

D. Vt.  
19-cv-15  
Reiss, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 5<sup>th</sup> day of August, two thousand twenty.

Present:

Michael H. Park,  
William J. Nardini,  
Steven J. Menashi,  
*Circuit Judges.*

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E.M., by and through her parents and natural guardians, et al.,

*Plaintiffs-Appellants,*

v.

20-1772

Daniel M. French, in his official capacity as Secretary  
of the Vermont Agency of Education,

*Defendant-Appellee,*

George B. Spaulding, in his official capacity as Chancellor  
of the Vermont State Colleges System, AKA Jeb,

*Defendant.*

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Appellants Roman Catholic Diocese of Burlington, James Hester, Darlene Hester, and A.H. move for an emergency injunction pending appeal. In light of the Supreme Court's recent decision in *Espinoza v. Montana Department of Revenue*, 140 S. Ct. 2246 (2020), Appellants have a strong likelihood of success on the merits of their claims. Accordingly, and upon due consideration, it is hereby ORDERED that the motion is GRANTED.

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk of Court

  
