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**VIA ELECTRONIC FILING**

Office of the Clerk  
James R. Browning Courthouse  
U.S. Court of Appeals  
95 Seventh Street  
San Francisco, CA 94103-1526

Re: Parents for Privacy, et al. v. Dallas School District No. 2, et al.  
Ninth Circuit Court of Appeals Case No. 18-35708  
Oral Argument Date: Thursday, July 11, 2019 (Portland)

Dear Clerk:

Pursuant to FRAP 28(j) and Ninth Circuit Rule 28-6, Intervenor-Defendant-Appellee Basic Rights Oregon (“BRO”) respectfully wishes to alert the Court to the recent denial of certiorari by the Supreme Court of the United States in *Doe v. Boyertown Area School District*, No. 18-658, 2019 WL 2257330 (U.S. May 28, 2019).

In *Boyertown*, plaintiffs filed suit against a school district under circumstances similar to those in this case. The *Boyertown* plaintiffs alleged violations of Title IX, the Fourteenth Amendment, and the Pennsylvania common law of privacy occurred because a school policy allowed transgender students to use restrooms and locker room facilities consistent with their gender identity. The en banc Third Circuit unanimously affirmed the district court’s ruling denying plaintiffs’ request for preliminary injunction and concluded plaintiffs were unlikely to succeed on their privacy and discrimination claims. See *Doe by & through Doe v. Boyertown Area Sch. Dist.*, 897 F.3d 518 (3d Cir. 2018). BRO cited the Third Circuit opinion throughout its answering brief, while the petition of certiorari was pending. The Supreme Court’s denial of certiorari leaves the Third Circuit’s opinion intact.

Sincerely,

LANE POWELL PC

s/ Peter D. Hawkes

Peter D. Hawkes

PDH:sd

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