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Harper S. Seldin

Direct Phone 215-665-5590
hseldin@cozen.com

Marcia M. Waldron
Clerk of Court
United States Court of Appeals
21400 United States Courthouse
601 Market Street
Philadelphia, PA 19106-1790

Re: Doe et al. v. Boyertown Area School District, et al.
Case Number: 17-3113
District Court Case Number: 17-cv-1249

To the Clerk of Court:

Pursuant to Federal Rule of Appellate Procedure 28(j), Intervenor-Appellee Pennsylvania Youth Congress Foundation (“PYC”) advises the Court of pertinent and significant authority decided after Intervenor-Appellee PYC’s submission of its brief: *M.A.B. v. Board of Educ. of Talbot Cty.*, Civil Action No. GLR-16-2622, -- F. Supp. 3d --, 2018 WL 1257097, at *1 (D. Md. March 12, 2018) (Russell, J.). In *M.A.B.*, a transgender boy sued his school district for refusing to allow him to use the boys’ single-sex locker rooms, asserting Equal Protection and Title IX claims. The District Court denied the school district’s motion to dismiss for failure to state a claim, holding that excluding a boy from boys’ facilities because he is transgender would constitute a violation of the Equal Protection Clause and Title IX.

Intervenor-Appellee PYC specifically draws this Court’s attention to the *M.A.B.* Court’s conclusion that allowing boys and girls who are transgender to use the common facilities used by other boys and girls does not violate any student’s constitutional right to bodily privacy. *Id.* at *14-17. The *M.A.B.* Court’s discussion is pertinent to Intervenor-Appellee PYC’s response to Plaintiffs-Appellants’ Fourteenth Amendment bodily privacy claim set out at pages 23-29 of Intervenor-Appellee PYC’s brief.

Respectfully submitted,

COZEN O’CONNOR

By: s/ Harper S. Seldin

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