

**UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT**

**Case No. 17-3113**

JOEL DOE, a minor; by and through his Guardians JOHN DOE and JANE DOE; MARY SMITH; JACK JONES, a minor; by and through his Parents JOHN JONES and JANE JONES; and MACY ROE,

*Appellants*

**v.**

BOYERTOWN AREA SCHOOL DISTRICT; DR. BRETT COOPER, in his official capacity as Principal; DR. E. WAYNE FOLEY, in his official capacity as Assistant Principal; DAVID KREM, Acting Superintendent,<sup>1</sup>

*Appellees*

and

PENNSYLVANIA YOUTH CONGRESS FOUNDATION,

*Appellee-Intervenor*

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**MOTION FOR LEAVE TO FILE VIDEO EXHIBITS**

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Appellants, by and through their attorneys, move this Court for permission to file video exhibits as part of Appendix VII, and state as follows:

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<sup>1</sup> The District Court dismissed the individual Defendants/Appellees from the case on November 7, 2017, pursuant to agreement of the parties.

1. Appellants filed the Joint Appendices to this court on November 10, 2017.
2. As part of Appendix VII, Appellants attached two discs containing two video exhibits depicting the inside of the locker rooms at the Boyertown Area School District.
3. Appellants failed to seek leave to file the video exhibits.
4. Appellants now seek leave to file the video exhibits and for Appellants' November 10, 2017 filing of Appendix VII to be received as compliant with the rules.

Respectfully submitted this 21st day of November, 2017.

By: /s/ Randall L. Wenger

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## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on November 21, 2017, the foregoing was filed electronically and served on the other parties via the court's ECF system.

/s/ Randall L. Wenger

Randall L. Wenger

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