

This motion is based on the memorandum of points and authorities submitted herewith, all declarations, pleadings and filings filed in this action, and such oral arguments and evidence as may be presented at the hearing on the motion.

The grounds for this application are that Defendants' actions and policies violate J.D.'s and the Plaintiff Class members' rights under the First and Fifth Amendments to the Constitution of the United States, insofar as these actions and policies unlawfully violate J.D.'s and the Plaintiff Class members' rights to privacy, liberty and informational privacy, and rights against compelled speech; that J.D. and Plaintiff Class members will suffer irreparable injury if the Defendants are not enjoined; that Defendants will not be injured if a temporary restraining order and/or injunction issues; and that the public interest favors the issuance of a temporary restraining order and/or injunction.

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Respectfully submitted,

/s/ Arthur B. Spitzer

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**Admission for pro hac vice forthcoming*

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