



Connie Taylor, Clerk of Superior Court
Cobb County, Georgia

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

WS, a minor, by his mother and next best *
friend, Caryn Sonderman, BG and CG, *
minors, by their Father and next best friend, *
Matt Gill, AM, EM, minors, by their *
father and next best friend, Andrei Marcu, *
QC Brocard, a minor, by his mother *
and next best friend, Gretchen Brocard, *
CH, KH, SH and LH, minors by their father *
and next best friend John Hanson, EW, a *
minor, by her Mother and next best friend, *
Erin White, *

Plaintiffs, *

CIVIL ACTION FILE No. *

vs. *

Chris Ragsdale, Superintendent of Cobb *
County Schools, Randy Scamihorn, Cobb *
School Board Member, David Chastian. *
Cobb School Board Member, David Banks, *
Cobb School Board Member, Brad Wheeler, *
Cobb School Board Member, Charisse *
Davis, Cobb School Board Member, Jaha *
Howard, Cobb School Board Member, and *
Leroy Tre' Hutchins, Cobb School Board *
Member, *

Defendants. *

CONSOLIDATED VERIFIED PLAINTIFFS' EMERGENCY COMPLAINT FOR
DECLARATORY RELIEF AND INJUNCTIVE RELIEF
WITH INCORPORATED MOTION FOR TEMPORARY RESTRAINING ORDER
AND MEMORANDUM OF LAW

COMES NOW PLAINTIFFS in the above-styled action, and submit this Complaint
against Defendants, showing the Court the following:

1. Jurisdiction and venue are proper in the Superior Court of Cobb County, as all parties are residents of Cobb County, Georgia, and all acts complained of taken by the Cobb County Board of Education took place in Cobb County, Georgia.

2. All Defendants may be served with process at their place of employment located at 514 Glover St., SE, Marietta, Georgia 30060.

3. The Plaintiffs above, by and through their parents as next best friends are students in various Cobb County Schools, who have been mandated by Defendants to wear masks or attend school virtually.

I. PRELIMINARY STATEMENT

4. The education of Cobb County school-age children is one of the most vital and important functions that can be provided by Cobb County through the Cobb County School District ("School District"). Education is so important that the drafters of the Georgia Constitution required that education shall be freely provided to the citizens of Georgia up to the college or postsecondary level. *Georgia Constitution Article III, Section 1, Paragraph 1*. So important is the mandate for education that the U.S. Supreme Court has held that students be educated equally and together. The United States Supreme Court ruled that "in the field of public education the doctrine of 'separate but equal' has no place." *Brown v. Board of Education*, 347 U.S. 483 (1954). The Court in *Brown* stated in unequivocal language, "segregated schools are "inherently unequal," and that the Plaintiffs were being "deprived of the equal protection of the laws guaranteed by the 14th Amendment." *Id.*

5. The State of Georgia Governor's Executive Order dated on or about August 15, 2020 (renewed as of the date of this complaint), states that "governmental agencies located in counties that have reached the Threshold Requirement are hereby permitted to impose a Local Option Face Covering Requirement." *Georgia Governor Executive Order dated 15 August 2020* ("Executive Order"). The Executive Order does not require state and local government agencies to issue mask mandates, but rather, leaves the option to the state and local government agencies. As of the date of this Complaint, the Cobb County Board of Commissioners has not required any Cobb County agency to invoke a mask mandate.

6. Without any required mandate under the Governor or Cobb County, the School District has arbitrarily and capriciously segregated the student population into students that wear masks and students that do not or cannot wear masks. Thus, the School District's decision to

require the use of masks
(<https://sbcobbstor.blob.core.windows.net/media/WWWCobb/medialib/mask-guidance.be081736861.pdf>) (“Mask Mandate”) is completely voluntary (assuming that a mandate under Cobb County would be binding on the School District).

7. Without any required mandate under the Governor or Cobb County, the School District has imposed onerous and scientifically baseless contact tracing procedures, whereby the rights of students to a free education are trampled upon by the actions of other students.

8. Dr. Fauci has no idea why Covid-19 cases in Texas dropped after the mask mandate was lifted, calling it “confusing.” <https://lidblog.com/fauci-texas-results-confusing/>.

9. The same phenomenon of reduced cases with no mask mandates is not isolated to Texas (as described hereinbelow).

10. Before we violate the U.S. and Georgia Constitutional rights of students and parents/guardians, shouldn’t we require a little more scientific certainty than “confusing?”

II. STUDIES SHOW SCHOOL AGE CHILDREN ARE HARMED BY AN ABUSE AND OVERUSE OF SCREEN TIME

11. Study after study shows that forcing children to either wear masks or “go virtual” harms children both physically and physiologically. A recent Centers for Disease Control and Prevention (“CDC”) study, the same governmental agency the School District references in its Mask Mandate, reports, “Parents of children receiving virtual instruction were more likely than were parents of children receiving in-person instruction to report that their children experienced decreased physical activity (62.9% versus 30.3%), time spent outside (58.0% versus 27.4%), in-person time with friends (86.2% versus 69.5%), virtual time with friends (24.3% versus 12.6%), and worsened mental or emotional health (24.9% versus 15.9%).” https://www.cdc.gov/mmwr/volumes/70/wr/mm7011a1.htm?s_cid=mm7011a1_w.

12. The same study goes on to report, “Among the eight examined indicators of parental well-being, six differed significantly by mode of instruction received by the children. Parents of children receiving virtual instruction more frequently reported their own emotional distress, difficulty sleeping, loss of work, concern about job stability, childcare challenges, and conflict between working and providing childcare than did parents whose children were receiving in-person instruction.” *Id.*

13. Parents of children receiving combined instruction also reported conflict between working and providing child-care and loss of work more often than did parents of children receiving in-person instruction. *Id.*

14. Chronic stress can negatively affect physical and mental health of both children and parents, especially without social and economic supports, and could contribute to widening of educational and health disparities. *Id.*

15. Early data from a landmark National Institutes of Health (NIH) study that began in 2018 indicates that children who spent more than two hours a day on screen-time activities scored lower on language and thinking tests, and some children with more than seven hours a day of screen time experienced thinning of the brain's cortex, the area of the brain related to critical thinking and reasoning.

16. This is exactly what the School District is proposing to do to students who refuse to comply with the Mask Mandate. According to the CDC, such screen time is not only unhealthy and bad for a child's eye's, brain development, but also has a deleterious effect on a child's mental and physical growth.

17. This is exacerbated by the fact that Black, Hispanic, and non-Hispanic other or multiracial parents were more likely than White parents to report children receiving virtual instruction. *Id.*

18. A study appearing in the journal of the American Academy of Ophthalmology entitled, "Outdoor recess time can reduce the risk of nearsightedness in children," offers further evidence that at least part of the worldwide increase in nearsightedness has to do with near work activities; not just screens but also traditional books. And, that spending time outdoors---especially in early childhood---can slow the progression of nearsightedness. <https://www.sciencedaily.com/releases/2013/05/130501101258.htm>.

19. A study from Cincinnati Children's Hospital Medical Center published in JAMA Pediatrics entitled, "Associations Between Screen-Based Media Use and Brain White Matter Integrity in Preschool-Aged Children," showed concerning evidence that brain structure may be altered in kids with more screen use. <https://jamanetwork.com/journals/jamapediatrics/fullarticle/2754101>.

20. Researchers looked at brain MRIs in preschoolers and found that screen time over the AAP's recommendations was associated with differences in brain structure in areas related to language and literacy development. *Id.*

21. According to David Anderson, Ph.D., a clinical psychologist and senior director of National Programs and Outreach at the Child Mind Institute, in an article entitled, "Screen time and kids: New findings parents need to know," it's especially important "to be very cautious when using screens with young kids, as this study highlights, as young kids are in a critical developmental period." At this stage, children "require face-to-face interaction," said Anderson to reach developmental milestones including building language and social skills. During this time, they also develop empathy, the ability to understand emotion, and "build stamina to navigate personal situations." <https://childmind.org/news/screen-time-and-kids-new-findings-parents-need-to-know/>

22. Dr. Jennifer F. Cross, attending pediatrician and a developmental and behavioral pediatrics expert at New York Presbyterian Komansky Children's Hospital stated "If young children spend most of their time engaging with an iPad, smartphone, or the television, all of which are highly entertaining, it can be hard to get them engaged in non-electronic activities, such as playing with toys to foster imagination and creativity, exploring outdoors, and playing with other children to develop appropriate social skills. Interacting almost exclusively with screens would be like working out only your arm muscles and nothing else. You would have really strong arm muscles, but at the expense of overall fitness." "What Does Too Much Screen Time Do to Children's Brains?" <https://healthmatters.nyp.org/what-does-too-much-screen-time-do-to-childrens-brains/>.

III. AS AN ALTERNATIVE TO THE KNOWN HARM OF ELEVATED LEVELS OF SCREEN TIME, IN ORDER TO ATTEND SCHOOL, THE SCHOOL DISTRICT FORCES CHILDREN TO WEAR MASKS, A SCIENTIFICALLY BASELESS "SOLUTION" THAT IS PURE POLITICAL THEATER AND HARMS CHILDREN IN ITS OWN WAY – MASK MANDATES DO NOT WORK

23. Mask Mandates simply do not work.

24. "Importantly, the evidence just is and was not there to support mask use for asymptomatic people to stop viral spread during a pandemic. While the evidence may seem

conflicted, the evidence (including the peer-reviewed evidence) actually does not support its use and leans heavily toward masks having no significant impact in stopping spread of the Covid virus.” <https://www.aier.org/article/masking-a-careful-review-of-the-evidence/>

25. “Just look at the data from Jonas F. Ludvigsson that is emerging from Sweden in children 16 years old and under when preschools and schools were kept open and there were no face masks though social distancing was fostered. The result was zero (0) deaths from COVID-19 in 1.95 million Swedish children across the study period.” <https://www.aier.org/article/the-cdcs-mask-mandate-study-debunked/>

26. Study after study has shown that mask mandates have no benefit. Some additional studies include, but are not limited to: <https://www.aier.org/article/masking-children-tragic-unscientific-and-damaging/>, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7680614/>, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7306735/>, <https://www.bmj.com/content/369/bmj.m1435/rr-47>, <https://www.bmj.com/content/370/bmj.m3021/rr-6>, https://pdmj.org/papers/masks_are_neither_effective_nor_safe/index.html, https://pdmj.org/papers/masks_false_safety_and_real_dangers_part1/, https://pdmj.org/papers/masks_false_safety_and_real_dangers_part2/, https://pdmj.org/papers/masks_false_safety_and_real_dangers_part3/, https://pdmj.org/papers/masks_false_safety_and_real_dangers_part4/, https://pdmj.org/papers/vermont_mask_survey/index.html, <https://www.meehanmd.com/blog/post/173679/an-evidence-based-scientific-analysis-of-why-masks-are-ineffective-unnecessary-and-harmful>, <https://aapsonline.org/mask-facts/>, <https://assets.researchsquare.com/files/rs-124394/v3/41ef4b1d-4baa-4497-ac36-f65804cd492c.pdf>, <https://justtheinserts.com/masks>, <https://followthemaskscience.com/research-summary>, <https://thehill.com/opinion/education/514742-masks-for-all-children-arent-needed-or-ethical>, <https://off-guardian.org/2020/06/27/covid19-per-tests-are-scientifically-meaningless/>, https://www.cdc.gov/mmwr/volumes/70/wr/mm7011a1.htm?s_cid=mm7011a1_w, <https://principia-scientific.com/surgeon-destroys-myth-if-masks-dont-work-why-do-surgeons-wear-them/>, https://arxiv.org/ftp/arxiv/papers/2005/2005.10720.pdf?fbclid=IwAR34vdMwRdAYOOpRLAVmRXS4Qdjg7_nY3L9OIm,

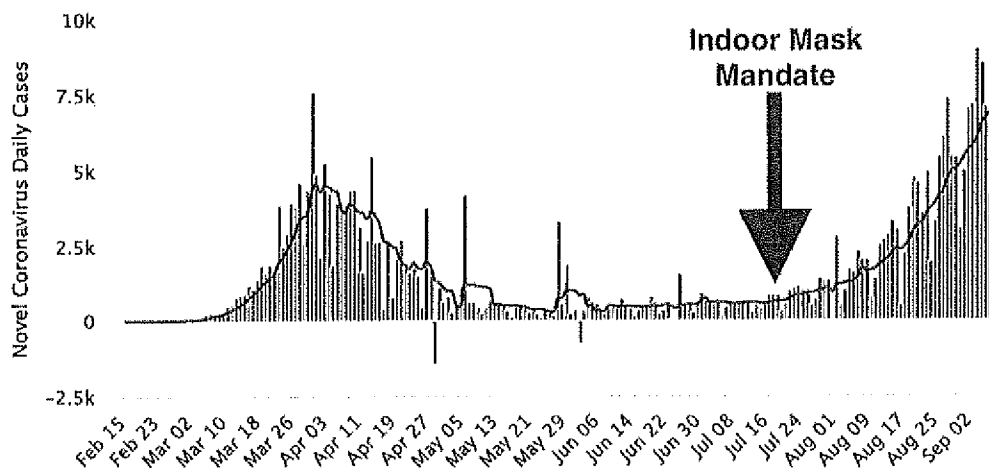
https://jamanetwork.com/journals/jama/fullarticle/2762694?fbclid=IwAR34vdMwRdAYOOpRLAVmRXSsq4Qdjg7_nY3L9, https://www.acpjournals.org/doi/10.7326/M20-1342?fbclid=IwAR34vdMwRdAYOOpRLAVmRXSsq4Qdjg7_nY3L9OImgvLOcGM3NFPkhCCXeXpA&, https://www.cdc.gov/coronavirus/2019-ncov/hcp/ppe-strategy/face-masks.html?fbclid=IwAR34vdMwRdAYOOpRLAVmRXSsq4Qdjg7_nY3L9OImgvLOcGM3NFPkhCCXeXpA, https://wwwnc.cdc.gov/eid/article/26/5/19-0994_article?fbclid=IwAR34vdMwRdAYOOpRLAVmRXSsq4Qdjg7_nY3L9OImgvLOcGM3NFPkhCCXeXpA, <https://www.ecotextile.com/2021040127603/dyes-chemicals-news/exclusive-chemical-cocktail-found-in-face-masks.html?fbclid=IwAR2BpHdxCHhma6P6ts3ldqKjjnQKInaoUgeMTN2Ic0YmHEOGKXC6bjJKa7M>, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7537728/#bib16>, <https://www.rereader.com/commentary/masks-dont-work-covid-a-review-of-science-relevant-to-covide-19-social-policy>, <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/question-and-answers-hub/q-a-detail/q-a-children-and-masks-related-to-covid-19>, <https://www.researchsquare.com/article/rs-124394/v3>, <https://www.globalresearch.ca/covid-19-masks-crime-against-humanity-child-abuse/5726059>, <https://www.naturalnews.com/2021-03-30-blue-masks-toxic-asbestos-destroys-lungs.html#>, <https://www.cbc.ca/news/canada/montreal/masks-early-pulmonary-toxicity-quebec-schools-daycares-1.5966387>

27. In an article published by the Association of American Physicians and Surgeons, Dr. Marilyn M. Singleton, M.D., J.D., writes, “The recommendation [by Dr. Fauci to wear masks] was published without a single scientific paper or other information provided to support that cloth masks actually provide any respiratory protection.” <https://aapsonline.org/mask-facts/> (Emphasis Added).

28. The data cited by Dr. Singleton is clear - Wearing masks (other than N95) will not be effective at preventing SARS-CoV-2 transmission, whether worn as source control or as PPE.” *Id.* Dr. Singleton’s article further includes several graphs showing how ineffective masks are in controlling Covid-19.

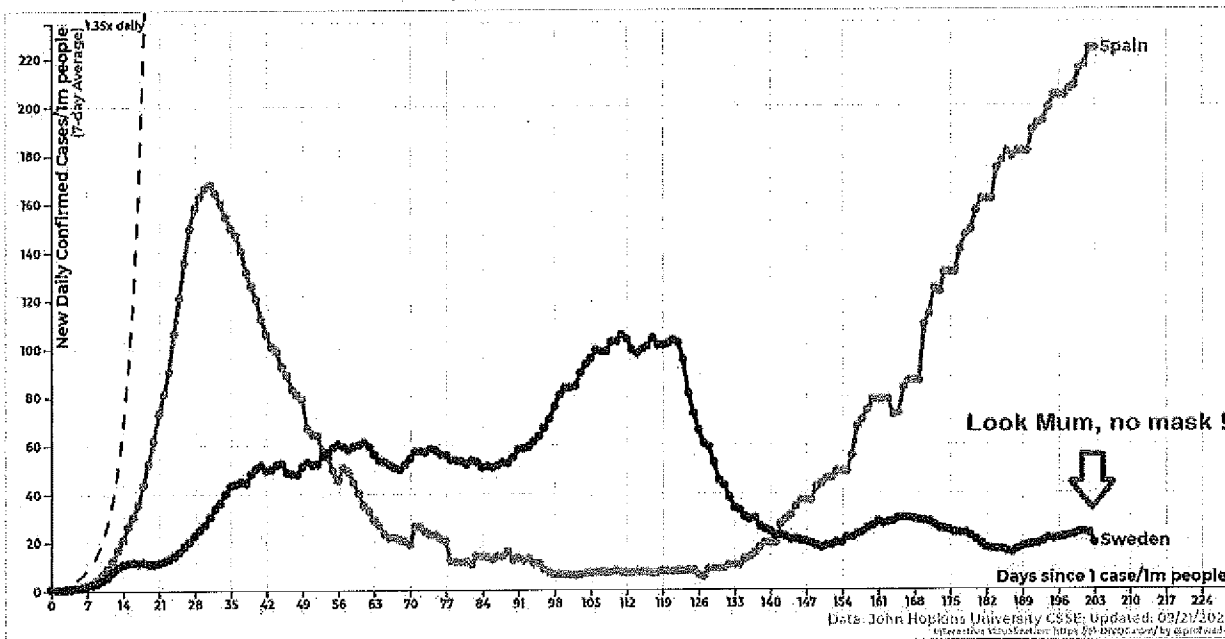
Daily New Cases

Cases per Day
Data as of 0:00 GMT+0

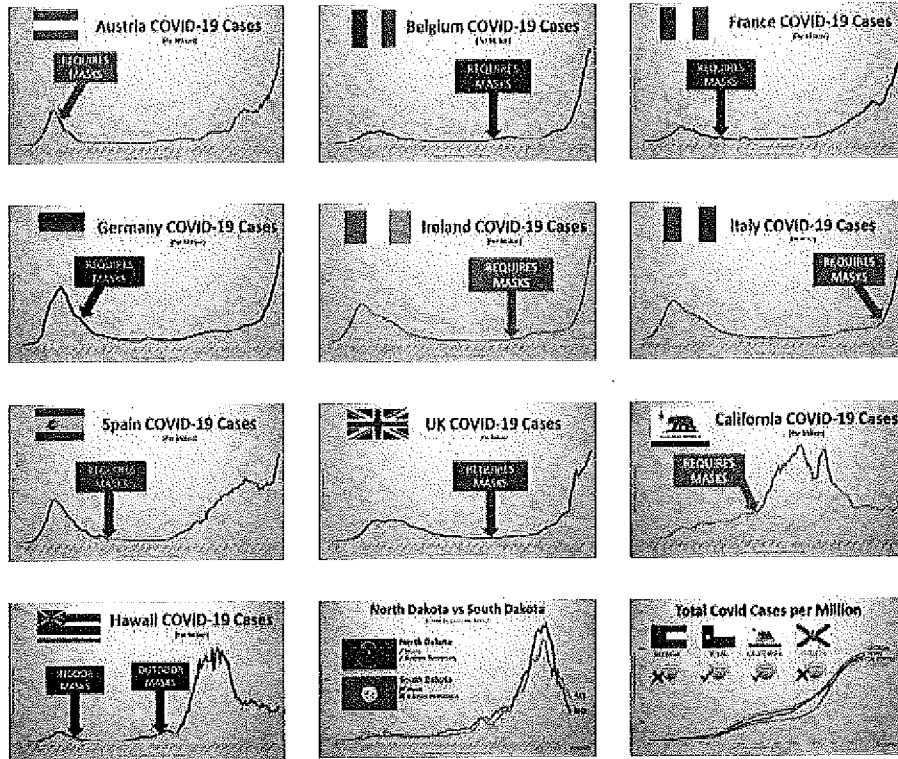


<https://swprs.org/face-masks-evidence/>

New Confirmed COVID-19 Cases per Day, normalized by population



<https://twitter.com/Covid19Crusher/status/1308013900546428928> (showing data provided by Johns Hopkins University). The following graphs show the damaging effect of mask mandates.



Mask mandates and coronavirus infections (Source: Yinon Weiss, <https://twitter.com/yinonw/status/1321177359601393664>).

29. The increase in the number of cases when masks are mandated can be attributed to various factors, including the physics of the use of the mask itself. A recent study shows that the use of masks actually creates “side jets, back jets, a crown jet, brow jets and a downward jet that emerge from the mask in each of these directions. Unmasked individuals on the other hand are unlikely to transmit viral particles anywhere near the distance that a masked individual can unwittingly contaminate.” https://pdmj.org/papers/masks_false_safety_and_real_dangers_part4/ (Emphasis Added).

30. The complete lack of any data to support the use of masks is significant. A May 2020 meta-study on pandemic influenza published by the CDC found that face masks had no effect, neither as personal protective equipment nor as a source control. (https://wwwnc.cdc.gov/eid/article/26/5/19-0994_article).

31. The September 26, 2020 edition of the Association of American Physicians journal, citing statistical data and studies from numerous sources, stated, “COVID-19 is as politically charged as it is infectious. Early in the COVID-19 pandemic, the WHO, the CDC and NIH’S Dr. Anthony Fauci discouraged wearing masks as not useful for non-health care workers. Now they

recommend wearing cloth face coverings in public settings where other social distancing measures are hard to do...The recommendation was published without a single scientific paper or other information provided to support that cloth masks actually provide any respiratory protection.” According to the articles “Final Thoughts” section:

- “Surgical masks are loose fitting. They are designed to protect the patient from the doctors’ respiratory droplets. The wearer is not protected from others’ airborne particles...
- The designer masks and scarves offer minimal protection. They give a false sense of security to both the wearer and those around the wearer.”
(Mask Facts - AAPS | Association of American Physicians and Surgeons (aapsonline.org))

32. A Danish randomized controlled trial with 6000 participants, published in the Annals of Internal Medicine in November 2020, found no statistically significant effect of high-quality medical face masks against SARS-CoV-2 infection in a community setting. <https://www.acpjournals.org/doi/10.7326/M20-6817>.

33. A February 2021 review by the European CDC found no significant evidence supporting the effectiveness of non-medical and medical face masks in the community. <https://www.ecdc.europa.eu/sites/default/files/documents/covid-19-face-masks-community-first-update.pdf>.

34. A July 2020 review by the Oxford Centre for Evidence-Based Medicine found that there is no evidence for the effectiveness of cloth masks against virus infection or transmission. <https://www.cebm.net/covid-19/masking-lack-of-evidence-with-politics/>.

35. A November 2020 Cochrane review found that face masks did not reduce influenza-like illness (ILI) cases, neither in the general population nor in health care workers. https://www.cochrane.org/CD006207/ARI_do-physical-measures-such-hand-washing-or-wearing-masks-stop-or-slow-down-spread-respiratory-viruses.

36. An April 2020 review by two US professors in respiratory and infectious disease from the University of Illinois concluded that face masks have no effect in everyday life, neither as self-protection nor to protect third parties (so-called source control). <https://www.cidrap.umn.edu/news-perspective/2020/04/commentary-masks-all-covid-19-not-based-sound-data>.

37. An article in the New England Journal of Medicine from May 2020 came to the conclusion that cloth face masks offer little to no protection in everyday life. <https://www.nejm.org/doi/full/10.1056/NEJMp2006372>.

38. A 2015 study in the British Medical Journal BMJ Open found that cloth masks were penetrated by 97% of particles and may increase infection risk by retaining moisture or repeated use. <https://bmjopen.bmj.com/content/5/4/e006577>. An August 2020 review by a German professor in virology, epidemiology and hygiene found that there is no evidence for the effectiveness of cloth face masks and that the improper daily use of masks by the public may in fact lead to an increase in infections. <https://www.thieme-connect.com/products/ejournals/html/10.1055/a-1174-6591>.

39. Most tellingly is that an analysis by the CDC found that 85% of people infected with the new coronavirus reported wearing a mask “always” (70.6%) or “often” (14.4%). Compared to the control group of uninfected people, always wearing a mask did not reduce the risk of infection. <https://www.cdc.gov/mmwr/volumes/69/wr/pdfs/mm6936a5-H.pdf#page=4> (Emphasis Added).

40. While the science of the effectiveness of masks is still unclear, the potential danger to children of extended use is not.

41. A recent study by top German scientists found that prolonged use of face masks create a environment near the mouth and nose with “elevated concentrations of hazardous fluorocarbons, formaldehyde and other potentially carcinogenic substances on surgical face masks.” <https://www.ecotextile.com/2021040127603/dyes-chemicals-news/exclusive-chemical-cocktail-found-in-face-masks.html?fbclid=IwAR2BpHdxCHhma6P6ts3ldqKjjnQKIInaoUgeMTN2Ic0YmHEOGKXC6bjJKa7M>

42. The researchers go on to say, “that surgical masks have been designed to be worn for very specific purposes such as by clinicians or for a short period of time before being discarded. They are not designed to be crumpled up in people’s pockets where the ‘friction and damp environment promotes both fibre abrasion and encourages bacterial colonisation over time.’” *Id.*

43. The article concludes, “[b]ut as we start to emerge from this global health crisis, leading scientists are now questioning whether the real risk of exposure to potentially hazardous chemicals from long-term mask wearing is actually much higher than the risk of coming into

contact with the Sars-CoV-2 virus – especially for children and young adults who are in the low-risk category when it comes to developing severe COVID-19.” *Id.*

**IV. THE SCHOOL DISTRICT’S BASELESS MASK MANDATE CREATES TWO
SEPARATE AND UNEQUAL CLASSES OF STUDENTS IN TWO SEPARATE
EDUCATIONAL FACILITIES**

44. The School District, through its Mask Mandate has created two separate, segregated, and unequal classes of students.

45. The first class, hereinafter called the “In-school Class,” wears masks during their time in school and on the bus.

46. The second class, hereinafter called the “Virtual Class,” is at home and joins classes via video.

47. These two classes, the In-school Class, and the Virtual Class, are so different and unique that there can be no doubt that they are separate and unequal.

48. For example, the In-school Class student is required to:

(a) wear a mask the entire time in school, from the second they enter the school bus in the morning till the moment they exit the school bus in the afternoon, regardless of the discomfort they experience;

(b) get up early enough in the morning to dress and prepare for school;

(c) take exams while being physically watched for cheating by teachers or teachers’ aides; and

(d) maintain proper decorum and be subjected to disciplinary action at all times while on school property or being transported in a school bus to and from school.

49. The Virtual Class has no such requirements. Virtual Class students do not wear masks, are not monitored for disciplinary issues, can freely use their phones during class, often turn off their screen during class or tests to avoid monitoring by their teacher, can attend classes in whatever clothes they want to, and take exams in the comfort of their home with no monitor for cheating present.

50. Not only are In-school Class students subjected to the separate and unequal burdens noted above, but they are also subject to the constant fear of being “contact traced.” The School

District has instituted a policy whereby those students merely in the proximity of a student diagnosed with Covid-19 are to be quarantined for up to ten (10) days.

51. If “contact traced,” the In-school student is identified and isolated from all school activities, despite most likely not having Covid-19 themselves.

52. Therefore, despite taking precautions themselves, the rights of the In-school Class students are affected by those around them, despite ample evidence that school-age children have very low rates of infection, and statistically near zero rates of deaths.

53. Thus, it is clearly evident that the classes are not only separate, they are unequal as well. The experience of a masked In-school Class student is vastly different and unequal than the experience of a non-masked Virtual Class student.

54. However, it should be noted this does not mean the Virtual Class created by the School District has it “easier.” As stated in detail above, the Virtual Class students and their caregivers/parents may potentially suffer from long-lasting physical and mental harms. In a lot of these cases, students in the Virtual Class fall behind and are harmed psychologically. <https://www.usatoday.com/in-depth/news/education/2020/12/13/covid-online-school-tutoring-plan/6334907002/>. Compounding to this issue is the fact that a large portion of the Virtual Class falling behind are often minority students. https://www.washingtonpost.com/education/students-falling-behind/2020/12/06/88d7157a-3665-11eb-8d38-6aea1adb3839_story.html.

V. CONTACT TRACING VIOLATES HIPAA AND IS A COMPLETE INVASION OF PRIVACY

55. In a typical contact tracing scenario, the contact tracers will interview a student that is infected with Covid-19. During the trace investigation, the contact tracers notify other students that have been in proximate contact with the infected student. The contact tracers interview those students for additional students and so forth.

56. Laughably, contact tracers allege that this process does not violate HIPAA laws because they allege that the infected person’s name is not disclosed, and minimal information is conveyed.

57. The reason this is laughable is that shortly after being interviewed, the students will start to contact each other, using the information that they were contact traced to quickly and

succinctly narrow down who the infected student is. The interview process itself gives away enough information to identify the infected student.

58. As a result of the complete invasion of privacy, the infected student's name easily becomes known to students and parents, often causing consternation and embarrassment. In some instances, even if the student didn't infect others, the student ends up being a pariah and isolated after returning to school.

59. There can be no doubt that the interview process itself is a violation of privacy and HIPAA laws.

VI. A SUMMARY OF THE REASONS FOR EMERGENCY AND EXTRAORDINARY RELIEF – THE MASK MANDATE NOT ONLY VIOLATES THE U.S. AND GEORGIA CONSTITUTIONAL RIGHTS OF STUDENTS, BUT ALSO PHYSICALLY AND PSYCHOLOGICALLY HARMS THE STUDENTS AND ECONOMICALLY HARMS PARENTS/GUARDIANS OF STUDENTS

60. Article VIII, Section 1, paragraph I of the Georgia Constitution states, "The provision of an adequate public education for the citizens shall be a primary obligation of the State of Georgia. Public education for the citizens prior to the college or postsecondary level shall be free and shall be provided for by taxation, and the General Assembly may by general law provide for the establishment of education policies for such public education. The expense of other public education shall be provided for in such manner and in such amount as may be provided by law."

61. Article I, Section 1, paragraph II of the Georgia Constitution states, "Protection to person and property is the paramount duty of government and shall be impartial and complete. No person shall be denied the equal protection of the laws."

62. Section 1 of the 14th Amendment of the U.S. Constitution states, "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

63. As stated by the U.S. Supreme Court, “Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.” *Brown v. Board of Education*, 347 U.S. 483 (1954).

64. For all intents and purposes, the In-school Class has a completely different school experience than the Virtual Class, resulting in two segregated and unequal classes voluntarily created by the School District.

65. Without any reliance on scientific data, the School District has *sua sponte*, without any direction or order from any higher governmental agency, decided that the requirement to wear masks trumps the U.S. and State Constitutional Rights of the students in the School District.

66. The creation of segregated and unequal classes, i.e. the In-school Class and the Virtual Class, was done capriciously, arbitrarily, and voluntarily by the School District.

67. Not only are the rights of both classes of students being violated, the Mask Mandate is harming students, as shown by the data above.

WHEREFORE, Plaintiffs’ pray as follows:

- (a) That summons issue and process be served upon Defendants as provided by law;
- (b) That a hearing be held on Plaintiffs’ Motion for Temporary Restraining Order, **instantly**, and that an Order be issued as sought herein;
- (c) That the Court issue a permanent injunction; and
- (d) That Plaintiffs’ have such other and further relief as this Court deems just and equitable.

PLAINTIFFS’ MOTION FOR TEMPORARY RESTRAINING ORDER AND
MEMORANDUM OF LAW FOR CONSIDERATIONS FOR THE ISSUANCE OF
INJUNCTIVE RELIEF

Plaintiffs’, in the case captioned above, by and through their undersigned attorneys, and pursuant to O.C.G.A § 9-11-65, respectfully move this Court for the entry of a Temporary Restraining Order or, in the alternative, for a Preliminary Injunction enjoining Defendant, COBB COUNTY SCHOOL DISTRICT, GEORGIA, from compelling Students to wear

facemasks as a requirement to attend school. Attached hereto are Affidavits of Verification supporting the request for extraordinary relief articulated herein, which also incorporate the Complaint in this action as a verified basis for the relief requested.

Attached hereto is the certificate of plaintiff's attorney showing efforts to give notice and reasons why notice should not be required.

1.

As grounds for said Motion, Plaintiffs show that immediate, irreparable, and continuing damage and injury has resulted and shall continue to result to Plaintiffs' Children.

2.

As shown from the facts, studies and law contained herein, unless Defendants are immediately restrained from mandating mask requirements on the Cobb County student population, Plaintiffs' will suffer immediate and irreparable injury as more fully shown by Plaintiff's verified Complaint and the attached affidavits in this action.

3.

Plaintiffs pray that their motion be granted, and that Defendants be restrained and enjoined until further disposition of this case as specified in Plaintiffs' Complaint.

4.

In support of this Motion, Plaintiffs rely upon the verified pleadings of record, the contemporaneously filed Plaintiffs' Brief in Support of Temporary Restraining Order, as well as any evidence to be presented upon the hearing of this motion.

**PLAINTIFFS' BRIEF IN SUPPORT OF MOTION FOR TEMPORARY
RESTRAINING ORDER**

COMES NOW PLAINTIFFS in the above-styled action, and submit their Brief in Support of Motion for Temporary Restraining Order and shows the Court as follows:

Plaintiffs direct the Court's attention to the Plaintiffs' Verified Complaint which is incorporated herein.

ARGUMENT AND CITATION OF AUTHORITY

O.C.G.A § 9-11-65 provides the Court may issue an order temporarily restraining certain acts, said order to be binding upon the parties to the action, their officers, agents, servants, employees, and attorneys and upon those persons in active concert or participation or who receives notice of the Order by personal service or otherwise.


A temporary restraining order and/or an injunction is used to prevent irreparable damage to one of the parties and to maintain the status quo until a final determination can be made as to the issue at bar. *Kennedy v. W.M. Sheppard Lumber Co.*, 261 Ga. 145, 146 (1991).

“The granting and continuing of injunctions shall always rest in the sound discretion of the judge, according to the circumstances of each case.” *O.C.G.A § 9-5-8*. In interpreting the aforementioned code section, the *Kennedy* case held as follows: “The trial court’s discretion will not be disturbed...’unless a manifest abuse of that discretion is shown...or,...unless there was no evidence on which to base the ruling...In short, there must be some **vital necessity for the injunction so that one of the parties will not be damaged and left without adequate remedy.** Id. at 146. (Emphasis added).

Based upon O.C.G.A § 9-11-65, Plaintiffs’ have more than demonstrated through the cited periodicals and scientific studies that masks do not work and there is no science for mandating the wearing of masks. The obvious adverse, social and psychological/medical impact on Georgia’s children, along with an economic impact on the parents of Georgia’s children constitutes the “vital necessity” envisioned by the *Kennedy* case. If the Cobb school mask mandate is not restrained, Plaintiffs, and all Cobb students, will suffer irrevocable injury, loss and damage for decades to come.


As previously stated by Plaintiffs, Cobb’s efforts will be better served by protecting the most vulnerable, rather than penalizing all children, simply because they can.

Respectfully submitted, this _____ day of April, 2021.



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