

## UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office

Phone (415) 355-7900 Fax (415) 355-8566

<http://www.ca9.uscourts.gov/mediation>**MEDIATION QUESTIONNAIRE**This form is available in a fillable version at [http://cdn.ca9.uscourts.gov/datastore/uploads/forms/Mediation\\_Questionnaire.pdf](http://cdn.ca9.uscourts.gov/datastore/uploads/forms/Mediation_Questionnaire.pdf).

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are **not** confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s):	18-35708
District Court/Agency Case Number(s):	3:17-cv-01813-HZ
District Court/Agency Location:	U.S. DISTRICT COURT - OREGON
Case Name:	PARENTS FOR PRIVACY, et al v. DALLAS SCHOOL DISTRICT, et al
If District Court, docket entry number(s) of order(s) appealed from:	DKT NOS. 69, 70
Name of party/parties submitting this form:	Plaintiffs/Appellants

Briefly describe the dispute that gave rise to this lawsuit.

In the fall of 2015, Dallas High School implemented a "Student Safety Plan" allowing a transgender student to use any restroom or locker room of their choosing allegedly conforming to their gender identity without prior notice to other students, parents or community members. The role of advice or "guidance" from federal and state agencies in Dallas taking this action is disputed. Community opposition, once the Student Safety Plan became known, was vigorous, but unavailing. The lawsuit ensued.

Briefly describe the result below and the main issues on appeal.

The trial court dismissed all of plaintiffs' claims with prejudice (Dkt 69) after defendants, intervenors and amici all filed motions to dismiss. The court at the same time entered judgment in favor of all defendants and related parties (Dkt 70). At issue are privacy rights of students and others coming on campus at district schools not to share intimate spaces with persons of the opposite sex, rights of parents to advocate for students' dignity, privacy and safety, the religious rights of Jon and Kris Golly, plus alleged violations of the APA and Title IX for improper adoption of novel redefinitions of "sex" to include sexual orientation and gender identity without legislation or rulemaking.

*(Continue to next page)*

Describe any proceedings remaining below or any related proceedings in other tribunals.

None.

Provide any other thoughts you would like to bring to the attention of the mediator.

Mediation is highly unlikely to be effective given the highly controversial nature of the rights in conflict with each other. Cases such as this are pending across the country, only one appellate court (the Third Circuit) has reviewed these matters, and there are a number of cases seeking review of these and similar issues by the U.S. Supreme Court.

*Any party may provide additional information **in confidence** directly to the Circuit Mediation Office at [ca09\\_mediation@ca9.uscourts.gov](mailto:ca09_mediation@ca9.uscourts.gov). Provide the case name and Ninth Circuit case number in your message. Additional information might include level of interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.*

## CERTIFICATION OF COUNSEL

I certify that:

a current service list with telephone and fax numbers and email addresses is attached (see 9th Circuit Rule 3-2).

I understand that failure to provide the Court with a completed form and service list may result in sanctions, including dismissal of the appeal.

Signature

s/ HERBERT G. GREY

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for

Plaintiffs/Appellants

***How to File:*** Complete the form and then convert the filled-in form to a static PDF (File > Print > PDF Printer or any PDF Creator). To file, log into Appellate ECF and select File Mediation Questionnaire. (*Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system.*)

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing MEDIATION STATEMENT on the following via the indicated method(s) of service:

Ryan Adams

[ryan@ruralbusinessattorneys.com](mailto:ryan@ruralbusinessattorneys.com)

Caleb S. Leonard

[Caleb@RuralBusinessAttorneys.com](mailto:Caleb@RuralBusinessAttorneys.com)

181 N. Grant Street, Suite 212

Canby, OR 97013

Telephone: 503-266-5590

Of Attorneys for Plaintiffs

Peter R. Mersereau

[pmersereau@mershanlaw.com](mailto:pmersereau@mershanlaw.com)

Beth F. Plass

[bplass@mershanlaw.com](mailto:bplass@mershanlaw.com)

Mersereau Shannon LLP

111 SW Columbia Street, Suite 1100

Portland, OR 97201

Telephone: 503-226-6400

Facsimile: 503-226-0383

Attorneys for Defendant Dallas School District No. 2

Chad A. Readler

Billy J. Williams

Carlotta P. Wells

James O. Bickford

[James.bickford@usdoj.gov](mailto:James.bickford@usdoj.gov)

United States Department of Justice

20 Massachusetts Ave., NW

Washington, DC 20530

Telephone:

Attorneys for Defendants United States Department of Education,  
Betsy Devos, United States Department of Justice, and Jeff Sessions

Darin M. Sands  
[sandsd@lanepowell.com](mailto:sandsd@lanepowell.com)  
Lane Powell PC  
601 SW Second Avenue, Suite 2100  
Portland, OR 97204  
Telephone: 503-778-2100  
Facsimile: 503-778-2200

Mathew W. dos Santos  
[mdossantos@aclu-or.org](mailto:mdossantos@aclu-or.org)  
Telephone: 503-552-2105  
Kelly Simon  
[ksimon@aclu-or.org](mailto:ksimon@aclu-or.org)  
Telephone: 503-444-7015  
ACLU Foundation of Oregon  
P.O. Box 40585  
Portland, OR 97240

Gabriel Z. Arkles  
[Garkles@aclu.org](mailto:Garkles@aclu.org)  
Shayna A. Medley-Warsoff  
[smedley@aclu.org](mailto:smedley@aclu.org)  
ACLU Foundation  
125 Broad Street, 18th Floor  
New York, NY 10004  
Telephone: 212-549-2500  
Facsimile: 212-549-2650

Attorneys for Defendant-Intervenor Basic Rights Oregon

Ellen F. Rosenblum  
Sarah Weston  
[sarah.weston@doj.state.or.us](mailto:sarah.weston@doj.state.or.us)  
Patricia Rincon  
Carla A. Scott  
[carla.a.scott@doj.state.or.us](mailto:carla.a.scott@doj.state.or.us)  
Oregon Department of Justice  
100 SW Market Street  
Portland, OR 97201  
Telephone: 971-673-1880  
Facsimile: 971-673-5000

Attorneys for Amici Governor Kate Brown and Oregon  
Department of Education

\_\_\_\_\_ **MAILING** certified full, true and correct copies thereof in a sealed, first class postage-prepaid envelope, addressed to the attorney(s) shown above at their last known office address(es), and deposited with the U.S. Postal Service at Portland/Beaverton, Oregon, on the date set forth below.

  X   **ELECTRONIC FILING** utilizing the Court's electronic filing system

\_\_\_\_\_ **EMAILING** certified full, true and correct copies thereof to the attorney(s) shown above at their last known email address(es) on the date set forth below.

DATED this 29th day of August, 2018.

s/ Herbert G. Grey

Herbert G. Grey, OSB #810250

4800 SW Griffith Drive, Suite 320

Beaverton, OR 97005-8716

Telephone: 503-641-4908

Email: [herb@greylaw.org](mailto:herb@greylaw.org)

Of Attorneys for Plaintiffs