

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

STEPHANIE BIEDIGER, KAYLA LAWLER)
 ERIN OVERDEVEST, and KRISTEN)
 CORINALDESI, individually and on)
 behalf of all those similarly situated;)
 LESLEY RIKER on behalf of her minor)
 daughter, L [REDACTED], individually)
 and on behalf of all those)
 similarly situated; and)
 ROBIN LAMOTT SPARKS, individually,)
)
 Plaintiffs,)
)
 v.)
)
 QUINNIPIAC UNIVERSITY,)
)
 Defendant.)

CIVIL ACTION NO.

APRIL 16, 2009

MOTION FOR WAIVER OF SECURITY

The Plaintiffs, by their undersigned attorneys, hereby move this Court for the entry of an order waiving the security requirement of Fed.R.Civ.P. 65(c), on the grounds that the movants lack financial resources to post such security, and that they are seeking to advance the public interest. The Plaintiffs have filed simultaneously herewith their Motion for Temporary Restraining Order and for Preliminary Injunction against the defendant, Quinnipiac University ("QU" or "Defendant").

The Plaintiffs' motion for a temporary restraining order ("TRO") is governed by Rule 65(c), which provides in relevant part as follows.

(c) Security. The court may issue a preliminary injunction or a temporary restraining order only if the movant gives security in an amount that the court considers proper to pay the costs

and damages sustained by any party found to have been wrongfully enjoined or restrained.

In *Pharmaceutical Soc'y v. New York State Dep't of Soc. Servs.*, 50 F.3d 1168, 1174-75 (2d Cir. 1995), the Court of Appeals recognized the district court's power to waive the security requirement of Rule 65(c) where the movant lacks financial resources and seeks to advance the public interest.

As set forth in the Declarations of Stephanie Biediger and Kayla Lawler, the Student Plaintiffs are full-time college students who lack financial resources to post security for costs and damages.¹ The Plaintiffs, moreover, seek to enforce important civil rights to be free from discrimination on account of sex. Enforcement of these civil rights is in the public interest. See, e.g., *Crowley v. Local No. 82*, 679 F.2d 978, 1000 (1st Cir. 1982), *rev'd on other grounds*, 467 U.S. 526 (1984) (district court acted within its discretion in not requiring bond when plaintiffs were not able to afford security and bond requirement would adversely affect enforcement of Title VII rights).

Requiring the Plaintiffs to post security would place an unreasonable burden on them and effectively deny them access to judicial review. See *People ex rel. Van De Kamp v. Tahoe Reg'l Planning Agency*, 766 F.2d 1319, 1325-26 (9th Cir. 1985) (court has discretion to dispense with security requirement when requiring security would effectively deny access to judicial review).

¹ One plaintiff, Logan Riker (represented in this action by her mother) is a high school student.

WHEREFORE, Plaintiffs respectfully request that this Motion be granted.

THE PLAINTIFFS,

By:


Jonathan B. Orleans (ct05440)
Alex V. Hernandez (ct08345)
Pullman & Comley, LLC
850 Main St., P.O. Box 7006
Bridgeport, CT 06601-7006
Telephone: (203) 330-2000
Facsimile: (203) 576-8888
Email: jorleans@pullcom.com
Email: ahernandez@pullcom.com

David McGuire (ct27523)
American Civil Liberties Union Foundation
of Connecticut
2074 Park Street, Suite L
Hartford, CT 06106
Telephone: (860) 523-9146
Email: jmatthews@aclu-ct.org

THEIR ATTORNEYS

Co-counsel to be admitted *pro hac vice*:

Kristen Galles
Equity Legal
10 Rosecrest Avenue
Alexandria, VA 22301
(703) 683-4491
(703) 683-4636
kgalles@comcast.net

ORDER


The foregoing Motion for Waiver of Security for Costs having been considered by the Court, it is hereby ordered GRANTED/DENIED.

Date

United States District Judge

CERTIFICATION

A copy of this pleading has been sent via email to the defendant on April 16, 2009, and shall be served on the named Defendant in accordance with the Plaintiff's service obligations under Federal Rule of Civil Procedure 4.


Jonathan B. Orleans (ct05440)
Alex V. Hernandez (ct08345)

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