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7 *Attorneys for Defendant*

*Arizona Interscholastic Association, Inc.*

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF ARIZONA, TUCSON

11 Jane Doe, by her next friends and parents  
12 Helen Doe and James Doe; and Megan  
Roe, by her next friends and parents, Kate  
13 Roe and Robert Roe,

14 Plaintiffs,

15 vs.

16 Thomas C. Horne, in his official capacity  
as State Superintendent of Public  
17 Instruction; Laura Toenjes, in her official  
capacity as Superintendent of the Kyrene  
School District; Kyrene School District;  
18 The Gregory School; and Arizona  
Interscholastic Association, Inc.,

19 Defendants.

Case No. 4:23-cv-00185-JGZ

**DEFENDANT ARIZONA  
INTERSCHOLASTIC ASSOCIATION,  
INC.'S ANSWER TO  
PLAINTIFFS' COMPLAINT**

21 Defendant Arizona Interscholastic Association, Inc. (hereinafter "AIA"), through its  
22 counsel undersigned, for its Answer to Plaintiffs' Complaint ("PC") filed on April 17,  
23 2023, hereby admits, denies and alleges as follows:

24 **INTRODUCTION**

- 25 1. AIA admits the allegations contained in paragraph 1 of the PC.  
26 2. AIA denies the allegations contained in paragraph 2 of PC.  
27 3. AIA denies the allegations contained in paragraph 3 of PC.



1 the remaining allegations contained in paragraph 12 of PC and, therefore, denies same by  
2 operation of law.

3 13. AIA admits only the allegations contained in paragraph 13 of the PC that AIA  
4 is a membership organization of public and private high schools that oversees interscholastic  
5 athletic competition in the State of Arizona. The remaining factual allegations contained in  
6 paragraph 13 of PC are denied.

7 **JURISDICTION AND VENUE**

8 14. AIA admits Plaintiffs are attempting to assert a cause of action under 42 USC  
9 § 1983 for perceived deprivation of rights under the Constitution, Title IX, the ADA and the  
10 Rehabilitation Act.

11 15. AIA admits the allegations contained in paragraph 15 of the PC.

12 16. AIA admits the venue is proper in the United States District Court in and for  
13 the District of Arizona. AIA joins in Defendant Horne’s assertion that the most convenient  
14 and cost-efficient venue for this action is in Phoenix, rather than Tucson.

15 17. AIA admits the allegations contained in paragraph 17 of the PC.

16 18. AIA admits only that the court has personal jurisdiction over AIA. AIA denies  
17 the remaining allegations contained in paragraph 18 of the PC.

18 **FACTUAL ALLEGATIONS**

19 **I. Arizona’s Ban**

20 19. Given the vagueness of the allegations, AIA lacks knowledge and information  
21 sufficient to form a belief as to the truth of the allegations contained in paragraph 19 of PC  
22 and, therefore, denies same by operation of law.

23 20. AIA admits only that it considered requests for students with gender identities  
24 different than what they were assigned at birth to participate on terms with the same gender  
25 designation. AIA lacks knowledge and information sufficient to form a belief as to the truth  
26 of the remaining allegations contained in paragraph 20 of the PC and, therefore, denies the  
27 same by operation of law.

28 21. AIA admits the allegations contained in paragraph 21 of the PC.

1           22.    AIA deny the allegations contained in paragraph 22 of the PC.

2           23.    AIA lacks knowledge and information sufficient to form a belief as to the truth  
3 of the allegations contained in Paragraph 23 of PC and, therefore, denies same by operation  
4 of law.

5           24.    AIA admits A.R.S. § 15-120.02 passed the legislature and was signed into law  
6 by Governor Ducey in March 2022.

7           25.    AIA denies that the allegations contained in paragraph 25 of the PC accurately  
8 recite A.R.S. §15-120.02.

9           26.    AIA admits the allegations contained in paragraph 26 of the PC.

10          27.    AIA denies the allegations contained in paragraph 27 of PC.

11          28.    AIA denies the allegations contained in paragraph 28 of PC.

12          **II.    Transgender People and Sports**

13          29.    AIA lacks knowledge and information sufficient to form a belief as to the truth  
14 of the allegations contained in paragraph 29 of PC and, therefore, denies same by operation  
15 of law.

16          30.    AIA lacks knowledge and information sufficient to form a belief as to the truth  
17 of the allegations contained in paragraph 30 of PC and, therefore, denies same by operation  
18 of law.

19          31.    AIA lacks knowledge and information sufficient to form a belief as to the truth  
20 of the allegations contained in paragraph 31 of PC and, therefore, denies same by operation  
21 of law.

22          32.    AIA lacks knowledge and information sufficient to form a belief as to the truth  
23 of the allegations contained in paragraph 32 of PC and, therefore, denies same by operation  
24 of law.

25          33.    AIA lacks knowledge and information sufficient to form a belief as to the truth  
26 of the allegations contained in paragraph 33 of PC and, therefore, denies same by operation  
27 of law.

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1           34.    AIA lacks knowledge and information sufficient to form a belief as to the truth  
2 of the allegations contained in paragraph 34 of PC and, therefore, denies same by operation  
3 of law.

4           35.    AIA lacks knowledge and information sufficient to form a belief as to the truth  
5 of the allegations contained in paragraph 35 of PC and, therefore, denies same by operation  
6 of law.

7           36.    AIA lacks knowledge and information sufficient to form a belief as to the truth  
8 of the allegations contained in paragraph 36 of PC and, therefore, denies same by operation  
9 of law.

10          37.    AIA lacks knowledge and information sufficient to form a belief as to the truth  
11 of the allegations contained in paragraph 37 of PC and, therefore, denies same by operation  
12 of law.

13           **III.    The Benefits of School Sports**

14          38.    AIA admits the allegations contained in paragraph 38 of the PC.

15          39.    AIA admits the allegations contained in the first four sentences of paragraph  
16 39 of the PC. AIA lacks knowledge and information sufficient to form a belief as to the  
17 truth of the remaining allegations contained in paragraph 39 of PC and, therefore, denies  
18 same by operation of law.

19          40.    AIA admits the allegations contained in paragraph 40 of the PC.

20          41.    AIA admits the allegations contained in paragraph 41 of the PC.

21          42.    AIA admits the allegations contained in paragraph 42 of the PC.

22          43.    AIA admits the allegations contained in paragraph 43 of the PC.

23           **IV.    Plaintiffs' Medical Treatment and Participation in Sports**

24           **A.    Jane Doe**

25          44.    AIA lacks knowledge and information sufficient to form a belief as to the truth  
26 of the allegations contained in paragraph 44 of PC and, therefore, denies same by operation  
27 of law.

1           45.     AIA lacks knowledge and information sufficient to form a belief as to the truth  
2 of the allegations contained in paragraph 45 of PC and, therefore, denies same by operation  
3 of law.

4           46.     AIA lacks knowledge and information sufficient to form a belief as to the truth  
5 of the allegations contained in paragraph 46 of PC and, therefore, denies same by operation  
6 of law.

7           47.     AIA lacks knowledge and information sufficient to form a belief as to the truth  
8 of the allegations contained in paragraph 47 of PC and, therefore, denies same by operation  
9 of law.

10          48.     AIA lacks knowledge and information sufficient to form a belief as to the truth  
11 of the allegations contained in paragraph 48 of PC and, therefore, denies same by operation  
12 of law.

13          49.     AIA lacks knowledge and information sufficient to form a belief as to the truth  
14 of the allegations contained in paragraph 49 of PC and, therefore, denies same by operation  
15 of law.

16          50.     AIA lacks knowledge and information sufficient to form a belief as to the truth  
17 of the allegations contained in paragraph 50 of PC and, therefore, denies same by operation  
18 of law.

19          51.     AIA lacks knowledge and information sufficient to form a belief as to the truth  
20 of the allegations contained in paragraph 51 of PC and, therefore, denies same by operation  
21 of law.

22          52.     AIA denies the allegations contained in the first sentence of paragraph 52 of  
23 PC. AIA lacks knowledge and information sufficient to form a belief as to the truth of the  
24 remaining allegations contained in Paragraph 52 of PC and, therefore, denies same by  
25 operation of law.

26          53.     AIA denies the allegations contained in paragraph 53 of PC.  
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1           54.     AIA lacks knowledge and information sufficient to form a belief as to the truth  
2 of the allegations contained in paragraph 54 of PC and, therefore, denies same by operation  
3 of law.

4           55.     AIA denies the allegations contained in paragraph 55 of PC.

5           **B. Megan Roe**

6           56.     AIA lacks knowledge and information sufficient to form a belief as to the  
7 truth of the allegations contained in paragraph 56 of PC and, therefore, denies same by  
8 operation of law.

9           57.     AIA lacks knowledge and information sufficient to form a belief as to the truth  
10 of the allegations contained in paragraph 57 of PC and, therefore, denies same by operation  
11 of law.

12          58.     AIA lacks knowledge and information sufficient to form a belief as to the truth  
13 of the allegations contained in paragraph 58 of PC and, therefore, denies same by operation  
14 of law.

15          59.     AIA lacks knowledge and information sufficient to form a belief as to the truth  
16 of the allegations contained in paragraph 59 of PC and, therefore, denies same by operation  
17 of law.

18          60.     AIA lacks knowledge and information sufficient to form a belief as to the truth  
19 of the allegations contained in paragraph 60 of PC and, therefore, denies same by operation  
20 of law.

21          61.     AIA lacks knowledge and information sufficient to form a belief as to the truth  
22 of the allegations contained in paragraph 61 of PC and, therefore, denies same by operation  
23 of law.

24          62.     AIA lacks knowledge and information sufficient to form a belief as to the truth  
25 of the allegations contained in paragraph 62 of PC and, therefore, denies same by operation  
26 of law.

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1 Nevertheless, to the extent the allegations are considered to be factual AIA denies the  
2 remaining allegations contained in Paragraph 73 of PC.

3 **COUNT II**

4 Violation of Title IX  
5 20 U.S.C. § 1681, *et seq.*  
6 (Against All Defendants)

7 74. AIA incorporates by reference herein each and every response set forth above.

8 75. AIA admits only that Plaintiffs have quoted part of Title IX.

9 76. AIA admits the allegations contained in paragraph 76 of the PC.

10 77. The allegations contained in paragraph 77 of PC are not factual in nature and  
11 instead amount to a legal conclusion for which Defendant is not required to respond.  
12 Nevertheless, to the extent the allegations are considered to be factual in nature, AIA denies  
13 the remaining allegations contained in paragraph 77 of PC.

14 78. The allegations contained in paragraph 78 of PC are not factual in nature and  
15 instead amount to a legal conclusion for which Defendant is not required to respond.  
16 Nevertheless, to the extent the allegations are considered to be factual in nature, the AIA  
17 denies the remaining allegations contained in paragraph 78 of PC.

18 79. Based on the vagueness of the allegations, the AIA lacks knowledge and  
19 information sufficient to form a belief as to the truth of the allegations contained in paragraph  
20 79 of PC, and therefore denies same by operation of law.

21 80. AIA denies the allegations contained in paragraph 80 of PC.

22 **COUNT III**

23 Discrimination On Basis of Disability  
24 Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.*  
25 Section 504 of the Rehabilitation Act, 29 U.S.C. § 794  
26 (Against All Defendants)

27 81. AIA incorporates by reference herein each and every response set forth above.

28 82. AIA admits only that Plaintiffs have quoted parts of the Americans with  
Disabilities Act and the Rehabilitation Act.

1 83. AIA admits the allegations contained in paragraph 83 of the PC.

2 84. AIA lacks knowledge and information sufficient to form a belief as to the truth  
3 of the allegations contained in paragraph 84 of PC, AIA therefore denies same by operation  
4 of law.

5 85. AIA denies the allegations contained in paragraph 85 of PC.

6 86. AIA expressly denies any and all other allegations set forth in the PC that are  
7 not admitted herein.

8 **AFFIRMATIVE DEFENSES**

9 Defendant AIA affirmatively incorporates all defenses available under the Federal  
10 Rules of Civil Procedure, Rule 8, as well as all defenses that may be found and revealed by  
11 further discovery.

12 Defendant AIA affirmatively asserts that the claims against the AIA are not ripe and  
13 that the PC fails to state a viable cause of action against AIA because the AIA is not alleged  
14 to have violated the Constitution, Title IX, the ADA, or the Rehabilitation Act.

15 Defendant AIA affirmatively asserts that the claims against AIA also are not viable  
16 given that AIA does not control the determination of the designation of teams and does not  
17 control the determination of student eligibility, such decision being left to the principal or  
18 designated representative of the school.

19 **WHEREFORE**, Defendant AIA prays for judgment against Plaintiffs as follows:

- 20 1. For Plaintiffs to take nothing from AIA by this lawsuit;  
21 2. For all claims against AIA to be dismissed with prejudice;  
22 3. For AIA to be awarded its reasonable attorneys' fees in defending against this  
23 lawsuit;  
24 4. For AIA to be awarded its costs of suit; and  
25 5. For such other and further relief in favor of AIA as the Court may deem just  
26 and proper.  
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DATED this 25<sup>th</sup> day of May, 2023.

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: Kristian E. Nelson  
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**CERTIFICATE OF SERVICE**

I certify that on May 25, 2023, I electronically transmitted the foregoing document to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all CM/ECF registrants of record in this matter.

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