

18-13592-EE

IN THE
**United States Court of Appeals
for the Eleventh Circuit**

DREW ADAMS,
Plaintiff-Appellee,

v.

THE SCHOOL BOARD OF ST. JOHNS COUNTY, FLORIDA,
Defendant-Appellant.

On Appeal from the United States District Court
for the Middle District of Florida, Jacksonville Division
District Court Case No. 3:17-cv-00739-TJC-JBT

**APPELLEE’S CONSENT MOTION TO EXTEND THE DEADLINE TO
FILE ANSWERING BRIEF AND SUPPLEMENTAL APPENDIX**

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**APPELLEE’S CERTIFICATE OF INTERESTED PERSONS AND
CORPORATE DISCLOSURE STATEMENT**

Pursuant to Eleventh Circuit Rules 26.1-1 through 26.1-3, Appellee certifies that the name of each person, attorney, association of persons, firm, law firm, partnership, and corporation that has or may have an interest in the outcome of this action — including subsidiaries, conglomerates, affiliates, parent corporations, publicly-traded companies that own 10% or more of a party’s stock, and all other identifiable legal entities related to any party in the case – includes the following:

1. Aberli, Thomas A. – Witness for Appellee
2. Achievement First Public Charter Schools - Proposed *Amicus Curiae*
3. Adams, Drew – Appellee
4. Adams, Scott – Appellee’s Father
5. Adkins, Deanna – Expert witness for Appellee
6. Allen, Tommy – Board Member of Appellant
7. Alliance Defending Freedom – Counsel for *Amici Curiae*
8. Altman, Jennifer G. – Counsel for Appellee
9. American Association of Child and Adolescent Psychiatry – *Amicus Curiae*
10. American Academy of Nursing – *Amicus Curiae*
11. American Academy of Pediatrics – *Amicus Curiae*

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12. American College of Physicians – *Amicus Curiae*
13. American Medical Association – *Amicus Curiae*
14. American Medical Women’s Association – *Amicus Curiae*
15. American Nurses Association – *Amicus Curiae*
16. Association of Medical School Pediatric Department Chairs – *Amicus Curiae*
17. Banks, Emily – Proposed *Amicus Curiae*
18. Barden, Robert Chris – Counsel for Appellant, Terminated
19. Barrera, Kelly – Board Member of Appellant
20. Barth, Morgan – Proposed *Amicus Curiae*
21. Baxter, Rosanne C. – Counsel for Proposed *Amicus Curiae*
22. Bazer, Beth – Proposed *Amicus Curiae*
23. Bean, Daniel – Counsel for *Amicus Curiae*
24. Bertschi, Craig – Counsel for *Amicus Curiae*
25. Boies, Schiller & Flexner, LLP – Counsel for Proposed *Amicus Curiae*
26. Borelli, Tara L. – Counsel for Appellee
27. Bourgeois, Roger – Proposed *Amicus Curiae*
28. Bruce, Diana K. – Proposed *Amicus Curiae*
29. Brysacz, Benjamin J. – Counsel for *Amicus Curiae*

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30. Campbell, James A. – Counsel for *Amici Curiae*
31. Canan, Patrick – Board Member of Appellant
32. Carney, Karen – Proposed *Amicus Curiae*
33. Carter, Heidi – Proposed *Amicus Curiae*
34. Castillo, Paul D. – Counsel for Appellee
35. Center for Religious Expression – Counsel for *Amicus Curiae*
36. Chang, Tommy – Proposed *Amicus Curiae*
37. Chapman, Peyton – Proposed *Amicus Curiae*
38. Colter, Howard – Proposed *Amicus Curiae*
39. Corrigan, Hon., Timothy J. – United States District Judge
40. Cyra, Sherri – Proposed *Amicus Curiae*
41. Davis, Bryan – Proposed *Amicus Curiae*
42. DeSelm, Lizbeth – Proposed *Amicus Curiae*
43. DiBenedetto, Arthur – Proposed *Amicus Curiae*
44. Doolittle, Kirsten L. – Counsel for Appellee
45. Doran, Mary – Proposed *Amicus Curiae*
46. Doss, Eric – Proposed *Amicus Curiae*
47. Dyer, Karen – Counsel for Proposed *Amicus Curiae*
48. Ehrensaft, Diane – Expert witness for Appellee
49. Endocrine Society – *Amicus Curiae*

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50. Ewing, Gregory – Proposed *Amicus Curiae*
51. Florida School Boards Insurance Trust – Insurance Carrier for Appellant
52. Forson, James (Tim) – Superintendent of the St. Johns County School District
53. Fountain, Lisa Barclay – Counsel for Appellant
54. Flynn, Diana K. – Counsel for Appellee
55. GLMA – Health Professionals Advancing LGBT Equality – *Amicus Curiae*
56. Gonzalez-Pagan, Omar – Counsel for Appellee
57. Greer, Eldridge – Proposed *Amicus Curiae*
58. Grijalva, Adelita – Proposed *Amicus Curiae*
59. Grossman, Miriam – *Amicus Curiae*
60. Gurtner, Jill – Proposed *Amicus Curiae*
61. Haney, Matthew – Proposed *Amicus Curiae*
62. Hargis, Kellie M. – Proposed *Amicus Curiae*
63. Harmon, Terry J. – Counsel for Appellant
64. Heyer, Walt – *Amicus Curiae*
65. Hohs, Sherie – Proposed *Amicus Curiae*
66. Holland & Knight, LLP – Counsel for *Amicus Curiae*

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67. Jenner & Block, LLP – Counsel for *Amicus Curiae*
68. Kaplan, Aryeh L. – Counsel for Appellee
69. Kasper, Erica Adams – Appellee’s Next Friend and Mother
70. Kefford, Michelle – Principal of Charles W. Flanagan High School
71. Kellum, Nathan W. – Counsel for *Amicus Curiae*
72. Kenney, Tim – Proposed *Amicus Curiae*
73. Kostelnik, Kevin C. – Counsel for Appellant
74. Kunin, Ken – Proposed *Amicus Curiae*
75. Kunze, Lisa – Principal of Allen D. Nease High School
76. Laidlaw, Michael K. – *Amicus Curiae*
77. Lambda Legal Defense and Education Fund, Inc. – Counsel for Appellee
78. Lapointe, Markenzy – Counsel for Appellee
79. Las Cruces Public Schools – Proposed *Amicus Curiae*
80. Law Office of Kirsten Doolittle, P.A. – Counsel for Appellee
81. Los Angeles Unified School District – Proposed *Amicus Curiae*
82. Love, Laura H. – Proposed *Amicus Curiae*
83. MacKenzie, Dominic C. – Counsel for *Amicus Curiae*
84. Majeski, Jeremy – Proposed *Amicus Curiae*
85. McCaleb, Gary S. – Counsel for *Amici Curiae*

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86. McCalla, Craig – Proposed *Amicus Curiae*
87. McRae Bertschi & Cole LLC – Counsel for *Amicus Curiae*
88. Meece, Gregory R. – Proposed *Amicus Curiae*
89. Mignon, Bill – Board Member of Appellant
90. Miller, William C. – Counsel for Appellee
91. Mittelstadt, Cathy Ann – Deputy Superintendent for Operations of St.
Johns County School District
92. Morse, James C., Sr. – Proposed *Amicus Curiae*
93. Munson, Ziad W. – Proposed *Amicus Curiae*
94. Nardecchia, Natalie – Counsel for Appellee, Terminated
95. OGC Law, LLC – Counsel for *Amicus Curiae*
96. O'Reilly, John – Proposed *Amicus Curiae*
97. Palazzo, Denise – Proposed *Amicus Curiae*
98. Pediatric Endocrine Society – *Amicus Curiae*
99. Pillsbury Winthrop Shaw Pittman LLP – Counsel for Appellee
100. Pollock, Lindsey – Proposed *Amicus Curiae*
101. Ranck-Buhr, Wendy – Proposed *Amicus Curiae*
102. RC Barden and Associates – Counsel for Appellant, Terminated
103. Retzlaff, Pamela – Proposed *Amicus Curiae*
104. Rivaux, Shani – Counsel for Appellee

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105. Robertson, Cynthia Cook – Counsel for Appellee
106. San Diego Cooperative Charter Schools – Proposed *Amicus Curiae*
107. Santa, Rachel – Proposed *Amicus Curiae*
108. Schaffer, Brian – Proposed *Amicus Curiae*
109. Schommer, Monica – Proposed *Amicus Curiae*
110. School Administrators from 29 States and the District of Columbia –
Proposed *Amicus Curiae*
111. School District of South Orange and Maplewood – Proposed *Amicus*
Curiae
112. Segal, Richard M. – Counsel for Appellee
113. Shah, Paru – Proposed *Amicus Curiae*
114. Shirk, Sarah – Proposed *Amicus Curiae*
115. Slanker, Jeffrey D. – Counsel for Appellant
116. Slough, Beverly – Board Member of Appellant
117. Smith, Nathaniel R. – Counsel for Appellee
118. Smith, Sallyanne – Former Director of Student Services for St. Johns
County School District
119. Sniffen, Robert J. – Counsel for Appellant
120. Sniffen & Spellman, P.A. – Counsel for Appellant
121. Spellman, Michael P. – Counsel for Appellant

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122. Spryszak, Delois Cooke – Proposed *Amicus Curiae*
123. Sutherland, Emily – Proposed *Amicus Curiae*
124. Taymore, Cyndy – Proposed *Amicus Curiae*
125. Teufel, Gregory H. – Counsel for *Amicus Curiae*
126. The School Board of St. Johns County, Florida – Appellant
127. Toomey, Joel – Magistrate Judge
128. Tyler & Bursch, LLP – Counsel for *Amicus Curiae*
129. Tyler, Robert H. – Counsel for *Amicus Curiae*
130. Upchurch, Bailey & Upchurch, P.A. – General Counsel to Appellant
131. Upchurch, Frank D. – General Counsel to Appellant
132. Valbrun-Pope, Michaelle – Executive Director of Student Support
Initiative for Broward County Public Schools
133. Van Meter, Quentin L. – *Amicus Curiae*
134. Van Mol, Andre – *Amicus Curiae*
135. Vannasdall, David – Proposed *Amicus Curiae*
136. Vaughn, Craig – Proposed *Amicus Curiae*
137. Vitale, Julie – Proposed *Amicus Curiae*
138. Washoe County School District – Proposed *Amicus Curiae*
139. Weber, Thomas – Proposed *Amicus Curiae*
140. Wilkens, Scott B. – Counsel for *Amicus Curiae*

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141. Women's Liberation Front – *Amicus Curiae*

**APPELLEE’S CONSENT MOTION TO EXTEND THE DEADLINE TO
FILE ANSWERING BRIEF AND SUPPLEMENTAL APPENDIX**

Plaintiff-Appellee Drew Adams (“Appellee”), by and through the undersigned counsel, respectfully submits this consent motion for a 30-day extension of time within which to file his answering brief, to and including February 21, 2019. In support of this motion, Appellee submits the following:

1. Appellee’s current deadline to submit his answering brief is January 22, 2019, and his deadline to submit his supplemental appendix is January 29, 2019.

2. Appellant’s opening brief was submitted on December 20, 2018, shortly before two court holidays. Good cause exists to grant this extension because multiple members of Appellee’s legal team – including the attorney with lead responsibility for preparing Appellee’s answering brief – have been, or are, traveling in connection with the holidays, and therefore have been unavailable to work on the brief.

3. Additionally, this appeal involves multiple complex issues of constitutional law and statutory interpretation, and a lengthy record from a three-day bench trial. Appellee’s counsel accordingly request additional time to help them prepare a brief that will provide a thorough but cogent treatment of the issues for the Court.

4. Counsel for Appellant sought and received an extension of 45 days for its opening brief. Because Appellant filed its notice of appeal on August 28, 2018, Appellant had approximately 114 days to prepare its opening brief. In contrast, Appellee's proposed extension of 30 days would afford Appellee with a total of 60 days to file his answering brief – roughly half the time that Appellant received for its opening brief.

5. This is Appellee's first request for an extension of time in this appeal, and Appellee submits this request more than seven days in advance of the current deadline for his opening brief, in accordance with Eleventh Circuit Rule 31-2(c).

6. Pursuant to Eleventh Circuit Rule 26-1, counsel below certifies that she consulted with opposing counsel, who consents to the relief sought.

WHEREFORE, for good cause shown, Appellee respectfully requests a 30-day extension of the deadlines to file its answering brief, from January 22, 2019 to February 21, 2019; and corresponding extension for his supplemental appendix, from January 29, 2019, to February 28, 2019.

Respectfully submitted this 28th day of December, 2018.

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Counsel for Appellee-Plaintiff

**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT,
TYPEFACE REQUIREMENTS, AND TYPE-STYLE REQUIREMENTS**

1. This document complies with the type-volume limit of Fed. R. App. P. 27(d)(2)(A) because the motion contains 575 words.

2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6), incorporated by reference into Rule 27 and 11th Cir. R. 27-1, because this document has been prepared in a proportionally spaced typeface using Microsoft Office Word 2016 in fourteen-point Times New Roman font.

Dated: December 28, 2018

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court for the U.S. Court of Appeals for the Eleventh Circuit by using the appellate CM/ECF system on December 28, 2018. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

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