

Bond Case Briefs

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PEN American Center, Inc. v. Escambia County School Board

**United States District Court, N.D. Florida, Pensacola Division - January 12, 2024 -
F.Supp.3d - 2024 WL 133213**

Parents, authors, publisher, and literary organization brought action against county school board, alleging violations of First and Fourteenth Amendments arising from board's decision to remove or restrict certain books from its school libraries.

Board moved to dismiss.

The District Court held that:

- Complaint was not an impermissible shotgun pleading;
- Parents sufficiently alleged an injury that would support standing;
- Action was not rendered unripe or moot due to existence of state statute creating a special magistrate process available to parents when a local school board denied an objection to a book being made available in a school library;
- Fact issue existed as to whether content of county's school libraries was "government speech," as would be exempt from First Amendment constraints;
- Allegations of complaint were sufficient to state claim for violation of First Amendment rights to receive information and to be free from viewpoint discrimination; and
- Allegations of complaint were insufficient to state equal protection claim based on theory of disparate impact.