

IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND

MARYLAND CONGRESS OF PARENTS
AND TEACHERS, INC.,)

Plaintiff(s),)

v.)

NATIONAL CONGRESS OF PARENTS
AND TEACHERS, INC.,)

Defendant(s).)

Case No.:

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF’S MOTION FOR A
TEMPORARY RESTRAINING ORDER OTHER INJUNCTIVE RELIEF**

Plaintiff, Maryland Congress of Parents and Teachers, Inc. ("Plaintiff), doing business as the Maryland PTA, pursuant to Maryland Rule 15-504, hereby requests the issuance of a Temporary Restraining Order enjoining Defendant, National Congress of Parents and Teachers, Inc. ("Defendant"), doing business as National PTA, from taking action in furtherance of restructuring of the Maryland PTA. Absent relief, the Plaintiff will be irreparably harmed by Defendant's actions regarding reputation and ability to effectuate its duties.

I. BACKGROUND

On March 30, 2020, the Defendant requested information from the Plaintiff regarding “multiple allegations regarding actions taken by Plaintiff’s Executive Committee and Board of Directors that may impact compliance status of the Maryland PTA with National PTA Standards of Affiliation.” The following was requested: Maryland PTA 2020 Convention minutes; Maryland PTA Bylaws; all special Executive and Board of Directors meeting notices since the

close of the 2020 Convention; agendas and approved minutes for all special meetings; agendas and approved minutes for all Board of Directors meetings; Maryland PTA Policies and Procedures with an April 15, 2020 deadline.

The Maryland PTA, through undersigned counsel, attempted two times to suspend probation efforts but to avail. The National PTA then began to attempt to intimidate members of the Maryland PTA with emails directed to them for future punitive measures despite being directed to forward everything through their counsel as late as August 26.

II. LEGAL STANDARD FOR INJUNCTIVE RELIEF

Maryland Rules 15-501 through 15-505 refer to three types of injunctions: a temporary restraining order, preliminary injunction, and permanent injunction. *See* Md. Rule 15-501, *et seq.* “Injunction” is defined as “an order mandating or prohibiting a specified act.” Md. Rule 15-501(a); *Maloof v. Maryland*, 136 Md. App. 682 (2001).

A temporary restraining order is defined as "an injunction granted without opportunity for a full adversary hearing on the propriety of its issuance." Md. Rule 15-501 (c). A temporary restraining order may be granted if it clearly appears from specific facts shown by affidavit or other statement under oath that "immediate, substantial, and irreparable harm will result to the person seeking the order before a full adversary hearing can be held on the propriety of a preliminary or full injunction." Md. Rule 15-504(a).

A preliminary injunction is, “an injunction granted after opportunity for a full adversary hearing of the propriety of its issuance but before a final determination on the merits of the action.” Md. Rule 15-501 (b). The primary justification for the issuance of a preliminary injunction is to prevent irreparable injury while preserving the court's ability to render a meaningful decision. *Stale Depl. v. Baltimore County*, 281 Md. 548, 558 (1977). In this respect, one primary objective of a preliminary injunction is maintenance of the *status quo* between the

parties. *Maloof*, 136 Md. App. at 692; *Stale Dept.*, 281 Md. at 558 (“is quite clear from our cases that a preliminary injunction will lie when it is necessary to preserve the *status quo*”).

The grant or denial of either a temporary restraining order or other injunctive relief is within the sound discretion of the trial court. *Holiday Universal Club v. Montgomery County*, 67 Md. App. 568 (1986). Such discretion must be exercised by the trial judge in consideration of all circumstances of the case. *Antwerpen Dodge, Ltd. v. Herb Gordon Auto World, Inc.*, 117 Md. App. 290, 303 (1997). The Maryland courts have articulated four factors that must be considered when deciding whether an injunction will issue:

- 1) The likelihood that the plaintiff will succeed on the merits;
- 2) The ‘balance of convenience’ determined by whether greater injury would be done to the defendant by granting the injunction than would result from its refusal;
- 3) Whether plaintiff will suffer irreparable injury unless the injunction is granted; and
- 4) The public interest

III. THE COURT SHOULD GRANT TEMPORARY INJUNCTIVE RELIEF

A. Plaintiff Will Likely Succeed on the Merits

A party seeking injunctive relief must establish that he has a real probability of prevailing on the merits. *Fogle v. H & G Restaurant, Inc.*, 337 Md. 441, (1995).

Here, the Plaintiff will likely succeed on the merits. No hearing or investigation has taken place since the first allegation was raised. The aforementioned allegation was from a disgruntled former board member who, in the heat of passion, emailed someone at the National organization, when in fact they were the one's who may have committed errors.

The National PTA sent a letter a few days letter to which the Maryland PTA responded, addressing all issues present. The National PTA then commenced actions against the Maryland PTA with a “probationary phase” with no hearing, and very little explanation other than “some people had distrust.” The Maryland PTA, to maintain cordiality throughout this process,

attempted to seek redress by restating that the previous denials and detailing inaccuracies in the allegations.

The National PTA continued to accuse the Maryland PTA of being out of compliance, yet no proof was given.

In the absence of due process—a hearing and investigation—including a possible violation of the bylaws by the Defendant and possible discriminatory action against the Plaintiff, the Plaintiff is very likely to succeed.

Defendant has made no legal arguments in favor of their position.

B. The Balance of Convenience in Support of Maryland PTA

In considering the principle of “balance of convenience,” a court in the ordinary case will consider whether greater injury would be done to the plaintiff by granting the injunction than would result to the defendant from its refusal. *Stale Dept.*, 281 Md. at 557

If the Court denies relief for the Plaintiff, there will be no recourse as the Defendant plans to move forward with restructuring and possibly revocation expeditiously.

If the Court grants the Motion, the status quo will be maintained, thereby allowing for a proper and thorough investigation to take place. Moreover, more opportunity is given for remedies within the organization to solve whatever problems may exist. The Defendant loses nothing by maintaining the status quo. Maintaining the status quo allows the Maryland PTA to assist kids and run operations during the COVID-19 pandemic.

C. Irreparable Harm to Maryland PTA

“An injury is irreparable, within the law of injunctions, where it is of such a character that a fair and reasonable redress may not be had in a court of law, so that to refuse the injunction would be a denial of justice.” *El Bey v. Moorish Science Temple of America*, 362 Md. 339, 355 (2001).

If the Court denies Plaintiff's request for relief, the potential for lost representation in Maryland during this time could be catastrophic. As students in Maryland begin to attend school, the need for representation will be ever so critical. Furthermore, if an immediate restructuring takes place without due process being afforded to the Plaintiff, potential members will question whether they desire to remain affiliated with the Plaintiff. Moreover, the autonomy of the organization may be forever compromised.

September 9 has been set as a deadline with the threat of a possible revocation of the charter. If relief is not granted, restructuring and revocation may cause a separate organization to be formed, thereby making it impossible for the reconstitution in its current form.

D. Plaintiff's Request for Injunctive Relief Furthers the Public Interest

If the other factors militate in favor of the Plaintiff, an injunction should issue as long as it does not result in greater harm to the public interest than would the denial of injunctive relief. *See State Dep't of Health & Mental Hygiene v. Baltimore Country*, 281 Md. At 556.

Here, the public interest favors issuing a temporary restraining order. The public interest in ensuring the required due process and autonomy of Maryland organizations is at stake. Moreover, public policy does not condone the arbitrary nature of decision making without allowing for input. The public has a perpetual interest in ensuring organizations cannot be usurped due to one person's displeasure.

Furthermore, chaos would ensue at the beginning of the schoolyear which has already commenced. Consternation in an advocacy organization during this time would serve to further undermine support of education during this critical time

Lastly, a bad precedent could be set for members of an organization in another jurisdiction to unilaterally and arbitrarily suspend operations of an organization in Maryland.

Maryland organizations with ties to other organizations in other states could be under threat if they don't "play ball."

IV. Conclusion

The facts and law require relief to be granted to allow for due process regarding an investigation and hearing to take place. The Defendant is not entitled to arbitrarily decided when and how an affiliate can be restructured. The Defendant has to afford the Plaintiff the proper steps of an investigation do determine if there is a fault nor any due process. The Plaintiff has failed to show any evidence of misdeeds by the Maryland PTA or any violations of applicable laws and we welcome the Plaintiff to produce said evidence.

Accordingly, and for the reasons set forth, The Plaintiff, Maryland PTA, respectfully request that its Motion for a Temporary Restraining Order and a Preliminary Injunction be granted.

Respectfully submitted,



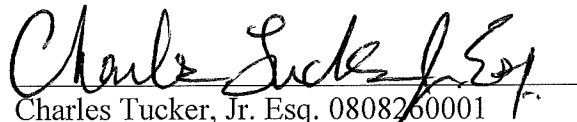
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY a copy of the foregoing Memorandum of Law in Support of the Plaintiff's Motion for Temporary Restraining Order, Preliminary Injunction and Permanent Injunction was served via electronic mail and filed this 1st day of September 2020, on:

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Respectfully submitted,



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