

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

CIVIL APPEAL INFORMATION STATEMENT

COUNSEL FOR APPELLANT: This statement is due to be filed with the Clerk of the Court of Appeals not later than 14 days from the docketing of the notice of appeal.

SHORT CAPTION WITH IDENTITY OF APPELLANT:

Joel Doe, et al. vs. Boyertown Area School District, et al.

APPEAL FROM DISTRICT COURT:

District: Eastern District of Pennsylvania

D.C. Docket No.: 5:17-cv-01249-EGS

Date proceedings initiated in D.C.: 03/21/2017

Date Notice of Appeal filed: 09/25/2017

USCA No.: 17-3113

COUNSEL ON APPEAL

Appellant(s): Joel Doe, John Doe, Jane Doe, Macy Roe, Mary Smith, Jack Jones, John Jones and Jane Jones

Name of Counsel: Randall L. Wenger, Jeremy L. Samek (additional counsel listed on attached document)

Name of Party(ies): Doe family, Macy Roe, Mary Smith, and Jones family

Address: 23 North Front Street, First Floor, Harrisburg PA 17101

Telephone No.: 717-657-4990

Fax No.: 717-545-8107

E-mail: rwenger@indlawcenter.org, jsamek@indlawcenter.org

For Appellee(s): \*List only the names of parties and counsel who will oppose you on appeal

Name of Counsel: David W. Brown, Michael I. Levin

Name of Party(ies): Boyertown Area School District, Acting Superintendent, Principal, and Assistant Principal

Address: 1800 Byberry Road, Suite 1301, Huntingdon Valley, PA 19006

Telephone No.: 215-938-6378

Fax No.: 215-938-6375

E-mail: dbrown@levinlegalgroup.com, mlevin@levinlegalgroup.com

Name of Counsel: Mary Catherine Roper (additional counsel listed on attached document)

Name of Party(ies): Pennsylvania Youth Congress Foundation

Address: PO Box 60173, Philadelphia, PA 19102

Telephone No.: 215-592-1513 ext. 116

Fax No.: 215-592-1343

E-mail: mroper@aclu.org

Is this a Cross-Appeal? Yes [ ] No [x]

Appeals Docket No.:

Was there a previous appeal in case? Yes [ ] No [x]

If yes, Short Title:

Appeals Docket No.:

Citation, if reported:

To your knowledge is there any case now pending or about to be brought before this Court or any other court or administrative agency which:

- a) Arises from substantially the same case or controversy as this appeal? Yes  No
- b) Involves an issue that is substantially the same, similar, or related to an issue in this appeal? Yes  No

If you answered yes to either "a" or "b" please provide:

Case Name: See attached.

D.C. Docket No.: \_\_\_\_\_

Court or Agency: \_\_\_\_\_

Docket Number: \_\_\_\_\_

Citation, if reported: \_\_\_\_\_

**NATURE OF SUIT**  
(Check as many as apply)

1. FEDERAL STATUTES

- ANTI TRUST
- BANKRUPTCY
- BANKS & BANKING
- CIVIL RIGHTS
- COMMERCE, ROUTES, AND TARIFFS
- COMMODITIES
- COMMUNICATIONS
- CONSUMER PROTECTION
- COPYRIGHT
- PATENT
- TRADEMARK
- ELECTION
- ENERGY
- ENVIRONMENTAL
- FOIA FREEDOM OF INFORMATION
- IMMIGRATION
- LABOR
- OSHA
- SECURITIES
- SOCIAL SECURITY
- TAX
- EQUAL ACCESS TO JUSTICE
- OTHER Specify: \_\_\_\_\_

2. TORTS

- ADMIRALTY

- ASSAULT/DEFAMATION
- PRODUCT LIABILITY/WARRANTY
- DIVERSITY
- OTHER Specify: Invasion of Seclusion

3. CONTRACTS

- ADMIRALTY/MARITIME
- ARBITRATION
- COMMERCIAL
- EMPLOYMENT
- INSURANCE
- NEGOTIABLE DISBURSEMENTS
- OTHER Specify: \_\_\_\_\_

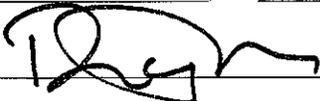
4. PRISONER PETITIONS

- CIVIL RIGHTS
- VACATE SENTENCE 2255
- HABEAS CORPUS 2254
- HABEAS CORPUS 2241
- MANDAMUS/PROHIBITION
- OTHER Specify: \_\_\_\_\_

5. OTHER

- FORFEITURE
- CIVIL GRAND JURY
- TREATY Specify: \_\_\_\_\_
- OTHER Specify: \_\_\_\_\_

This is to certify that this civil appeal information statement was filed with the Clerk of the U.S. Court of Appeals for the Third Circuit and a copy hereof served to each party or their counsel of record this 4th day of October, 2017.

Signature of Counsel: 

Additional Counsel for Appellants:

Cathy R. Gordon  
Jacob Kratt  
420 Fort Duquesne Blvd., Suite 600  
Pittsburgh, PA 15222  
412-291-8246  
412-586-4512 Fax  
gordonc@litchfieldcavo.com  
kratt@litchfieldcavo.com

Kellie Fiedorek  
Christiana Holcomb  
440 First St. NW, Suite 600  
Washington, DC 20001  
(202) 393-8690  
kfiedorek@ADFlegal.org  
cholcomb@ADFlegal.org

Gary S. McCaleb  
15100 N. 90th St.  
Scottsdale, AZ 85260  
(480) 444-0020  
(480) 444-0028 Fax  
gmccaleb@ADFlegal.org

Additional Counsel for Intervenor-Defendant:

Amanda L. Nelson  
Harper S. Seldin  
1650 Market Street, Suite 2800  
Philadelphia, PA 19103  
(215) 665-5590  
anelson@cozen.com  
hseldin@cozen.com

Leslie Cooper  
Ria Tabacco Mar  
125 Broad Street, 18th Floor  
New York, NY 10004  
(212) 549-2500  
lcooper@aclu.org  
rmar@aclu.org

**Cases involving an issue substantially the same, similar, or related to an issue in this appeal:**

Case Name: Students and Parents for Privacy v. Dep't of Educ.  
District Court Docket No.: 1:16-cv-4945  
Name of Current Court: N.D. Ill.  
Current Docket Number: 1:16-cv-4945  
Citation, if reported: 2016 WL 6134121 (Slip Copy)

Case Name: Board of Educ. of Highland Local Sch. Dist. v. Dep't of Educ.  
District Court Docket No.: 2:16-cv-00524  
Name of Current Court: 6th Cir.  
Current Docket Number: 16-4117  
Citation, if reported: 208 F. Supp. 3d 850

Case Name: Kenosha Unified Sch. Dist. No. 1 Bd. of Educ. v. Whitaker by Whitaker  
District Court Docket No.: 16-cv-943  
Name of Current Court: U.S. Supreme Court  
Current Docket Number: 17-301  
Citation, if reported: 858 F.3d 1034

Case Name: Grimm v. Gloucester Cty. Sch. Bd.  
District Court Docket No.: 4:15-cv-54  
Name of Current Court: E.D. Va. (remanded back from Sup. Ct. and the 4th Cir.)  
Current Docket Number: 4:15-cv-54  
Citation, if reported: 869 F.3d 286

Case Name: Adams v. Sch. Bd. of St. Johns Cty.  
District Court Docket No.: 3:17-cv-00739  
Name of Current Court: M.D. Fla.  
Current Docket Number: 3:17-cv-00739  
Citation, if reported:

Case Name: Carcano v. McCrory  
District Court Docket No.: 1:16-cv-00236  
Name of Current Court: M.D.N.C.  
Current Docket Number: 1:16-cv-00236  
Citation, if reported: 203 F. Supp. 3d 615

Case Name: M.A.B. v. Bd. of Educ. of Talbot Cty.  
District Court Docket No.: 1:16-cv-02622  
Name of Current Court: D. Md.

Current Docket Number: 1:16-cv-02622

Citation, if reported:

Case Name: Fleming v. United States

District Court Docket No.: 7:17-cv-00009-O

Name of Current Court: N.D. Tex.

Current Docket Number: 7:17-cv-00009-O

Citation, if reported:

Case Name: Smith v. Bd. of Educ. of Frederick Cty.

District Court Docket No.: 1:17-cv-02302

Name of Current Court: D. Md.

Current Docket Number: 1:17-cv-02302

Citation, if reported: