

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

ASHTON WHITAKER, a minor, by his  
mother and next friend, MELISSA  
WHITAKER,

Plaintiff,

v.

KENOSHA UNIFIED SCHOOL DISTRICT  
NO. 1 BOARD OF EDUCATION,

Defendant.

Civ. Action No. 2:16-cv-00943-PP  
Judge Pamela Pepper

**UNOPPOSED MOTION TO AMEND CASE CAPTION**

Plaintiff Ashton (“Ash”) Whitaker respectfully moves this court to amend the case caption in this matter from “ASHTON WHITAKER, a minor, by his mother and next friend, MELISSA WHITAKER, Plaintiff, v. KENOSHA UNIFIED SCHOOL DISTRICT NO. 1 BOARD OF EDUCATION, Defendant,” to “ASHTON WHITAKER, Plaintiff, v. KENOSHA UNIFIED SCHOOL DISTRICT NO. 1 BOARD OF EDUCATION, Defendant.” In support of this motion, Plaintiff states the following:

1. At the time this action was filed on July 19, 2016, Ash was 16 years old. Because Ash was a minor, his mother, Melissa Whitaker, filed the action as his mother and next friend pursuant to Fed. R. Civ. P. 17(c)(2). *See Whitaker v. Kenosha Unified Sch. Dist. No. 1 Bd. of Educ.*, 858 F.3d 1034, 1040 n.3 (7th Cir. 2017) (“Because Ash is a minor without a duly appointed representative, pursuant to Rule 17 of the Federal Rules of Civil Procedure, he may assert these claims only through a ‘next friend’ or guardian ad litem.”); Order Granting Preliminary Injunction [Dkt. No. 33], at 2.

2. Ash, who was born on August 24, 1999, *see* Decl. of Ashton Whitaker, Aug. 15, 2016 [Dkt. No. 10-1], at ¶ 2, turned 18 on August 24, 2017. As an adult, Ash may now continue to pursue this action in his own name without the assistance of a next friend or guardian ad litem permitted by Fed. R. Civ. P. 17(c)(2).

3. Defendant does not object to this motion.

Based on the foregoing, Plaintiff Ashton Whitaker respectfully requests that the Court grant this motion, enter the proposed order submitted to the Court via email, and direct the Clerk of Court to amend the case caption as specified above.

Dated: September 5, 2017

Respectfully submitted,

/s Joseph J. Wardenski

Joseph J. Wardenski

Michael Allen

Sasha Samberg-Champion

Alexa Milton\*

RELMAN, DANE & COLFAX, PLLC

1225 19th Street, NW, Suite 600

Washington, DC 20036

Phone: (202) 728-1888

Fax: (202) 728-0848

jwardenski@relmanlaw.com

mallen@relmanlaw.com

ssamberg-champion@relmanlaw.com

amilton@relmanlaw.com

Ilona M. Turner

Shawn Thomas Meerkamper

TRANSGENDER LAW CENTER

P.O. Box 70976

Oakland, CA 94612

Phone: (415) 865-0176

Fax: (877) 847-1278

ilona@transgenderlawcenter.org

shawn@transgenderlawcenter.org

Robert Theine Pledl  
MCNALLY PETERSON, S.C.  
1233 North Mayfair Road, Suite 200  
Milwaukee, WI 53226  
Phone: (414) 257-3399  
Fax: (414) 257-3223  
rpled1@mcpetelaw.com

*\* Application for admission to this Court  
pending*