

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

SELINA SOULE, a minor, by Bianca Stanescu, her mother; CHELSEA MITCHELL, a minor, by Christina Mitchell, her mother; ALANNA SMITH, a minor, by Cheryl Radachowsky, her mother,

Plaintiffs,

v.

CONNECTICUT ASSOCIATION OF SCHOOLS, INC. d/b/a CONNECTICUT INTERSCHOLASTIC ATHLETIC CONFERENCE; BLOOMFIELD PUBLIC SCHOOLS BOARD OF EDUCATION; CROMWELL PUBLIC SCHOOLS BOARD OF EDUCATION; GLASTONBURY PUBLIC SCHOOLS BOARD OF EDUCATION; CANTON PUBLIC SCHOOLS BOARD OF EDUCATION; DANBURY PUBLIC SCHOOLS BOARD OF EDUCATION,

Defendants.

Case No. 3:20-cv-00201-RNC

**MOTION FOR EXPEDITED
ORDER TO SHOW CAUSE
HEARING**

Dated: February 12, 2020

Pursuant to FED.R.CIV.P. 65(a), Plaintiffs Selena Soule, Chelsea Mitchell, and Alanna Smith hereby request that the Court set an expedited hearing and require Defendants to appear and show cause as to why this Court should not issue a Preliminary Injunction enjoining the Defendants' policy, and the conduct of Defendants themselves in enforcing and facilitating that policy, that authorizes and enables athletes of the male sex to displace Plaintiffs from track and field victories, honors, competitive placements, and opportunities for championship competition, as well as proper public recognition of their performance. Defendants' policy and

conduct together have imposed and continue to impose a regime of unequal treatment upon Plaintiffs as female athletes, and deny them equal athletic opportunities, all in violation of Title IX, 20 U.S.C. § 1681, and its implementing regulations. *See* Plaintiffs' Memorandum in Support of Motion for Preliminary Injunction.

Plaintiffs Selena Soule and Chelsea Mitchell are seniors in high school, and the brief remainder of this academic year contains the final track and field competitions of their high school athletic careers. The Spring track season begins in March, with the first interscholastic meet subject to the CIAC Policy scheduled to occur as soon as April 4, 2020. Absent immediate injunctive relief from this Court, the irreparable harm they will suffer under the continuing operation of the Defendants' policy and its enforcement will leave their concluding interscholastic athletics season marred and their personal experience substantially injured. Though Plaintiff Alanna Smith is a sophomore, her interests are no less immediately impacted or properly honored with immediate equitable relief, as the profound interests in and experience of high school athletics are concurrently fleeting and formative, and each season of eminent value and importance.

As a result, Plaintiffs seek an expedited briefing schedule and rapid scheduling of a hearing before this Court to present their concerns, legal arguments, and petition for a remedial injunction to avert what otherwise will bring them continued and irreparable harm.

An expedited briefing schedule and hearing is not unfair to the Defendants because Defendants have been on explicit notice of all the issues raised in Plaintiffs' motion for at least multiple months. As detailed in Plaintiffs' Verified Complaint, Plaintiffs or their parents brought to Defendants' attention the fact that the CIAC Policy violates Title IX, and the harms the Policy is inflicting on girls including Plaintiffs, beginning no later than early 2018. V.C. ¶¶ 119-122. Even more concretely, in June of 2019 Plaintiffs filed a detailed complaint concerning the violations of Title IX that are the subject of this motion with the Department of Education Office of Civil Rights ("OCR"). Some time prior to October 4, 2019, OCR served a copy of that Complaint on Defendants, and no later than October 4, 2019, OCR informed all Defendants that OCR found the allegations of the OCR Complaint to be sufficiently serious that OCR had initiated a formal investigation of those allegations against all Defendants—an investigation that is currently ongoing. V.C. ¶¶ 116-117, 123. That OCR investigation process, however, does not have the capability of providing injunctive relief within the urgent time frame required to protect the Plaintiffs from further irreparable harm.

For the foregoing reasons, Plaintiffs move this Court for an expedited Order to Show Cause hearing and briefing schedule. A proposed Order to Show Cause is submitted with this Motion.

Respectfully submitted this 12th day of February, 2020.

By: s/ Howard M. Wood II

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**Pro Hac Vice admission pending*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Expedited Order to Show Cause Hearing, which was electronically filed in this case on February 12, 2020, will be served on all Defendants by service of process with the Verified Complaint and its accompanying documents.

/s/ Howard M. Wood III _____

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Defendants.

Case No. 3:20-cv-00201-RNC

**[PROPOSED] ORDER TO SHOW
CAUSE WHY A PRELIMINARY
INJUNCTION SHOULD NOT
ISSUE**

Dated: February 12, 2020

Upon this Court’s review of the Plaintiffs’ Motion for Preliminary Injunction filed pursuant to FED.R.CIV.P. 65, along with the supporting materials and memorandum of law, and with full consideration of all matters brought before this Court regarding the motion, the Court finds that:

Plaintiffs have presented a claim that they will suffer immediate and irreparable harm absent the equitable intervention of this Court;

And good cause being shown,

IT IS ORDERED AND ADJUDGED that:

1. All defendants, by counsel, show cause before this Court on **March __, 2020**, at _____ **o'clock** [a.m.][p.m.] why a preliminary injunction should not issue, enjoining Defendants and their agents and representatives from enforcing their Policy that authorizes and facilitates athletes of the male sex to participate in girls' track and field competitions in the Connecticut Interscholastic Athletic Conference;

2. Due to the exigent nature of the risks of additional harm to be suffered by Plaintiffs, Defendants' response to Plaintiffs' Motion for Preliminary Injunction and Memorandum in Support of Plaintiffs' Motion for Preliminary Injunction shall be filed with the clerk on or before **February 26, 2020**, and Plaintiffs' reply to that response, if any, shall be filed with the clerk on or before **March 4, 2020**.

Dated: _____

U.S. District Judge