

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

W.C., a minor, by and through their)	Docket No. 1:21-cv-00273-SPB
parent, B.P., et al,)	
)	
Plaintiffs)	
)	
v.)	
)	
WARREN COUNTY SCHOOL)	
DISTRICT, et al.,)	
)	
Defendants)	

CONSENT ORDER

AND NOW, this ____ day of _____, 2021, upon consideration of the parties' Joint Motion to Settle and Discontinue, and as requested in said Motion, the Court hereby enters the following Consent Order:

1. On August 31, 2021, the Acting Secretary of the Pennsylvania Department of Health issued an Order Directing Face Coverings in School Entities requiring face coverings in all Commonwealth schools, effective beginning September 7, 2021 (the "August DOH Order").

2. On September 10, 2021, the Pennsylvania Department of Education sent a directive to all school districts in the Commonwealth noting that the August DOH Order was not a mask optional policy and that any exception to the August DOH Order must include evidence that a student has a medical or mental health condition or disability that precludes the wearing of a face covering (the "September PDE Directive").

3. On September 13, 2021, the School Board of Directors for the Warren County School District voted to modify the District's facemask policy to allow parents/guardians to sign a form excepting their students from the requirement to wear a face covering without providing

any evidence that the student has a medical or mental health condition or disability that precludes the wearing of a face covering (the “District’s September Mask Exception Decision”).

4. On October 4, 2021, Plaintiffs initiated the instant case by filing a Complaint, Motion for Temporary Restraining Order and Motion for Preliminary Injunction against the Warren County School District and its Board of Directors arising from the District’ September Mask Exception Decision, which they claimed violated the August DOH Order as interpreted by the September PDE Directive.

5. Following a hearing on October 5, 2021, the Court granted Plaintiffs’ Motion for Temporary Restraining Order and issued a temporary restraining order against the Defendants enjoining them from enforcing the District’s September Mask Exception Decision and requiring compliance with the August DOH Order as interpreted by the September PDE Directive.

6. Subsequently, on October 8, 2021, the School Board voted to rescind the District’s September Mask Exception Decision thereby formalizing the District’s intent to comply with the August DOH Order as interpreted by the September PDE Directive.

7. In order to finally resolve the Plaintiffs’ Complaint, Motion for Temporary Restraining Order and Motion for Preliminary Injunction against the Warren County School District and its Board of Directors arising from the District’ September Mask Exception Decision, it is HEREBY, ADJUDGED and DECREED as follows:

(a) The District shall comply with the August DOH Order as interpreted by the September PDE Directive until any of the following occur: 1) the August DOH Order is amended, modified, rescinded or deemed invalid or unlawful; 2) the Pennsylvania Department of Education amends, modifies or rescinds its guidance regarding the August DOH Order, or; 3) this Consent Order is modified or terminated by further Order of Court.

(b) Plaintiffs are deemed the prevailing party in this action. Within 14 days of the date of this Order, Plaintiffs' counsel shall file a petition for fees requesting those fees incurred in this case. Defendants shall file a response to the Motion for Fees within 14 days.

(c) The instant case is dismissed, with prejudice.

(d) The Court shall retain jurisdiction of the parties to enforce this Consent Order and consider and rule upon the Plaintiff's fee petition.

BY THE COURT:

HON. SUSAN PARADISE BAXTER
United States District Judge

2297443.v