

Winston Wins Protections for Students with Disabilities in First Federal Lawsuit to Challenge Texas Ban on Mask Mandates

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A Winston & Strawn team led by Dallas Managing Partner Tom Melsheimer—in partnership with [Disability Rights Texas](#)—won a federal lawsuit enjoining Texas Governor Greg Abbott’s ban on mask mandates. This is the first permanent injunction in the United States blocking a state-wide mask ban, which the firm successfully showed violates federal disability laws by depriving children with disabilities equal access to school and forcing these students to risk their lives to get an education.

The lawsuit was filed shortly before the start of the school year in August 2021 on behalf of several Texas public school students who have medical conditions that put them at great risk of serious complications or death if they contract COVID-19. Following a bench trial in October 2021, U.S. District Judge Lee Yeakel issued a precedent-setting decision in favor of Winston’s clients that stops enforcement of Governor Abbott’s executive order prohibiting school districts from adopting mask requirements for their campuses.

In his order, Judge Yeakel stated that the Governor’s order illegally excluded “disabled children from participating in and denies them the benefits of public schools’ programs, services, and activities to which they are entitled.” The court agreed with Winston’s arguments on each cause of action and found that the Governor’s order violated and was preempted by the Americans with Disabilities Act, the Rehabilitation Act, and the American Rescue Plan Act.

“We are thrilled with the court’s decision because no child should ever have to choose between risking their life or getting an education,” said Tom Melsheimer.

Winston’s team included Partners Linda Coberly and Scott Thomas; Of Counsels Brandon Duke and Mike Gaddis; Associates William Fox; Paralegals Danielle Sloan and Jamie Vargo; and Litigation Support Project Manager Evan Pratt.

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