

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

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BOARD OF EDUCATION OF THE HIGHLAND :
LOCAL SCHOOL DISTRICT, :

Plaintiff, :

vs. :

UNITED STATES DEPARTMENT OF :
EDUCATION; JOHN B. KING, JR., in his official :
capacity as United States Secretary of Education; :
UNITED STATES DEPARTMENT OF :
JUSTICE; LORETTA E. LYNCH, in her official :
capacity as United States Attorney General; and :
VANITA GUPTA, in her official capacity as :
Principal Deputy Assistant Attorney General, :

Defendants. :

Case No. 2:16-cv-524

Judge Algenon L. Marbley
Magistrate Judge Kimberly A. Jolson

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JANE DOE, a minor, by and through her legal :
guardians JOYCE and JOHN DOE, :

Intervenor Third-Party Plaintiff, :

vs. :

BOARD OF EDUCATION OF THE HIGHLAND :
LOCAL SCHOOL DISTRICT; HIGHLAND :
LOCAL SCHOOL DISTRICT; WILLIAM :
DODDS, Superintendent of Highland Local :
School District; and SHAWN WINKELFOOS, :
Principal of Highland Elementary School, :

Third-Party Defendants. :

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**JANE DOE’S UNOPPOSED MOTION TO FILE UNDER SEAL HER FORTHCOMING
MEMORANDUM OF LAW IN FURTHER SUPPORT OF HER MOTION FOR
PRELIMINARY INJUNCTION**

Pursuant to Local Rule 5.2.1, Jane Doe, by and through her legal guardians, Joyce and John Doe, hereby moves to file under seal her forthcoming reply memorandum of law in further support of her motion for a preliminary injunction.

1. Local Rule 5.2.1 requires parties to obtain leave of Court in order to file documents under seal.

2. Jane Doe is an eleven-year-old transgender girl. On July 21, 2016, she filed a complaint-in-intervention against Third-Party Defendants that alleged violations of her rights under federal law. *See* Dkt. 15-1. On August 12, 2016, Jane filed a Motion to File Under Seal Her Forthcoming Motion for Preliminary Injunctive Relief (*see* Dkt. 27), which the Court granted. *See* Dkt. 28. On August 16, 2016, Jane filed under seal her Motion for Preliminary Injunction.

3. Jane's claims involve intimate details regarding her medical history and gender identity and the psychological trauma she has suffered, and the facts that support her motion for a preliminary injunction, which was filed under seal, involve private details regarding the most intimate aspects of her life. Certain documents filed by the Third-Party Defendants were also filed under seal. Jane's forthcoming reply memorandum references such private details and the contents of documents that are already under seal.

4. In order to maintain the privacy of these intimate details, Jane seeks leave of this Court to file her reply brief under seal. Good cause exists to seal these papers because Jane's substantial privacy interests in the intimate details of her life outweigh any public interest served by opening these papers to the public.

5. Due to Jane's young age, the highly sensitive and private nature of the facts involved, the risk of retaliation she and her family potentially face, and the potential

psychological harm she and her family would endure if these facts were made public, Jane has particularly strong privacy interests that must be protected by this Court. Moreover, Jane's privacy interests cannot be vindicated solely by proceeding pseudonymously, because even with use of a pseudonym, members of her community and potentially other members of the public could potentially identify her.

6. Sealing the record will not prejudice any of the parties in this case, because they are already aware of Jane, Joyce, and John Doe's identities and will have access to the information contained in Jane's sealed filings.

7. After conferring with the parties, we have been authorized to inform the Court that none of the parties oppose the relief sought in this motion.

For the foregoing reasons, Jane Doe respectfully urges this Court to GRANT this motion to seal her forthcoming reply memorandum of law in further support of her motion for a preliminary injunction.

Dated: September 12, 2016

Respectfully submitted,

By: s/ John Harrison

John Harrison (OH Bar No. 0065286)
Linda Gorczynski* (OH Bar No. 0070607)
HICKMAN & LOWDER, L.P.A.
1300 East 9th Street, Suite 1020
Cleveland, OH 44199
(216) 861-0360 (tel)
(216) 861-3113 (fax)
Johnh@Hickman-Lowder.com
LGorczynski@Hickman-Lowder.com

Jyotin Hamid*
Joseph Weissman*
Derek Wikstrom*
Jennifer Mintz*
DEBEVOISE & PLIMPTON LLP
919 Third Avenue
New York, New York 10022
(212) 909-6000 (tel)
(212) 909-6836 (fax)
jhamid@debevoise.com
jweissman@debevoise.com
dwikstrom@debevoise.com
jfmintz@debevoise.com

Christopher Stoll*
Asaf Orr*
NATIONAL CENTER FOR LESBIAN RIGHTS
870 Market Street Suite 370
San Francisco, California 94102
(415) 392-6257 (tel)
(415) 392-8442 (fax)
cstoll@nclrights.org
aorr@nclrights.org

Attorneys for JANE DOE

* admitted *pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2016, all counsel of record who are deemed to have consented to electronic service are being served with a copy of the foregoing instrument via the Court's CM/ECF filing system.

s/ John Harrison _____
John Harrison