

**IN THE CIRCUIT COURT OF
PULASKI COUNTY, ARKANSAS**

BRANDYN GALLAGHER, JAVON HANSEN, KADEN MCINTOSH,
LYDIA NELSON, and HALEY NICOLE PRENTICE

Plaintiffs

v. Case No. 60CV-24-3420

ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION

Defendant

MOTION FOR PRELIMINARY INJUNCTION

In this case, Plaintiffs seek injunctive and declaratory relief under Ark. Code Ann. § 25-15-207(a), which provides that the “validity or applicability of a rule may be determined in an action for declaratory judgment if it is alleged that the rule, or its threatened application, injures or threatens to injure the plaintiff in his or her person, business, or property.”

Plaintiffs seek a preliminary injunction under Ark. R. Civ. P. 65. Specifically, Plaintiffs ask the Court to enter an order that preliminarily enjoins Defendant from enforcing its March 15, 2024, emergency rule concerning gender markers on Arkansas driver’s licenses and identification cards and that requires Defendant to revert to the pre-rule practice of permitting transgender, nonbinary, and intersex applicants to list their gender as M, F, or X upon request.

As outlined furthered in the accompanying brief, Plaintiffs are likely to succeed on the merits. They have suffered, and in the absence of a preliminary injunction will continue to suffer, harm that cannot be remedied with monetary damages.

Plaintiffs ask the Court to waive bond and to set a hearing on this motion for **Tuesday, May 21, or Wednesday, May 22, 2024.**

In support of this motion, Plaintiffs rely on their Complaint for Injunctive and Declaratory Relief, the supporting brief submitted in support of this motion, and following exhibits:

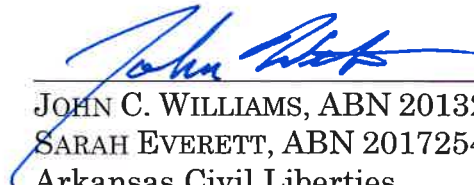
1. Exhibit A – Final emergency rulemaking;
2. Exhibit B – Declaration of Plaintiff Brandyn Gallagher;
3. Exhibit C – Declaration of Plaintiff JaVon Hansen;
4. Exhibit D – Declaration of Plaintiff Kaden McIntosh;
5. Exhibit E – Declaration of Plaintiff Lydia Nelson; and
6. Exhibit F – Declaration of Plaintiff Haley Nicole Prentice.

WHEREFORE, Plaintiffs respectfully request that the Court:

- A. Hold a hearing on this motion on May 21 or 22, 2024;
- B. Issue a preliminary injunction that enjoins Defendant from enforcing its March 15, 2024, emergency rule concerning gender markers on Arkansas driver's licenses and identification cards and that requires Defendant to revert to the pre-rule practice of permitting transgender, nonbinary, and intersex applicants to list their gender as M, F, or X upon request.
- C. Order that no security be required for the preliminary injunction.

Dated: April 30, 2024


Respectfully submitted,



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CERTIFICATE OF SERVICE

I, John C. Williams, counsel for Plaintiffs, certify that I served a copy of this Motion for Preliminary Injunction and the accompanying exhibits by serving them on the Defendant with the complaint and summons and also by emailing them on April 30, 2024, to Alicia Austin Smith, Chief Counsel for the Defendant.



JOHN C. WILLIAMS