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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

LINDSAY HECOX, et al.,
Plaintiffs,

v.

BRADLEY LITTLE, et al.,
Defendants.

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

Hon. David C. Nye

**PLAINTIFFS' OPENING BRIEF IN
RESPONSE TO NINTH CIRCUIT
ORDER DATED JUNE 24, 2021**

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INTRODUCTION

Plaintiff Lindsay Hecox has a concrete and live stake in the outcome of this case, which is not moot. She will return to Boise State University (“Boise State” or “BSU”) as a student in early January 2022, at the start of the spring semester, and she faces no barriers in doing so. Indeed, she has already registered for classes. She has saved significant funds from working full-time over the last year and is on track to qualify for Idaho residency and in-state tuition. She intends to join the women’s club soccer team in the spring of 2022, which will subject her to the Idaho Fairness in Women’s Sports Act (“H.B. 500”) and which, as a club sport, is not subject to NCAA rules. She also intends to again try out for the women’s cross-country and track teams in the fall of 2022 and will satisfy all the NCAA eligibility requirements, either directly or via an available exception.

Under Supreme Court and Ninth Circuit precedent, an expressed intention to resume activity targeted by a challenged law is sufficient to demonstrate a live controversy. Lindsay has made that showing and more, and her claim is not moot.

BACKGROUND

In March 2020, Idaho enacted H.B. 500, a law that “excludes transgender women from participating on women’s sports teams.” *Hecox v. Little*, 479 F. Supp. 3d 930, 943 (D. Idaho 2020). Shortly thereafter, Plaintiff Lindsay Hecox, then in her freshman year at Boise State, filed this lawsuit challenging H.B. 500’s constitutionality. Lindsay, “a life-long runner,” planned to try out for Boise State’s women’s cross-country and track teams. *Id.* at 946. In August 2020, this Court entered an order for a preliminary injunction, holding that Lindsay was likely to succeed on the merits of her claim that H.B. 500 violates the Equal Protection Clause. *Id.* at 988.

In October 2020, a few weeks after Defendants and Intervenors noticed their appeals of the preliminary injunction, *see* ECF Nos. 64–65, Lindsay tried out for but did not make the Boise State women’s cross-country and track teams. (*See* Declaration of Lindsay Hecox (“Hecox Decl.”) ¶ 2.)

Naturally, she was disappointed, but she remained committed to continuing to train athletically so that she could try out again. (*Id.* ¶¶ 23–24.)

Later that month, after careful thought and input from family and school officials, Lindsay decided to take a temporary leave of absence from Boise State. (*Id.* ¶¶ 4–6.) Like many students, Lindsay was struggling with the fully online learning environment necessitated by the COVID-19 pandemic. (*Id.* ¶ 3.) She was also working part-time to pay for her living expenses and had difficulty juggling the demands of her part-time work and full-time school obligations. (*Id.* ¶¶ 2–4.) Lindsay realized that she would perform better academically if she did not have the additional stress from working. (*Id.* ¶ 5.) Lindsay consulted with Boise State officials in the Financial Aid and Registrar’s Offices and decided to take a temporary leave of absence from Boise State for one year, during which time she would work in Idaho full-time so that she could then establish in-state residency and pay lower tuition when she returned to school. (*Id.* ¶¶ 6–7; ECF No. 92 (Stipulated Facts) (“Stip.”) ¶ 8.) On October 26 and 28, 2020, Lindsay withdrew from her classes before Boise State’s second withdrawal deadline to avoid receiving an “F” marked on her transcript for her dropped classes. (*See* Stip. ¶ 11.)

Plaintiffs alerted the Ninth Circuit of these developments at the first opportunity, in their answering brief filed on December 14, 2020. (*See* Ninth Circuit Dkt. No. 65 at 17 n.4.) At oral argument on May 3, 2021, the Ninth Circuit panel raised questions about whether Lindsay’s equal protection claim against H.B. 500 is moot because of her leave of absence. (*See* Stip. at 1–2.) After receiving supplemental letter briefs on mootness, the Ninth Circuit remanded the case to this Court to determine whether Lindsay’s claim is moot. (*See* ECF No. 79.)

After remand, to aid the Court in its mootness assessment, the parties met and conferred and filed a set of Stipulated Facts addressing the seven questions posed by the Ninth Circuit in its

remand order, which concerned Lindsay’s decision to take a leave of absence, her ability and plans to re-enroll, and her plans to play women’s sports at BSU. (*Id.* at 4.) Lindsay also has submitted the instant declaration accompanying this brief.

The Stipulated Facts, along with Lindsay’s declaration, establish as follows:

First, Lindsay faces no barriers to re-enrolling in classes at Boise State. (*See* Stip. ¶ 1.) Indeed, as of the date of this filing, November 12, 2021, she has registered for classes for the Spring 2022 semester, which begin on January 10, 2022. (Hecox Decl. ¶¶ 8, 10–13.)

Second, Lindsay has firm plans to try out for women’s sports teams at Boise State upon her return—actions that, but for this Court’s preliminary injunction, H.B. 500 would bar her from taking. Specifically, Lindsay plans to join the Boise State women’s club soccer team in Spring 2022 and then to try out for the women’s cross-country and track teams in Fall 2022. (*See* Stip. ¶ 25; Hecox Decl. ¶ 25.) If she does not make the cross-country and track teams in Fall 2022, she will try out again the following year. (*See* Stip. ¶ 25; Hecox Decl. ¶ 24.) Club soccer is not an NCAA sport and thus not subject to the NCAA’s eligibility rules. Cross-country and track are NCAA sports, and Lindsay is poised to satisfy all relevant NCAA eligibility requirements or to meet the criteria qualifying her for an exception to those requirements. (*See* Stip. ¶¶ 14–23.)

Third, Lindsay is in a far stronger financial position today than she was when she took her leave of absence from Boise State a year ago. By working full-time since December 2020, Lindsay now has almost \$24,000 in savings—nearly \$9,000 more than a year ago—that she can use for tuition, textbooks, living expenses, and other costs associated with attending Boise State. (*See* Stip. ¶ 6.) Lindsay is also on track to satisfy Idaho’s residency requirements by the time she begins classes at Boise State in January 2022. (*Id.* ¶¶ 4–5; Hecox Decl. ¶¶ 14–16.) Idaho residents pay significantly lower tuition than out-of-state residents—\$4,030 per semester as compared to

\$12,490 per semester. (See Stip. ¶ 3.) With greater savings and reduced tuition, Lindsay will face less financial pressure to balance work and school and will be better able to focus on her academic success.¹ (Hecox Decl. ¶¶ 9, 18–22.)

ARGUMENT

A. Dismissal Based on Mootness Requires an Extremely High Showing.

The party claiming mootness bears a “heavy burden of persuasion.” *S.F. BayKeeper, Inc. v. Tosco Corp.*, 309 F.3d 1153, 1159 (9th Cir. 2002) (quoting *United States v. Concentrated Phosphate Exp. Ass’n*, 393 U.S. 199, 203 (1968)). Specifically, to obtain dismissal of Lindsay’s claim as moot, Defendants must show that it is “‘*absolutely clear*’ that [Lindsay] no longer ha[s] ‘any need of the judicial protection that [she] sought.’” *Karuk Tribe of Cal. v. U.S. Forest Serv.*, 681 F.3d 1006, 1017 (9th Cir. 2012) (en banc) (quoting *Adarand Constructors, Inc. v. Slater*, 528 U.S. 216, 224 (2000) (per curiam)) (emphasis added); see also *Friends of the Earth, Inc. v. Laidlaw Env’t Servs. (TOC), Inc.*, 528 U.S. 167, 193 (2000) (same). “It is no small matter to deprive a litigant of the rewards of its efforts,” and thus Lindsay’s case should not be dismissed as moot unless it is “absolutely clear” that Lindsay will never again be subject to H.B. 500. *United States v. Larson*, 302 F.3d 1016, 1020 (9th Cir. 2002) (quoting *Adarand*, 528 U.S. at 224); see also *Camreta v. Greene*, 563 U.S. 692, 703 (2011) (“[I]f the person who initially brought the suit may again be subject to the challenged conduct, she has a stake in preserving the court’s holding. . . .”).

B. Lindsay Hecox’s Claim Is Not Moot.

Lindsay Hecox “has a concrete stake in the outcome of this case,” which is therefore not moot. *City of Erie v. Pap’s A.M.*, 529 U.S. 277, 288 (2000). As detailed below, the Supreme

¹ Lindsay will still re-enroll in Boise State even if, for some unforeseen reason, she does not qualify for in-state tuition. (Hecox Decl. ¶ 16.)

Court and the Ninth Circuit have held repeatedly that an intent to resume activity implicating a challenged law establishes a live controversy. Here, the undisputed factual record establishes Lindsay’s clear and definite intent to return to Boise State imminently and to try out for women’s sports teams, which will subject her to the challenged law. She has taken multiple concrete steps in furtherance of that goal, and no known barriers stand in her way. Her challenge is not moot.

Several cases illustrate the fundamental mootness principles at issue and confirm that Lindsay’s claim remains live. In *Pap’s A.M.*, a strip club challenging a city ordinance banning public nudity had closed by the time the case reached the Supreme Court. 529 U.S. at 287. Not only had the club closed, but the building in which it had been located had been sold to a real estate developer, a comedy club had moved in, and the strip club’s owner was 72 years old and retired. *Id.* at 303–04 (Scalia, J., concurring). Nonetheless, the Court held that “[s]imply closing” the business was “not sufficient to render [the] case moot” because the plaintiff “could again decide to operate a nude dancing establishment in Erie.” *Id.* at 287. So long as the plaintiff “ha[d] an interest in resuming operations,” the Court explained, it “ha[d] an interest in preserving the judgment” below and “a concrete stake in the outcome of [the] case.” *Id.* at 288.²

Similarly, in *Clark v. City of Lakewood*, the Ninth Circuit considered a situation where a business owner’s license to operate had expired after the district court issued its decision. 259 F.3d 996, 1011 (9th Cir. 2001). Even though the owner had not sought to renew the license, his “stated intention [was] to return to business.” *Id.* at 1012. Given that stated intent, the Ninth

² Although the mootness question in *Pap’s A.M.* arose in an unusual posture—the plaintiff sought to dismiss the case as moot after having prevailed below, and the defendant wished to obtain Supreme Court review to determine the nudity ordinance’s constitutionality, *see* 529 U.S. at 288—its holding has been widely applied in cases like this one, where a defendant seeks to dismiss a plaintiff’s claim or case as moot. *See, e.g., S. Or. Barter Fair v. Jackson Cnty., Or.*, 372 F.3d 1128, 1133–34 (9th Cir. 2004) (citing *Erie* as the standard for mootness where defendant raised mootness); *S.F. BayKeeper, Inc.*, 309 F.3d at 1159 (same); *McCormack v. Hiedeman*, 900 F. Supp. 2d 1128, 1138 (D. Idaho 2013), *aff’d sub nom. McCormack v. Herzog*, 788 F.3d 1017 (9th Cir. 2015) (same).

Circuit held that the case was not moot. *Id.*; *see also id.* at 1012 n.9 (explaining that the owner’s “stated intention to return to business if the Ordinance is declared unconstitutional” meant that the case was not moot); *Dream Palace v. Cnty. of Maricopa*, 384 F.3d 990, 1001 (9th Cir. 2004) (holding that an overbreadth challenge to a business license requirement that did not presently apply to the plaintiff was not moot “[g]iven the county’s expressed intention to amend the ordinance so as to have it apply to [the plaintiff]”).

Likewise, in *Southern Oregon Barter Fair v. Jackson County*, the Ninth Circuit considered a nonprofit community fair’s First Amendment challenge to a county’s permitting procedures. 372 F.3d 1128, 1134 (9th Cir. 2004). The county argued mootness because the fair’s challenge had been spurred by a specific encounter between the county and the fair, but the fair had not applied for another permit or undertaken any preparations for another fair since. *Id.* The Ninth Circuit explained that the case would be moot “if the Fair had entirely ceased to operate, left the business, and no longer sought or intended to seek a license.” *Id.* But that was not the case; the fair’s “stated intention [was] to return to business,” and the fair had taken steps in that direction, including trying to raise funds and looking for an appropriate venue, thus rendering the case non-moot. *Id.* (quoting *Clark*, 259 F.3d at 1011–12 & n.9).

Finally, the Ninth Circuit applied these same principles in *Rosemere Neighborhood Association v. United States Environmental Protection Agency*, 581 F.3d 1169 (9th Cir. 2009). The plaintiff, a non-profit organization focused on improving municipal services in low-income communities, sued the EPA to compel agency action after its Office of Civil Rights (“OCR”) failed to timely respond to two of the organization’s administrative complaints. *Id.* at 1171–72. The OCR then alerted the organization that it was investigating, and the EPA moved to dismiss the case against it as moot. *Id.* Although the organization presented evidence that the EPA’s OCR

“had missed its regulatory deadlines in almost every complaint filed with the agency in recent years,” the district court granted the motion to dismiss for mootness, concluding that because the organization did not have any further pending claims before OCR, the organization could not establish a sufficient likelihood of harm from future delays. *Id.* at 1172. The Ninth Circuit reversed. It first explained that “the burden [was] not on Rosemere to show it *will* file another complaint,” but rather, “[t]he burden [was] on the EPA to show that Rosemere *will not* do so.” *Id.* at 1174. It then reaffirmed the “important[.]” principle that “when there is an argument about whether a plaintiff will again encounter a challenged activity, this court has required little more than what Rosemere has already supplied: a stated intention to resume the actions that led to the litigation.” *Id.*; *see also Porter v. Bowen*, 496 F.3d 1009, 1017 n.6 (9th Cir. 2007) (determining case not moot where plaintiffs stated intention to set up challenged websites in the future). Because Rosemere had “stated its intention to file another complaint with the EPA, . . . the burden [was] on the EPA to show that there [was] ‘very little chance’ of further delays in the processing of the complaints, or that Rosemere face[d] an ‘insurmountable’ hurdle to filing another complaint.” *Id.* at 1174–75 (quoting *Luckie v. EPA*, 752 F.2d 454, 458 (9th Cir. 1985); *Jackson Cnty, Or.*, 374 F.3d at 1134). EPA had not done so, and its mootness argument therefore failed. *Id.*

Lindsay’s claim is not moot for the same reasons the Supreme Court and the Ninth Circuit held the above cases were not moot. And indeed, the argument against mootness is far stronger here than in any of those cases, as Lindsay has not only expressed “an interest” in resuming the challenged activity, but she has also taken concrete steps to facilitate her re-enrollment at Boise State in early January 2022, and to resume participation in college athletics in the spring of 2022. As all parties have stipulated, there are no barriers that prevent Lindsay from re-enrolling at Boise State. (Stip. ¶ 1.) On November 12, 2021, Lindsay registered for classes for the Spring 2022

semester. (Hecox Decl. ¶ 13.) Furthermore, Lindsay is poised to qualify for in-state tuition at Boise State, as she has actively worked to establish residency in Idaho over the past year, including by leasing a residence in Boise, Idaho; procuring an Idaho ID card; and working full-time in Idaho. (Stip. ¶¶ 4–5; Hecox Decl. ¶¶ 14–16.) By meeting the requirements for in-state tuition, as well as saving money to fund her education, Lindsay has helped ensure that her forthcoming semesters at Boise State will be less stressful for her personally. (*See* Stip. ¶¶ 3, 6.)

Finally, Lindsay intends to try out for and play women’s sports at Boise State. Most immediately, she plans to join the women’s club soccer team this coming spring, as she has been playing soccer almost weekly in a Boise indoor soccer league for the last seven months and wishes for sports to be a part of her college experience. (*Id.* ¶ 25; Hecox Decl. ¶ 25.) Boise State’s women’s club soccer team is not an NCAA sport, and thus Lindsay can play regardless of the NCAA’s eligibility rules. Lindsay also intends to try out for the women’s track and cross-country teams during the Fall 2022 semester, and, if she is unsuccessful, to try out again the next year. (*See* Stip. ¶ 25; Hecox Decl. ¶ 24.) Track and cross-country are NCAA sports, and Lindsay is poised to satisfy the NCAA eligibility requirements, either directly or through meeting the criteria to receive an exception. (*See* Stip. ¶¶ 13–23.) No NCAA policy presents an “insurmountable” bar to Lindsay’s participation.³ *Rosemere*, 581 F.3d at 1175.

In short, by taking multiple, concrete actions in furtherance of her plans to re-enroll and participate in women’s sports at Boise State, Lindsay has done *more* than the plaintiffs whose

³ Lindsay is currently in good academic standing (Stip. ¶ 15); plans to complete at least 9 credit hours during her Spring 2022 semester, which will satisfy the NCAA Bylaws’ minimum-credit-load requirement (*id.* ¶¶ 14, 16; Hecox Decl. ¶¶ 12–13); and is poised to otherwise satisfy the applicable NCAA requirements (*see* Stip. ¶¶ 19–21). And even if Lindsay were deemed not to satisfy NCAA requirements, Boise State could submit a waiver request to the NCAA on her behalf. (*Id.* ¶ 23.) Boise State has committed to “treat Lindsay Hecox the same as all other student athletes and submit a waiver request” if there is a “reasonable and good-faith justification for doing so.” (*Id.*)

claims were not moot in *Pap's A.M., Clark, Jackson County, and Rosemere*. Those plaintiffs had taken *no* actions in furtherance of their intentions to continue their challenged conduct, and yet were deemed to have live controversies; it thus follows that Lindsay's claim is not moot. Further, Lindsay is wholly *unlike* the plaintiffs in two student mootness cases cited in the Ninth Circuit's remand order, who had either graduated from school or not even applied to the defendant school system. (See ECF No. 79 at 2–3 (citing *Bd. of Sch. Comm'rs v. Jacobs*, 420 U.S. 128, 129 (1975) (concerning graduated plaintiff); *Fox v. Bd. of Trs. of State Univ. of N.Y.*, 42 F.3d 135, 143 (2d Cir. 1994) (holding case moot where there was “no indication that any of the plaintiffs ha[d] even applied to the” challenged school system, “much less been accepted”)). In stark contrast, Lindsay has multiple semesters of school ahead of her at Boise State and on November 12, enrolled in Spring 2022 semester classes at Boise State, which begin on January 10, 2022. Because Lindsay soon will be re-subject to H.B. 500, her claims are not moot.

CONCLUSION

It is Defendants' “heavy” burden to show that it is “absolutely clear” that Lindsay will not be subject to H.B. 500, and they cannot meet that burden here. For the foregoing reasons, Lindsay Hecox's claim is not moot.

Dated: November 12, 2021

Respectfully submitted,

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

LINDSAY HECOX, et al.,
Plaintiffs,

v.

BRADLEY LITTLE, et al.,
Defendants.

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

**DECLARATION OF PLAINTIFF
LINDSAY HECOX IN SUPPORT OF
PLAINTIFFS' BRIEF ADDRESSING
NINTH CIRCUIT ORDER DATED
JUNE 24, 2021**

I, Lindsay Hecox, depose and say as follows:

1. I have personal knowledge of the facts herein. I am a plaintiff in this case. I am twenty-one years old and will soon be a returning sophomore at Boise State University. I am a transgender woman and have continuously undergone testosterone suppression treatment from September 2019 until the present.

Reenrolling at Boise State

2. In the fall of 2020, I began my sophomore year at Boise State, taking classes virtually due to COVID-19 and working part-time to pay for my living expenses. I also tried out for the women's track and cross-country teams but did not make either team, which was very disappointing to me.

3. I was really struggling with my schoolwork during the Fall 2020 semester. I had always done better in school when I was motivated to excel by my athletic teams, and virtual learning was difficult for me. I was paying a lot of money to attend school and I was not doing well academically.

4. I met with my coordinator at Boise State's educational access center. I told her that I was struggling with my schoolwork and that I was very stressed with my work and school obligations.

5. I knew I would do better academically without the additional stress of working. I had also investigated establishing in-state residency to pay lower tuition. And I felt I needed a break from school.

6. In late October 2022, I withdrew from classes. My mom and I had a meeting with Boise State's financial aid department about my situation. The financial aid department laid out guidelines for establishing in-state residency for tuition purposes, including that I had to live in Idaho for twelve consecutive months for purposes other than education and could not be claimed as a dependent on my parents' taxes.

7. I already had an Idaho identification card, and was paying rent and working. To establish residency for purposes of in-state tuition, I decided I would work full-time for one year. So, in December 2020, I started working full-time.

8. I plan to return to Boise State as a sophomore this upcoming Spring 2022 semester, which begins on January 10, 2022.

9. I have been working full-time at Subway since December 2020 and saving money for school. I have informed my supervisor at Subway that I will be leaving my job in December 2021 to prepare for my return to school on January 10, 2022. By the time I leave Subway, I will have worked there full-time from December 2020 to December 2021 and saved enough money that I won't need to work during the school year.

10. Registration for the Spring 2022 semester begins this month, November 2021. My Boise State student account home page lists November 12, 2021 as the first date I can register for courses. (Ex. 1.)

11. On October 20, 2021, I received an email from the Boise State registrar's office confirming that I could begin registering for courses on November 12, 2021. (Ex. 2.) This email outlined the steps I should take to prepare for registration. Those steps include resolving any financial or other holds and meeting with an advisor. I do not have any financial or other holds.

12. I met with my academic advisor on November 4, 2021. He reviewed and provided advice on my course selection. After speaking with him, I decided to enroll in 9 credits of courses for the Spring 2022 semester. I feel that a lighter load my first semester back to college will best set me up for academic and athletic success. I have also enrolled in Boise State's TRIO Academic Coaching and Educational Support Program. (Ex. 3.)

13. On November 12, 2021, I registered for 9 credits of courses for the Spring 2022 semester. (Ex. 5).

Idaho Residency

14. I plan to apply for in-state tuition as an "independent student" for the Spring 2022 semester. Before the opening day of the Spring 2022 term, I will have satisfied all the requirements.

15. I receive far less than 50% of my financial support from my parents.

16. I have continuously resided and maintained a bona fide domicile in Idaho primarily for purposes other than education for twelve months. I have leased a residence in Boise, Idaho since August 2020. I began working full-time in Idaho in December 2020. I filed an Idaho state tax return in 2021 and plan to file an Idaho state tax return in 2022. I have been

registered to vote in Idaho since September 2019. I have held an Idaho ID card since January 2020. I abandoned my previous domicile in California in August 2019 when I relocated my personal possessions to Idaho to attend Boise State University.

Evidence of Savings and Other Financial Resources

17. I plan to reenroll at Boise State whether or not I qualify for in-state tuition.

18. To pay for Boise State tuition and associated expenses, I have saved money by working at Subway for the last year.

19. I expect to receive several hundred dollars in financial support from my grandmother.

20. I am also in the process of applying for the 2022-2023 Pride Foundation Scholarship. The FAQs on the Pride Foundation website explains that students “can receive as many scholarships as they are eligible. The average award for a student in 2019 was \$4,000 and the largest award for a student was \$16500. The largest single scholarship award is \$12,000.” (Ex. 4.)

21. I have completed the Free Application for Federal Student Aid, or FAFSA, for the 2021-2022 and 2022-2023 academic years.

22. I expect to receive my financial aid package for the Spring 2022 semester within the next few weeks. Because I am still awaiting this package, I do not yet know whether I will receive more or less financial aid than I received in Fall 2020.

Plans to Run and Play on Other Teams

23. I continue to run and train athletically. In September 2021, I competed in the Famous Idaho Potato 10K run. Later this month, I plan to compete in the Boise 5K Turkey Trot.

24. I intend to have sports be a part of my college experience. I am committed to trying out for the women's track and cross-country teams at the next available opportunity, in Fall 2022. If I do not make the women's track and cross-country teams during the Fall 2022 try out, I intend to try out for the women's track and cross-country teams again the following year.

25. In Spring 2022, I plan to join the women's club soccer team. For the last seven months, I have been playing soccer almost weekly in a Boise indoor soccer league and with friends casually on the Boise State campus. I have reviewed the Boise State women's club soccer team's webpage which states that "[t]o join the Club Soccer team, please contact the Club President or attend a practice." I emailed the Boise State women's club soccer team president to express my interest in joining the women's club soccer team. I received a response to my email from a representative of the women's club soccer team welcoming me to join and explaining that the only requirement to play was paying \$275 in dues per semester.

I certify under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct.

Executed this 12th day of November, 2021.

Lindsay Hecox

Lindsay Hecox

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 12, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent a Notice of Electronic Filing to the following persons:

Bruce D. Skagg (bruce@skauglaw.com)	Cory M. Carone
Roger G. Brooks	(cory.carone@ag.idaho.gov)
(rbrooks@ADFLegal.org)	Steven L. Olsen
Kristin Waggoner	(steven.olsen@ag.idaho.gov)
(kwaggoner@ADFLegal.org)	W. Scott Zanzig
Raul R. Labrador (raul@skauglaw.com)	(scott.zanzig@ag.idaho.gov)
Christiana Holcomb	Dayton P. Reed
(cholcomb@ADFLegal.org)	(dayton.reed@ag.idaho.gov)
<i>Attorneys for Intervenors</i>	Matthew K. Wilde
	(mattwilde@boisestate.edu)

Attorneys for Defendants

/s/ Kathleen Hartnett
Kathleen Hartnett

EXHIBIT 1



Lindsay Hecox

Psychology BS

🕒 Your Fall 2021 Registration Appointment Begins April 05, 2021 at 1:00PM

🕒 Your Spring 2022 Registration Appointment Begins November 12, 2021 at 1:00PM

My Academics

My Schedule

My Account

Undergraduate Degree Seeking

Major Psychology BS

EXHIBIT 2

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Begin forwarded message:

From: Registrar's office <regmail@boisestate.edu>
Date: October 20, 2021 at 4:39:01 PM MDT
To: [LindsayHecox@\[REDACTED\]](mailto:LindsayHecox@[REDACTED])
Subject: Spring 2022 Registration Appointment

Dear Lindsay,

Spring 2022 online registration dates are set. You can begin registering for courses on **11/12/2021**, 1:00:00 PM Mountain Time.

Access your Student Center from [myBoiseState](#).

Prepare for registration with the following:

- Resolve any holds or to-dos. Financial holds totaling at least \$500 will stop you from registering. To prevent a registration hold, please take care of smaller holds before they reach this limit. [View information on To-Do's and Holds](#).
- Meet with an advisor.
- Add courses to your shopping cart.
- Verify the meeting locations of the courses you select, such as Main, Gowen Field, Boise-CWI, Mountain Home.
- Verify your major on myBoiseState (update if necessary).
- Verify your mailing address and emergency contact information (update if necessary).
- Check the [Spring 2022 Academic Calendar](#) for important dates and deadlines.

- **Review your class schedule and financial account for accuracy and make a copy of your schedule for your records.**

When registering for Spring 2022 classes, you will have an array of [delivery modes](#) (in-person, online, remote, hybrid) to choose from. This gives you the ability to develop the schedule that best fits your needs. There is a \$30 per credit Internet Fee for fully online courses. The Internet Fee has been in effect for over a decade and is what makes possible the growing number of Boise State online offerings, increased faculty development for teaching online, and services specific to online courses.

We are here to help, so please utilize the [Registrar's Help Center](#) or the contact information below if you have any questions.

Best wishes for the rest of the semester!

Registrar's Office

(208) 426-4249

boisestate.edu/registrar/

regmail@boisestate.edu

Administration Building, Room 110

EXHIBIT 3



Begin forwarded message:

From: TRIO ACES <TrioDSS@boisestate.edu>
Date: October 29, 2021 at 3:02:09 PM MDT
To: lindsayhecox@[REDACTED]
Subject: TRIO ACES Enrollment Agreement Confirmation
Reply-To: TrioDSS@boisestate.edu

Thank you for submitting the TRIO Academic Coaching & Educational Support Program Enrollment Agreement. Please keep this email confirmation for your records.

Electronic Signature
Lindsay Hecox
Email Address
lindsayhecox@[REDACTED]
Student ID Number
[REDACTED]
Date
10/29/2021
Acknowledgment
<input type="checkbox"/> I acknowledge that I have read and understood the TRIO Enrollment Agreement

EXHIBIT 4

+ I want to go to school outside of the Northwest or outside of the USA. Can I still apply?

- Can I receive more than one scholarship? How much is the average award amount?

Students can receive as many scholarships as they are eligible. The average award for a student in 2019 was \$4,000 and the largest award for a student was \$16500. The largest single scholarship award is \$12,000.

+ I have a disability and need assistance in completing this application.

+ Is the scholarship application expected to be written in English?

+ Can I use my essay from another application or previous Pride Foundation application?

EXHIBIT 5

View My Classes



BRNCOFIT 186 Volleyball I

Status	Units	Grading Basis	Grade	Academic Program	Requirement Designation
Enrolled	1.00	PASS/FAIL		Undergraduate Degree Seeking	

Class	Start/End Dates	Days and Times	Room
Activity-Sec 001-14106	01/10/2022 - 04/29/2022	Days: Monday Wednesday Times: 6:00PM to 7:00PM	Bronco Gymnasium Rm 100

KINES 181 Introduction to Sport Coaching

View My Classes



KINES 181 Introduction to Sport Coaching

Status	Units	Grading Basis	Grade	Academic Program	Requirement Designation
Enrolled	3.00	Graded		Undergraduate Degree Seeking	

Class	Start/End Dates	Days and Times	Room
Lecture-Sec 001-10616	01/10/2022 - 04/29/2022	Days: Tuesday Thursday Times: 1:30PM to 2:45PM	Interactive Lrning Ctr. Rm 300

PSYC 120 Intro to Psychology Major

View My Classes

PSYC 120 Intro to Psychology Major

Status	Units	Grading Basis	Grade	Academic Program	Requirement Designation
Enrolled	2.00	PASS/FAIL		Undergraduate Degree Seeking	

Class	Start/End Dates	Days and Times	Room
Lecture-Sec 4001-10871	01/10/2022 - 04/29/2022	Days: To be Announced Times: To be Announced	Online

View My Classes



UF 200 Found of Ethics & Diversity

Status	Units	Grading Basis	Grade	Academic Program	Requirement Designation
Enrolled	3.00	Graded		Undergraduate Degree Seeking	

Class	Start/End Dates	Days and Times	Room
Lecture-Sec 005-12467	01/10/2022 - 04/29/2022	Days: Monday Wednesday Times: 12:00PM to 1:15PM	Interactive Lrning Ctr. Rm 20