

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

FAIRFAX COUNTY SCHOOL BOARD,

Plaintiff,

v.

DEBRA TISLER and CALLIE OETTINGER,

Defendants.

Case No. 2021-13491

**FAIRFAX COUNTY SCHOOL BOARD'S
EMERGENCY MOTION FOR PRELIMINARY INJUNCTION**

Plaintiff Fairfax County School Board (the "School Board"), pursuant to Va. Code § 8.01-620, moves for a preliminary injunction that enjoins Defendants Debra Tisler and Callie Oettinger from continuing to possess, access, or disseminate confidential information, including identifiable student and personnel information, that was inadvertently and mistakenly released to Defendant Tisler in response to a request under the Virginia Freedom of Information Act (the "FCPS Records") and then shared with Defendant Oettinger. The FCPS Records contain information that is confidential under both Virginia Code and federal law.

An emergency injunction is necessary because Defendants have already disseminated the information, including posting portions of it on the internet. The School Board has made timely and repeated efforts to secure the FCPS Records from Defendants, to no avail. As discussed in the accompanying brief, each of the preliminary injunction factors favors entry of an injunction. Emergency action from the Court is necessary before the information is disseminated further.


Accordingly, the School Board requests that the Court grant this motion and enter a preliminary injunction:

- i. ordering Defendants to return the FCPS Records;
- ii. enjoining Defendants, and any persons acting on their behalf, from accessing, reproducing, or using the FCPS Records in any manner;
- iii. enjoining Defendants, and any persons acting on their behalf, from disseminating, or causing to be disseminated, the FCPS Records;
- iv. ordering Defendants to provide a full accounting to the School Board to include the (a) identity of all persons to whom they provided any portion of the FCPS Records or a link to the FCPS Records, and (b) the location of any websites or social media pages in which they posted any portion of the FCPS Records or a link to the FCPS Records.

September 28, 2021.

Respectfully submitted,

FAIRFAX COUNTY SCHOOL BOARD

By: 

Counsel

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Counsel for Fairfax County School Board

CERTIFICATE OF SERVICE

I certify that on September 28, 2021, a true and accurate copy of this document was sent by email and private process server to:

Debra Tisler



Callie Oettinger



A handwritten signature in black ink, appearing to read "Ryan M. Bates".

Ryan M. Bates (VSB No. 74661)