

**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 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

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

On February 12, Plaintiffs filed their complaint, motion for preliminary injunction (ECF No. 12), and motion for an expedited order to show cause why the requested preliminary injunction should not be granted (ECF No. 15). As of April 6, almost two months later, Defendants have neither answered that complaint nor filed any motion to dismiss, and no date for a hearing on Plaintiffs' motion for preliminary injunction has been set.

Undoubtedly, the school closures required by the COVID-19 infection have raised doubts about whether any spring track season competitions will be held in Connecticut. However, following an April 2, 2020, meeting of the CIAC Board of Control, CIAC issued a statement assuring students and parents that "CIAC will explore every possibility for providing student-

athletes a spring sports experience, if it is safe,” and “will make every effort to provide student-athletes experiences that bring closure to their high school sports careers,” “includ[ing] consideration of activities beyond graduation and into July.” The April 2 “COVID-19 Update” released by CIAC is attached as Exhibit A hereto.

Plaintiffs respectfully submit that it is not appropriate to effectively deny Plaintiffs’ request for expedited preliminary relief through failure to adopt a prompt schedule, on the assumption that there will be no CIAC spring sports season, even while CIAC is publicly assuring its constituents that it “will make every effort” to ensure that there is a 2020 CIAC spring sports season. If CIAC succeeds in its announced goal, failure to act on Plaintiffs’ request for expedited consideration of their preliminary injunction motion will have effectively denied Plaintiffs meaningful relief without a hearing, and without any decision.

Accordingly, Plaintiffs respectfully call the Court’s attention to their Motion for Preliminary Injunction and Motion for Expedited Hearing to Show Cause dated February 12, 2020, and to the schedule for proceeding proposed by Plaintiffs in the “Parties’ Joint Response from Meet-And-Confer Conference” dated March 27 (ECF No. 77).

The passage of time while no schedule has been set and the parties have continued to confer, at the Court’s direction, concerning schedules for hypothetical scenarios, has rendered at least the early deadlines in that schedule impractical; Plaintiffs will respectfully suggest adding seven calendar days to each date specified in Plaintiffs’ proposed schedule contained in the March 27 Joint Response.

If CIAC is ultimately forced to cancel its Spring season entirely, then this schedule can be revisited and relaxed at that time. Useful progress will have been made towards decision on the merits in this case, and no party will have been harmed. By contrast, if CIAC succeeds in its

announced goal of conducting a delayed and compressed Spring 2020 season, then no meaningful remedy will be possible unless the parties and the Court begin to move rapidly now to prepare for a preliminary injunction hearing.

For the foregoing reasons, Plaintiffs renew their motion to 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 6th day of April, 2020.

By: s/ Roger G. Brooks _____

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Attorneys for Plaintiffs

Certificate of Service

I hereby certify that on April 6, 2020, a copy of the foregoing Renewed Motion for Expedited Order to Show Cause Hearing was filed electronically with the Clerk of Court. Service on all parties will be accomplished by operation of the court's electronic filing system.

s/ Roger G. Brooks
Attorney for Plaintiffs

EXHIBIT A



CIAC COVID-19 Update of April 2

On April 2, 2020, the CIAC Board of Control held its regularly scheduled meeting. The Board's discussion focused on the current state of our member schools and spring sports.

The CIAC Board of Control continues to emphasize the importance of social distancing. We recognize how difficult the abrupt move to online instruction and life without extracurricular activities has been for our students, teachers, parents, administrators, and coaches. By engaging in the social distancing guidelines and mandates provided through the Governor and the State Department of Education, we can collectively flatten the curve and get back to our schools sooner.

We appreciate that our student-athletes miss their teammates and coaches. It is in the arena of athletics and physical fitness that our communities face the greatest challenge in enforcing social distancing. Social distancing standards must be maintained. Coaches and student-athletes must join the voices of school leaders in promoting the enforcement of social distancing. Remember, our fastest road back to regular season and tournament play is to engage in social distancing, get back into school, and then on the field of play.

Spring Sports

At its April 2, 2020 meeting, the CIAC Board of Control maintained its position that spring sports are indefinitely suspended. The CIAC has intentionally not issued the constraint of deadline date to make any decision. Given the number of unknowns, we feel it is our responsibility to become as informed as possible before making any decision. Through our discussion with students, they have expressed their desire for CIAC and education decision-makers to hold off as long as possible before cancelling all spring sport experiences or graduation. CIAC leadership has learned from our students, especially our seniors, the need for closure that traditions such as senior night and graduation provide. It is with that understanding that the CIAC will explore every possibility for providing student-athletes a spring sports experience, if it is safe.

During this unprecedented time, the best interest of our kids remains at the center of our decision-making, which is informed by collaboration with the State Department of Education, governmental leaders, athletic leagues, member principals, superintendents, athletic directors, coaches, and students. We will make every effort to provide student-athletes experiences that bring closure to their high school sports careers, if it is safe. This will include consideration of activities beyond graduation and into July. All CIAC rules and regulations will be considered for a one-time exception, given the extreme impact of this pandemic, so we can do the best we can for our kids, if it is safe.

We at CIAC understand that the future holds many unanswered questions. Please take comfort in knowing that we are here to support you and will continue to lead in a positive and responsible manner. The next regularly scheduled CIAC Board of Control meeting is set for May 7, 2020. At that meeting, we expect to have more information regarding school closures and will provide an additional update, with more specific details, about spring sports.

Together, we will persevere. Stay safe. Stay home. When the time is right, Connecticut will play again!

Sincerely,

CIAC Staff



CIAC COVID-19 Update of March 26

The CIAC is proud of our membership's principals, athletic directors, and assistant principals for your resilience in meeting the challenges of distance learning while keeping our students encouraged. While we adjust to social distancing, many are feeling a sense of urgency to establish a new normal for your student-athletes. As expected, this experience has raised a few questions from our school leaders. The purpose of this update is to address some of those questions and provide an opportunity for ADs, principals, and superintendents to speak directly with CIAC leadership.

Planned Meetings

Formally, the CIAC Board of Control's next meeting is scheduled for April 2nd. Following that Board meeting, we will discuss holding another larger group meeting when we know more about the April 20th return to school possibility. The CIAC executive director continues to participate in weekly calls with the Commissioner of Education and the Governor's staff.

Informally, the CIAC staff would like to offer an open meeting/discussion opportunity for athletic directors. Principals and superintendents are welcome to join as well, however, the intent of this meeting is for CIAC to provide support to our member school ADs. *Beginning tomorrow, Friday, March 27th, at 9:00AM, CIAC will host a weekly Zoom open forum for ADs. An invitation to this Zoom meeting was in the body of the email to which this update was attached.*

Additionally, CIAC staff is very willing to attend any virtual league meetings that you are planning to answer questions and listen to your ideas.

Virtual Coaching

We have received several inquiries from our member schools about coaches sending out virtual workouts to their student-athletes or holding virtual meetings with their teams. Although the CIAC has suspended the start of the spring season, we appreciate the social-emotional comfort that athletes may feel by having voluntary virtual contact with their coach while processing this global pandemic. As such, the CIAC will not prohibit virtual contact between coaches and athletes. The following points of emphasis should be adhered to for coaches engaging in virtual contact:

- This is voluntary. As the CIAC has suspended the start of the spring season, all virtual contact should be considered out-of-season. In no way should virtual contact with kids be mandatory, nor should a coach assume it is part of their duty/responsibility as coach to

provide. It is voluntary for the coach as well as the student-athlete and should not be considered part of any coaches paid responsibility. Coaches should seek permission from their ADs prior to engaging virtual contact.

- Social distancing standards must be maintained. Coaches and student-athletes should not interpret this as an invitation to get together in groups. Remember, our fastest road back to regular season and tournament play is to engage in social distancing, get back into school, and then on the field of play.
- Virtual contact should focus on conditioning and keeping student-athletes active while practicing social distancing. Keep in mind that the spring season is suspended, and you have not yet conducted tryouts for your team. Understanding the uniqueness of this situation, the CIAC will allow coaches to provide students workouts that are skill specific, at this time. For example, a softball or baseball coach may provide a throwing workout to build a player's arm-strength.
- Consider equity, within your own team as well as across Connecticut. We are all experiencing the same pandemic, however the resources available to cope with social distancing can vary greatly within your own community and certainly around the state. Your efforts as a CIAC member school should be on providing encouragement and healthy activity choices for kids with the knowledge and understanding that each student-athletes circumstance may be different. Consider providing hard copies of workouts for kids that may not have internet access. Share programs with fellow coaches in your league and around the state. Keep the experience fair for all kids. If you are providing coaching tips with one student-athlete but not all, your efforts are likely to have the adverse impact that you are intending to provide.

We greatly appreciate the effort made by our members schools to discourage our student-athletes from getting together for workouts. We are asking you to continue being vigilant about monitoring your facilities.

We at CIAC understand that the future holds many unanswered questions about transfer rules, eligibility rules, etc., but we will work together to answer your questions.

Together, we will persevere. Stay safe. Stay home. When the time is right, Connecticut will play again!

Sincerely,

CIAC Staff

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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: April __, 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 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 **May __, 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 **April 16, 2020**, and Plaintiffs' reply to that response, if any, shall be filed with the clerk on or before **April 30, 2020**.

Dated: _____

Hon. Robert N. Chatigny
U.S. District Judge