

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

JOHN DOE,

Plaintiff,

v.

Case No. 6:18-cv-102-Orl-37GJK

VOLUSIA COUNTY SCHOOL BOARD,

Defendant.

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**ORDER**

This matter comes before the Court on Plaintiff's Motion for Preliminary Injunction and Supporting Memorandum of Law (Doc. 24 ("**Motion**")).

Plaintiff is a transgender student who is enrolled as a sophomore in a public high school located in Volusia County, Florida. (*See* Doc. 1; *see also* Doc. 16.) Seeking damages as well as injunctive and declaratory relief, Plaintiff asserts two claims against the Volusia School Board ("**VCSB**") for: (1) transgender discrimination under Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 (Doc. 1, ¶¶80-86); and (2) violation of Plaintiff's rights under the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution under 28 U.S.C. § 1983 (*id.* ¶¶87-93). In response to the Complaint, VCSB filed its Answer and Defenses. (Doc. 16.) Plaintiff then filed his Motion, which requests that the Court enter an order preliminarily restraining and enjoining VCSB "from enforcing any policy, custom, or usage that treats Plaintiff differently from other

boys, including with respect to use of facilities and participation in Physical Education.”<sup>1</sup>  
(See Doc. 24-5; *see also* Doc. 24.)

Upon consideration, the Court finds that this matter is due to be set for a hearing to occur after full briefing. Accordingly, it is hereby **ORDERED AND ADJUDGED** that:

1. On or before **March 12, 2018**, Defendant Volusia County School Board shall file a response to the Motion and any opposing declarations or affidavits.  
*See* Local Rules 3.01(b), 3.01(f), & 4.06(b)(3).
2. The Court will set the matter for a hearing by a separate notice.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on February 27, 2018.



  
ROY B. DALTON JR.  
United States District Judge

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<sup>1</sup> In support of his Motion, Plaintiff filed his own declaration (Doc. 24-1), and the declarations of his mother (Doc. 24-2), and a clinical psychologist – Diane Ehrensaft, Ph.D (Doc. 24-3). With an authenticating declaration from his attorney, Plaintiff also filed the following documents: (1) Part V of the Broward County Public Schools LGBTQ Critical Support Guide, “Policy Guidance: Transgender Procedures, Safety, and Resilience” (Doc. 23-4, pp. 4–25); (2) the Montgomery, Maryland County Public Schools’ “Guidelines Regarding Student Gender Identity Matters” (*id.* at 27–32); and (3) the National Association of Secondary School Principals’ Position Statement regarding Transgender Students (*id.* at 34–42). Absent an order granting a request to present evidence in accordance with Federal Rule of Civil Procedure 43(c), the hearing in this matter will be limited to the presentation of legal argument. *See* Local Rules 3.01(j) & 4.06(b); *see also* Fed. R. Civ P. 65(a)(1)(2).

Copies to:

Counsel of Record