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The Honorable George Levi Russell, III
United States District Court
for the District of Maryland
101 West Lombard Street
Baltimore, MD 21201

VIA ELECTRONIC CASE FILING

RE: M.A.B. ex rel. L.A.B. & L.F.B. v. Bd. of Educ. of Talbot County, et al., (Case No. GLR-16-2622).

Dear Judge Russell,

On behalf of Plaintiff, M.A.B., by and through his parents and next friends, L.A.B. and L.F.B., we write to inform the Court of two recent factual developments relevant to the Plaintiff's pending Motion for Preliminary Injunction (ECF No. 41).

First, M.A.B. has signed up to take physical education class for the 2018-19 school year.

Although it is undisputed that M.A.B. is required to take physical education, in opposing M.A.B.'s motion for a preliminary injunction, Defendants nevertheless argue that M.A.B. did not face irreparable harm because he was not enrolled in physical education classes in 2017-18 and, therefore, would not be using the boys' locker room during that school year. Def.'s Opp. ECF No. 43 at 14. M.A.B. has now signed up for physical education class for the 2018-19 school year, which is scheduled to begin on September 4, 2018. Thus, as detailed in M.A.B.'s 2017 motion for preliminary injunction (ECF No. 42 and 44), he will suffer irreparable harm if a preliminary injunction is not issued before classes begin on September 4, 2018.

Second, M.A.B. has been issued an updated birth certificate.

In his Supplemental Declaration dated May 19, 2017 (ECF No. 41-2), M.A.B. informed the Court that, as part of his medical transition, he has been receiving hormone therapy (testosterone) since February 2016 and received chest reconstruction surgery in April 2017. *See id.* ¶ D. M.A.B. further stated: "Since

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Sam Williamson
University of Maryland School of Law
Student Member of the Board

I was born in New Jersey, I am now working with my parents to change the gender marker on my birth certificate with the New Jersey Department of Vital Statistics.” *Id.*

On December 5, 2017, the New Jersey Department of Health Office of Vital Statistics and Registry issued a birth certificate to M.A.B. stating that his “sex” is “male.” (A copy of M.A.B.’s birth certificate, redacted as required by Federal Rule of Civil Procedure 5.2(a), is attached as Ex. A.) After M.A.B. provided a copy of the birth certificate to St. Michael’s Middle-High School, the school updated all of M.A.B.’s records in Talbot County Public Schools’ computer system to reflect his male gender marker in accordance with his birth certificate.

For these reasons, and those stated in the Plaintiff’s motion for preliminary injunction and reply in support thereof (ECF Nos. 41 and 44), Plaintiff thus respectfully requests that this Court grant his motion for preliminary injunction so he can begin his junior year of high school without being singled out from every other boy and forced to use separate, stigmatizing facilities simply because he is transgender.

Respectfully Submitted,

_____/s/
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_____/s/
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**Admitted Pro hac vice*

CERTIFICATE OF BIRTH

NAME OF CHILD

M [REDACTED] **A** [REDACTED] **B** [REDACTED]

DATE OF BIRTH

[REDACTED] 02

TIME

05:49 AM

SEX

MALE

MAIDEN NAME OF MOTHER

LYNN A BEALS

NAME OF FATHER

LAURENCE FARRELL BRENNAN

PLACE OF BIRTH

EDISON TWP

COUNTY OF BIRTH

MIDDLESEX

DATE ISSUED:

DECEMBER 5, 2017

FILE NUMBER

20020003730

DATE FILED WITH REGISTRAR: **02/13/2002**

ISSUED BY:

**New Jersey Department of Health
Office of Vital Statistics and Registry**

7102979791



This is to certify that the above is correctly copied from a record on file in my office.

Certified copy not valid unless the raised Great Seal of the State of New Jersey or the seal of the issuing municipality or county, is affixed hereon.

Vincent T. Arrisi

Vincent T. Arrisi
State Registrar
Office of Vital Statistics and Registry



REG-42A
JUN 14



Exhibit A

THIS DOCUMENT CONTAINS A UNIQUE STATE OF NJ WATERMARK HOLD AT LIGHT TO VERIFY

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