

Appeal Nos. 20-35813, 20-35815

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

LINDSAY HECOX and JANE DOE, with her
next friends Jean Doe and John Doe,
Plaintiffs-Appellees,

v.

BRADLEY LITTLE, *et al.*,
Defendants-Appellants,

and

MADISON KENYON and MARY MARSHALL,
Intervenors-Appellants.

On Appeal from the United States District Court
for the District of Idaho
District Court Case No. 1:20-cv-00184-DCN
Hon. David C. Nye

NOTICE SUBMITTED PURSUANT TO COURT'S ORDER [DKT. 163]

On September 13, 2022, the Court ordered the parties to update the Court “with all relevant facts regarding Hecox’s eligibility and status as they are confirmed.” Dkt. 163. Pursuant to the Court’s Order, Lindsay Hecox provides the following facts:

Lindsay’s Enrollment and Academic Progress at Boise State University (BSU)

1. Lindsay remains enrolled at BSU.
2. Lindsay enrolled in 13 credits for the Fall 2022 semester. As anticipated in Lindsay’s September 23, 2022 Declaration (Dkt. 164-2), she has since withdrawn from one three-credit course. She remains enrolled in 10 credits for the Fall 2022 semester.
3. Lindsay remains in good academic standing.

Lindsay’s Participation on BSU Women’s Club Soccer

4. Lindsay is on the BSU Women’s Club Soccer Team. She participated in club soccer in Spring and Fall 2022 through the last team practice on November 14, 2022, and she intends to continue participating during the Spring 2023 semester and for the rest of her collegiate career.

BSU Women’s Cross Country Team

5. Lindsay intends to try out for the BSU Women’s Cross Country Team in Fall 2023 unless she is able to do so sooner.

6. Lindsay believes that she will be eligible to participate on the BSU Women's Cross Country Team under applicable NCAA requirements.

7. Lindsay's testosterone levels are well below the levels required to meet NCAA eligibility for cross country and track.

Dated: November 15, 2022

Respectfully submitted,

/s/ Kathleen Hartnett

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Lindsay Hecox and Kayden Hulquist*

CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2022, I electronically filed the foregoing response with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the CM/ECF system, which will accomplish service on counsel for all parties through the Court's electronic filing system.

/s/ Kathleen Hartnett
Kathleen Hartnett
Counsel for Plaintiffs-Appellees