

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division

GAVIN GRIMM,

)

)

)

Plaintiff,

)

Civil Case No. 4:15-cv-54

)

v.

)

)

GLOUCESTER COUNTY SCHOOL
BOARD,

)

)

)

Defendant.

)

PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56(a) and Local Rule 56, Plaintiff Gavin Grimm (“Gavin”) hereby moves for summary judgment against Defendant Gloucester County School Board. Gavin submits that there is no genuine issue as to any material fact, and that he is entitled to judgment as a matter of law as to all of the claims in his Second Amended Complaint. More specifically, Gavin is entitled to:

1. A declaratory judgment that the School Board violated Gavin’s rights under Title IX of the Education Amendments of 1972 on the day the transgender restroom policy was first issued and throughout the remainder of his time at Gloucester High School when they prohibited him from using the same restroom facilities as other boys.
2. Nominal damages for the harm Gavin suffered from the Board’s restroom policy in violation of his rights under Title IX.
3. A declaratory judgment that the School Board violated Gavin’s rights under the Equal Protection Clause of the Fourteenth Amendment on the day the transgender restroom policy

was first issued and throughout the remainder of his time at Gloucester High School when they prohibited him from using the same restroom facilities as other boys.

4. Nominal damages for the harm Gavin suffered from the Board's restroom policy in violation of his rights under the Equal Protection Clause.

5. A declaratory judgment that the Board continues to discriminate against Gavin by refusing to update his official school transcript to match the male sex on his birth certificate, treating him differently from every other student with a male birth certificate, in violation of Title IX.

6. Nominal damages for the harm Gavin suffered and continues to suffer from the Board's refusal to update his transcript in violation of Title IX.

7. A declaratory judgment that the Board continues to discriminate against Gavin by refusing to update his official school transcript to match the male sex on his birth certificate, treating him differently from every other student with a male birth certificate, in violation of the Fourteenth Amendment.

8. Nominal damages for the harm Gavin suffered and continues to suffer from the Board's refusal to update his transcript in violation of the Fourteenth Amendment.

9. A permanent injunction requiring the Board to update Gavin's school transcript to match the male gender marker on his birth certificate.

This motion is based upon Plaintiff Gavin Grimm's accompanying Memorandum of Law in Support of Plaintiff's Motion for Summary Judgment; the Declarations of Gavin Grimm, Deirdre Grimm, Shayna Medley-Warsoff, Diana Bruce, Thomas Aberli, Janet Rainey, and James Loving, and accompanying exhibits; deposition testimony and discovery responses; all pleadings

and other documents on file in this action; and on such other matters as may be presented to the Court at the time of the hearing.

Respectfully submitted,

Counsel for Plaintiff Gavin Grimm

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF VIRGINIA

/s/ Eden B. Heilman

Eden B. Heilman (VSB No. 93554)
Jennifer Safstrom (VSB No. 93746)
Nicole Tortoriello (VSB No. 91129)
701E. Franklin Street, Suite 1412
Richmond, VA 23219
(804) 644-8022 (Phone)
(804) 649-2733 (Fax)
eheilman@acluva.org
jsafstrom@acluva.org
ntortoriello@acluva.org

* Admitted *pro hac vice*

Dated: March 26, 2019

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

Joshua A. Block*
Leslie Cooper*
Shayna Medley-Warsoff*
125 Broad Street
18th Floor
New York, NY 10004
(212) 549-2627 (Phone)
(212) 549-2650 (Fax)
jblock@aclu.org
lcooper@aclu.org
smedley@aclu.org

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of March, 2019, a true and correct copy of the forgoing Motion for Summary Judgment and all accompanying documents, including the Memorandum of Law in Support of Plaintiff's Motion for Summary Judgment, Declaration of Gavin Grimm, Declaration of Deidre Grimm, Declaration of Shayna Medley-Warsoff, Declaration of Diana Bruce, Declaration of Thomas Aberli, Declaration of Janet Rainey, and Declaration of James Loving were filed electronically with the Clerk of the Court for the U.S. District Court for the Eastern District of Virginia by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Eden Heilman

Eden Heilman (VSB No. 93554)
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF VIRGINIA, INC.
701 E. Franklin Street, Suite 1412
Richmond, Virginia 23219
Phone: (804) 644-8080
Fax: (804) 649-2733
eheilman@acluva.org

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division

GAVIN GRIMM,)
)
Plaintiff,)
)
v.) Civil Case No. 4:15-cv-54-AWA-DEM
)
GLOUCESTER COUNTY SCHOOL)
BOARD,)
)
Defendant.)
_____)

**[PROPOSED] ORDER GRANTING PLAINTIFF’S MOTION FOR
SUMMARY JUDGMENT**

This matter comes before the Court on the Motion for Summary Judgment filed pursuant to Fed. R. Civ. P. 56 and Local Civil Rule 56 by Plaintiff Gavin Grimm. Upon consideration of the Memorandum of Law in Support of Plaintiff’s Motion for Summary Judgment and the Declarations of Gavin Grimm, Deirdre Grimm, Shayna Medley-Warsoff, Diana Bruce, Thomas Aberli, Janet Rainey, and James Loving, along with the opposition filed thereto, the Court finds that there are no material facts in dispute and concludes that Plaintiff is entitled to judgment as a matter of law on all counts of the Second Amended Complaint.

Accordingly, IT IS ORDERED that Plaintiff’s Motion for Summary Judgment is GRANTED;

IT IS DECLARED that Defendant Gloucester County School Board violated the rights of Plaintiff Gavin Grimm under Title IX of the Education Amendments of 1972 on the day the transgender restroom policy was first issued and throughout the remainder of Plaintiff’s time at

Gloucester High School when the Defendant prohibited him from using the same restroom facilities as other boys;

IT IS FURTHER ORDERED that Defendant Gloucester County School Board pay Plaintiff Gavin Grimm nominal damages in the amount of \$1.00 for the harm Plaintiff suffered from the Board's restroom policy in violation of his rights under Title IX;

IT IS FURTHER DECLARED that Defendant Gloucester County School Board violated the rights of Plaintiff Gavin Grimm under the Equal Protection Clause of the Fourteenth Amendment on the day the transgender restroom policy was first issued and throughout the remainder of his time at Gloucester High School when the Defendant prohibited him from using the same restroom facilities as other boys;

IT IS FURTHER ORDERED that Defendant Gloucester County School Board pay Plaintiff Gavin Grimm nominal damages in the amount of \$1.00 for the harm Plaintiff suffered from the Defendant's restroom policy in violation of Plaintiff's rights under the Equal Protection Clause of the Fourteenth Amendment;

IT IS FURTHER DECLARED that Defendant Gloucester County School Board continues to discriminate against Plaintiff Gavin Grimm by refusing to update his official school transcript to match the male sex on his birth certificate, treating him differently from every other student with a male birth certificate, in violation of Title IX;

IT IS FURTHER ORDERED that Defendant Gloucester County School Board pay Plaintiff Gavin Grimm nominal damages in the amount of \$1.00 for the harm Plaintiff suffered and continues to suffer from Defendant's refusal to update his transcript in violation of Title IX;

IT IS FURTHER DECLARED that Defendant Gloucester County School Board continues to discriminate against Plaintiff Gavin Grimm by refusing to update his official school transcript

to match the male sex on his birth certificate, treating him differently from every other student with a male birth certificate, in violation of the Equal Protection Clause of the Fourteenth Amendment;

IT IS FURTHER ORDERED that Defendant Gloucester County School Board pay Plaintiff Gavin Grimm nominal damages in the amount of \$1.00 for the harm Plaintiff suffered and continues to suffer from the Defendant's refusal to update his transcript in violation of the Equal Protection Clause of the Fourteenth Amendment;

IT IS FURTHER ORDERED THAT Defendant Gloucester County School Board, its employees, agents, and successors are permanently enjoined and hereby ordered to update Plaintiff Gavin Grimm's school transcript to match the male gender marker on his birth certificate.

DATE: _____

Hon. Arenda Wright Allen
United States District Judge

Submitted by:

/s/ Eden B. Heilman

Eden B. Heilman (VSB No. 93554)
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF VIRGINIA, INC.
701 E. Franklin Street, Suite 1412
Richmond, Virginia 23219
Phone: (804) 644-8080
Fax: (804) 649-2733
eheilman@acluva.org