

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

DREW ADAMS, et al.,

Plaintiff,

v.

THE SCHOOL BOARD OF ST. JOHNS
COUNTY, FLORIDA, et al.,

Defendants.

No. 3:17-cv-00739-TJC-JBT

**PLAINTIFF’S UNOPPOSED MOTION FOR LEAVE TO FILE A REPLY IN
FURTHER SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Local Rules 3.01(c) and (d), Plaintiff Drew Adams (“Drew” or “Plaintiff”), by and through his next friend and mother, Erica Adams Kasper, respectfully moves this Court for leave to file a reply in support of their Motion for Preliminary Injunction (ECF No. 22) of no more than three (3) pages in length, no later than August 8, 2017.

A. Procedural History and Basis for Relief

On June 28, 2017, Plaintiff Drew Adams, by and through his next friend and mother, Erica Adams Kasper, filed suit against Defendants The School Board of St. Johns County, Florida; Superintendent Tim Forson, and Principal Lisa Kunze. ECF No. 1.¹ On July 19, 2017, Plaintiff filed a motion for a preliminary injunction. ECF No. 22. On August 4, 2017, Defendants filed their opposition to Plaintiffs’ motion for preliminary injunction. ECF No. 42. Defendants’ 33-page opposition makes a number of new factual and legal arguments that

¹ Plaintiff has since filed a notice of voluntary dismissal as to Defendants Forson and Kunze only. ECF No. 45.

warrant a response.

Defendants have included in their opposition numerous documents filed in a different case pending in a different district court and circuit jurisdiction. ECF No. 41-7. Therefore, Plaintiffs seek leave to file a short reply and to tender documents rebutting the evidence from the unrelated case submitted by Defendants.

B. Argument

“No party shall file any reply or further memorandum directed to the motion or response . . . unless the Court grants leave.” M.D. Fla. Local Rule 3.01(c). “A motion requesting leave to file . . . a reply or further memorandum shall not exceed three (3) pages, shall specify the length of the proposed filing.” M.D. Fla. Local Rule 3.01(d). “The purpose of a reply brief is to rebut any new law or facts contained in the oppositions [sic] response to a request for relief before the Court.” *Tardif v. People for Ethical Treatment of Animals*, No. 2:09-CV-537-FTM-29, 2011 WL 2729145, at *2 (M.D. Fla. July 13, 2011).

Here, Defendants have included in their opposition numerous documents filed in a different case pending in a different district court and circuit jurisdiction (*Carcaño v. McCrory*, Case No. 1:16-cv-00236-TDS-JEP (M.D.N.C.)) concerning testimony regarding sex and gender identity. *See, e.g.*, Ex. 1-4 to ECF No. 41-7. None of the parties here are parties in that case, and the materials were not prepared for this lawsuit nor subscribed for use in this suit by the original declarants. While Plaintiffs would argue that the evidence tendered by Defendants is not entitled to any weight for purposes of this case, should the Court be inclined to consider such evidence, fairness and completeness dictates that Plaintiff be permitted to tender the rebuttal evidence offered by the plaintiffs in *Carcaño*, and other related material, so that it may

also be included in the record and considered by the Court.

C. Conclusion

In light of the short timeframe involved, Plaintiffs respectfully request leave to file a reply no longer than three pages by August 8, 2017, for the limited purpose of completing the record. Plaintiffs' counsel will substantively address the various new issues raised by Defendants' opposition and answer the Court's questions at the hearing on August 10, 2017.

Dated: August 7, 2017

Respectfully submitted,

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Counsel for Plaintiff

Certification Pursuant to M.D. Fla. Local Rule 3.01(g)

Pursuant Local Rule 3.01(g), the undersigned certifies that counsel for Plaintiffs conferred with counsel for Defendants on August 7, 2017. Counsel for Defendants stated that they do not oppose the relief sought herein.

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Certificate of Service

I hereby certify that on August 7, 2017, I electronically filed the foregoing and all attachments with the Clerk of the Court by using the CM/ECF system, causing a copy of the foregoing and all attachments to be served on all counsel of record.

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