



May 23, 2018

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: *Gavin Grimm v. Gloucester County School Board*, Case No. 4:15-cv-54, -- WL --, at *1 (E.D. Va. May 22, 2018) (Wright Allen, J.). In *Grimm*, a transgender boy sued the local school board for refusing to allow him to use the boys’ single-sex restrooms, asserting Equal Protection and Title IX claims. The District Court denied the school board’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 *Grimm* Court’s conclusion that “preventing Mr. Grimm from using the boys’ restrooms did nothing to protect the privacy rights of other students, but certainly singled out and stigmatized Mr. Grimm.” *Id.* at slip op. 28-30. The *Grimm* 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

Harper S. Seldin