

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

Tolga Ulusemre,
and Xiaolei Xu,

PLAINTIFFS

VS.

CASE NO. 5:24-cv-4095-TC-TJJ

Merrigan et al.,

DEFENDANTS

PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

Pursuant to FRCP 65(a), Plaintiffs move the Court for a preliminary injunction prohibiting Blue Valley Defendants from enforcing the current ban of Tolga Ulusemre from the premises of Liberty View Elementary School, and restoring his access to the school premises that are held open to the general public.

Tolga Ulusemre is prohibited from entering “upon the premises of Liberty View Elementary School at any time for any purpose other than to transport [his son D.U.] to and from school.” (see “Exhibit A” attached). This ban violates Tolga Ulusemre’s constitutional right to due process, freedom of speech, and freedom to associate. A preliminary injunction is necessary to restore his rights while this case proceeds.

Plaintiffs have demonstrated a likelihood of succeeding on the merits of their claim that the ban of Tolga Ulusemre from the school premises was imposed in retaliation for his inquiries, requests, and complaints regarding the way the individual Blue Valley Defendants treated his son at school. As countless similar and contemporary cases demonstrate, the restrictions school districts impose on parents such as Tolga Ulusemre are not motivated by these parents’

misconduct, but by the school districts' desire to punish and deter the individuals who annoy them with their requests, questions, and criticisms.

Second, the ban imposed on Tolga Ulusemre does not constitute reasonable time, place, and manner regulations (*Kindt v. Santa Monica Rent Control Bd.*, 67 F.3d 266, 269 (9th Cir. 1995); *L.F. v. Lake Washington Sch. Dist. #414*, 947 F.3d 621, 626 (9th Cir. 2020)). Quite the opposite, these restrictions were overbroad, arbitrary, and capricious (*Herbert v. Washington State Pub. Disclosure Comm'n*, 136 Wash. App. 249, 263, 148 P.3d 1102, 1110 (2006)). Limitations on expressive activity conducted on any government-owned property must be at least reasonable to survive, regardless of whether the property is public or non-public forum (*Perry Educ. Ass'n v. Perry Educators' Ass'n*, 460 U.S. 37 (1983); *International Society for Krishna Consciousness, Inc. v. Lee*, 505 U.S. 672 (1992)). The ban imposed on Tolga Ulusemre would be justified only if he had ever harassed, stalked, or threatened the school staff. Tolga Ulusemre has not even remotely engaged in any type of such behavior at school.

In addition, Plaintiffs are likely to suffer irreparable harm in the absence of the relief requested. In fact, the impact of the ban on Plaintiffs and their family is very much in line with Blue Valley's consistent attempts to nudge the family out of its boundaries. As mentioned earlier, Tolga Ulusemre is banned from entering upon the school premises at any time for any purpose other than to transport his son to and from school. Therefore, he cannot attend any public activity that is held at school. For instance, he was not able to attend the latest annual meeting of his community's Homeowners' Association, as the meeting was held at school (see "Exhibit B" attached) on March 25, 2025, during after-school hours.

Moreover, the school is open to the public outside the school hours, and many families with young children who live in the community go to the school's playground in the evenings, weekends, and during holidays, while Tolga Ulusemre is denied this opportunity. This is despite

the fact that Plaintiffs and their children live a mere 0.4 mile away from the school (see “Exhibit C” attached), and they almost every day walk, during after-school hours, to Black Bob Park that is right next to the school, and walk on the South Greenwood Street where the school is on. Thus, the family passes by the school almost every day, but the family sometimes has to separate or stop their children from going to the school playground due to the unreasonable ban imposed on Plaintiff Ulusemre.

Furthermore, Blue Valley Defendants are likely to suffer no harm as a result of the preliminary injunction. Tolga Ulusemre used to go to school only to attend the scheduled activities that he was invited to or to accompany his son at lunch in the school cafeteria. He has never engaged in uncivil behavior at school, and he typically did not interact with anyone when he went to school to accompany his son at lunch, except for the office staff in the reception. Since his son does not attend Liberty View Elementary anymore, Tolga Ulusemre has no reason to go to school during school hours. The ban on Tolga Ulusemre thus serves no purpose other than the purpose of demonstrating Blue Valley’s wrath against dissidence.

Finally, the ban violates the Due Process Clause of the Fourteenth Amendment because Tolga Ulusemre were deprived of Constitutional rights without any reasonable explanation and without any opportunity to contest the ban (see “Exhibit D and E” attached). Plaintiffs respectfully request that the Court enter a preliminary injunction enjoining Blue Valley Defendants from enforcing their ban and restoring Tolga Ulusemre’s access to the premises of Liberty View Elementary that is held open to the general public.

Exhibits:

- Exhibit A: Dan Carney’s notice of the ban.
- Exhibit B: HOA’s annual meeting reminder.

- Exhibit C: Google map directions from Plaintiffs' home to Liberty View Elementary School.
- Exhibit D: Tolga Ulusemre's emails that caused the ban.
- Exhibit E: Email communications between Tolga Ulusemre and a capricious Melissa Hillman, where the latter imposes and later modifies the ban on a whim.



Name: Tolga Ulusemre

Address: 13982 W 147th St

City, State Zip: Olathe, KS 66062

Telephone: 912-481-8074

Email: tulusemre@gmail.com

CERTIFICATE OF SERVICE

On March 30, 2025, I emailed a true and correct copy of this Motion to the Clerk's Office below, at the email address stated:

Clerk's Office
U.S. District Court for the District of Kansas
Email: ksd_clerks_topeka@ksd.uscourts.gov





**EXHIBIT
A**

January 19, 2024

Tolga Ulusemre
13982 W. 147th Street
Olathe, KS 66062

Mr. Ulusemre:

On December 14, 2023, Melissa Hillman, Chief Legal Officer for the Blue Valley School District sent you an email which read in part, "Because your conduct has caused substantial distress for Blue Valley staff, you are no longer permitted to be on the premises of Liberty View Elementary School for any purpose other than to transport D■■■■ to and from school."

You acknowledged your receipt of that email by responding to it on December 14, 2023.

On January 4, 2024, Mrs. Suzie Martin, principal, reported that you entered Liberty View Elementary School with lunch for your son and proceeded to the cafeteria. Shortly thereafter, you were contacted by Mrs. Martin, who advised you would need to leave the building.

This letter will serve as a final warning that you are not to enter upon the premises of Liberty View Elementary School at any time for any purpose other than to transport D■■■■ to and from school. You are not to enter the school building. If you choose to ignore this warning and not follow it, you will not be allowed to enter upon the school premises for any purpose, including transporting your son to and from school.

Sincerely,

Dan Carney
Director of Safety & Security
Blue Valley School District



Parkwood Hills - Annual Meeting Reminder

From CAM KC <CAMKC@calibersoftware.email>

Date Mon 03/24/2025 11:26

To Tolga Ulusemre <tulusemre@msn.com>

EXHIBIT B


 1 attachment (37 KB)

image1_1.png;

Dear Parkwood Hills homeowners,

This is a reminder about the Parkwood Hills Homeowners Association annual meeting scheduled for Tuesday, March 25th, **at 7:00 p.m. at Liberty View Elementary School.**

If you are unable to attend, please submit your proxy by 1:00 p.m. tomorrow via the following link:

<https://bit.ly/ParkwoodHillsProxy>

We look forward to your participation.

Community Association Management (CAM)

5000 West 95th Street, Suite 280, Prairie Village, KS 66207

(P) 913.738.9600

<https://www.camkc.com>



This transmission is intended only for use by the intended recipient(s). If you are not an intended recipient, you should not read, disclose, copy, circulate, or in any other way use the information contained in this transmission.

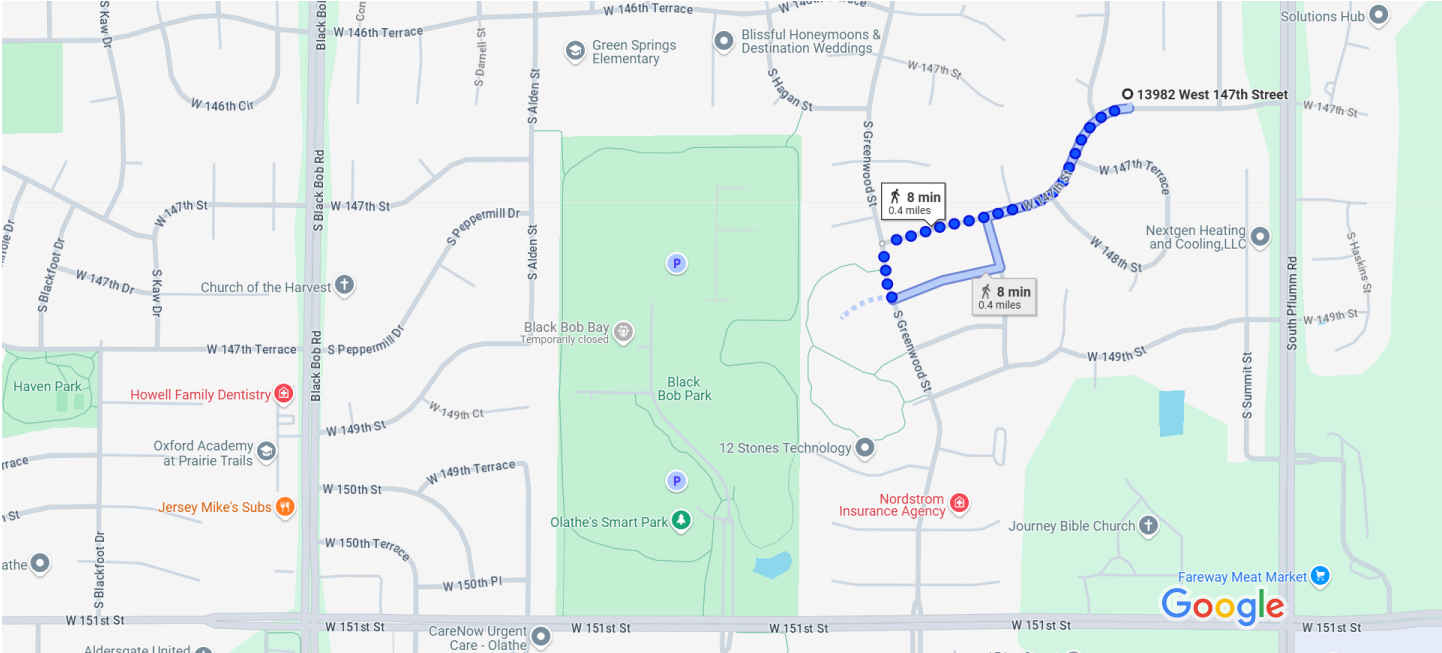
EXHIBIT

C

13982 W 147th St, Olathe, KS 66062 to Liberty View Elementary School - Google Maps

13982 W 147th St, Olathe, KS 66062 to Liberty View Elementary School

Walk 0.4 mile, 8 min



Map data ©2025 500 ft

- via W 147th St

8 min

0.4 mile
- via W 147th St and W 148th St

8 min

0.4 mile
- All routes are mostly flat

Fw: D■■■■'s school avoidance

Tolga Ulusemre <tulusemre@msn.com>

Wed 12/13/2023 10:02

To: edlorton@bluevalleyk12.org <edlorton@bluevalleyk12.org>; bbond@bluevalleyk12.org <bbond@bluevalleyk12.org>; sppowell@bluevalleyk12.org <sppowell@bluevalleyk12.org>; ejdahlgren@bluevalleyk12.org <ejdahlgren@bluevalleyk12.org>; smoyer@bluevalleyk12.org <smoyer@bluevalleyk12.org>
Bcc: rainxxl@hotmail.com <rainxxl@hotmail.com>

Dear Liberty View Teachers,

FYI, D■■■■ has become a truant again. To be transparent, you can see my email to the Board of Education below for more information. I reassure you that we do not blame any of you individually for D■■■■'s truancy. The problem is at the administrative level, and apparently a few of you have been misguided regarding the issues D■■■■ is facing, that's all. E.g., D■■■■ has been harassed by a well-liked and well-connected student, which the main reason why he was a truant before and why he has become a truant once again. However, some of you have apparently been told that he is the one who bothers other kids. We will make sure in the future that you have been fully and correctly informed about the issues D■■■■ is facing.

Thank you for your support for D■■■■,
Tolga Ulusemre

From: Tolga Ulusemre <tulusemre@msn.com>

Sent: Wednesday, December 13, 2023 03:26

To: BOE@bluevalleyk12.org <boe@bluevalleyk12.org>

Cc: Asquith, Kristin <KAsquith@bluevalleyk12.org>; Schmidt, Mark R. <mrschmidt@bluevalleyk12.org>; rainxxl@hotmail.com <rainxxl@hotmail.com>; Sonsthagen, Lisa L. <LSonsthagen@bluevalleyk12.org>; Sonsthagen, Emily M. <EMSonsthagen@bluevalleyk12.org>; Fredericksen, Heather J. <HFredericksen@bluevalleyk12.org>

Subject: D■■■■'s school avoidance

Dear Members of the Board of Education,

I am writing to request support for my child, D■■■■ Ulusemre, who is a 4th grader at Liberty View Elementary. He moved from Hawaii to Kansas in August 2022 and Liberty View is his third school since then. He legally became a truant in April and in October, and missed school during the entire April and May, as well as September and October, due to bullying. He could finally go back to school on December 1, with the support of his therapist, his case manager from the Johnson County Mental Health Center, and his guardian ad litem.

D■■■■ has made a lot of progress since December 1: he felt more and more comfortable at school last week, and he started to make friends very fast. He now talks about having five friends at school, as opposed to one. Taking him to school became easier and easier every morning during the last week, and he seemed progressively happier every afternoon I picked him up.

Unfortunately, the situation has changed drastically since last Friday. The old problems that made him a truant re-emerged and have progressively increased in their severity and frequency. These problems are a) the way adults at school deal with peer complaints against him, b) the way adults at school deal with

his failure to follow verbal instructions correctly and promptly. In that regard, he again started to be a) pressured and humiliated by adults at school based on his bullies' lies and against his own words, b) pressured and humiliated by adults at school for not being able to follow verbal directions correctly and promptly.

D■■■■ had a breakdown after school yesterday and he does not want to go to school, and without support, I have no motivation to drag him to school tomorrow morning. I and D■■■■'s mother asked the principal's permission to accompany him during his most vulnerable times at school, but we have never received a response. Similarly, his therapist and case manager who want to help D■■■■ at school have not heard back from the school.

I hereby request that permission is granted to me, D■■■■'s mother, his therapist, and his case manager, to accompany and help him at school.

Thank you for your consideration,
Tolga

Communication

Hillman, Melissa D. <MHillman@bluevalleyk12.org>

Fri 12/15/2023 10:48

To: Tolga Ulusemre <tulusemre@msn.com>

Dr. Ulusemre,

You will be provided an opportunity to meaningfully participate in your sons' education when required.

Melissa Hillman

Chief Legal Officer

mhillman@bluevalleyk12.org

(913)239-4000/(913)239-4015 (direct)

Education Beyond Expectations

From: Tolga Ulusemre <tulusemre@msn.com>

Sent: Thursday, December 14, 2023 5:22 PM

To: Hillman, Melissa D. <MHillman@bluevalleyk12.org>

Cc: xu xiaolei <rainxxl@hotmail.com>; Board of Education <boe@bluevalleyk12.org>; Lewis, Phoebe M. <PLewis@bluevalleyk12.org>; Martin, Suzie <SDMartin@bluevalleyk12.org>

Subject: Re: Communication

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender.

It is easy for you to say, but have you thought this through? Have you ever implemented a ban like this before? How would it work? E.g., how can you ban me from speaking to the members of the IEP team? Then you will effectively be excluding me from the process, which is against the law.

Even simple things like change in dismissal or early pickups, I need to inform the teacher and the office staff. No one can guarantee the principal will pass the information to the staff in time. Besides, what if the principal is out of office? Or not available? If you do not have answers to these questions, then I will be contacting the staff like before when such issues arise. It is very easy to issue orders from the ivory tower. Things work differently on the ground.

Sent from my iPhone

On Dec 14, 2023, at 3 16 PM, Hillman, Melissa D <MHillman@bluevalleyk12.org> wrote

Dr. Ulusemre,

You may work directly with Ms. Lewis on the communication protocol at Pleasant Ridge. To the extent she authorizes you to speak to any of her staff, you are strictly prohibited from discussing staff members at other Blue Valley schools with Pleasant Ridge staff. Your communication at Liberty View is restricted to Ms. Martin. I do not intend to have continued dialogue on this matter.

Blue Valley School District

Melissa D. Hillman | Chief Legal Officer

Main 913.239.4000 | Direct 913.239.4015

mhillman@bluevalleyk12.org

On Dec 14, 2023, at 1 30 PM, Tolga Ulusemre <tulusemre@msn.com> wrote

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender.

Have you just extended the limitation to Pleasant Ridge? Why would you do that? Please explain what part of my emails constitutes harassment and intimidation.

Sent from my iPad

On Dec 14, 2023, at 1 23 PM, Hillman, Melissa D <MHillman@bluevalleyk12.org> wrote

Dr. Ulusemre,

Your access to staff has been restricted due to the harassing and intimidating nature of your emails. I have addressed your uncivil conduct with you in the past, and I am again forced to take this issue up at the present. You may only communicate with Pheobe Lewis, Suzie Martin and the administrators you have engaged with at District Office, such as Mark Schmidt, Amy Farthing and me.

Melissa Hillman

Chief Legal Officer

Blue Valley School District

From: Tolga Ulusemre <tulusemre@msn.com>

Sent: Thursday, December 14, 2023 1:12 PM

To: Hillman, Melissa D. <MHillman@bluevalleyk12.org>

Cc: xu xiaolei <rainxxl@hotmail.com>; doe@bluevalleyk12.org

Subject: Re: Communication

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender.

I was not aware that you limited my communication to school administrators. Why would you have done that? I have been communicating with the Liberty View staff since the beginning of August.

Also, I am afraid I am not clear about the difference between staff and administrator

Sent from my iPad

On Dec 13, 2023, at 5 20 PM, Hillman, Melissa D <MHillman@bluevalleyk12.org> wrote

Dr. Ulusemre,

It has come to my attention that you have resumed sending harassing emails to Blue Valley staff and Board of Education members. Your emails are perceived as uncivil and threatening. On August 14, 2023, I instructed you to limit your communications to school administrators who are currently serving your children. I cautioned you that your failure to comply with that instruction could result in further remedial action, including a complete ban on your access to Blue Valley property and personnel. Your continued communication to teachers and school staff members is in direct violation of that instruction. Because your conduct has caused substantial distress for Blue Valley staff, you are no longer permitted to be on the premises of Liberty View Elementary School for any purpose other than to transport [REDACTED] to and from school. I am again instructing you to cease communication with any Blue Valley staff member except school administrators who currently serve your children. Should you fail again to comply with this instruction, your access to Blue Valley schools and staff will be terminated altogether.

I understand you are requesting an observation at Liberty View. Based on your threatening behavior, we will not agree for you to conduct an observation at the school. Ms. Xu and [REDACTED]'s therapist will be permitted a 30 minute observation opportunity upon Ms. Xu's request to Ms. Martin.

Melissa Hillman
Chief Legal Officer
Blue Valley School District

Blue Valley Schools - Education Beyond Expectations

This e-mail (including any attachments) is confidential and intended solely for the use of the intended recipient. Any review, reliance, disclosure, copying, dissemination or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies. Further, the sender accepts no responsibility for any damage caused by any virus, spyware, malware, or other malicious code transmitted by this e-mail.

Blue Valley Schools - Education Beyond Expectations

This e-mail (including any attachments) is confidential and intended solely for the use of the intended recipient. Any review, reliance, disclosure, copying, dissemination or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies. Further, the sender accepts no responsibility for any damage caused by any virus, spyware, malware, or other malicious code transmitted by this e-mail.

Blue Valley Schools - Education Beyond Expectations

This e-mail (including any attachments) is confidential and intended solely for the use of the intended recipient. Any review, reliance, disclosure, copying, dissemination or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies. Further, the sender accepts no responsibility for any damage caused by any virus, spyware, malware, or other malicious code transmitted by this e-mail.

Blue Valley Schools - Education Beyond Expectations

This e-mail (including any attachments) is confidential and intended solely for the use of the intended recipient. Any review, reliance, disclosure, copying, dissemination or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies. Further, the sender accepts no responsibility for any damage caused by any virus, spyware, malware, or other malicious code transmitted by this e-mail.