

**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,

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

v.

VOLUSIA COUNTY SCHOOL BOARD,

Defendant.

**UNOPPOSED MOTION FOR PLAINTIFF AND HIS PARENTS TO APPEAR
TELEPHONICALLY AT THE HEARING ON PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

Plaintiff John Doe (the "Plaintiff"), a minor, by and through his parents and next friends, Susan and Jack Doe, respectfully moves this Court to allow the Plaintiff and his parents to appear telephonically at the hearing on the Plaintiff's Motion for Preliminary Injunction currently scheduled to take place on Tuesday, April 3, 2018, at 1:30 p.m., and in support thereof states as follows:

1. Plaintiff John Doe is a fifteen-year-old transgender boy who is suing his school for discrimination through his parents as next friends.

2. On January 30, 2018, the Court granted the Plaintiff's motion to proceed anonymously in this case due to the highly sensitive and private nature of the facts involved, as well as the risk of stigma and retaliation he and his family face if his identity is made public (Dkt. 8).

3. On February 23, 2018, the Plaintiff filed a motion seeking a preliminary injunction (Dkt. 24), and on February 27th, the Court noticed the motion for hearing on April 3rd (Dkt. 26).

4. Plaintiff's counsel will appear at the hearing in person.

5. However, in order to continue to maintain the Plaintiff's anonymity and the anonymity of his family, the Plaintiff requests the Court's permission for him and his parents to appear at the hearing by phone.

6. Minor litigants have a "special status and vulnerability" that entitles them to "heightened privacy protections." *Doe v. Stegall*, 653 F.2d 180, 186 (5th Cir. 1981); *D.L. ex rel. Phan L. v. Bateman*, No. 3:12-CV-208-J-32JBT, 2012 WL 1565419, at *2 (M.D. Fla. May 2, 2012). Here, because of the Plaintiff's particular vulnerability, and the heightened risk of retaliation he and his family face if his community learns that he is transgender, John has a heightened interest in retaining his anonymity, and the anonymity of his family, throughout these proceedings.

WHEREFORE, the Plaintiff respectfully requests that this Court enter an order permitting the Plaintiff and his parents to appear telephonically at the hearing on the Plaintiff's motion for a preliminary injunction.

Rule 3.01(g) Certification

Pursuant to Local Rule 3.01(g), the undersigned certifies that she conferred with counsel for Defendant in a good faith effort to resolve the issues in this motion, and said counsel does not

oppose the relief requested herein.

Dated: March 27, 2018

Respectfully submitted,

/s/ Lauren L. Valiente

Lauren L. Valiente, Trial Counsel

Florida Bar No. 034775

Email: lvaliente@foley.com

FOLEY & LARDNER LLP

100 N. Tampa St., Suite 2700

Tampa, FL 33602

Telephone: 813.229.2300

Facsimile: 813.221.4210

Christina M. Kennedy

Florida Bar No. 58242

Email: ckennedy@foley.com

Jessica E. Joseph

Florida Bar No. 99483

Email: jjoseph@foley.com

FOLEY & LARDNER LLP

111 North Orange Avenue, Suite 1800

Orlando, FL 32801-2386

Telephone: 407.423.7656

Facsimile: 407.648.1743

Amy Whelan, *pro hac vice motion forthcoming*

awhelan@nclrights.org

Asaf Orr, *pro hac vice motion forthcoming*

aorr@nclrights.org

NATIONAL CENTER FOR LESBIAN RIGHTS

870 Market Street, Suite 370

San Francisco, CA 94102

Telephone: 415.392.6257

Facsimile: 415.392.8442

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2018, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send an electronic notice to all counsel of record.

/s/ Lauren L. Valiente _____

Lauren L. Valiente

Attorney