

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

SELINA SOULE, *et al.*, )  
)  
*Plaintiffs*, )  
)  
v. )  
)  
CONNECTICUT ASSOCIATION OF )  
SCHOOLS, INC. *et al.*, )  
)  
*Defendants*, )  
)  
and )  
)  
ANDRAYA YEARWOOD and THANIA )  
EDWARDS on behalf of her daughter, T.M., )  
)  
*Proposed Intervenors.* )  
\_\_\_\_\_ )

No. 3:20-cv-00201-RNC

**MOTION FOR RULING  
ON MOTION TO INTERVENE**

April 13, 2020

**MOTION FOR RULING ON MOTION TO INTERVENE  
BY INTERVENOR-DEFENDANTS ANDRAYA YEARWOOD AND  
THANIA EDWARDS ON BEHALF OF HER DAUGHTER T.M.**

In light of the scheduling order entered by this Court on April 8, 2020 (the “Scheduling Order”), ECF 83, Proposed Intervenors, Andraya Yearwood (“Andraya”) and Thania Edwards on behalf of her daughter T.M. (“Terry”), respectfully request a ruling on their pending Motion to Intervene, ECF 36.

As the target of Plaintiffs’ Complaint (ECF 1), Andraya and Terry filed a timely motion to intervene to protect their distinct legal interests. Although it is unlikely that the Spring 2020 track-and-field season will take place, Plaintiffs continue to seek injunctive relief to remove all public records of Andraya and Terry’s past athletic achievements. Specifically, Plaintiffs seek “[a]n injunction requiring all Defendants to . . . remove [students with XY chromosomes] from any record or recognition purporting to record times, victories, or qualifications for elite

competitions designated for girls or women,” and “[a]n injunction requiring all Defendants to correct any and all records, public or non-public, to remove times achieved by [students with XY chromosomes] from any records purporting to record times achieved by girls or women.” *Id.*

A ruling on the Motion to Intervene is now necessary in order for Andraya and Terry to protect their rights by seeking leave to file a motion to dismiss. Under the Scheduling Order, the parties must request a pre-filing conference for leave to file any motion to dismiss by April 20, 2020—one week from today. Scheduling Order ¶ 1. Before requesting such a conference, the parties must confer with opposing counsel “in a good faith effort to clarify the issues, eliminate or reduce the area of controversy and arrive at a mutually satisfactory resolution.” *Id.* ¶ 12. Without a ruling on the Motion to Intervene, the Proposed Intervenors would be unable to participate in the meet-and-confer and pre-filing conference contemplated by the Scheduling Order. If Andraya and Terry have a right to intervene, they should not be constructively denied the opportunity to protect their rights in this critical phase of the litigation.

A ruling is also necessary in order for Proposed Intervenors to participate in discovery. Under the Scheduling Order, formal discovery has already commenced, and initial disclosures are due on April 27, 2020. *Id.* at ¶ 5, 7. Proposed Intervenors and the existing parties need to know whether Andraya and Terry will be making initial disclosures and responding to discovery requests as parties under Federal Rule of Civil Procedure 26, or responding as third-party witnesses under Federal Rule of Civil Procedure 45. Moreover, if Andraya and Terry have a right to intervene, then each day that goes by without a ruling on their motion is a day taken away from their allotted time in discovery.

Andraya and Terry have done everything possible to file a timely Motion to Intervene so that they could meaningfully participate in all substantive phases of this litigation without

creating any disruption or additional burden for the existing parties or for the Court. In light of the upcoming deadlines related to motions to dismiss and the commencement of discovery, Proposed Intervenors respectfully request a ruling on that motion.

\_\_\_\_/s/ Dan Barrett\_\_\_\_\_  
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