

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**AH, MINOR, BY HER NEXT FRIEND AND MOTHER,**  
**Plaintiff**  
**v.**  
**MINERSVILLE SCHOOL DISTRICT,**  
**Defendant**

**: DOCKET NO. 3:17-cv-00391-KM**  
**:**  
**: CIVIL ACTION**  
**:**  
**: JURY TRIAL DEMANDED**  
**:**  
**:**  
**:**  
**:**

**PETITION FOR LEAVE TO SETTLE MINOR'S ACTION**

The Petition of AH, a minor, by her Parent and Natural Guardian, Tracey Handling, by her attorney, David L. Deratzian, Esquire respectfully requests that this Court approve the settlement of the within matter and the distribution of proceeds and in support thereof avers the following:

1. Petitioner is AH, a minor.
2. The minor was born on Redacted, 2008, and her social security number is xxx-xx-5609.
3. The minor resides with her parents at the following address: 408 North Delaware Avenue, Minersville, Pennsylvania.
4. Tracey Handling is the Mother and Natural Guardian of AH.
5. The minor's mother is Tracey Handling and the minor's father is Bradley Handling, both of whom reside at 408 North Delaware Avenue, Minersville, Pennsylvania.
6. The defendant is Minersville Area School District, whose principal place of business at all relevant times was 1 Battlin' Miner Drive, Minersville, PA 17954.

7. The Minor was enrolled in the Minersville Area School District in Kindergarten at the age of 5, and during her Kindergarten year was diagnosed with Gender Dysphoria. The School District was notified and Plaintiffs allege that thereafter the School District engaged in various acts of discrimination against her because of her transgender status.
8. A complaint was filed against the Defendant on March 2, 2017 alleging violation of Title IX of the Education Amendment of 1972, 20 U.S.C. §§ 1681, *et seq.* and 42 U.S.C. § 1983. Docket Entry No. 1.
9. Attached hereto as Exhibits "A" and "B" respectively, are the statements, under oath, of the minor's parents and guardians certifying the physical and mental condition of the minor, together with their approval of the proposed settlement and distribution.
11. The following settlement was been reached during mediation with the Court on November 20, 2019: "\$27,500.00 payable to, for and on behalf of A.H., a minor, which, upon receipt, shall be deposited into a separate account for the sole use and benefit of A.H." , together with a Consent Decree benefitting the Minor during her enrollment with Defendant, and for the benefit of all other similarly situated students.
12. In addition, Counsel has incurred litigation expenses and fees in the total amount of \$105,000, which he has agreed to compromise in return for payment by Defendant in the amount of \$70,000 to be paid in addition to the amount payable to the Minor.



HAHALIS & KOUNOUPIS, P.C.

BY:/s/ David L. Deratzian  
David L. Deratzian, Esquire  
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Dated: January 29, 2020

## EXHIBIT A

AFFIDAVIT OF TRACEY HANDLING

COMMONWEALTH OF PENNSYLVANIA : ss

COUNTY OF NORTHAMPTON :

I, Tracey Handling, being duly sworn according to law, state as follows:

1. I am the Mother and Natural Guardian of AH, and in the capacity I am the Plaintiff in *AH ex rel Handling v. Minersville Area School District*.
2. I participated in a mediation conducted by the Honorable Karoline Mehalchik on November 20, 2020.
3. At that time, I was represented by David L. Deratzian, Esquire, and had the additional counsel of my husband, Bradley Handling.
4. At that time, I had the opportunity to consult directly with Judge Mehalchik and explained the circumstances of AH's enrollment at and experience as a transgendered person at Minersville Area School District.
5. At the present time, AH continues under medical treatment for gender dysphoria and has been living as a female since Kindergarten.
6. Other than her treatment for gender dysphoria and medical treatment consistent with being a trans-female, AH is in good mental and physical health.
7. AH is aware of the agreement by the District to enter into a Consent Decree which will confirm that the District will not engage in discrimination against transgender students including the use of private facilities. This knowledge has produced improvement in her overall mental health.
8. I have reviewed the terms of Settlement, and I agree with and approve those terms.

9. I have had sufficient time to consult with my attorney, and I am satisfied with the representation that we have been provided with.
10. I understand the funds payable to me on behalf of AH must be placed in an interest bearing savings instrument or account, and that I may not use those funds or any interest or other growth for any purpose not directly for the benefit of AH, and that those funds will be released to AH upon her attaining the age of majority or eighteen years old.

THE AFFIANT SAITH NO MORE.

NOTARY PUBLIC



*Tracey Handling*  
TRACEY HANDLING

## EXHIBIT B

AFFIDAVIT OF BRADLEY HANDLING

COMMONWEALTH OF PENNSYLVANIA : ss

COUNTY OF NORTHAMPTON :

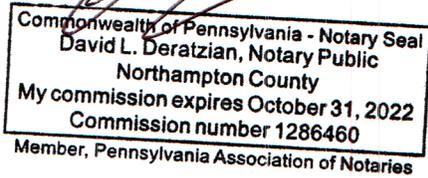
I, Bradley Handling, being duly sworn according to law, state as follows:

1. I am the Father and Natural Guardian of AH.
2. I participated in a mediation conducted by the Honorable Karoline Mehalchik on November 20, 2020 for the purpose of providing additional counsel to my wife, Tracey Handling.
3. At that time, I had the opportunity to consult directly with Judge Mehalchik and explained the circumstances of AH's enrollment at and experience as a transgendered person at Minersville Area School District.
4. At the present time, AH continues under medical treatment for gender dysphoria and has been living as a female since Kindergarten.
5. Other than her treatment for gender dysphoria and medical treatment consistent with being a trans-female, AH is in good mental and physical health.
6. AH is aware of the agreement by the District to enter into a Consent Decree which will confirm that the District will not engage in discrimination against transgender students including the use of private facilities. This knowledge has produced improvement in her overall mental health.
7. I have reviewed the terms of Settlement, and I agree with and approve those terms.

8. I have had sufficient time to consult with David L. Deratzian, Esquire, and I am satisfied with the representation that he has provided to Tracey Handling on behalf of our daughter, AH.
9. I understand the funds payable to Tracey Handling on behalf of AH must be placed in an interest bearing savings instrument or account, and that those funds or any interest or other growth may not be used for any purpose not directly for the benefit of AH, and that those funds will be released to AH upon her attaining the age of majority or eighteen years old.

THE AFFIANT SAITH NO MORE.

NOTARY PUBLIC



  
BRADLEY HANDLING

## EXHIBIT C

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

<b>A.H., MINOR, BY HER NEXT</b>	<b>: DOCKET NO. 3:17-cv-00391-RDM-KM</b>
<b>FRIEND AND MOTHER,</b>	:
<b>TRACEY HANDLING,</b>	:
	:
<b>Plaintiff</b>	<b>: CIVIL ACTION</b>
	:
<b>v.</b>	<b>: JURY TRIAL DEMANDED</b>
	:
<b>MINERSVILLE AREA SCHOOL</b>	:
<b>DISTRICT,</b>	:
	:
<b>Defendant</b>	:

**CONSENT DECREE**

WHEREAS, the Minersville Area School District (“the District”) has permitted A.H., a minor child, who at all relevant times has attended school in the District, to use the facilities that correspond to her gender identity since May 2016; and

WHEREAS, on March 2, 2017, A.H., a minor, by her next friend and mother, Tracey Handling, filed a Complaint for Declaratory, Injunctive, and Other Relief against the District in the above-captioned matter (ECF 1);

WHEREAS, the parties to this litigation desire to settle the issue raised by Plaintiff's Complaint concerning sex specific facility usage without the necessity of further litigation;

WHEREAS, the parties have reached a settlement agreement and consent to entry of the following final and binding Consent Decree as dispositive of the issue of sex specific facility usage;

WHEREAS, the parties intend this Consent Decree to benefit all students, including transgender students, within the District and to be binding on the District unless and until modified by the Court on motion with proper cause shown.

NOW, therefore, on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, upon agreement of the parties, it is hereby ORDERED and DECREED as follows:

1. The Minersville Area School District, and all of its present directors, officers, board members, administrators, agents, and employees, agree they shall not promulgate, implement, maintain, or enforce any policy, practice, or custom of the District that denies transgender students the access and use of facilities that match a student's consistently and uniformly asserted gender identity, or to take any formal or informal disciplinary action against transgender students for using the facilities that match a student's consistently and uniformly asserted gender identity.

2. The Minersville Area School District, and all of its present directors, officers, board members, administrators, agents, and employees, agree they shall not promulgate, implement, maintain, or enforce any policy, practice, or custom of the District that denies transgender students the equal protection of law pertaining to discrimination on the basis of sex/transgender status or gender dysphoria.

3. The Minersville Area School District, and all of its present directors, officers, board members, administrators, agents, and employees, agree they shall not take any action, including but not limited to making any public statement or pronouncement that calls undue attention to, or which is in any way derogatory of, any student or group of students who present as a sex other than the sex assigned at birth.

4. The Minersville Area School District, and all of its present directors, officers, board members, administrators, agents, and employees, agree they shall not take any action against any student, parent, guardian or other interested party in retaliation for asserting the rights of any student under any statute, regulation, ordinance or rule protecting the rights of students to be free from discrimination on the basis of sex/transgender status or gender dysphoria.

5. The Minersville Area School District, and all of its present directors, officers, board members, administrators, agents, and employees, agree they shall not take any action against A.H., her parents, or siblings by subjecting them to disparate treatment in the application of the rules in place at the District.

6. This Consent Decree shall remain binding on the District unless and until modified by the Court on motion with proper cause shown.

**Hahalis & Kounoupis, PC**

By: /s/ David L. Deratzian

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*Attorneys for Plaintiff*

**Marshall, Dennehey, Warner,  
Coleman & Goggin**

By: /s/ Christopher J. Conrad

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cjconrad@mdwgcg.com  
*Attorneys for Defendant*

BY THE COURT:

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Hon. Karoline Mehalchick  
United States Magistrate Judge

**CERTIFICATE OF SERVICE**

I, hereby certify that on January 29, 2020 a copy of the Joint Motion for Approval of Minor's Settlement was served upon the person(s) and in the manner indicated below:

ECF Filing: Christopher Conrad, Esquire  
Nicole Ehrhart, Esquire  
Attorney for Defendants

BY:/s/ David L. Deratzian

Date: January 29, 2020

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FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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**FRIEND AND MOTHER, :**  
**Plaintiff : CIVIL ACTION**  
**:**  
**v. : JURY TRIAL DEMANDED**  
**:**  
**MINERSVILLE SCHOOL :**  
**DISTRICT, :**  
**Defendant :**

**ORDER APPROVING SETTLEMENT  
AND  
ORDER FOR DISTRIBUTION**

AND NOW, this day of \_\_\_\_\_, 2020, the parties having stipulated to proceed before a United States Magistrate Judge, and upon consideration of the Petition For Leave to Compromise A Minor's Action, filed January 23, 2020, it is hereby ORDERED and DECREED that Petitioner is authorized to enter into a settlement with Defendant in the gross sum of Ninety-seven Thousand Five Hundred Dollars (\$97,500.00) Dollars. Defendant(s) shall forward all settlement drafts or checks to Petitioners' counsel for proper distribution.

IT IS FURTHER ORDERED and DECREED that the settlement proceeds be allocated as follows:

- 1. To: Minor Plaintiff(s)

AH, by Her Mother and Natural Guardian, Tracey Handling \$27,500

Payable to Tracey Handling, Parent and Natural Guardian of AH, who is hereby directed to execute all documentation necessary to purchase saving certificate(s) or savings account(s), from federally insured banks or savings institutions having an office within the Middle District of Pennsylvania, in the sum of \$27,500, each not to exceed the insured amount, with the funds payable to the minor upon

majority, except that such sums may be redeemed or withdrawn for the direct benefit of the Minor.

2. To: David L. Deratzian, Esquire  
Attorney Fees and Costs

\$ 70,000

IT IS FURTHER ORDERED AND DECREED that the Consent Decree entered between the parties is APPROVED and will be entered upon the record.

BY THE COURT:

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MEHALCHICK, U.S.M.J.