

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA

ORLANDO DIVISION

JOHN DOE, a minor, by his parents  
and next friends, SUSAN AND  
JACK DOE,

Plaintiff,

No. 6:18-CV-102-RBD-GJK

v.

VOLUSIA COUNTY SCHOOL BOARD,

Defendant.

**PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE TO FILE REPLY IN SUPPORT  
OF MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Local Rules 3.01(c) and (d), Plaintiff John Doe, by and through his parents and next friends Susan and Jack Doe ("Plaintiff"), respectfully moves this Court for leave to file a reply in support of his Motion for Preliminary Injunction (ECF No. 24) of no more than seven (7) pages in length, no later than March 27, 2018. Defendant does not oppose this motion to file a reply.

**A. Procedural History and Basis for Relief**

On January 19, 2018, Plaintiff John Doe, by and through his parents and next friends Susan and Jack Doe, filed suit against Defendant Volusia County School Board ("Defendant"). ECF No. 1. On February 23, 2018, Plaintiff filed a motion for a preliminary injunction. ECF No. 24. On March 20, 2018, Defendants filed their opposition to Plaintiffs'

motion for preliminary injunction. ECF Nos. 31-36. Defendants' opposition raises new factual and legal arguments that warrant a response.

**B. Argument**

"No party shall file any reply or further memorandum directed to the motion or response . . . unless the Court grants leave." M.D. Fla. Local Rule 3.01(c). "A motion requesting leave to file . . . a reply or further memorandum shall not exceed three (3) pages, [and] shall specify the length of the proposed filing." M.D. Fla. Local Rule 3.01(d). "The purpose of a reply brief is to rebut any new law or facts contained in the oppositions [sic] response to a request for relief before the Court." *Tardif v. People for Ethical Treatment of Animals*, No. 2:09-CV-537-FTM-29, 2011 WL 2729145, at \*2 (M.D. Fla. July 13, 2011).

Here, Defendant submitted several affidavits that included new factual allegations regarding its policy on the use of sex-separated facilities for transgender students and the presence of irreparable harm. Plaintiff seeks an opportunity to respond to those allegations with evidence of his own and address the relevance, if any, of those new allegations to the resolution of this motion. Further, Plaintiff seeks an opportunity to briefly address Defendant's legal arguments regarding the applicable standard for obtaining a preliminary injunction and cites cases addressing the Title IX and Equal Protection claims. Plaintiff's proposed reply brief will be seven (7) or fewer pages.

**C. Conclusion**

Wherefore, Plaintiff respectfully requests that he be granted leave to file a reply in accordance with this motion no later than March 27, 2018.

**LOCAL RULE 3.01(g) CERTIFICATION**

Pursuant to Local Rule 3.01(g), the undersigned certifies that counsel for Plaintiff conferred with counsel for Defendant on March 22, 2018. Counsel for Defendants stated that they do not oppose the relief sought herein.

Date: March 22, 2018

Respectfully Submitted,

/s/ Asaf Orr

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished this 22th day of March, 2018, by electronic and regular mail to the Clerk of Court and to the following:

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Date: March 22, 2018

/s/ Asaf Orr