

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

BETHANY R. SCAER and STEPHEN :
SCAER, :

Plaintiffs, :

v. :

CITY OF NASHUA, a municipal :
corporation; JAMES W. DONCHESS, :
Mayor, City of Nashua, in his official and :
individual capacities; JENNIFER L. :
DESHAIES, Risk Manager, City of :
Nashua, in her official and individual :
capacities, :

Defendants. :

Case No.

ORDER

BEFORE THE COURT is Plaintiffs’ Motion for a Preliminary Injunction. The Court, having considered the motion on file and all arguments of counsel, hereby finds that Plaintiffs’ Motion is well-taken and should be GRANTED.

IT IS THEREFORE ORDERED that pending final judgment, Defendants, their officers, agents, servants, employees, and all persons in active concert or participation with them who receive actual notice of the injunction, are preliminarily enjoined from:

1. Denying flag applications and preventing flags from being flown on the Citizen Flag Pole on the basis of viewpoint, including specifically

the Pine Tree Flag, the Detransitioner Awareness Flag, and the Save Women's Sports Flags;

2. Enforcing those parts of Nashua's Flag Pole Policy that limit acceptable flags to those whose "message . . . is in harmony with city policies and messages that the city wishes to express and endorse" or that allow "city administration . . . to deny permission or remove any flag it considers contrary to the City's best interest"; and
3. Denying or removing any flag because of a citizen complaint or is deemed to be offensive by city officials.

SO ORDERED.

This _____ day of _____, 2024.

United States District Judge