

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JULIET EVANCHO; ELISSA RIDENOUR;	:	
and A.S., a minor, by and through his parent	:	Civil Action No. 2:16-cv-01537
and next friend,	:	
	:	Judge Mark R. Hornak
Plaintiffs,	:	
vs.	:	<i>Electronically Filed</i>
	:	
PINE-RICHLAND SCHOOL DISTRICT;	:	
DR. BRIAN R. MILLER, in his official	:	JURY TRIAL DEMANDED
capacity as Superintendent of the Pine-	:	
Richland School District; and NANCY	:	
BOWMAN, in her official capacity as	:	
Principal of Pine-Richland High School,	:	
	:	
Defendants.	:	

**ANSWER TO COMPLAINT**  
**FOR DECLARATORY, INJUNCTIVE AND OTHER RELIEF**

NOW COME Defendants Pine-Richland School District (the “District”), Dr. Brian R. Miller (“Superintendent”) and Nancy Bowman (“Principal”) (collectively “Defendants”), by and through their attorneys, the law firm of Maiello Brungo & Maiello, LLP, and file the following Answer to Complaint for Declaratory, Injunctive and Other Relief (“Plaintiffs’ Complaint”) wherein the following representations and averments are made:

1. The averments contained in Paragraph 1 of Plaintiffs’ Complaint are admitted.
2. The averments contained in Paragraph 2 of Plaintiffs’ Complaint are admitted in part and denied in part. It is admitted that the District has respected the identity of all of its students, including Plaintiffs. However, it is specifically denied that for several years prior to September

12, 2016, the District had a practice of permitting its student body to use restrooms in accordance with their gender identity.

3. The averments contained in Paragraph 3 of Plaintiffs' Complaint are denied as stated. By way of further response, after several months of reasoned consideration and due diligence and through deliberation, the District's Board of Directors ("School Board") passed a motion, by a 5 – 4 vote, to approve of Resolution #2 which reads in its entirety as follows: "This resolution agreed to by a majority of the Board of Directors of the Pine-Richland School District indicates our support to return to the long-standing practice of providing sex specific facility usage. All students will have the choice of using either the facilities that correspond to their biological sex or unisex facilities. This practice will remain in place until such time that a policy may be developed and approved." The following day, Superintendent and Principal implemented Resolution #2 as to all District students, including Plaintiffs.

4. The averments contained in Paragraph 4 of Plaintiffs' Complaint state conclusions of law to which no responsive pleading is required. By way of further response, it is specifically denied that Defendants have taken any action which violate Plaintiffs' civil rights or otherwise deprive them of full and equal access and enjoyment of the District's educational programs, activities and opportunities on the basis of their sex. Additionally, it is specifically denied that Defendants have diminished Plaintiffs' dignity, stigmatized Plaintiffs, attempted to erase their identities, and isolated them from the rest of the District student body.

5. The averments contained in Paragraph 5 of Plaintiffs' Complaint state conclusions of law to which no responsive pleading is required. By way of further response, it is specifically denied that Defendants have unlawfully discriminated against Plaintiffs on the basis of sex in violation of Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.* ("Title

IX”), or in violation of the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

6. The averments contained in Paragraph 6 of Plaintiffs’ Complaint state conclusions of law to which no responsive pleading is required. By way of further response, it is specifically denied that Defendants engaged in any discriminatory actions against Plaintiffs, or that Plaintiffs are entitled to a declaratory judgment, preliminary and permanent injunctive relief, or damages in the above-captioned matter.

7. The averments contained in Paragraph 7 of Plaintiffs’ Complaint state conclusions of law to which no responsive pleading is required. By way of further response, to the extent that Plaintiffs aver that Defendants deprived them of rights secured by United States Constitution or Title IX, said averments are specifically denied.

8. The averments contained in Paragraph 8 of Plaintiffs’ Complaint state conclusions of law to which no responsive pleading is required.

9. The averments contained in Paragraph 9 of Plaintiffs’ Complaint state conclusions of law to which no responsive pleading is required.

10. The averments contained in Paragraph 10 of Plaintiffs’ Complaint state conclusions of law to which no responsive pleading is required.

11. The averments contained in Paragraph 11 of Plaintiffs’ Complaint state conclusions of law to which no responsive pleading is required.

12. The averments contained in Paragraph 12 of Plaintiffs’ Complaint are admitted in part and denied in part. It is admitted that Plaintiff Juliet Evancho (“Plaintiff Evancho”) is an 18 year old student who resides in Allegheny County and whose senior year began at the District’s public High School on August 24, 2016. The remaining averments in Paragraph 12 are denied in

that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments. Plaintiffs use female pronouns to refer to Plaintiff Evancho in their Complaint as will Defendants in their response to the same.

13. The averments contained in Paragraph 13 of Plaintiffs' Complaint are admitted in part and denied in part. It is admitted that Plaintiff Elissa Ridenour ("Plaintiff Ridenour") is an 18 year old student who resides in Allegheny County and whose senior year began at the District's public High School on August 24, 2016. The remaining averments in Paragraph 13 are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments. Plaintiffs use female pronouns to refer to Plaintiff Ridenour in their Complaint as will Defendants in their response to the same.

14. The averments contained in Paragraph 14 of Plaintiffs' Complaint are admitted in part and denied in part. It is admitted that Plaintiff A.S. is a 17 year old student who resides in Allegheny County and whose senior year began at the District's public High School on August 24, 2016. The remaining averments in Paragraph 14 are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments. Plaintiffs use male pronouns to refer to Plaintiff A.S. in their Complaint as will Defendants in their response to the same.

15. The averments contained in Paragraph 15 of Plaintiffs' Complaint are admitted in part. It is admitted that the District is a public school district with over 4,600 students who reside in Pine and Richland townships. It is also admitted that the District is organized under the laws and constitution of the Commonwealth of Pennsylvania. It is further admitted that the District

operates four elementary schools, a middle school and a high school. The remaining averments contained in Paragraph 15 of Plaintiffs' Complaint state conclusions of law to which no responsive pleading is required.

16. The averments contained in Paragraph 16 of Plaintiffs' Complaint are admitted in part. It is admitted that Brian Miller is the current Superintendent of the District. The remaining averments contained in Paragraph 16 of Plaintiffs' Complaint state conclusions of law to which no responsive pleading is required. By way of further response, to the extent that Plaintiffs aver that Superintendent ever implemented any alleged discriminatory policy or practice regarding Plaintiffs or did so at the direction of, and with the consent, encouragement, knowledge and ratification of, the School Board, said averments are specifically denied.

17. The averments contained in Paragraph 17 of Plaintiffs' Complaint are admitted in part. It is admitted that Nancy Bowman is the current Principal of the District's High School. The remaining averments contained in Paragraph 17 of Plaintiffs' Complaint state conclusions of law to which no responsive pleading is required. By way of further response, to the extent that Plaintiffs aver that Principal ever implemented any alleged discriminatory policy or practice regarding Plaintiffs or did so at the direction of, and with the consent, encouragement, knowledge and ratification of, the School Board, said averments are specifically denied.

18. The averments contained in Paragraph 18 of Plaintiffs' Complaint are admitted in part and denied in part. It is admitted that Plaintiff Evancho first became a student of the District in kindergarten and began her senior year at the District's High School on August 24, 2016. The remaining averments in Paragraph 18 are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

19. The averments contained in Paragraph 19 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

20. The averments contained in Paragraph 20 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

21. The averments contained in Paragraph 21 of Plaintiffs' Complaint are admitted in part and denied in part. It is admitted that Plaintiff Evancho's "sex" was designated as "male" on her birth certificate. The remaining averments in Paragraph 21 are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

22. The averments contained in Paragraph 22 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

23. The averments contained in Paragraph 23 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

24. The averments contained in Paragraph 24 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

25. The averments contained in Paragraph 25 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

26. The averments contained in Paragraph 26 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

27. The averments contained in Paragraph 27 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

28. The averments contained in Paragraph 28 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

29. The averments contained in Paragraph 29 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

30. The averments contained in Paragraph 30 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

31. The averments contained in Paragraph 31 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

32. The averments contained in Paragraph 32 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

33. The averments contained in Paragraph 33 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

34. The averments contained in Paragraph 34 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

35. The averments contained in Paragraph 35 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

36. The averments contained in Paragraph 36 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

37. The averments contained in Paragraph 37 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

38. The averments contained in Paragraph 38 of Plaintiffs' Complaint are admitted in part and denied in part. It is admitted that, prior to the start of the 2015 – 2016 academic year, Plaintiff Evancho and her parents met with District high school administrators and personnel which agreed that Plaintiff Evancho would be treated as a girl at the high school, including referring to her by female pronouns. All other averments are denied. By way of further response, the individual Plaintiffs, on their own initiative, separately and at different points in time, began using the multi-user sex-designated restrooms consistent with their gender identity without any express approval or authority of the Defendants.

39. The averments contained in Paragraph 39 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

40. The averments contained in Paragraph 40 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

41. The averments contained in Paragraph 41 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

42. The averments contained in Paragraph 42 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments. By way of further response, to the extent that Plaintiff Evancho ever reported any incidents of mocking or bullying to the Defendants, Defendants promptly and thoroughly investigated all such incidents and took immediate corrective action to address the same.

43. The averments contained in Paragraph 43 of Plaintiffs' Complaint are admitted in part and denied in part. It is admitted that Plaintiff Ridenour first became a student of the District in kindergarten and began her senior year at the District's High School on August 24, 2016. The remaining averments in Paragraph 43 are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

44. The averments contained in Paragraph 44 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

45. The averments contained in Paragraph 45 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

46. The averments contained in Paragraph 46 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

47. The averments contained in Paragraph 47 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

48. The averments contained in Paragraph 48 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

49. The averments contained in Paragraph 49 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

50. The averments contained in Paragraph 50 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

51. The averments contained in Paragraph 51 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

52. The averments contained in Paragraph 52 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

53. The averments contained in Paragraph 53 of Plaintiffs' Complaint are admitted in part and denied in part. It is admitted that while in Middle School Plaintiff Ridenour met with PRSD administrators and personnel to discuss her transition. All other averments are denied. By way of further response, the Defendant District agreed to use Plaintiff Ridenour's preferred name and pronoun consistent with her gender identity.

54. The averments contained in Paragraph 54 of Plaintiffs' Complaint are admitted in part and denied in part. It is admitted that in the fall of 2013 Plaintiff Ridenour began her tenure as a high school student at the high school and was referred to by female pronouns. All other averments are denied. By way of further response, the individual Plaintiffs, on their own initiative, separately and at different points in time began using the multi-user sex-designated restrooms consistent with their gender identity without any express approval or authority of the Defendants.

55. The averments contained in Paragraph 55 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

56. The averments contained in Paragraph 56 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

57. The averments contained in Paragraph 57 of Plaintiffs' Complaint are denied. First, it is specifically denied that Defendants engaged in any discriminatory action concerning Plaintiff Ridenour or any of the other Plaintiffs. The remaining averments contained in Paragraph 57 are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

58. The averments contained in Paragraph 58 of Plaintiffs' Complaint are admitted.

59. The averments contained in Paragraph 59 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

60. The averments contained in Paragraph 60 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

61. The averments contained in Paragraph 61 of Plaintiffs' Complaint are admitted in part and denied in part. It is admitted that Plaintiff A.S.'s "sex" was designated as "female" on his birth certificate. The remaining averments in Paragraph 61 are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

62. The averments contained in Paragraph 62 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

63. The averments contained in Paragraph 63 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

64. The averments contained in Paragraph 64 of Plaintiffs' Complaint are admitted.

65. The averments contained in Paragraph 65 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

66. The averments contained in Paragraph 66 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

67. The averments contained in Paragraph 67 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

68. The averments contained in Paragraph 68 of Plaintiffs' Complaint are admitted in part and denied in part. It is admitted that Plaintiff A.S. met with his guidance counselor and to discuss the use of his preferred name and pronoun consistent with his gender identity. All other averments are denied.

69. The averments contained in Paragraph 69 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

70. The averments contained in Paragraph 70 of Plaintiffs' Complaint are admitted in part and denied in part. It is admitted that the guidance counselor contacted Plaintiff A.S.'s parents regarding his preferred name and pronoun. All other averments are denied.

71. The averments contained in Paragraph 71 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

72. The averments contained in Paragraph 72 of Plaintiffs' Complaint are denied in that after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

73. The averments contained in Paragraph 73 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

74. The averments contained in Paragraph 74 of Plaintiffs' Complaint are denied. First, it is specifically denied that the District adopted any discriminatory policy or practice concerning Plaintiff A.S., or any of the other Plaintiffs or District Students. The remaining averments contained in Paragraph 74 are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

75. The averments contained in Paragraph 75 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

76. The averments contained in Paragraph 76 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

77. The averments contained in Paragraph 77 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

78. The averments contained in Paragraph 78 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments. By way of further response, to the extent that Plaintiffs aver that Title IX's prohibition of discrimination based upon "sex" includes discrimination based upon "gender identity", said averments are specifically denied.

79. The averments contained in Paragraph 79 of Plaintiffs' Complaint are admitted in part and denied in part. It is admitted that individuals are assigned a sex on their birth certificate on the basis of their external genitalia at the time of birth. The remaining averments contained in Paragraph 79 are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

80. The averments contained in Paragraph 80 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments. By way of further response, to the extent that Plaintiffs aver that Title IX's prohibition of discrimination based upon "sex" includes discrimination based upon "gender identity", said averments are specifically denied.

81. The averments contained in Paragraph 81 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments. By way of further response, to the extent that Plaintiffs aver that Title IX's prohibition of discrimination based upon "sex" includes discrimination based upon "gender identity", said averments are specifically denied.

82. The averments contained in Paragraph 82 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments. By way of further response, to the extent that Plaintiffs aver that Title IX's prohibition of discrimination based upon "sex" includes discrimination based upon "gender identity", said averments are specifically denied.

83. The averments contained in Paragraph 83 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments. By way of further response, to the extent that Plaintiffs aver that Title IX's prohibition of discrimination based upon "sex" includes discrimination as to transgender individuals based upon their transgender status and gender identity, said averments are specifically denied.

84. The averments contained in Paragraph 84 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

85. The averments contained in Paragraph 85 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments. By way of further response, to the extent that Plaintiffs aver that Title IX's prohibition of discrimination based upon "sex"

includes discrimination as to transgender individuals based upon their transgender status and gender identity, said averments are specifically denied.

86. The averments contained in Paragraph 86 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments. By way of further response, to the extent that Plaintiffs aver that Title IX's prohibition of discrimination based upon "sex" includes discrimination as to transgender individuals based upon their transgender status and gender identity, said averments are specifically denied.

87. The averments contained in Paragraph 87 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments. By way of further response, the averments contained in Paragraph 87 reference a written document which speaks for itself. To the extent that the averments mischaracterize, misstate or contradict the written contents of said document, said averments are specifically denied.

88. The averments contained in Paragraph 88 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

89. The averments contained in Paragraph 89 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

90. The averments contained in Paragraph 90 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments. By way of further response,

the averments contained in Paragraph 90 reference a written document which speaks for itself. To the extent that the averments mischaracterize, misstate or contradict the written contents of said document, said averments are specifically denied.

91. The averments contained in Paragraph 91 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

92. The averments contained in Paragraph 92 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

93. The averments contained in Paragraph 93 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

94. The averments contained in Paragraph 94 of Plaintiffs' Complaint are denied. By way of further response, the individual Plaintiffs, on their own initiative, separately and at different points in time began using multi-user sex-designated restrooms consistent with their gender identity without any express approval or authority of the Defendants.

95. The averments contained in Paragraph 95 of Plaintiffs' Complaint reference a written document which speaks for itself. To the extent that the averments mischaracterize, misstate or contradict the written contents of said document, said averments are specifically denied.

96. The averments contained in Paragraph 96 of Plaintiffs' Complaint reference a written document which speaks for itself. To the extent that the averments mischaracterize, misstate or contradict the written contents of said document, said averments are specifically denied.

97. The averments contained in Paragraph 97 of Plaintiffs' Complaint reference a written document which speaks for itself. To the extent that the averments mischaracterize, misstate or contradict the written contents of said document, said averments are specifically denied. By way of further response, Superintendent's March 11, 2016 e-mail referenced in Plaintiffs' averments was prior to the February 22, 2017 guidance issued by the United States Departments of Justice ("DOJ") and Education ("DOE") (the 2017 "Guidance") wherein said Departments withdrew previous guidance dated January 7, 2015 and May 13, 2016 because "[t]hese [previous] guidance documents do not, however, contain extensive legal analysis or explain how the position is consistent with the express language of Title IX, nor did they undergo any formal public process."

98. The averments contained in Paragraph 98 of Plaintiffs' Complaint reference a written document which speaks for itself. To the extent that the averments mischaracterize, misstate or contradict the written contents of said document, said averments are specifically denied.

99. The averments contained in Paragraph 99 of Plaintiffs' Complaint are denied as stated. By way of further response, beginning in early 2016, residents of the District began communicating with the School Board regarding, and the School Board began its diligent consideration of, access to the District's sex-designated facilities by its student body, including transgender students.

100. The averments contained in Paragraph 100 of Plaintiffs' Complaint reference electronic documents and information which speak for themselves. To the extent that the averments mischaracterize, misstate or contradict the contents of said documents, said averments are specifically denied.

101. The averments contained in Paragraph 101 of Plaintiffs' Complaint are admitted in part and denied in part. It is admitted that Principal made an announcement to the Pine-Richland High School community. All other averments are denied.

102. The averments contained in Paragraph 102 of Plaintiffs' Complaint are admitted in part and denied in part. It is admitted that Principal made an announcement on or before March 15, 2016. All other averments are denied.

103. The averments contained in Paragraph 103 of Plaintiffs' Complaint are admitted.

104. The averments contained in Paragraph 104 of Plaintiffs' Complaint are admitted.

105. The averments contained in Paragraph 105 of Plaintiffs' Complaint are denied as stated. By way of further response, beginning in early 2016, residents of the District began communicating with the School Board regarding, and the School Board began its diligent consideration of, access to the District's sex-designated facilities by its student body, including transgender students. Additionally, following the initial comments made by School Board President, Jeffrey Banyas, at the March 21, 2016 School Board meeting, residents of the District were permitted to address the School Board.

106. The averments contained in Paragraph 106 of Plaintiffs' Complaint are admitted.

107. The averments contained in Paragraph 107 of Plaintiffs' Complaint are admitted in part. It is admitted that, in its due diligence, the School Board considered various proposals to address access to the District's sex-designated facilities by its student body, including

transgender students. The remaining averments contained in Paragraph 107 reference written documents which speaks for themselves. To the extent that the averments mischaracterize, misstate or contradict the written contents of said documents, said averments are specifically denied.

108. The averments contained in Paragraph 108 of Plaintiffs' Complaint reference a written document which speaks for itself. To the extent that the averments mischaracterize, misstate or contradict the written contents of said document, said averments are specifically denied.

109. The averments contained in Paragraph 109 of Plaintiff's Complaint are admitted in part. It is admitted that the School Board debated the use of District restroom by transgender students. Regarding Plaintiffs' references to their perception of public comments made during said School Board meetings, said averments are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

110. The averments contained in Paragraph 110 of Plaintiffs' Complaint are denied as stated. By way of further response, various residents of the District made public comments during public meetings held by the School Board to diligently consider access to the District's sex-designated facilities by its student body, including transgender students. Regarding Plaintiffs' references to their perception of public comments made during said School Board meetings, said averments are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments. Furthermore, the averments contained in Paragraph 110 of Plaintiffs' Complaint indirectly reference videos which speak for themselves; namely videos of various School Board

meetings held in 2016. To the extent that the averments mischaracterize, misstate or contradict the contents of said videos, said averments are specifically denied.

111. The averments contained in Paragraph 111 of Plaintiffs' Complaint are denied as stated. By way of further response, various residents of the District made public comments during public meetings held by the School Board to diligently consider access to the District's sex-designated facilities by its student body, including transgender students. Regarding Plaintiffs' references to their perception of public comments made during said School Board meetings, as well as the clothing worn by certain persons, said averments are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

112. The averments contained in Paragraph 112 of Plaintiffs' Complaint are denied as stated. By way of further response, various residents of the District made public comments during the April 18, 2016 public meeting held by the School Board to diligently consider access to the District's sex-designated facilities by its student body, including transgender students. Regarding Plaintiffs' references to their perception of public comments made during said School Board meeting, said averments are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

113. The averments contained in Paragraph 113 of Plaintiffs' Complaint are admitted in part and denied in part. It is admitted that a District student, Hannah Reiling, made public comments during the School Board meeting held on April 18, 2016. Regarding Plaintiffs' references to their perception of Ms. Reiling's comments made during said School Board meeting, said averments are denied in that, after reasonable investigation, Defendants are without

knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments. Furthermore, the averments contained in Paragraph 113 of Plaintiffs' Complaint indirectly reference a video which speaks for itself; namely a video of the School Board meeting held on April 18, 2016. To the extent that the averments mischaracterize, misstate or contradict the contents of said video, said averments are specifically denied.

114. The averments contained in Paragraph 114 of Plaintiffs' Complaint are admitted in part and denied in part. It is admitted that a District student, Elizabeth Hassett, made public comments during the School Board meeting held on April 18, 2016. Regarding Plaintiffs' references to their perception of Ms. Hassett's comments made during said School Board meeting, said averments are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments. Furthermore, the averments contained in Paragraph 114 of Plaintiffs' Complaint indirectly reference video which speaks for itself; namely a video of the School Board meeting held on April 18, 2016. To the extent that the averments mischaracterize, misstate or contradict the contents of said video, said averments are specifically denied.

115. The averments contained in Paragraph 115 of Plaintiffs' Complaint are denied as stated. By way of further response, as the School Board considered the issues associated with access to the District's sex-designated facilities by its student body, including transgender students, Plaintiffs' legal representatives articulated their position concerning an alleged correlation between Plaintiffs' access to sex-designated facilities, social transitioning and treatment of gender dysphoria.

116. The averments contained in Paragraph 116 of Plaintiffs' Complaint reference a written document which speaks for itself. To the extent that the averments mischaracterize, misstate or contradict the written contents of said document, said averments are specifically denied.

117. The averments contained in Paragraph 117 of Plaintiffs' Complaint are denied as stated. By way of further response, Plaintiff Evancho spoke during two (2) School Board meetings, and Plaintiff Ridenour spoke during four (4) School Board meetings. Additionally, Plaintiff Ridenour's father spoke during seven (7) School Board meetings. Upon information and belief, neither of Plaintiff Evancho's parents spoke during any of the School Board meetings.

118. The averments contained in Paragraph 118 of Plaintiffs' Complaint are denied as stated. By way of further response, Plaintiff Evancho made public comments during two (2) meetings held by the School Board to diligently consider access to the District's sex-designated facilities by its student body, including transgender students. Regarding Plaintiffs' references to their perception of public comments made by Plaintiff Evancho during said School Board meetings, said averments are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

119. The averments contained in Paragraph 119 of Plaintiffs' Complaint are denied as stated. By way of further response, Plaintiff Ridenour made public comments during four (4) meetings held by the School Board to diligently consider access to the District's sex-designated facilities by its student body, including transgender students. Regarding Plaintiffs' references to their perception of public comments made by Plaintiff Ridenour during said School Board meetings, said averments are denied in that, after reasonable investigation, Defendants are

without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

120. The averments contained in Paragraph 120 of Plaintiffs' Complaint are admitted in part. It is admitted that on April 18, 2016 the School Board's Student Services Committee held a meeting on April 18, 2016 (the "April 2016 Meeting"). The remaining averments in Paragraph 120 indirectly reference a written document which speaks for itself; namely a PowerPoint presentation. To the extent that the averments mischaracterize, misstate or contradict the contents of said document, said averments are specifically denied.

121. The averments contained in Paragraph 121 of Plaintiffs' Complaint indirectly reference a written document which speaks for itself; namely a PowerPoint presentation.. To the extent that the averments mischaracterize, misstate or contradict the contents of said document, said averments are specifically denied.

122. The averments contained in Paragraph 122 of Plaintiffs' Complaint indirectly reference a written document which speaks for itself; namely a PowerPoint presentation. To the extent that the averments mischaracterize, misstate or contradict the contents of said document, said averments are specifically denied.

123. The averments contained in Paragraph 123 of Plaintiffs' Complaint indirectly reference a written document which speaks for itself; namely a PowerPoint presentation. To the extent that the averments mischaracterize, misstate or contradict the contents of said document, said averments are specifically denied.

124. The averments contained in Paragraph 124 of Plaintiffs' Complaint indirectly reference a written document which speaks for itself; namely a PowerPoint presentation. To the extent that the averments mischaracterize, misstate or contradict the contents of said document, said averments are specifically denied.

125. The averments contained in Paragraph 125 of Plaintiffs' Complaint are admitted in part and denied in part. It is admitted that questions from the School Board were addressed during the April 2016 Meeting. The remaining averments in Paragraph 125 are denied.

126. The averments contained in Paragraph 126 of Plaintiffs' Complaint are denied as stated. By way of further response, as the School Board considered the issues associated with access to the District's sex-designated facilities by its student body, including transgender students, Plaintiffs' legal representatives articulated their position concerning: a) the alleged importance of maintaining access for transgender students to restrooms and other sex-designated facilities that match their gender identity; and b) the District's alleged legal responsibilities under state and federal law to maintain such access.

127. The averments contained in Paragraph 127 of Plaintiffs' Complaint reference written documents which speaks for themselves. To the extent that the averments mischaracterize, misstate or contradict the written contents of said documents, said averments are specifically denied.

128. The averments contained in Paragraph 128 of Plaintiffs' Complaint reference a written document which speaks for itself. To the extent that the averments mischaracterize, misstate or contradict the written contents of said document, said averments are specifically denied. By way of further response, via the 2017 Guidance, the DOJ and DOE has withdrawn its previous guidance dated May 13, 2016 because this previous guidance document did not contain

extensive legal analysis or explain how the position is consistent with the express language of Title IX, nor did it undergo any formal public process. Additionally, to the extent that Plaintiffs aver that Title IX's prohibition of discrimination based upon "sex" includes discrimination as to transgender individuals based upon their transgender status and gender identity, said averments are specifically denied.

129. The averments contained in Paragraph 129 of Plaintiffs' Complaint reference a written document which speaks for itself. To the extent that the averments mischaracterize, misstate or contradict the written contents of said document, said averments are specifically denied. By way of further response, via the 2017 Guidance, the DOJ and DOE has withdrawn its previous guidance dated May 13, 2016 because this previous guidance document did not contain extensive legal analysis or explain how the position is consistent with the express language of Title IX, nor did it undergo any formal public process. Additionally, to the extent that Plaintiffs aver that Title IX's prohibition of discrimination based upon "sex" includes discrimination as to transgender individuals based upon their transgender status and gender identity, said averments are specifically denied.

130. The averments contained in Paragraph 130 of Plaintiffs' Complaint reference a written document which speaks for itself. To the extent that the averments mischaracterize, misstate or contradict the written contents of said document, said averments are specifically denied. By way of further response, via the 2017 Guidance, the DOJ and DOE has withdrawn its previous guidance dated May 13, 2016 because this previous guidance document did not contain extensive legal analysis or explain how the position is consistent with the express language of Title IX, nor did it undergo any formal public process. Additionally, to the extent that Plaintiffs aver that Title IX's prohibition of discrimination based upon "sex" includes discrimination as to

transgender individuals based upon their transgender status and gender identity, said averments are specifically denied.

131. The averments contained in Paragraph 131 of Plaintiffs' Complaint reference a written document which speaks for itself. To the extent that the averments mischaracterize, misstate or contradict the written contents of said document, said averments are specifically denied. By way of further response, via the 2017 Guidance, the DOJ and DOE has withdrawn its previous guidance dated May 13, 2016 because this previous guidance document did not contain extensive legal analysis or explain how the position is consistent with the express language of Title IX, nor did it undergo any formal public process. Additionally, to the extent that Plaintiffs aver that Title IX's prohibition of discrimination based upon "sex" includes discrimination as to transgender individuals based upon their transgender status and gender identity, said averments are specifically denied.

132. The averments contained within Paragraph 132 of Plaintiffs' Complaint are denied as stated. By way of further response, throughout the time period that the School Board thoroughly and diligently considered the issues associated with access to the District's sex-designated facilities by its student body, including transgender students, the School Board was counseled by its Solicitor, Patrick Clair, Esq., including the requirements imposed by Title IX and the United States Constitution.

133. The averments contained in Paragraph 133 of Plaintiffs' Complaint indirectly reference a video which speaks for itself; namely a video of the School Board meeting held on July 11, 2016. To the extent that the averments mischaracterize, misstate or contradict the contents of said video, said averments are specifically denied.

134. The averments contained in Paragraph 134 of Plaintiffs' Complaint indirectly reference a video which speaks for itself; namely a video of the School Board meeting held on July 11, 2016. To the extent that the averments mischaracterize, misstate or contradict the contents of said video, said averments are specifically denied.

135. The averments contained in Paragraph 135 of Plaintiffs' Complaint are denied as stated. By way of further response, at no time prior to or subsequent to the passage of the motion approving Resolution #2 did the School Board believe that Resolution #2 violated Title IX or the Equal Protection Clause of the United States Constitution.

136. The averments contained in Paragraph 136 of Plaintiffs' Complaint are denied.

137. The averments contained in Paragraph 137 of Plaintiffs' Complaint are admitted in part and denied in part. It is admitted that School Board member Greg Ditullio presented a motion for adoption of Resolution #2. All other averments are denied.

138. The averments contained in Paragraph 138 of Plaintiffs' Complaint are denied as stated. By way of further response, by August 24, 2016, the School Board had not yet taken a vote regarding the passage of Resolution #2 although classes had started at the District's schools on that date, including the District High School.

139. The averments contained in Paragraph 139 of Plaintiffs' Complaint are admitted.

140. The averments contained in Paragraph 140 of Plaintiffs' Complaint indirectly reference a video which speaks for itself; namely a video of the School Board meeting held on September 12, 2016. To the extent that the averments mischaracterize, misstate or contradict the contents of said video, said averments are specifically denied. By way of further response, Superintendent's comments on September 12, 2016 were made prior to the 2017 Guidance wherein the DOJ and DOE withdrew previous guidance dated January 7, 2015 and May 13, 2016

because “[t]hese [previous] guidance documents do not, however, contain extensive legal analysis or explain how the position is consistent with the express language of Title IX, nor did they undergo any formal public process.”

141. The averments contained in Paragraph 141 of Plaintiffs’ Complaint are admitted.

142. The averments contained in Paragraph 142 of Plaintiffs’ Complaint are denied as stated. By way of further response, after several months of reasoned consideration and due diligence and thorough deliberation, the School Board passed a motion on September 12, 2016 to approve of Resolution #2 which reads in its entirety as follows: “This resolution agreed to by a majority of the Board of Directors of the Pine-Richland School District indicates our support to return to the long-standing practice of providing sex specific facility usage. All students will have the choice of using either the facilities that correspond to their biological sex or unisex facilities. This practice will remain in place until such time that a policy may be developed and approved.” The following day, Superintendent and Principal implemented Resolution #2 as to all District students, including Plaintiffs.

143. The averments contained in Paragraph 143 of Plaintiffs’ Complaint are admitted.

144. The averments contained in Paragraph 144 of Plaintiffs’ Complaint are admitted.

145. The averments contained in Paragraph 145 of Plaintiffs’ Complaint are admitted in part and denied in part. It is admitted that Principal and Assistant Superintendent Pasquinelli informed Plaintiff Evancho of Resolution #2. All other averments are denied. By way of further response, Plaintiff Evancho was offered educational alternatives to her schedule to ensure that there would be no disruption to her educational program.

146. The averments contained in Paragraph 146 of Plaintiffs' Complaint are admitted.

147. The averments contained in Paragraph 147 of Plaintiffs' Complaint are admitted in part and denied in part. It is admitted that Principal and Assistant Superintendent Pasquinelli informed Plaintiff Ridenour of Resolution #2. All other averments are denied. By way of further response, Plaintiff Ridenour was offered educational alternatives to her schedule to ensure that there would be no disruption to her educational program.

148. The averments contained in Paragraph 148 of Plaintiffs' Complaint indirectly reference a written document which speaks for itself; namely an e-mail correspondence from Solicitor Clair. To the extent that the averments mischaracterize, misstate or contradict the contents of said document, said averments are specifically denied.

149. The averments contained in Paragraph 149 of Plaintiffs' Complaint are admitted.

150. The averments contained in Paragraph 150 of Plaintiffs' Complaint are admitted in part and denied in part. It is admitted that Principal and Assistant Superintendent Pasquinelli informed Plaintiff A.S. of Resolution #2. All other averments are denied. By way of further response, Plaintiff A.S. was offered educational alternatives to his schedule to ensure that there would be no disruption to his educational program.

151. The averments contained in Paragraph 151 of Plaintiffs' Complaint are specifically denied. By way of further response, on February 27, 2017, District Judge Hornak of the United States District Court for the Western District of Pennsylvania granted a preliminary injunction in the above-captioned matter which, among other things, preliminarily restrains and enjoins Defendants from enforcing Resolution #2 as to Plaintiffs, and thus Plaintiffs currently have access and use of the District's restrooms consistent with Plaintiffs' gender identities.

152. The averments contained in Paragraph 152 of Plaintiffs' Complaint are specifically denied. By way of further response, neither by the passage of the motion approving Resolution #2 nor in any other manner have the Defendants refused to recognize Plaintiffs' gender identity or "effectively erased" the same.

153. The averments contained in Paragraph 153 of Plaintiffs' Complaint are specifically denied. By way of further response, neither by the passage of the motion approving Resolution #2 nor in any other manner have the Defendants isolated and/or segregated Plaintiffs based on their sex, gender identity or transgender status.

154. The averments contained in Paragraph 154 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

155. The averments contained in Paragraph 155 of Plaintiffs' Complaint are specifically denied. By way of further response, neither by the passage of the motion approving Resolution #2 nor in any other manner have the Defendants fostered any unsafe or unhealthy environment for Plaintiffs and other transgender students at the District. To the extent that Plaintiffs aver that they felt "distressed" due to Resolution # 2, said averments are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

156. The averments contained in Paragraph 156 of Plaintiffs' Complaint are specifically denied. By way of further response, neither by the passage of the motion approving Resolution #2 nor in any other manner have the Defendants marginalized or stigmatized Plaintiffs. To the extent that Plaintiffs aver that they felt "deep anxiety and distress" due to Resolution #2, said averments are denied in that, after reasonable investigation, Defendants are

without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

157. The averments contained in Paragraph 157 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

158. The averments contained in Paragraph 158 of Plaintiffs' Complaint are specifically denied. By way of further response, neither by the passage of the motion approving Resolution #2 nor in any other manner have the Defendants purposefully disrupted Plaintiffs' education as they began attending their senior year of school, apply to colleges and further plan their future.

159. The averments contained in Paragraph 159 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

160. The averments contained in Paragraph 160 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

161. The averments contained in Paragraph 161 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

162. The averments contained in Paragraph 162 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments. By way of further response, to the extent that Plaintiff Evancho ever reported receiving any comments or harassment on

account of her gender identity to the Defendants, Defendants promptly and thoroughly investigated all such incidents and took immediate corrective action to address the same if necessary.

163. The averments contained in Paragraph 163 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

164. The averments contained in Paragraph 164 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments. By way of further response, Plaintiff reported to the District that she had been harassed by District students shortly after the passage of Resolution #2. Additionally, to the extent that Plaintiff Evancho ever reported being harassed to the Defendants, Defendants promptly and thoroughly investigated all such incidents and took immediate corrective action to address the same if necessary.

165. The averments contained in Paragraph 165 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments. By way of further response, to the extent that Plaintiff Evancho's sister ever reported any inappropriate comments or harassment to the Defendants, Defendants promptly and thoroughly investigated all such incidents and took immediate corrective action to address the same if necessary.

166. The averments contained in Paragraph 166 of Plaintiffs' Complaint are admitted in part and denied in part. It is admitted that on September 27, 2016 the Assistant Principal observed Plaintiff Evancho exiting a District restroom designated for biological females. It is also admitted that Plaintiff Evancho's parents were contacted on that occasion. However, it is

specifically denied that Plaintiff Evancho was taken to the principal's office, "reprimanded" by the Assistant Principal, or in any way disciplined by the Defendants regarding this scenario. The remaining averments contained in Paragraph 166 are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

167. The averments contained in Paragraph 167 of Plaintiffs' Complaint are denied. It is specifically denied that Plaintiff Evancho's school performance has worsened since the implementation of Resolution #2 by the District. The remaining averments contained in Paragraph 167 are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

168. The averments contained in Paragraph 168 of Plaintiffs' Complaint are denied. First, it is specifically denied that the District implemented any "newly-adopted discriminatory policy or practice" concerning Plaintiff Ridenour, or any of the other Plaintiffs or District students. The remaining averments contained in Paragraph 168 are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

169. The averments contained in Paragraph 169 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments. By way of further response, if Plaintiff Ridenour ever reported any incidents concerning her use of District sex-designated facilities that corresponded to her biological sex/anatomy, Defendants would promptly and

thoroughly investigate all such incidents and take immediate corrective action to address the same.

170. The averments contained in Paragraph 170 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments. By way of further response, it is specifically denied Plaintiff Ridenour or any of the other Plaintiffs are "under constant surveillance, being watched and monitored, as if [they] were being placed in a petri dish", by Defendants.

171. The averments contained in Paragraph 171 of Plaintiffs' Complaint are denied. First, it is specifically denied that the District implemented any "newly-adopted discriminatory policy or practice" concerning Plaintiff Ridenour, or any of the other Plaintiffs or District students. The remaining averments contained in Paragraph 171 are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

172. The averments contained in Paragraph 172 of Plaintiffs' Complaint are denied. First, it is specifically denied that the District implemented any "newly-adopted discriminatory policy or practice" concerning Plaintiff Ridenour, or any of the other Plaintiffs or District students. Also, it is specifically denied that the School Board passed Resolution #2 because they are singling out who Plaintiff Ridenour is as a person, and they do not see her for who she is. The remaining averments contained in Paragraph 172 regarding what Plaintiff Ridenour believes are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

173. The averments contained in Paragraph 173 of Plaintiffs' Complaint are denied. First, it is specifically denied that the District implemented any "newly-adopted discriminatory policy or practice" concerning Plaintiff A.S., or any of the other Plaintiffs or District students. Also, it is specifically denied that the Defendants "have essentially announced to the Pine-Richland community that transgender students cannot be trusted or respected." The remaining averments contained in Paragraph 173 regarding what Plaintiff A.S. feels and/or believes are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

174. The averments contained in Paragraph 174 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

175. The averments contained in Paragraph 175 of Plaintiffs' Complaint are denied. First, it is specifically denied that use of single-stall unisex restrooms by any District student sends a message that he or she is someone who is different and needs to be isolated from the rest of the student body. It is also specifically denied that "the School Board has forced transgender students to use single-stall restrooms." The remaining averments contained in Paragraph 175 regarding what Plaintiff A.S. feels and/or believes are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

176. The averments contained in Paragraph 176 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

177. The averments contained in Paragraph 177 of Plaintiffs' Complaint are denied. First, it is specifically denied that the District implemented any "newly-adopted discriminatory policy or practice" concerning Plaintiff A.S., or any of the other Plaintiffs or District students. The remaining averments contained in Paragraph 177 are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments. By way of further response, it is specifically denied that Plaintiff A.S.'s school performance has worsened since the implementation of Resolution #2 by the District.

178. The averments contained in Paragraph 178 of Plaintiffs' Complaint are admitted in part and denied in part. It is admitted that Plaintiff A.S. reported to the District that one of his art exhibits which related to gender identity had been vandalized, and the District promptly and thoroughly investigated the same. The remaining averments contained in Paragraph 178 regarding whether or not A.S. has faced "mockery" since the debate about Resolution #2 started are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

**CAUSES OF ACTION****COUNT I – SEX DISCRIMINATION  
IN VIOLATION OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972  
20 U.S.C. § 1681, et seq.  
(Against Defendant District)**

179. Paragraph 179 of Plaintiffs' Complaint is an incorporation paragraph to which no responsive pleading is required. To the extent that a responsive pleading may be required, Defendants incorporate the foregoing responses to Paragraph 1 through Paragraph 178 as though the same were fully set forth at length herein.

180. The averments contained in Paragraph 180 of Plaintiffs' Complaint reference a written document which speaks for itself. To the extent that the averments mischaracterize, misstate or contradict the written contents of said document, said averments are specifically denied.

181. The averments contained in Paragraph 181 of Plaintiffs' Complaint state conclusions of law to which no responsive pleading is required. By way of further response, it is specifically denied that Title IX's prohibition of discrimination based upon "sex" includes discrimination as to transgender individuals based upon their transgender status and gender identity.

182. The averments contained in Paragraph 182 of Plaintiffs' Complaint reference a written document which speaks for itself. To the extent that the averments mischaracterize, misstate or contradict the written contents of said document, said averments are specifically denied.

183. The averments contained in Paragraph 183 of Plaintiffs' Complaint state conclusions of law to which no responsive pleading is required.

184. The averments contained in Paragraph 184 of Plaintiffs' Complaint state conclusions of law to which no responsive pleading is required. By way of further response, it is specifically denied that the District has discriminated against Plaintiff Evancho "on the basis of sex" or in any other manner in violation of Title IX.

185. The averments contained in Paragraph 185 of Plaintiffs' Complaint state conclusions of law to which no responsive pleading is required. By way of further response, it is specifically denied that the District has discriminated against Plaintiff Ridenour "on the basis of sex" or in any other manner in violation of Title IX.

186. The averments contained in Paragraph 186 of Plaintiffs' Complaint state conclusions of law to which no responsive pleading is required. By way of further response, it is specifically denied that the District has discriminated against Plaintiff A.S. "on the basis of sex" or in any other manner in violation of Title IX.

187. The averments contained in Paragraph 187 of Plaintiffs' Complaint state conclusions of law to which no responsive pleading is required. By way of further response, it is specifically denied that Plaintiffs are entitled to preliminary and permanent injunctive relief enjoining Defendants from enforcing Resolution #2.

188. The averments contained in Paragraph 188 of Plaintiffs' Complaint state conclusions of law to which no responsive pleading is required. By way of further response, it is specifically denied that the District has intentionally violated Title IX or that Plaintiffs are entitled to any damages against the District based upon the same.

WHEREFORE, Defendants deny that they are liable to Plaintiffs in any manner or sum whatsoever and request that this Honorable Court dismiss Plaintiffs' Complaint in its entirety, and award said Defendants any and all such other relief as law and equity require.

**COUNT II – DEPRIVATION OF EQUAL PROTECTION  
IN VIOLATION OF FOURTEENTH AMENDMENT OF  
THE UNITED STATES CONSTITUTION  
42 U.S.C. § 1983  
(Against All Defendants)**

189. Paragraph 189 of Plaintiffs' Complaint is an incorporation paragraph to which no responsive pleading is required. To the extent that a responsive pleading may be required, Defendants incorporate the foregoing responses to Paragraph 1 through Paragraph 188 as though the same were fully set forth at length herein.

190. The averments contained in Paragraph 190 of Plaintiffs' Complaint state conclusions of law to which no responsive pleading is required. By way of further response, it is specifically denied that Plaintiffs' have a viable claim against Superintendent and Principal in their official capacities, pursuant to 42 U.S.C. § 1983, since the District has also been named as a Defendant in the above-captioned matter.

191. The averments contained in Paragraph 191 of Plaintiffs' Complaint state conclusions of law to which no responsive pleading is required. Additionally, the averments contained in Paragraph 191 reference a written document which speaks for itself. To the extent that the averments mischaracterize, misstate or contradict the written contents of said document, said averments are specifically denied.

192. The averments contained in Paragraph 192 of Plaintiffs' Complaint state conclusions of law to which no responsive pleading is required. Additionally, the averments contained in Paragraph 192 reference a written document which speaks for itself. To the extent that the averments mischaracterize, misstate or contradict the written contents of said document, said averments are specifically denied.

193. The averments contained in Paragraph 193 of Plaintiffs' Complaint state conclusions of law to which no responsive pleading is required. By way of further response, it is specifically denied that, under the Equal Protection Clause of the Fourteenth Amendment, discrimination based upon gender identity and/or transgender status is subject to "heightened scrutiny."

194. The averments contained in Paragraph 194 of Plaintiffs' Complaint state conclusions of law to which no responsive pleading is required. By way of further response, it is specifically denied that Resolution #2 discriminates against District students on the basis of sex.

195. The averments contained in Paragraph 195 of Plaintiffs' Complaint state conclusions of law to which no responsive pleading is required.

196. The averments contained in Paragraph 196 of Plaintiffs' Complaint reference a written document which speaks for itself. To the extent that the averments mischaracterize, misstate or contradict the written contents of said document, said averments are specifically denied.

197. The averments contained in Paragraph 197 of Plaintiffs' Complaint state conclusions of law to which no responsive pleading is required. By way of further response, it is specifically denied that Defendants discriminated against Plaintiff Evancho or Plaintiff Ridenour in violation of the Equal Protection Clause of the Fourteenth Amendment.

198. The averments contained in Paragraph 198 of Plaintiffs' Complaint state conclusions of law to which no responsive pleading is required. By way of further response, it is specifically denied that Defendants discriminated against Plaintiff A.S. in violation of the Equal Protection Clause of the Fourteenth Amendment.

199. The averments contained in Paragraph 199 of Plaintiffs' Complaint state conclusions of law to which no responsive pleading is required. By way of further response, it is specifically denied that Resolution #2 is neither substantially related to any important government interest nor rationally advances any legitimate government interest.

200. The averments contained in Paragraph 200 of Plaintiffs' Complaint state conclusions of law to which no responsive pleading is required. By way of further response, it is specifically denied that Defendants are liable for their violation of Plaintiffs' Fourteenth Amendment rights under 42 U.S.C. § 1983.

201. The averments contained in Paragraph 201 of Plaintiffs' Complaint state conclusions of law to which no responsive pleading is required.

202. The averments contained in Paragraph 202 of Plaintiffs' Complaint state conclusions of law to which no responsive pleading is required. By way of further response, it is specifically denied that Resolution #2 deprives Plaintiffs or any District student of equal dignity, liberty and/or autonomy by branding them as second-class citizens.

203. The averments contained in Paragraph 203 of Plaintiffs' Complaint state conclusions of law to which no responsive pleading is required. By way of further response, it is specifically denied that Resolution #2 denies Plaintiffs or any other District student equal protection of the laws in violation of the Equal Protection Clause of the Fourteenth Amendment.

204. The averments contained in Paragraph 204 of Plaintiffs' Complaint state conclusions of law to which no responsive pleading is required. By way of further response, it is specifically denied that Plaintiffs are entitled to any injunctive relief against Defendants declaring Resolution #2 unconstitutional and enjoining its enforcement.

205. The averments contained in Paragraph 205 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

206. The averments contained in Paragraph 206 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

207. The averments contained in Paragraph 207 of Plaintiffs' Complaint are admitted.

208. The averments contained in Paragraph 208 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

209. The averments contained in Paragraph 209 of Plaintiffs' Complaint are denied in that, after reasonable investigation, Defendants are without knowledge and/or information sufficient to form a belief as to the truth or falsity of said averments.

210. The averments contained in Paragraph 204 of Plaintiffs' Complaint state conclusions of law to which no responsive pleading is required. By way of further response, it is specifically denied that alleged discrimination based upon gender identity alone is entitled to heightened scrutiny under the Equal Protection Clause of the Fourteenth Amendment. It is also denied that Resolution #2 in any way violates the Equal Protection Clause of the Fourteenth Amendment or that Plaintiffs are entitled to relief against Defendants based upon the same.

WHEREFORE, Defendants deny that they are liable to Plaintiffs in any manner or sum whatsoever and request that this Honorable Court dismiss Plaintiffs' Complaint in its entirety, and award said Defendants any and all such other relief as law and equity require.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

Plaintiffs have failed to set forth any cause of action against Defendants upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

To the extent that discovery reveals the same, Plaintiffs' claims against Defendants are limited and/or barred by the applicable statutes of limitations and/or Plaintiffs' failure to exhaust administrative remedies.

**THIRD AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred by the common law doctrines of qualified immunity and/or high public official immunity.

**FOURTH AFFIRMATIVE DEFENSE**

At all times relevant to Plaintiffs' claims raised within their Complaint, Defendants acted in compliance with the applicable laws and Constitution of the United States of America, and with a reasonably held good faith belief that their conduct was lawful and proper under the circumstances and that they performed in a lawful manner.

**FIFTH AFFIRMATIVE DEFENSE**

At all times relevant to Plaintiffs' claims raised within their Complaint, Defendants acted in compliance with Title IX of the Education Amendments of 1972, and Resolution #2 is not a violation of the same.

**SIXTH AFFIRMATIVE DEFENSE**

Defendants did not discriminate against Plaintiffs on the basis of their sex in violation of Title IX of the Education Amendments of 1972.

**SEVENTH AFFIRMATIVE DEFENSE**

34 CFR § 106.33 expressly authorizes that the District “may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of another sex.”

**EIGHTH AFFIRMATIVE DEFENSE**

On February 22, 2017, the United States Departments of Justice and Education issued guidance concerning Title IX wherein said Departments withdrew previous guidance dated January 7, 2015 and May 13, 2016 because “[t]hese [previous] guidance documents do not, however, contain extensive legal analysis or explain how the position is consistent with the express language of Title IX, nor did they undergo any formal public process.”

**NINTH AFFIRMATIVE DEFENSE**

At all times relevant to Plaintiffs’ claims raised within their Complaint, Defendants acted in compliance with the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, and Resolution #2 is not a violation of the same.

**TENTH AFFIRMATIVE DEFENSE**

Defendants did not discriminate against Plaintiffs in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

**ELEVENTH AFFIRMATIVE DEFENSE**

Defendants have not intentionally treated Plaintiffs differently than others similarly situated.

**TWELTH AFFIRMATIVE DEFENSE**

“Transgender” is not a suspect classification under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

**THIRTEENTH AFFIRMATIVE DEFENSE**

If the Court finds that Defendants have treated Plaintiffs differently than others similarly situated via Resolution #2 or otherwise, Defendants’ classification was rationally related to a legitimate government interest.

**FOURTEENTH AFFIRMATIVE DEFENSE**

If the Court finds that Defendants have treated Plaintiffs differently than others similarly situated via Resolution #2 or otherwise, Defendants’ classification was also substantially related to the achievement of important government objectives.

**FIFTEENTH AFFIRMATIVE DEFENSE**

To the extent that discovery reveals the same, Plaintiffs have failed to mitigate their damages.

**SIXTEENTH AFFIRMATIVE DEFENSE**

No act or conduct of Defendants, or any agent, servant or employee of the same, caused any alleged injury, damage or loss to Plaintiffs.

**SEVENTEENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claimed injuries and/or damages, if any, were not caused by any policy, custom or practice of Defendants.

**EIGHTEENTH AFFIRMATIVE DEFENSE**

At all times relevant, Defendants acted appropriately within their authority.

**NINETEENTH AFFIRMATIVE DEFENSE**

Plaintiffs are unable to show that they are entitled to relief under Title IX.

**TWENTIETH AFFIRMATIVE DEFENSE**

Plaintiffs are unable to show that they are entitled to relief under the Equal Protection Clause of the United States Constitution.

**TWENTY-FIRST AFFIRMATIVE DEFENSE**

Plaintiffs' damages, if any, were solely caused by their own acts or omissions.

**TWENTY-SECOND AFFIRMATIVE DEFENSE**

Plaintiffs' official capacity claims raised against Superintendent and Principal are duplicative and unnecessary, and redundant.

**TWENTY-THIRD AFFIRMATIVE DEFENSE**

Due to the generality of the allegations in Plaintiffs' Complaint, Defendants reserve the right to amend their Answer and Affirmative Defenses if investigation, discovery and/or further

information would warrant such amendments, and further to assert any applicable matters of law during the pendency of this action.

RESPECTFULLY SUBMITTED,

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on this 15<sup>th</sup> day of March, 2017, I have filed the foregoing **Answer to Complaint for Declaratory, Injunctive and Other Relief** with the Clerk of Courts via the District Court Electronic Case Filing System which will send notification of such filings to the following counsel of record:

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