, Specialist in Emergency Response and Crisis Management, Lalik & Associates, attached hereto as **Exhibit 4**; and
5. Milton Shinberg, Principal Architect, Shinberg/Levinas, attached hereto as **Exhibit 5**.¹

As required, Plaintiff has included a proposed form of order with this motion.

In accordance with Rule 12-I, Plaintiff has sought the consent of Defendants to the relief sought herein. None of the Defendants provided their consent to Plaintiff's motion.

May 10, 2016

Respectfully submitted,

/s/Michael L. Murphy
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¹ Plaintiff previously submitted the Lovelace, Lalik, and Shinberg declarations as pre-marked exhibits 17-19 on April 29, 2016, the morning of the motions hearing, but they were not considered by the Court at that time.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Plaintiff Two Rivers Public Charter School's Motion for a Preliminary Injunction Against Defendant Larry Cirignano* was served upon the following:

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by e-mail via the Court's electronic filing system, this 10th day of May, 2016.

A copy was served by first-class mail, postage prepaid, upon the following:

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(contact information not listed in motion)*

this 10th day of May, 2016.

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