

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

B.P.J., by her next friend and mother, HEATHER JACKSON,

Plaintiff,

v.

WEST VIRGINIA STATE BOARD OF EDUCATION, HARRISON COUNTY BOARD OF EDUCATION, WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION, W. CLAYTON BURCH in his official capacity as State Superintendent, and DORA STUTLER in her official capacity as Harrison County Superintendent,

Defendants.

Civil Action No. 2:21-cv-00316

Hon. Joseph R. Goodwin

PLAINTIFF'S EXPEDITED MOTION FOR A SCHEDULING ORDER

Under Local Rule of Civil Procedure 16.1(g), Plaintiff moves for a scheduling order governing her Motion for Preliminary Injunction. Plaintiff is an 11-year old girl who is transgender. She seeks a preliminary injunction against the newly enacted House Bill 3293, which categorically bars girls who are transgender from playing school sports in West Virginia from middle school through college. Most immediately, Plaintiff wishes to try out for her middle school's cross-country team. Counsel for Plaintiff and Defendants have conferred about the cross-country team's schedule, and Defendant Harrison County Board of Education has confirmed that summer conditioning for the cross-country team will begin on July 12, 2021, and that regular season practices and try-outs will begin on August 2, 2021. Plaintiff asks that this Court issue a decision on her Motion for Preliminary Injunction by July 9, 2021, the Friday before conditioning begins.

Given the time-sensitive nature of Plaintiff's claims and the risk of irreparable injury, Plaintiff moves for the following scheduling order pursuant to Local Rule of Civil Procedure 16.1(g):

- June 18: Defendants' Response to Plaintiff's Motion for Preliminary Injunction; Defendants' Answer or other responsive pleading to Plaintiff's Complaint
- June 28: Plaintiff's Reply in Support of Her Motion for Preliminary Injunction; (If applicable) Plaintiff's Response to Defendants' responsive pleading(s)
- July 2: (If applicable) Defendants' Replies to Plaintiff's Response to Defendants' responsive pleading(s)

Plaintiff and Defendants met and conferred via e-mail and telephone about proposing a briefing schedule to the Court. Defendants agree that June 18 is the first day by which Defendants' responses to Plaintiff's Motion for Preliminary Injunction would be due under Local Rule of Civil Procedure 7.1(a)(7) and chose this schedule for the Preliminary Injunction Motion from the different options presented during the meet and confer process.

However, Defendants would prefer a longer briefing schedule that would allow for a decision from the Court by July 30—*i.e.* the Friday before practices and try-outs start on August 2—rather than by July 9—*i.e.*, the Friday before conditioning starts. The parties therefore are exploring whether an extension of the schedule is possible, which will depend on whether the parties can agree that Plaintiff will be able to participate in conditioning just like any other girl. The parties will update the court immediately if they agree upon a proposed extension.

In the alternative, Plaintiff requests a telephonic status conference as quickly as practicable to discuss a briefing schedule.

Dated: June 11, 2021

Joshua Block*
Taylor Brown*
Chase Strangio*
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 Broad St.
New York, NY 10004
Phone: (212) 549-2569
jblock@aclu.org

Avatara Smith-Carrington*
LAMBDA LEGAL
3500 Oak Lawn Avenue, Suite 500
Dallas, TX 75219
Phone: (214) 219-8585
asmithcarrington@lambdalegal.org

Carl Charles*
Tara Borelli*
LAMBDA LEGAL
730 Peachtree Street NE, Suite 640
Atlanta, GA 30308-1210
Phone: (404) 897-1880
ccharles@lambdalegal.org

Sruti Swaminathan*
LAMBDA LEGAL
120 Wall Street, 19th Floor
New York, NY 10005
Phone: (212) 809-8585
sswaminathan@lambdalegal.org

Respectfully submitted,

/s/ Loree Stark

Loree Stark (Bar No. 12936)
AMERICAN CIVIL LIBERTIES UNION OF WEST
VIRGINIA FOUNDATION
P.O. Box 3952
Charleston, WV 25339-3952
Phone: (914) 393-4614
lstark@acluwv.org

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

Katelyn Kang*
COOLEY LLP
55 Hudson Yards
New York, NY 10001-2157
Phone: (212) 479-6000
kkang@cooley.com

Elizabeth Reinhardt*
COOLEY LLP
500 Boylston Street, 14th Floor
Boston, MA 02116-3736
Phone: (617) 937-2305
ereinhardt@cooley.com

Andrew Barr*
COOLEY LLP
1144 15th St., Suite 2300
Denver, CO 80202-5686
Phone: (720) 566-4000
abarr@cooley.com

**Visiting Attorneys*

Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I, Loree Stark, do hereby certify that on this 11th day of June 2021, I electronically filed a true and exact copy of *Plaintiff's Expedited Motion for a Scheduling Order* with the Clerk of Court and sent to counsel for all parties at the following email addresses:

Susan Deniker, Esq.
Steptoe and Johnson, LLC
Susan.deniker@steptoe-johnson.com
Counsel for Defendants Dora Stutler and Harrison County Board of Education

Roberta Green, Esq.
Shuman, McCuskey and Slicer, PLLC
rgreen@shumanlaw.com
Counsel for Defendant West Virginia Secondary School Activities Commission

Kelly Morgan, Esq.
Bailey and Wyant, PLLC
kmorgan@baileywyant.com
Counsel for Defendants W. Clayton Burch and West Virginia State Board of Education

/s/ Loree Stark
West Virginia Bar No. 12936