

FILED: December 28, 2016

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-1989
(1:16-cv-00236-TDS-JEP)

JOAQUIN CARCANO; PAYTON GREY MCGARRY; H.S., by her next friend
and mother, Kathryn Schafer; AMERICAN CIVIL LIBERTIES UNION OF
NORTH CAROLINA

Plaintiffs - Appellants

and

ANGELA GILMORE; KELLY TRENT; BEVERLY NEWELL

Plaintiffs

v.

PATRICK L. MCCRORY, in his official capacity, Governor of North Carolina

Defendant - Appellee

REPRESENTATIVE TIM MOORE; SENATOR PHILLIP E. BERGER

Intervenors/Defendants - Appellees

and

UNIVERSITY OF NORTH CAROLINA; BOARD OF GOVERNORS OF THE
UNIVERSITY OF NORTH CAROLINA; W. LOUIS BISSETTE, JR., In his

official capacity, Chairman of the Board of Governors of the University of North Carolina

Defendants

COLUMBIA LAW SCHOOL SEXUALITY AND GENDER LAW CLINIC; THE WORLD PROFESSIONAL ASSOCIATION FOR TRANSGENDER HEALTH, a/k/a WPATH; BAY AREA LAWYERS FOR INDIVIDUAL FREEDOM; IMPACT FUND; AIDS LEGAL REFERRAL PANEL; ALAMEDA CONTRA COSTA TRIAL LAWYERS ASSOCIATION; ASIAN AMERICAN BAR ASSOCIATION OF THE GREATER BAY AREA; ASIAN AMERICANS ADVANCING JUSTICE- LOS ANGELES; ASIAN PACIFIC ISLANDER LEGAL OUTREACH; ATLANTA WOMEN FOR EQUALITY; BAR ASSOCIATION OF SAN FRANCISCO; BET TZEDEK LEGAL SERVICES; BILAW; CALIFORNIA RURAL LEGAL ASSISTANCE, INCORPORATED; CENTRO LEGAL DE LA RAZA; CIVIL RIGHTS EDUCATION AND ENFORCEMENT CENTER; DALLAS LGBT BAR ASSOCIATION; EAST BAY LA RAZA LAWYERS ASSOCIATION; GEORGIA ASSOCIATION FOR WOMEN LAWYERS; HAWAII LGBT LEGAL ASSOCIATION; KANSAS CITY LESBIAN, GAY, AND ALLIED LAWYERS; LATINOJUSTICE PRLDEF; LEGAL AID SOCIETY - EMPLOYMENT LAW CENTER; LGBT BAR ASSOCIATION OF GREATER NEW YORK; LGBT BAR ASSOCIATION OF WISCONSIN; MASSACHUSETTS LGBTQ BAR ASSOCIATION; NATIONAL EMPLOYMENT LAW PROJECT; NATIONAL EMPLOYMENT LAWYERS ASSOCIATION; NATIONAL QUEER ASIAN PACIFIC ISLANDER ALLIANCE; NEW MEXICO LESBIAN AND GAY LAWYERS ASSOCIATION; NORTH CAROLINA ADVOCATES FOR JUSTICE; QUEEN'S BENCH BAR ASSOCIATION; SACLEGAL; SANTA CLARA COUNTY BAR ASSOCIATION; STONEWALL LAW ASSOCIATION OF GREATER HOUSTON; TOM HOMANN LGBT LAW ASSOCIATION; TRANSGENDER LEGAL DEFENSE AND EDUCATION FUND, INCORPORATED; VIETNAMESE AMERICAN BAR ASSOCIATION OF NORTHERN CALIFORNIA; VIRGINIA EQUALITY BAR ASSOCIATION; NATIONAL EDUCATION ASSOCIATION; NORTH CAROLINA ASSOCIATION OF EDUCATORS; JUDY CHIASSON, Ph. D.; DAVID VANNASDALL; ELDRIDGE GREER, Ph. D.; DIANA K. BRUCE; DENISE PALAZZO; JEREMY MAJESKI; THOMAS A. ABERLI; HOWARD COLTER; MATTHEW HANEY; KEN KUNIN; ROBERT A. MOTLEY; ROGER BOURGEOIS; BLAKE

PREWITT; MICHAEL THOMAS; MARY DORAN; WASHOE COUNTY SCHOOL DISTRICT; JAMES C. MORSE, SR.; THOMAS SMITH; JOHN O'REILLY; HEIDI CARTER; RUDY RUDOLPH; PEYTON CHAPMAN; RACHEL SANTA; LINDSEY POLLOCK; BRIAN SCHAFFER; LISA LOVE; DYLAN PAULY; SHERIE HOHS; BRYAN DAVIS, Ph. D.; PARU SHAH, Ph. D.; EMILY A. ARNOLD, Ph. D.; M. V. LEE BADGETT, Ph. D.; TAYLOR N.T. BROWN; CHRISTOPHER S. CARPENTER, Ph. D.; KERITH CONRON, Ph. D.; SAMUEL T. EPPINK; ANDREW R. FLORES; NANETTE GARTRELL; GATES J. GATES, Ph. D.; ABBIE E. GOLDBERG, Ph. D.; GILBERT GONZALES, Ph. D.; IAN W. HALLOWAY; AMIRA HASENBUSH; JODY L. HERMAN, Ph. D.; CHRISTY MALLORY; ILAN H. MAYER, Ph. D.; NORWEETA MILBURN, Ph. D.; ANDREW S. PARK; ANDREW REYNOLDS, Ph. D.; R. BRADLEY SEARS; BIANCA D.M. WILSON; ASIAN PACIFIC INSTITUTE ON GENDER-BASED VIOLENCE; BATTERED WOMEN'S JUSTICE PROJECT; CASA DE ESPERANZA; FORGE, INCORPORATED; FUTURES WITHOUT VIOLENCE; NATIONAL ALLIANCE FOR PARTNERSHIPS IN EQUITY; NATIONAL ALLIANCE TO END SEXUAL VIOLENCE; NATIONAL COALITION AGAINST DOMESTIC VIOLENCE; NATIONAL COALITION OF ANTI-VIOLENCE PROGRAMS; NATIONAL COUNCIL OF JEWISH WOMEN; NATIONAL DOMESTIC VIOLENCE HOTLINE; NATIONAL NETWORK TO END DOMESTIC VIOLENCE; NATIONAL ORGANIZATION OF API ENDING SEXUAL VIOLENCE; NATIONAL RESOURCE CENTER ON DOMESTIC VIOLENCE; NATIONAL WOMEN'S LAW CENTER; PRAXIS INTERNATIONAL; STOP IT NOW!; NW NETWORK OF BISEXUAL, TRANS, LESBIAN & GAY SURVIVORS OF ABUSE; TRIBAL COALITION & TRIBAL TECHNICAL ASSISTANCE PROVIDER; WOMEN OF COLOR NETWORK, INCORPORATED; YWCA OF THE USA; ADAPT MONTANA; ALABAMA COALITION AGAINST DOMESTIC VIOLENCE; ARIZONA COALITION TO END SEXUAL AND DOMESTIC VIOLENCE; CALIFORNIA COALITION AGAINST SEXUAL ASSAULT; CALIFORNIA PARTNERSHIP TO END DOMESTIC VIOLENCE; COLORADO COALITION AGAINST DOMESTIC VIOLENCE; COLORADO COALITION AGAINST SEXUAL ASSAULT; CT COALITION AGAINST DOMESTIC VIOLENCE; DAWN; DC COALITION AGAINST DOMESTIC VIOLENCE; DCADV; END DOMESTIC ABUSE WISCONSIN; FLORIDA COUNCIL AGAINST SEXUAL VIOLENCE; GENDER JUSTICE; GEORGIA COALITION AGAINST DOMESTIC VIOLENCE; HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE; IDAHO COALITION AGAINST SEXUAL & DOMESTIC VIOLENCE; ILLINOIS ACCOUNTABILITY INITIATIVE; ILLINOIS COALITION AGAINST DOMESTIC VIOLENCE; ILLINOIS COALITION

AGAINST SEXUAL ASSAULT; INDIANA COALITION AGAINST DOMESTIC VIOLENCE INC.; IOWA COALITION AGAINST DOMESTIC VIOLENCE; JANE DOE, INC. THE MA COALITION AGAINST SEXUAL ASSAULT AND DOMESTIC VIOLENCE; KANSAS COALITION AGAINST SEXUAL AND DOMESTIC VIOLENCE; KENTUCKY COALITION AGAINST SEXUAL AND DOMESTIC VIOLENCE; LEGAL VOICE; MAINE COALITION AGAINST SEXUAL ASSAULT; MAINE COALITION TO END DOMESTIC VIOLENCE; MARYLAND COALITION AGAINST SEXUAL ASSAULT; MINNESOTA COALITION AGAINST SEXUAL ASSAULT; MINNESOTA COALITION FOR BATTERED WOMEN; MISSOURI COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE; MONSOON UNITED ASIAN WOMEN OF IOWA; MONTANA COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE; NATIONAL ASSOCIATION OF SOCIAL WORKERS, SC CHAPTER; NATIONAL ORGANIZATION FOR WOMEN, MISSOURI; NATIVE ALLIANCE AGAINST VIOLENCE; NEBRASKA COALITION TO END SEXUAL AND DOMESTIC VIOLENCE; NEVADA NETWORK AGAINST DOMESTIC VIOLENCE; NEW HAMPSHIRE COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE; NEW JERSEY COALITION TO END DOMESTIC VIOLENCE; NEW MEXICO COALITION AGAINST DOMESTIC VIOLENCE; NEW YORK STATE COALITION AGAINST DOMESTIC VIOLENCE; NEW YORK STATE COALITION AGAINST SEXUAL ASSAULT; NORTH CAROLINA COALITION AGAINST DOMESTIC VIOLENCE; NORTH CAROLINA COALITION AGAINST SEXUAL ASSAULT; OHIO DOMESTIC VIOLENCE NETWORK; OREGON COALITION AGAINST DOMESTIC & SEXUAL VIOLENCE; PENNSYLVANIA COALITION AGAINST DOMESTIC VIOLENCE; PENNSYLVANIA COALITION AGAINST RAPE; PUERTO RICO COALITION AGAINST DOMESTIC VIOLENCE AND SEXUAL ASSAULT, COORDINADORA PAZ PARA LAS MUJERES; RAKSHA, INC.; SOUTH CAROLINA COALITION AGAINST DOMESTIC VIOLENCE AND SEXUAL ASSAULT; TENNESSEE COALITION TO END DOMESTIC DOMESTIC AND SEXUAL VIOLENCE; TEXAS ASSOCIATION AGAINST SEXUAL ASSAULT; UNITING THREE FIRES AGAINST VIOLENCE; VERMONT NETWORK AGAINST DOMESTIC AND SEXUAL VIOLENCE; VIOLENCE RECOVERY PROGRAM AT FENWAY HEALTH; VIRGINIA SEXUAL AND DOMESTIC VIOLENCE ACTION ALLIANCE; WASHINGTON COALITION OF SEXUAL ASSAULT PROGRAMS; WASHINGTON STATE COALITION AGAINST DOMESTIC VIOLENCE; WASHINGTON STATE NATIONAL ORGANIZATION FOR WOMEN; WEST VIRGINIA COALITION AGAINST DOMESTIC VIOLENCE; WISCONSIN COALITION AGAINST SEXUAL

ASSAULT; ADVOCACY CENTER OF TOMPKINS COUNTY; ALLE-KISKI AREA HOPE CENTER, INC.; ALTERNATIVES TO VIOLENCE; API CHAYA; ASIAN WOMEN'S SHELTER; BREVARD NOW; CARING UNLIMITED - YORK COUNTY'S DOMESTIC VIOLENCE PROGRAM; CASA MYRNA VAZQUEZ; CHICAGO METROPOLITAN BATTERED WOMEN'S NETWORK; CHRYSALIS DOMESTIC VIOLENCE SERVICES; COALITION ENDING GENDER-BASED VIOLENCE; COBURN PLACE SAFE HAVEN; CRISIS CENTER, INCORPORATED; CRISIS INTERVENTION SERVICES; DC RAPE CRISIS CENTER; DOMESTIC ABUSE & SEXUAL ASSAULT CRISIS CENTER OF WARREN COUNTY; DOVE, INCORPORATED; FAMILY SERVICE AGENCY OF BURBANK; FAMILY VIOLENCE PROJECT; HAVIN; HELP, INCORPORATED: CENTER AGAINST VIOLENCE; HOPE OF OGLE COUNTY; HOPE'S DOOR; HOPEWORKS OF HOWARD COUNTY, INCORPORATED; JEWISH COALITION AGAINST DOMESTIC ABUSE; LAKE COUNTY CRISIS CENTER; LOS ANGELES LGBT CENTER (DOMESTIC & SEXUAL ASSAULT PROGRAMS); MINNESOTA INDIAN WOMEN'S RESOURCE CENTER; MORONGO BASIN UNITY HOME, INCORPORATED; MUJERES LATINAS EN ACCION; NATIONAL ORGANIZATION FOR WOMEN; NEW HOPE INCORPORATED; NEW YORK CITY ANTI-VIOLENCE PROJECT; PONCA TRIBE DOMESTIC VIOLENCE PROGRAM; PROJECT SAFEGUARD; RAINBOW HOUSE DOMESTIC ABUSE SERVICES; RAPE VICTIM ADVOCATES; REACH BEYOND DOMESTIC VIOLENCE; S.A.F.E HOUSE, INCORPORATED; SAFE HOMES - RAPE CRISIS COALITION; SAFE HORIZON; SAFEHOUSE DENVER; SAFEHOUSE PROGRESSIVE ALLIANCE FOR NONVIOLENCE; SEATTLE CHAPTER NATIONAL ORGANIZATION FOR WOMEN; STRONG HEARTED NATIVE WOMEN'S COALITION, INCORPORATED; ABUSE NETWORK, INCORPORATED; ASSOCIATION FOR PREVENTION OF FAMILY VIOLENCE; BRIDGE TO HOPE; TUBMAN; VERA HOUSE, INCORPORATED; VICTIMS' INTERVENTION PROGRAM; WALNUT AVENUE FAMILY & WOMEN'S CENTER; WOMEN IN TRANSITION; WOMEN'S COALITION OF ST. CROIX; WOMEN'S RESOURCE CENTER; YWCA CLARK COUNTY; YWCA SEATTLE/KING/SNOHOMISH; YWCA YAKIMA; NATIONAL CENTER FOR LESBIAN RIGHTS; GLBTQ LEGAL ADVOCATES & DEFENDERS; NATIONAL CENTER FOR TRANSGENDER EQUALITY; TRANSGENDER LAW & POLICY INSTITUTE; TRANS PEOPLE OF COLOR COALITION

Amici Supporting Appellant

ORDER

In light of appellees' notice of potential conflict, if this case is scheduled during the March argument session, it will be scheduled for argument on March 24, 2017.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk