

Selendy Gay Secures Major Settlement in Book Censorship Battle in Florida

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Selendy Gay PLLC secured a significant settlement on behalf of Peter Parnell and Justin Richardson, the authors of the popular children's book, *And Tango Makes Three* ("*Tango*"), and on behalf of Sara Moerman, Toby Lentz, and their children, parents and students living in Nassau County, Florida, in their high stakes battle against the School Board and other school district employees of Nassau County, Florida.

In resolving the federal complaint Selendy Gay filed in May 2024, the settlement requires the restoration of students' public school library access to *Tango* and 35 other books challenged by Citizens Defending Freedom (CDF), a national special interest group leading the charge on book banning throughout Florida. These 35 books include significant works by Toni Morrison, Jonathan Safran Foer, Alice Sebold, Jodi Picoult and Erika Sanchez, which address racism in America, as well as the life experiences of immigrants, first-generation Americans, trans Americans and other underrepresented communities and individuals.

The settlement prevents the School Board from unlawfully removing public school library books during private, closed doors meetings—a violation of Florida's public disclosure statutes, which are intended to ensure transparent government decision-making. Additionally, the settlement undoes the School Board's use of unlawful pretextual bases for removing public school books that have viewpoints with which the Board and its representatives disagrees.

Significantly, the Board acknowledges in the settlement that *Tango* has pedagogical value, is appropriate for students of all ages, and contains no "obscene" material—facts that another Florida School Board—in Escambia County—is still contesting. The Board's acknowledgement makes good sense: since its publication in 2005, *Tango* has been a highly awarded children's book and has been lauded by educators and childhood development experts. *Tango*, which tells the true story of a same sex penguin couple who form a lasting pair bond and together adopt, hatch, and raise a happy and healthy chick, conveys important themes about family responsibility, adoption, LGBTQIA+ families, and natural science to which all students should have access.

“This settlement—a watershed moment in the ongoing battle against book censorship in the United States—significantly restores access to important works that were unlawfully removed from the shelves of Nassau County, Florida’s public school libraries,” said Lauren Zimmerman of Selendy Gay. “Students will once again have access to books from well-known and highly-lauded authors representing a broad range of viewpoints and ideas.”

“Would-be censors, such as CDF, who seek to force their will on others by denying access to viewpoints with which they disagree, are not entitled to decide what books our children may read in public school libraries,” said Faith E. Gay of Selendy Gay. “While we have secured a victory today, the fight is far from over. With numerous book banning cases percolating in the courts, we look forward to continuing to protect the First Amendment rights of students, parents, and authors throughout the United States.”

Added Katie Blankenship, Senior Director of PEN America Florida: “Today’s settlement is an historic moment in the fight to protect free speech and expression. This settlement sends a clear message to those who seek to ban and limit access to literature, art, and the freedom to read. PEN America is heartened by this settlement and we stand with the plaintiffs in this case in our continued commitment to ensuring free speech and expression by authors and other literary figures will not be stifled by those who seek to quiet diverse points of view simply because they dislike them.”

Plaintiffs are represented by Selendy Gay partners Faith E. Gay and Lauren Zimmerman, as well as associates Masha Simonova, Alexandra Butler, and Bradley Posdal. Anna Neill, a partner at Kenny Nachwalter in Miami, litigated the matter as co-counsel.

Attorneys

- Faith Gay
- Lauren Zimmerman
- Alexandra Butler
- Bradley Posdal

Practice

- Public Interest and Pro Bono