

No. 23-1374, No. 23-1880

**IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

BROOKE HENDERSON and JENNIFER LUMLEY,
Plaintiffs-Appellants,

v.

SCHOOL DISTRICT OF SPRINGFIELD R-12, BOARD OF EDUCATION
FOR THE SCHOOL DISTRICT OF SPRINGFIELD R-12,
DR. GRENITA LATHAN, DR. YVANIA GARCIA-PUSATERI, and
LAWRENCE ANDERSON,
Defendants-Appellees.

Appeal from the United States District Court for the
Western District of Missouri, Southern Division
The Honorable Douglas Harpool
Case No. 6:21-cv-03219-MDH

BRIEF OF APPELLEES
SCHOOL DISTRICT OF SPRINGFIELD R-12, BOARD OF EDUCATION
FOR THE SCHOOL DISTRICT OF SPRINGFIELD R-12,
DR. GRENITA LATHAN, DR. YVANIA GARCIA-PUSATERI, and
LAWRENCE ANDERSON

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SUMMARY OF THE CASE AND REQUEST FOR ORAL ARGUMENT

Plaintiffs are current employees of the School District of Springfield, R-12. Plaintiffs do not believe in equity and anti-racism. They filed suit arguing their First Amendment rights were violated when they attended equity and diversity training. Despite their assertion that this case is one of first impression, this Court has addressed their unexceptional position and held that a public employer can require employees to attend such trainings without infringing on their constitutional rights. This Court has too found that when one suffers no adverse action, or injury-in-fact, they lack standing to proceed. Such occurred here. Plaintiffs received credit and pay for attending the training, and they spoke openly, voicing objections to the principles presented. They were not required to speak favorably about anti-racism, which they reject. Nor were Plaintiffs fired, demoted, transferred, or disciplined. In sum, after analyzing Plaintiff's conflated constitutional theories, the district court properly granted summary judgment for Defendants due to Plaintiffs' lack of standing.

The district court also properly awarded Defendants their attorney's fees. Plaintiffs did not seek a remedy for a genuine harm, but drug Defendants into a political dispute, and continued to pursue their action even after the district court's early warning. They then pursued their claims aggressively even after discovery confirmed their obvious lack of injury-in-fact, solidifying the basis for the fee award.

If the Court grants oral argument, Defendants too request 30 minutes per side.

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