

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF VERMONT

**MID VERMONT CHRISTIAN
SCHOOL**, on behalf of itself and its
students and its students' parents;
ABEL GOODWIN; **M.G.**, by and
through her parents and natural
guardians, Christopher and Bethany
Goodwin; **CHRISTOPHER GOODWIN**,
individually; **BETHANY GOODWIN**,
individually; **O.P.**, by and through his
father and natural guardian, Nathan
Partington; and **NATHAN
PARTINGTON**, individually,

Plaintiffs,

v.

ZOIE SAUNDERS, in her official
capacity as Secretary of the Vermont
Agency of Education and in her
individual capacity; **JENNIFER
DECK SAMUELSON**, in her official
capacity as Chair of the Vermont State
Board of Education and in her
individual capacity; **WAITS RIVER
VALLEY (UNIFIED #36
ELEMENTARY) SCHOOL BOARD**;
and **JAY NICHOLS**, in his official
capacity as the Executive Director of
The Vermont Principals' Association
and in his individual capacity,

Defendants.

Case No. 2:23-cv-00652

**PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

(Oral Argument Requested)

Plaintiffs respectfully move this Court for a preliminary injunction pursuant to Fed. R. Civ. P. 65. This Motion is supported by (1) the attached Memorandum in Support, (2) the attached Declaration of Vicky Fogg, (3) the attached Declaration of Nathan Partington, and (4) the Amended Verified Complaint and its exhibits (ECF 100).

This lawsuit is now the sixth legal challenge (at least) that religious schools and parents have had to file within the last seven years in order to receive public education benefits in Vermont. *See A.H. ex rel. Hester v. French*, 985 F.3d 165 (2d Cir. 2021) (exclusion from the Dual Enrollment Program); *In re A.H.*, 999 F.3d 98 (2d Cir. 2021) (exclusion from Town Tuition Program); *E.W. v. French*, Case No. 2:22-cv-59 (D. Vt. Feb. 24, 2022) (same); *Valente v. French*, Case No. 2:20-cv-00135 (same); Verified Complaint, ECF 1 (exclusion of Mid Vermont because of Rule 2200's nondiscrimination requirements). But Supreme Court precedent is clear: if a state offers public benefits to private schools, it cannot then exclude religious schools, no matter "how the benefit and restriction are described." *Carson v. Makin*, 596 U.S. 767, 789 (2022).

Vermont's latest iteration, Act 73, tries to work around the First Amendment through a covert, de facto religious exclusion. Yet the Supreme Court has already warned against such attempts to "recast a condition on funding" by "manipulat[ing]" the "definition of a particular program." *Id.* at 784 (citation modified). Act 73 does just that by "redefining" which approved independent schools are eligible—a definition that cuts out every single religious school. Act 73 violates the First and Fourteenth Amendments, and its exclusion of Plaintiffs should be enjoined as the case proceeds. Absent an injunction, Plaintiffs will continue to be irreparably harmed: they will remain excluded from Vermont's public benefits, Mid Vermont will not be able to use such benefit programs to recruit new families, and Nathan

Partington will be forced to pick between his religious exercise or a tuition voucher that his tax dollars pay for.

Plaintiffs request that the Court order the following preliminary injunction:

1. Enjoin Defendants Saunders and Samuelson—and their agents, employees, and representatives—from denying, or directing local school districts to deny, Town Tuition, Dual Enrollment, or Early College Program funding to Mid Vermont Christian School and its students based on Act 73.
2. Enjoin Defendants Saunders and Samuelson—and their agents, employees, and representatives—from enforcing 16 V.S.A. § 828(a)(2)(C) (the geographic restriction); 16 V.S.A. § 828(a)(2)(D) (the public-funding floor); and 16 V.S.A. § 828(a)(2)(E) (minimum class size requirements) against Mid Vermont Christian School.
3. Order Defendants Saunders and Samuelson—and their agents, employees, and representatives—to classify Mid Vermont Christian School as an “approved independent school eligible for public funding.”
4. Enjoin Defendant Waits River Valley School Board from denying Nathan Partington town tuition funding for O.P. to use at Mid Vermont Christian School.
5. Issue the above relief without bond.

Dated: January 20, 2026

Respectfully submitted,

s/ David Cortman
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CERTIFICATE OF SERVICE

I hereby certify that on January 20, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will serve all counsel of record.

*s/*David Cortman
David Cortman
Counsel for Plaintiffs