

No. 18-13592

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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DREW ADAMS,

Plaintiff-Appellee

v.

SCHOOL BOARD OF ST. JOHN'S COUNTY, FLORIDA,

Defendant-Appellant

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA

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MOTION OF THE UNITED STATES AS AMICUS CURIAE TO  
PARTICIPATE IN ORAL ARGUMENT

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No. 18-13592  
*Adams v. School Board of St. John's County*

**CERTIFICATE OF INTERESTED PERSONS AND CORPORATE  
DISCLOSURE STATEMENT**

In accordance with Eleventh Circuit Rules 26.1-1, 26.1-2, and 26.1-3, the United States as amicus curiae certifies that, in addition to those identified in the briefs filed by plaintiff-appellee, defendant-appellant, the United States, and other amicus curiae, it is aware of no other person who has or may have had an interest in the outcome of this appeal.

The United States further certifies that no publicly traded company or corporation has an interest in the outcome of this appeal.

s/ Elizabeth P. Hecker  
ELIZABETH P. HECKER  
Attorney

Date: January 12, 2022

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FOR THE ELEVENTH CIRCUIT

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Pursuant to Federal Rule of Appellate Procedure 29(a)(8), the United States respectfully seeks permission to participate in oral argument of this appeal. In support of this motion, the United States provides as follows:

1. On September 16, 2021, this Court scheduled this case for oral argument during the week of February 21, 2022, and allotted 20 minutes per side. On January 11, 2022, the Court scheduled oral argument for February 22, 2022.

2. On November 26, 2021, the United States filed its en banc brief as amicus curiae in support of plaintiff-appellee Drew Adams pursuant to Federal Rule of Appellate Procedure 29(a).

3. This case involves a challenge to the refusal of defendant-appellant School Board of St. John's County to permit Adams, a transgender boy, to use the boys' restrooms at his high school. Specifically, the issue is whether the district court correctly ruled that the School Board's refusal to permit Adams to use the boys' restrooms violated Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.* (Title IX), and the Equal Protection Clause of the Fourteenth Amendment.

4. The United States enforces Title IX to protect students from sex discrimination in federally funded education programs and activities. The Department of Justice coordinates federal agencies' implementation and enforcement of Title IX. Exec. Order No. 12,250, 3 C.F.R. 298 (1980 comp.); 28 C.F.R. 0.51. Where it serves as a federal funding agency, or upon referral from the Department of Education or other funding agencies, the Department of Justice (DOJ) may enforce Title IX against recipients of federal financial assistance. 20 U.S.C. 1682. DOJ also may investigate and resolve complaints that a school board is depriving students of equal protection based on sex, 42 U.S.C. 2000c-6, and may intervene in cases of general public importance involving alleged denials of the

“equal protection of the laws under the fourteenth amendment to the Constitution,” 42 U.S.C. 2000h-2. The United States thus has a substantial interest in the resolution of the legal issues raised in this appeal and believes that its participation will be helpful to the Court.

5. Counsel for plaintiff-appellee consents to the United States’ request to participate in oral argument. Counsel has agreed to cede eight minutes of plaintiff-appellee’s argument time to the United States. Therefore, the United States’ participation in oral argument will not affect the overall time allotted for this case if this motion is granted.

WHEREFORE, the United States respectfully requests leave to participate in the oral argument of this appeal.

Respectfully submitted,

KRISTEN CLARKE  
Assistant Attorney General

s/ Elizabeth P. Hecker  
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## CERTIFICATE OF COMPLIANCE

I certify that the attached MOTION OF THE UNITED STATES AS  
AMICUS CURIAE TO PARTICIPATE IN ORAL ARGUMENT:

(1) complies with the type-volume limitation imposed by Federal Rules of Appellate Procedure 27(d)(2)(A) because the motion, excluding the parts exempted by Federal Rule of Appellate Procedure 32(f), contains 418 words; and

(2) complies with Federal Rule of Appellate Procedure 27(d)(1)(E) because it meets the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface using Word 2019, in 14-point Times New Roman font.

s/ Elizabeth P. Hecker  
ELIZABETH P. HECKER  
Attorney

Date: January 12, 2022

## CERTIFICATE OF SERVICE

I certify that on January 12, 2022, I electronically filed the foregoing MOTION OF THE UNITED STATES AS AMICUS CURIAE TO PARTICIPATE IN ORAL ARGUMENT with the Clerk of the Court for the United States Court of Appeals for the Eleventh Circuit by using the appellate CM/ECF system.

I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

s/ Elizabeth P. Hecker  
ELIZABETH P. HECKER  
Attorney