

Adams v. The School Board of St. Johns County, Florida
Appeal No. 18-13592-EE

APPEAL NO. 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 No. 3:17-cv-00739-TJC-JBT

**THE SCHOOL BOARD'S RESPONSE TO ADAMS' NOTICE OF
SUPPLEMENTAL AUTORITY FILED JUNE 18, 2019**

Terry J. Harmon FBN 0029001
Jeffrey D. Slanker FBN 0100391
Robert J. Sniffen FBN 000795
Michael P. Spellman FBN 937975

SNIFFEN & SPELLMAN, P.A.
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Counsel for Appellant

CERTIFICATE OF INTERESTED PERSONS AND
CORPORATE DISCLOSURE STATEMENT

Pursuant to this Court’s Local Rules 26.1-1 through 26.1-3 and 28-1(b), Appellant 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 is limited to the following:

1. AAPL – *Amicus Curiae*
2. AAUW – *Amicus Curiae*
3. A Better Balance - *Amicus Curiae*
4. Aberli, Thomas A. – *Amicus Curiae*
5. Achievement First Public Charter Schools – *Amicus Curiae*
6. Adams, Drew – Appellee
7. Adams, Scott – Appellee’s Father
8. Adecco Group AG - Parent company for Amicus Curiae General Assembly Space, Inc.
9. Adecco, Inc. - Parent company for Amicus Curiae General Assembly Space, Inc.
10. ADL – *Amicus Curiae*

11. Advocates for Youth – *Amicus Curiae*
12. Airbnb, Inc. – *Amicus Curiae*
13. Akin Gump Strauss Hauer & Feld LLP - Counsel for Amici Curiae
14. Alger, Maureen P. – Counsel for Amicus Curiae
15. Allen, Tommy – Board Member of Appellant
16. Alliance Defending Freedom – Counsel for Amicus Curiae
17. Alphabet, Inc. (GOOG) - Parent company for Amicus Curiae Google LLC
18. Altman, Jennifer G. – Counsel for Appellee
19. Amend, Andrew – (New York State Office of the Attorney General) - Counsel for Amicus Curiae
20. American Academy of Child and Adolescent Psychiatry (AACAP) – *Amicus Curiae*
21. American Academy of Nursing – *Amicus Curiae*
22. American Academy of Pediatrics – *Amicus Curiae*
23. American Association of University Women (AAUW) - *Amicus Curiae*
24. American College of Physicians – *Amicus Curiae*
25. American Medical Association – *Amicus Curiae*
26. American Medical Women’s Association – *Amicus Curiae*

27. American Nurses Association – *Amicus Curiae*
28. American School Counselor Association – *Amicus Curiae*
29. Apple Inc. – *Amicus Curiae*
30. Asana, Inc. – *Amicus Curiae*
31. Association of Medical School Pediatric Department Chairs – *Amicus Curiae*
32. Atlanta Women for Equality – *Amicus Curiae*
33. Baker & Hostetler LLP - Counsel for Amicus Curiae
34. Banks, Emily – *Amicus Curiae*
35. Barden, Robert Chris – Counsel for Appellant, Terminated
36. Barrera, Kelly – Board Member of Appellant
37. Barth, Morgan – *Amicus Curiae*
38. Baxter, Rosanne C. – Counsel for Amicus Curiae
39. Bazer, Morgan – *Amicus Curiae*
40. BCC – *Amicus Curiae*
41. Bertschi, Craig E. – Counsel for Amicus Curiae
42. Beth Chayim Chadashim (BCC) - *Amicus Curiae*
43. Binning, Sarah R. – Counsel for Amicus Curiae
44. BlackRock, Inc. (BLK) - Beneficial owner of Amicus Curiae Yelp Inc.

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45. Boies, Schiller & Flexner, LLP – Counsel for Amicus Curiae
46. Borelli, Tara L. – Counsel for Appellee
47. Boston Area Rape Crisis Center – *Amicus Curiae*
48. Bourgeois, Roger – *Amicus Curiae*
49. Bruce, Diana K. – *Amicus Curiae*
50. Buckeye Region Anti-Violence Organization, a Program of Equitas Health – *Amicus Curiae*
51. California – *Amicus Curiae*
52. California Women Lawyers – *Amicus Curiae*
53. California Women’s Law Center – *Amicus Curiae*
54. Campbell, James A. – Counsel for Amicus Curiae
55. Canan, Patrick – Board Member of Appellant
56. Carney, Karen – *Amicus Curiae*
57. Carpenter, Christopher S., Ph.D - *Amicus Curiae*
58. Carter, Heidi – *Amicus Curiae*
59. Casa de Esperanza: National Latina Network for Healthy Families and Communities – *Amicus Curiae*
60. Castillo, Paul David – Counsel for Appellee
61. Center for Constitutional Rights – *Amicus Curiae*
62. Center for Religious Expression – Counsel for Amicus Curiae

63. Center for Reproductive Rights – *Amicus Curiae*
64. Central Conference of American Rabbis – *Amicus Curiae*
65. Champion Women – *Amicus Curiae*
66. Chandy, Sunu P. (National Women’s Law Center) - Counsel for
Amici Curiae
67. Chang, Tommy – *Amicus Curiae*
68. Chapman, Peyton – *Amicus Curiae*
69. Chaudhry, Neena (National Women’s Law Center) - Counsel for
Amici Curiae
70. Coalition of Black Trade Unionists – *Amicus Curiae*
71. Coleman, Arthur - Counsel for Amicus Curiae
72. Colter, Howard – *Amicus Curiae*
73. Connecticut – *Amicus Curiae*
74. Conron, Kerith J., M.P.H., Sc.D - *Amicus Curiae*
75. Copsey, Alan D. (Washington State Office of the Attorney General) -
Counsel for Amicus Curiae
76. Corrigan, Hon, Timothy J. – United States District Judge
77. Credo Mobile, Inc. – *Amicus Curiae*
78. Cyra, Sherri – *Amicus Curiae*

79. Dasgupta, Anisha S. (New York State Office of the Attorney General)
- Counsel for Amicus Curiae
80. Davis, Bryan – *Amicus Curiae*
81. Davis, Steven D. – Counsel for Amici School Administrators
82. Day One – *Amicus Curiae*
83. DC Coalition Against Domestic Violence – *Amicus Curiae*
84. Delaware – *Amicus Curiae*
85. DeSelm, Lizbeth – *Amicus Curiae*
86. Deutsche Bank AG. – *Amicus Curiae*
87. DiBenedetto, Arthur – *Amicus Curiae*
88. Disability Rights Education and Defense Fund (DREDF) – *Amicus Curiae*
89. District of Columbia – *Amicus Curiae*
90. Doolittle, Kirsten L. – Counsel for Appellee
91. Doran, Mary – *Amicus Curiae*
92. Doss, Eric – *Amicus Curiae*
93. DREDF – *Amicus Curiae*
94. Dyer, Karen Caudill – Counsel for *Amicus Curiae*
95. Dwyer, John C. – Counsel for *Amicus Curiae*
96. Eaton, Mary - Counsel for Amicus Curiae

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97. eBay Inc. – *Amicus Curiae*
98. Education Counsel, LLC - Counsel for Amicus Curiae
99. Empire Justice Center – *Amicus Curiae*
100. Endocrine Society – *Amicus Curiae*
101. Eppink Samuel T., Ph.D. (expected 2019) - *Amicus Curiae*
102. Equal Rights Advocates – *Amicus Curiae*
103. Equality California – *Amicus Curiae*
104. Ewing, Gregory – *Amicus Curiae*
105. Family Values @ Work – *Amicus Curiae*
106. Ferguson, Robert W. (Attorney General for the State of Washington) -
Counsel for Amici Curiae
107. Florida School Boards Insurance Trust – Insurance Carrier for
Appellant
108. Flores, Andrew R., Ph.D. - *Amicus Curiae*
109. Flynn, Diana K. – Counsel for Appellee
110. FORGE, Inc. – *Amicus Curiae*
111. Forson, James (Tim) – Superintendent of the St. Johns County School
District
112. Fountain, Lisa Barclay – Counsel for Appellant
113. Gartrell, Nanette, M.D. - *Amicus Curiae*

114. Gates, Gary J., Ph.D. - *Amicus Curiae*
115. Gender Based Violence Organizations – *Amicus Curiae*
116. Gender Diversity – *Amicus Curiae*
117. Gender Justice – *Amicus Curiae*
118. Gender Spectrum – *Amicus Curiae*
119. General Assembly Space, Inc. – *Amicus Curiae*
120. Generales, Markos C. – (Akin Gump Strauss Hauer & Feld LLP)
Counsel for Amicus Curiae
121. Girls for Gender Equity – *Amicus Curiae*
122. Girls, Inc. – *Amicus Curiae*
123. GitHub, Inc. – *Amicus Curiae*
124. Glassdoor, Inc. – *Amicus Curiae*
125. GlaxoSmithKline LLC – *Amicus Curiae*
126. GlaxoSmithKline PLC: Parent company for Amicus Curiae
GlaxoSmithKline LLC
127. GLMA – Health Professionals Advancing LGBT Equality - *Amicus Curiae*
128. GLSEN – *Amicus Curiae*
129. Goldberg, Suzanne – Counsel for Amicus Curiae
130. Gonzales, Gilbert, Ph.D., M.H.A. - *Amicus Curiae*

131. Gonzalez-Pagan, Omar – Counsel for Appellee
132. Google LLC – *Amicus Curiae*
133. Goss Graves, Fatima (National Women’s Law Center) - Counsel for
Amicus Curiae
134. Greer, Eldridge – *Amicus Curiae*
135. Grossman, Miriam – *Amicus Curiae*
136. Grijalva, Adelita – *Amicus Curiae*
137. Gurtner, Jill – *Amicus Curiae*
138. Haney, Matthew – *Amicus Curiae*
139. Hargis, Kellie M. – *Amicus Curiae*
140. Harmon, Terry J. – Counsel for Appellant
141. Harrington, Emily – Counsel for Amicus Curiae
142. Hawaii – *Amicus Curiae*
143. Haynes, Patricia - Counsel for Amicus Curiae
144. Herman, Jody L., Ph.D. - *Amicus Curiae*
145. Heyer, Walt – *Amicus Curiae*
146. Hohns, Sherie – *Amicus Curiae*
147. Holland & Knight, LLP – Counsel for Amicus Curiae
148. Holloway, Ian W., Ph.D., M.S.W., M.P.H. - *Amicus Curiae*
149. Hughes, Paul W. (Mayer Brown) - Counsel for Amicus Curiae

150. IBM Corporation – *Amicus Curiae*
151. Ifill, Sherrilyn A. - Counsel for Amicus Curiae
152. Illinois – *Amicus Curiae*
153. Illinois Accountability Initiative – *Amicus Curiae*
154. In Our Own Voice: National Black Women's Reproductive Justice
Agenda – *Amicus Curiae*
155. Indiegogo, Inc. – *Amicus Curiae*
156. Iowa – *Amicus Curiae*
157. Iowa Coalition Against Sexual Assault – *Amicus Curiae*
158. Jacksonville Area Sexual Minority Youth Network, Inc. – *Amicus
Curiae*
159. Jacobs, Edward J. – Counsel for Amicus Curiae
160. James, Letitia (Attorney General for the State of New York) - Counsel
for Amicus Curiae
161. Kaiser Foundation Health Plan, Inc. (“Kaiser Permanente”) - *Amicus
Curiae*
162. Kaiser Permanente – *Amicus Curiae*
163. Kaplan, Aryeh L. – Counsel for Appellee
164. Kasper, Erica Adams – Appellee’s Next Friend and Mother
165. Kellum, Nathan W. – Counsel for Amicus Curiae

166. Kenney, Tim – *Amicus Curiae*
167. Kimberly, Michael B. (Mayer Brown LLP) - Counsel for Amicus Curiae
168. Kirkland, Earl – Counsel for Amicus Curiae
169. Knotel, Inc. - *Amicus Curiae*
170. Kogan, Terry S. – *Amicus Curiae*
171. Kostelnik, Kevin C. – Counsel for Appellant
172. Kunin, Ken – *Amicus Curiae*
173. Kunze, Lisa – Principal of Allen D. Nease High School
174. Laidlaw, Michael – *Amicus Curiae*
175. Lambda Legal Defense and Education Fund, Inc. – Counsel for Appellee
176. Lapointe, Markenzy – Counsel for Appellee
177. Las Cruces Public Schools – *Amicus Curiae*
178. LatinoJustice PRLDEF – *Amicus Curiae*
179. Lawyers Club of San Diego – *Amicus Curiae*
180. Lee, Jen Hee – Counsel for Amicus Curiae
181. Legal Aid At Work – *Amicus Curiae*
182. Legal Momentum – *Amicus Curiae*
183. Legal Voice – *Amicus Curiae*

184. Levi Strauss & Co. - *Amicus Curiae*
185. Linden Research, Inc. d/b/a Linden Lab – *Amicus Curiae*
186. Los Angeles Unified School District – *Amicus Curiae*
187. Louisiana Foundation Against Sexual Assault – *Amicus Curiae*
188. Love, Laura H. – *Amicus Curiae*
189. Lyft, Inc. - *Amicus Curiae*
190. MacKenzie, Dominic C. – Counsel for Amicus Curiae
191. Maine – *Amicus Curiae*
192. Majeski, Jeremy – *Amicus Curiae*
193. Mallory, Christy, J.D. - *Amicus Curiae*
194. Mapbox, Inc. - *Amicus Curiae*
195. Marin Software Incorporated (MRIN) - *Amicus Curiae*
196. Martin, Emily (National Women’s Law Center) - Counsel for Amicus Curiae
197. Massachusetts – *Amicus Curiae*
198. Mayer Brown LLP - Counsel for Amici Curiae
199. McCaleb, Gary S. – Counsel for Amicus Curiae
200. McCalla, Craig – *Amicus Curiae*
201. McRae Bertschi & Cole, LLC – Counsel for Amicus Curiae
202. Meece, Gregory R. – *Amicus Curiae*

- 203. Meerkamper, Shawn – *Amicus Curiae*
- 204. Melody, Colleen M., (Washington State Office of the Attorney General) - Counsel for Amicus Curiae
- 205. Mesa, David D. – Counsel for Amicus Curiae
- 206. Meyer, Ilan, H., Ph.D. - *Amicus Curiae*
- 207. Michigan – *Amicus Curiae*
- 208. Michigan Coalition to End Domestic & Sexual Violence – *Amicus Curiae*
- 209. Microsoft Corporation (MSFT): *Amicus Curiae* and parent company for *Amicus Curiae* GitHub, Inc.
- 210. Mignon, Bill – Board Member of Appellant
- 211. Miller, William C. – Counsel for Appellee
- 212. Minnesota – *Amicus Curiae*
- 213. Minter, Shannon – Counsel for Amicus Curiae
- 214. Morse, James C., Sr. – *Amicus Curiae*
- 215. Munson, Ziad W. – *Amicus Curiae*
- 216. Murray, Kerrel – Counsel for Amicus Curiae
- 217. NAACP Legal Defense & Educational Fund, Inc. – *Amicus Curiae*
- 218. Nardecchia, Natalie – Counsel for Appellee (terminated)
- 219. National Alliance to End Sexual Violence – *Amicus Curiae*

- 220. National Asian Pacific American Women's Forum – *Amicus Curiae*
- 221. National Association of School Psychologists – *Amicus Curiae*
- 222. National Association of Social Workers – *Amicus Curiae*
- 223. National Association of Women Lawyers – *Amicus Curiae*
- 224. National Center for Law and Economic Justice – *Amicus Curiae*
- 225. National Center for Transgender Equality – *Amicus Curiae*
- 226. National Coalition Against Domestic Violence – *Amicus Curiae*
- 227. National Council of Jewish Women – *Amicus Curiae*
- 228. National Crittenton – *Amicus Curiae*
- 229. National LGBTQ Task Force – *Amicus Curiae*
- 230. National Organization for Women Foundation – *Amicus Curiae*
- 231. National PTA and The American School Counselor Association –
Amicus Curiae
- 232. National Resource Center on Domestic Violence – *Amicus Curiae*
- 233. National Women's Law Center, et al. – *Amicus Curiae*
- 234. Nebraska Coalition to End Domestic and Sexual Violence – *Amicus*
Curiae
- 235. Nelson, Janai S. – Counsel for Amicus Curiae
- 236. Nevada Coalition to End Domestic and Sexual Violence – *Amicus*
Curiae

- 237. New Hampshire Coalition Against Domestic and Sexual Violence –
Amicus Curiae
- 238. New Jersey – *Amicus Curiae*
- 239. New Mexico – *Amicus Curiae*
- 240. New Mexico Coalition of Sexual Assault Programs, Inc. – *Amicus Curiae*
- 241. New York – *Amicus Curiae*
- 242. New York State Coalition Against Sexual Assault – *Amicus Curiae*
- 243. NIO Inc. (NIO): Parent company for *Amicus Curiae* NIO USA, Inc.
- 244. NIO NextEV Ltd.: Parent company for *Amicus Curiae* NIO USA, Inc.
- 245. NIO USA, Inc. - *Amicus Curiae*
- 246. Northern Marianas Coalition Against Domestic & Sexual Violence –
Amicus Curiae
- 247. Oasis Legal Services – *Amicus Curiae*
- 248. Oath Inc. - Parent company for *Amicus Curiae* Tumblr, Inc
- 249. O’Melveny & Myers LLP – Counsel for *Amicus Curiae*
- 250. O’Reilly, John – *Amicus Curiae*
- 251. OGC Law, LLC. – Counsel for *Amicus Curiae*
- 252. Ohio Alliance to End Sexual Violence – *Amicus Curiae*
- 253. Oregon – *Amicus Curiae*

- 254. Oregon Coalition Against Domestic & Sexual Violence – *Amicus Curiae*
- 255. Orr, Asaf – Counsel for Amicus Curiae
- 256. Palacios, Patricia – Counsel for Amicus Curiae
- 257. Palazzo, Denise – *Amicus Curiae*
- 258. Parent-Child Center – *Amicus Curiae*
- 259. Patreon, Inc. - *Amicus Curiae*
- 260. Pediatric Endocrine Society – *Amicus Curiae*
- 261. Pennsylvania – *Amicus Curiae*
- 262. PFLAG, Inc. – *Amicus Curiae*
- 263. Pierce, Jerome – Counsel for Amicus Curiae
- 264. Pillsbury Winthrop Shaw Pittman LLP – Counsel for Appellee
- 265. Pincus, Andrew J. (Mayer Brown LLP) - Counsel for Amicus Curiae
- 266. Planned Parenthood of South, East and North Florida – *Amicus Curiae*
- 267. Planned Parenthood of Southwest and Central Florida – *Amicus Curiae*
- 268. Pollock, Lindsey – *Amicus Curiae*
- 269. Portnoi, Dimitri – Counsel for Amicus Curiae
- 270. Postmates Inc. - *Amicus Curiae*

- 271. Powell, Wesley R. – Counsel for Record of Amicus Curiae
- 272. Purcell, Noah G. (Solicitor General for the State of Washington) -
Counsel for Amicus Curiae
- 273. Rakuten, Inc.: Beneficial owner of *Amicus Curiae* Lyft, Inc.
- 274. Ranck-Buhr, Wendy – *Amicus Curiae*
- 275. Rao, Devi M. – Counsel for Amicus Curiae
- 276. Rape/Domestic Abuse Program – *Amicus Curiae*
- 277. RC Barden and Associates – Counsel for Appellant (terminated)
- 278. Recruit Holdings Co., Ltd. (TYO 6098): Parent company for *Amicus Curiae* Glassdoor Inc.
- 279. Replacements, Ltd. - *Amicus Curiae*
- 280. Retzlaff, Pamela – *Amicus Curiae*
- 281. Reynolds, Andrew, Ph.D. - *Amicus Curiae*
- 282. RGF OHR USA, Inc.: Parent company for Amicus Curiae Glassdoor Inc.
- 283. Rhode Island – *Amicus Curiae*
- 284. Rivaux, Shani – Counsel for Appellee
- 285. Robertson, Cynthia C. – Counsel for Appellee
- 286. Rose, Nicholas M. (Baker & Hostetler LLP) - Counsel for Amicus Curiae

- 287. Rothfield, Charles - Counsel for Amicus Curiae
- 288. Samuels, Jocelyn, J.D. - *Amicus Curiae*
- 289. San Diego Cooperative Charter Schools – *Amicus Curiae*
- 290. Santa, Rachel – *Amicus Curiae*
- 291. SASA Crisis Center – *Amicus Curiae*
- 292. Sears, R. Bradley, J.D. - *Amicus Curiae*
- 293. Schaffer, Brian – *Amicus Curiae*
- 294. Scholars Who Study The Transgender Population – *Amicus Curiae*
- 295. Schommer, Monica – *Amicus Curiae*
- 296. School Administrators from 29 States and the District of Columbia –
Amicus Curiae
- 297. School District of South Orange and Maplewood – *Amicus Curiae*
- 298. Segal, Richard M. – Counsel for Appellee
- 299. Shah, Paru – *Amicus Curiae*
- 300. Shirk, Sarah – *Amicus Curiae*
- 301. Shutterstock, Inc. (SSTK) - *Amicus Curiae*
- 302. SisterReach – *Amicus Curiae*
- 303. Slanker, Jeffrey D. – Counsel for Appellant
- 304. Slavin, Alexander – Counsel for Amicus Curiae
- 305. Slough, Beverly – Board Member of Appellant

- 306. Smith, Nathaniel R. – Counsel for Appellee
- 307. Sniffen, Robert J. – Counsel for Appellant
- 308. Sniffen & Spellman, P.A. – Counsel for Appellant
- 309. Spellman, Michael P. – Counsel for Appellant
- 310. Spital, Samuel (counsel for LDF) – Counsel for Amicus Curiae
- 311. Spotify AB - Parent company for *Amicus Curiae* Spotify USA Inc.
- 312. Spotify Technology S.A. - Parent company for *Amicus Curiae* Spotify
USA Inc
- 313. Spotify USA Inc. - *Amicus Curiae*
- 314. Spryszak, Delois Cooke – *Amicus Curiae*
- 315. SSAIS.org – *Amicus Curiae*
- 316. Steptoe & Johnson LLP – Counsel for Amicus Curiae
- 317. Stop Sexual Assault in Schools (SSAIS.org) – *Amicus Curiae*
- 318. Stork, Victoria Lynn – (Baker & Hostetler LLP) - Counsel for Amicus
Curiae
- 319. SurvJustice – *Amicus Curiae*
- 320. Sutherland, Emily – *Amicus Curiae*
- 321. Taymore, Cyndy – *Amicus Curiae*
- 322. Teufel, Gregory H. – Counsel for Amicus Curiae
- 323. The American Academy of Pediatrics – *Amicus Curiae*

- 324. The Impact Fund – *Amicus Curiae*
- 325. The Law Office of Kirsten Doolittle, P.A. – Counsel for Appellee
- 326. The School Board of St. Johns County, Florida – Appellant
- 327. The Southwest Women's Law Center – *Amicus Curiae*
- 328. The Women's Law Center of Maryland – *Amicus Curiae*
- 329. Toomey, Joel – Magistrate Judge
- 330. Trans Youth Equality Foundation – Amicus Curiae
- 331. Tumblr, Inc. - *Amicus Curiae*
- 332. Twitter Inc. (TWTR) - *Amicus Curiae*
- 333. Tyler & Bursch, LLP. – Counsel for Amicus Curiae
- 334. Tyler, Robert H. – Counsel for Amicus Curiae
- 335. Tysse, James E. – (Akin Gump Strauss Hauer & Feld LLP) – Counsel
for Amicus Curiae
- 336. Underwood, Barbara D. (Solicitor General for the State of New York)
- Counsel for Amici Curiae
- 337. Union for Reform Judaism – *Amicus Curiae*
- 338. UniteWomen.org – *Amicus Curiae*
- 339. Upchurch, Bailey & Upchurch, P.A. – General Counsel to Appellant
- 340. Upchurch, Frank D. – General Counsel to Appellant
- 341. Valbrun-Pope, Michaelle – *Amicus Curiae*

- 342. Van Meter, Quentin – *Amicus Curiae*
- 343. Van Mol, Andre – *Amicus Curiae*
- 344. Vannasdall, David – *Amicus Curiae*
- 345. Vaughn, Craig – *Amicus Curiae*
- 346. Verizon Communications Inc. (VZ) - Parent company for *Amicus Curiae* Tumblr, Inc.
- 347. Vermont – *Amicus Curiae*
- 348. Vermont Network Against Domestic & Sexual Violence – *Amicus Curiae*
- 349. Virginia – *Amicus Curiae*
- 350. Virginia Sexual & Domestic Violence Action Alliance – *Amicus Curiae*
- 351. Vitale, Julie – *Amicus Curiae*
- 352. Voices of Hope – *Amicus Curiae*
- 353. Wallace, Matthew M. – Counsel for *Amicus Curiae*
- 354. Washington – *Amicus Curiae*
- 355. Washoe County School District – *Amicus Curiae*
- 356. Wasick, Joanna (Baker & Hostetler LLP) - Counsel for *Amicus Curiae*
- 357. Weber, Thomas – *Amicus Curiae*

- 358. Weisel, Jessica M. – (Akin Gump Strauss Hauer & Feld LLP)
Counsel for Amicus Curiae
- 359. Williams Institute at UCLA School of Law - *Amicus Curiae*
- 360. Willkie Farr & Gallagher LLP - Counsel for Amicus Curiae
- 361. Wilson, Bianca, D.M., Ph.D. - *Amicus Curiae*
- 362. Wisconsin Coalition Against Sexual Assault – *Amicus Curiae*
- 363. Women of Reform Judaism, and Men of Reform Judaism – *Amicus Curiae*
- 364. Women's Bar Association of the District of Columbia – *Amicus Curiae*
- 365. Women's Bar Association of the State of New York – *Amicus Curiae*
- 366. Women’s Center for Advancement – *Amicus Curiae*
- 367. Women’s Law Project - *Amicus Curiae*
- 368. Women's Law Project and Young Women United – *Amicus Curiae*
- 369. Women Lawyers On Guard Inc. (“WLG”) - *Amicus Curiae*
- 370. Women's Legal Defense and Education Fund – *Amicus Curiae*
- 371. Women’s Liberation Front – *Amicus Curiae*
- 372. Wong, Kyle – Counsel for Amicus Curiae
- 373. Working Assets, Inc. - Parent company for *Amicus Curiae* CREDO
Mobile, Inc.

- 374. Wyoming Coalition Against Domestic Violence and Sexual Assault –
Amicus Curiae
- 375. Xerox Corporation (XRX) - *Amicus Curiae*
- 376. Yelp Inc. (YELP) - *Amicus Curiae*
- 377. Young Women United - *Amicus Curiae*

The undersigned certifies that included in this CIP is a list of the publicly traded companies and corporations that have indicated an interest in the outcome of the case or appeal through their appearance as an *Amicus Curiae*. Upon information and belief, the undersigned is not required to enter this information into the web-based CIP.

Aside from those appearing as *Amicus Curiae*, the undersigned is unaware of any publicly traded companies or corporations that have an interest in the outcome of the case or appeal. The undersigned will enter this information into the web-based CIP contemporaneous with the filing of this Certificate of Interested Persons and Corporate Disclosure Statement.

**THE SCHOOL BOARD’S RESPONSE TO ADAMS’ NOTICE OF
SUPPLEMENTAL AUTHORITY FILED JUNE 18, 2019**

Pursuant to Federal Rule of Appellate Procedure 28(j), the School Board hereby responds to Adams’ Notice of Supplemental Authority filed on June 18, 2019, within which Adams cites to Karnoski v. Trump, Case No. 18-35347 (9th Cir. June 14, 2019). Once again, Adams stretches the bounds of authority that may be considered “pertinent and significant.” Karnoski is a non-binding, out-of-Circuit, un-published order remanding the proceedings back to a district court for consideration.

Adams submits that Karnoski supports his case in two ways: (1) the court found that discrimination against transgender people is subject to heightened scrutiny; and (2) the court rejected the argument that it is permissible to discriminate on “gender transition” and “gender dysphoria.”

Concerning the first issue, Adams’ reliance on Karnoski is an invitation to make new law in the Eleventh Circuit by holding that any court addressing an equal protection claim involving a transgender person should apply heightened scrutiny. But the case before this Court involves classifications based only on sex which unquestionably requires the application of intermediate scrutiny. Also, unlike the policy in Karnoski that on its face treated transgender persons differently than others (Slip op. 39, 42), the School Board’s bathroom policy

requires students to use the bathroom corresponding to their biological sex regardless of whether they self-identify as transgender or non-transgender.

Regarding the second issue, the School Board's "restroom guidelines" (referred to throughout the case as the "Best Practices") are not facially discriminatory against transgender students. The Best Practices simply give transgender students an option to use a gender-neutral bathroom as opposed to requiring them to use the bathroom corresponding to their biological sex. [Doc. 152-6; 161 at Tr. 199]. Trial testimony supported that the Best Practices accommodated gender-fluid students, gender non-binary students, and transgender students who may not have wanted to use the bathroom matching their gender identity. [Doc. 152-5; 162 at Tr. 70-71]. Unlike the policy in Karnoski (Slip op. 42), the Best Practices do not regulate on the basis of transgender status. The School Board's facially neutral bathroom policy regulates bathroom use.

Respectfully submitted this 16th day of August, 2019.

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CERTIFICATE OF COMPLIANCE

I CERTIFY that the body of this letter complies with the volume limitation set forth in Fed. R. App. P. 28(j). The body of this letter contains 341 words (within the limit of 350).

/s/ Terry J. Harmon
TERRY J. HARMON

CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2019, the foregoing was filed electronically through the Court's CM/ECF System which will provide notice via-electronic mail to all counsel of record.

/s/ Terry J. Harmon
TERRY J. HARMON