

Bruce D. Skaug
bruce@skauglaw.com
ID Bar No. 3904
Raul R. Labrador
raul@skauglaw.com
ID Bar No. 5469
SKAUG LAW, P.C.
1226 E. Karcher Road
Nampa, ID 83687
(208) 466-0030
(208) 466-8903 Fax

Roger G. Brooks*
rbrooks@ADFlegal.org
NC Bar No. 16317
Jeffrey A. Shafer*
jshafer@ADFlegal.org
IL Bar No. 6230713
ALLIANCE DEFENDING FREEDOM
15100 N. 90th St.
Scottsdale, AZ 85260
(480) 444-0020
(480) 444-0028 Fax

Kristen K. Waggoner*
kwaggoner@ADFlegal.org
D.C. Bar No. 242069
Parker Douglas*
pdouglas@ADFlegal.org
MI Bar No. P83242
Christiana M. Holcomb*
cholcomb@ADFlegal.org
D.C. Bar No. 176922
ALLIANCE DEFENDING FREEDOM
440 First St. NW, Suite 600
Washington, D.C. 20001
(202) 393-8690
(202) 347-3622 Fax

*Admitted *pro hac vice*

Attorneys for Intervenors

**UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO**

LINDSAY HECOX, and JANE DOE with her
next friends JEAN DOE and JOHN DOE,

Plaintiffs,

v.

BRADLEY LITTLE, in his official capacity as
Governor of the State of Idaho; SHERRI
YBARRA, in her official capacity as the
Superintendent of Public Instruction of the State of
Idaho and as a member of the Idaho State Board of
Education; THE INDIVIDUAL MEMBERS OF
THE STATE BOARD OF EDUCATION, in their
official capacities; BOISE STATE UNIVERSITY;
MARLENE TROMP, in her official capacity as
President of Boise State University;

Case No. 1:20-cv-00184-DCN

**NOTICE OF APPEAL
PRELIMINARY INJUNCTION
APPEAL**

INDEPENDENT SCHOOL DISTRICT OF
BOISE CITY #1; COBY DENNIS, in his official
capacity as superintendent of the Independent
School District of Boise City #1; THE
INDIVIDUAL MEMBERS OF THE BOARD OF
TRUSTEES OF THE INDEPENDENT SCHOOL
DISTRICT OF BOISE CITY #1, in their official
capacities; THE INDIVIDUAL MEMBERS OF
THE IDAHO CODE COMMISSION, in their
official capacities,

Defendants,

and

MADISON KENYON and MARY MARSHALL,

Intervenors.

NOTICE IS HEREBY GIVEN that Intervenors, Madison Kenyon and Mary Marshall, appeal to the United States Court of Appeals for the Ninth Circuit from the District Court's Order granting Plaintiffs' Motion for Preliminary Injunction (ECF No. 63) entered in this action on August 17, 2020.

Intervenors' Representation Statement is attached.

Respectfully submitted this 16th day of September, 2020.

Bruce D. Skaug
bruce@skauglaw.com
ID Bar No. 3904
Raul R. Labrador
raul@skauglaw.com
ID Bar No. 5469
SKAUG LAW, P.C.
1226 E. Karcher Road
Nampa, ID 83687
(208) 466-0030
(208) 466-8903 Fax

By: /s/ Roger G. Brooks
Roger G. Brooks*
rbrooks@ADFlegal.org
NC Bar No. 16317
Jeffrey A. Shafer*
jshafer@ADFlegal.org
IL Bar No. 6230713
ALLIANCE DEFENDING FREEDOM
15100 N. 90th St.
Scottsdale, AZ 85260
(480) 444-0020
(480) 444-0028 Fax

Kristen K. Waggoner*
kwaggoner@ADFlegal.org
D.C. Bar No. 242069

Parker Douglas*
pdouglas@ADFLegal.org
MI Bar No. P83242
Christiana M. Holcomb*
cholcomb@ADFLegal.org
D.C. Bar No. 176922
ALLIANCE DEFENDING FREEDOM
440 First St. NW, Suite 600
Washington, D.C. 20001
(202) 393-8690
(202) 347-3622 Fax

Attorneys for Intervenors

CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2020, I filed the foregoing Notice of Appeal electronically through the CM/ECF system, which caused all counsel of record to be served by electronic means, as more fully reflected in the Notice of Electronic Filing.

s/ Roger G. Brooks

Attorney for Intervenors

Bruce D. Skaug
bruce@skauglaw.com
ID Bar No. 3904
Raul R. Labrador
raul@skauglaw.com
ID Bar No. 5469
SKAUG LAW, P.C.
1226 E. Karcher Road
Nampa, ID 83687
(208) 466-0030
(208) 466-8903 Fax

Roger G. Brooks*
rbrooks@ADFlegal.org
NC Bar No. 16317
Jeffrey A. Shafer*
jshafer@ADFlegal.org
IL Bar No. 6230713
ALLIANCE DEFENDING FREEDOM
15100 N. 90th St.
Scottsdale, AZ 85260
(480) 444-0020
(480) 444-0028 Fax

Kristen K. Waggoner*
kwaggoner@ADFlegal.org
D.C. Bar No. 242069
Parker Douglas*
pdouglas@ADFlegal.org
MI Bar No. P83242
Christiana M. Holcomb*
cholcomb@ADFlegal.org
D.C. Bar No. 176922
ALLIANCE DEFENDING FREEDOM
440 First St. NW, Suite 600
Washington, D.C. 20001
(202) 393-8690
(202) 347-3622 Fax

*Admitted *pro hac vice*

Attorneys for Intervenors

**UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO**

LINDSAY HECOX, and JANE DOE with her
next friends JEAN DOE and JOHN DOE,

Plaintiffs,

v.

BRADLEY LITTLE, in his official capacity as
Governor of the State of Idaho; SHERRI
YBARRA, in her official capacity as the
Superintendent of Public Instruction of the State of
Idaho and as a member of the Idaho State Board of
Education; THE INDIVIDUAL MEMBERS OF
THE STATE BOARD OF EDUCATION, in their
official capacities; BOISE STATE UNIVERSITY;
MARLENE TROMP, in her official capacity as
President of Boise State University;
INDEPENDENT SCHOOL DISTRICT OF

Case No. 1:20-cv-00184-DCN

**INTERVENORS'
REPRESENTATION STATEMENT**

BOISE CITY #1; COBY DENNIS, in his official capacity as superintendent of the Independent School District of Boise City #1; THE INDIVIDUAL MEMBERS OF THE BOARD OF TRUSTEES OF THE INDEPENDENT SCHOOL DISTRICT OF BOISE CITY #1, in their official capacities; THE INDIVIDUAL MEMBERS OF THE IDAHO CODE COMMISSION, in their official capacities,

Defendants,

and

MADISON KENYON and MARY MARSHALL,

Intervenors.

Intervenors, Madison Kenyon and Mary Marshall, file this Representation Statement under Federal Rules of Appellate Procedure 12(b) and Local Circuit Rules 3-2(b) and 12-2.

Plaintiffs:

Lindsay Hecox

Jane Doe, with her next friends, Jean Doe and John Doe

Counsel for Plaintiffs:

Richard Eppink

AMERICAN CIVIL LIBERTIES UNION OF IDAHO FOUNDATION

P.O. Box 1897

Boise, ID 83701

(208) 344-9750 ext. 1202

REppink@acluidaho.org

Gabriel Arkles

James Esseks

Chase Strangio

AMERICAN CIVIL LIBERTIES UNION FOUNDATION

125 Broad Street

New York, NY 10004

(212) 549-2569

garkles@aclu.org

jesseks@aclu.org

cstrangio@aclu.org

Kathleen Hartnett
COOLEY LLP
101 California Street 5th Floor
San Francisco, CA 94111-5800
(415) 693-2000
khartnett@cooley.com

Elizabeth Prelogar
COOLEY LLP
1299 Pennsylvania Avenue, NW
Suite 700
Washington, DC 20004-2400
(202) 842-7800
eprelogar@cooley.com

Andrew Barr
COOLEY LLP
380 Interlocken Crescent
Suite 900
Broomfield, CO 80021-8023
(720) 566-4000
abarr@cooley.com

Catherine West
LEGAL VOICE
907 Pine Street, Unit 500
Seattle, WA 98101
(206) 682-9552
cwest@legalvoice.org

Defendants:

Bradley Little, in his official capacity as Governor of the State of Idaho

Sherri Ybarra, in her official capacity as the Superintendent of Public Instruction and as a member of the Idaho State Board of Education

Individual members of the State Board of Education, in their official capacities (Debbie Critchfield, David Hill, Emma Atchley, Linda Clark, Shawn Keough, Kurt Liebich, and Andrew Scoggin)

Boise State University

Marlene Tromp, in her official capacity as President of Boise State University

Independent School District of Boise City #1

Coby Dennis, in his official capacity as Superintendent of the Independent School District of Boise City #1

Individual members of the Board of Trustees of the Independent School District of Boise City #1, in their official capacities (Nancy Gregory, Maria Greeley, Dennis Doan, Alicia Estey, Dave Wagers, Troy Rohn, and Beth Oppenheimer)

Individual members of the Idaho Code Commission, in their official capacities (Daniel Bowen, Andrew Doman, and Jill Holinka)

Counsel for Defendants:

Steven L. Olsen
Dayton P. Reed
W. Scott Zanzig
Deputy Attorneys General
Office of the Attorney General
954 W. Jefferson, 2nd Floor
P.O. Box 83720
Boise, ID 83720-0010
(208) 334-2400
steven.olsen@ag.idaho.gov
dayton.reed@ag.idaho.gov
scott.zanzig@ag.idaho.gov

Matthew K. Wilde
Boise State University
Office of General Counsel
1910 University Drive
Boise, ID 83725
(208) 426-1203
mattwilde@boisestate.edu

Intervenors:

Madison Kenyon
Mary Marshall

Counsel for Intervenors:

Roger G. Brooks
Jeffrey A. Shafer
ALLIANCE DEFENDING FREEDOM
15100 N. 90th St.
Scottsdale, AZ 85260
(480) 444-0020
rbrooks@ADFlegal.org
jshafer@ADFlegal.org

Kristen K. Waggoner
Parker Douglas

Christiana M. Holcomb
ALLIANCE DEFENDING FREEDOM
440 First St. NW, Suite 600
Washington, D.C. 20001
(202) 393-8690
kwaggoner@ADFlegal.org
pdouglas@ADFlegal.org
cholcomb@ADFlegal.org

Bruce D. Skaug
Raul R. Labrador
SKAUG LAW, P.C.
1226 E. Karcher Road
Nampa, ID 83687
(208) 466-0030
bruce@skauglaw.com
raul@skauglaw.com

Respectfully submitted this 16th day of September, 2020.

Bruce D. Skaug
bruce@skauglaw.com
ID Bar No. 3904
Raul R. Labrador
raul@skauglaw.com
ID Bar No. 5469
SKAUG LAW, P.C.
1226 E. Karcher Road
Nampa, ID 83687
(208) 466-0030

By: /s/ Roger G. Brooks
Roger G. Brooks*
rbrooks@ADFlegal.org
NC Bar No. 16317
Jeffrey A. Shafer*
jshafer@ADFlegal.org
IL Bar No. 6230713
ALLIANCE DEFENDING FREEDOM
15100 N. 90th St.
Scottsdale, AZ 85260
(480) 444-0020

Kristen K. Waggoner*
kwaggoner@ADFlegal.org
D.C. Bar No. 242069
Parker Douglas*
pdouglas@ADFlegal.org
MI Bar No. P83242
Christiana M. Holcomb*
cholcomb@ADFlegal.org
D.C. Bar No. 176922
ALLIANCE DEFENDING FREEDOM
440 First St. NW, Suite 600
Washington, D.C. 20001
(202) 393-8690

Attorneys for Intervenors

CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2020, I filed the foregoing Representation Statement electronically through the CM/ECF system, which caused all counsel of record to be served by electronic means, as more fully reflected in the Notice of Electronic Filing.

s/ Roger G. Brooks

Attorney for Intervenors