

FILED: December 29, 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

This case was tentatively assigned for argument at the March 21-24, 2017, argument session. The court now reschedules the case for argument at the May 9-12, 2017, argument session.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk